

In The Matter Of:
ARKANSAS STATE BOARD OF EDUCATION

July 13, 2023

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ARKANSAS STATE BOARD OF EDUCATION

JULY 13, 2023
9:00 a.m.

A P P E A R A N C E S

BOARD MEMBERS:

DR. SARAH MOORE, Chairman
MS. KATHY ROLLINS, Vice Chairman
MR. STEVE SUTTON
MR. RANDY HENDERSON
MS. LISA HUNTER
MR. JEFF WOOD

NON-VOTING PARTICIPANTS:

MS. STACY SMITH, Assistant Commissioner
MS. CAPRI BELL SALAAM, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MS. SHASTADY WAGNER
MR. STEPHEN REYNOLDS
MR. ANDRES RHODES

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
- Auditorium
#4 Capitol Mall
Little Rock, AR 72201

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P R O C E E D I N G S

1) SCHOOL CHOICE APPEALS UNDER THE PUBLIC SCHOOL CHOICE ACT OF 2015

CHAIRMAN MOORE: And with that, we'll start with Action Item 1, the School Choice Appeals with Ms. Wagner.

MS. WAGNER: Good morning, everyone. Shastady Wagner with ADE Legal.

So I want to give you guys your hearing procedures for the school choice appeals. So the way this will work is that the Chair will swear in all persons wishing to testify in front of the Board. After they are sworn in, each party that wishes to participate may take up to 20 minutes to present its case, beginning with the nonresident school district, followed by the resident school district, and then the appealing party -- in this case, the parents.

The chairperson of the board may, of course, for good cause shown upon -- and upon request allow additional time to present their case if they need more than 20 minutes. The State Board of Education at its discretion shall have the authority to require any person associated with the application to appear before you. Some of them will be appearing on Zoom. I know we have a couple that are out at conferences

1 and things of that nature. State Board of Education
2 will grant or deny an appeal based upon the totality
3 of the evidence presented to you. You may announce
4 your decision immediately or you can take it under
5 advisement. All discussion, though, shall take place
6 in an open meeting. The State Board shall provide a
7 written decision to the Division of Elementary and
8 Secondary Education, the appealing party, the
9 nonresident district, and the resident district
10 within 14 days of announcing its decision.

11 a) CAMP FAMILY

12 MS. WAGNER: Okay. First up on our appeals we
13 have the Camp family -- the Camp family. The
14 nonresident district is Des Arc; the resident
15 district is the Hazen School District. And the
16 parent is here in the audience.

17 So, Chair, if you will swear everybody in, and
18 then nonresident district is up first.

19 CHAIRMAN DR. MOORE: Thank you.

20 So all those who will participate in this
21 hearing, if you would stand and repeat after me. Not
22 repeat after me; answer after me. Do you swear or
23 affirm that the testimony you're about to give shall
24 be the truth, the whole truth and nothing but the
25 truth?

1 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

2 CHAIRMAN MOORE: Thank you.

3 We will start first with the nonresident school
4 district. Des Arc will have 20 minutes.

5 SUPT. SHERRELL: I'm up?

6 CHAIRMAN MOORE: Yes. Thank you.

7 SUPT. SHERRELL: Good morning. I'm Marc
8 Sherrell, Superintendent for Des Arc Schools.

9 We received a school choice on the student,
10 Isaiah Camp. So it basically kind of comes down to
11 Des Arc sends -- we send our students to The Sunshine
12 School. You know, I believe that's a decision
13 districts can make, you know, whatever they feel.
14 You know, they're a Hazen student, so Hazen does it
15 on-campus, and I think the family was aware that we
16 send to Sunshine. However, the problem is we're
17 already sending five kids to The Sunshine School at
18 the cost of \$120,000. So, you know, in the school
19 choice rules it says if you have to have an added
20 extra expense or an extra employee that you do have
21 grounds to deny the school application. So I mean
22 that's basically what we're basing it on is just the
23 cost to the district that it would take to send them
24 to Sunshine. And I feel like if we get to where
25 we're sending so many kids that we're going to have

1 to do away with sending kids to Sunshine due to
2 financial reasons and then it kind of defeats the
3 purpose now of what we're trying to do. That's
4 basically what I'm laying it out as.

5 CHAIRMAN MOORE: Thank you.

6 And let me ask a clarifying question.

7 Shastady, can we do questions now or do we do
8 each presentation before questions? I'm sorry.
9 First day on the job here as Chair.

10 SUPT. SHERRELL: My first time here too, so --

11 CHAIRMAN MOORE: Welcome.

12 MS. WAGNER: Sure. You can ask questions as
13 they go.

14 SUPT. SHERRELL: Okay.

15 CHAIRMAN MOORE: Okay. Let's do that then.
16 Thank you, Superintendent.

17 We'll start here. Mr. Sutton, questions?

18 MR. SUTTON: Can you back-up a little bit? I'm
19 not sure I quite understand Des Arc sending to
20 Sunshine.

21 SUPT. SHERRELL: Okay. So The Sunshine School
22 is located in Searcy and it's a school for extreme
23 special needs, like, you know, a lot have physical
24 disabilities, severe mental disabilities.

25 MR. SUTTON: Okay.

1 SUPT. SHERRELL: So as a district, you can
2 either house that at your own -- in your own district
3 --

4 MR. SUTTON: Right.

5 SUPT. SHERRELL: -- or you can -- if the parent
6 agrees, you can send them to The Sunshine School in
7 Searcy. So we provide transportation. And then for
8 a student to go there it's \$24,000 a year; so we --
9 so the district pays that. And so basically it's
10 just an alternative learning environment.

11 MR. SUTTON: I gotcha.

12 SUPT. SHERRELL: So the -- and I guess though
13 the parent is not asking to come to Des Arc; they're
14 asking to come to Des Arc so we'll send them to
15 another school. So --

16 MR. SUTTON: Okay. Thank you.

17 SUPT. SHERRELL: All right.

18 MR. SUTTON: I understand now.

19 CHAIRMAN MOORE: Thank you. Mr. Henderson,
20 questions?

21 MR. HENDERSON: Just for my clarification, you
22 stated it was five students?

23 SUPT. SHERRELL: We're sending five. Yes.

24 MR. HENDERSON: Okay.

25 SUPT. SHERRELL: That's what we have. We sent

1 three last year and we did up it two more students
2 this year.

3 MR. HENDERSON: Okay.

4 CHAIRMAN MOORE: Ms. Salaam?

5 MS. SALAAM: I don't have any.

6 CHAIRMAN MOORE: Ms. McFetridge?

7 MS. ROLLINS: Is that a board policy that you
8 limit five students being transferred?

9 SUPT. SHERRELL: No, there's not necessarily a
10 board policy on the number of students. But the
11 policy just reads that the school have the -- and I
12 won't -- and I didn't know if it would go from the
13 new -- you know, because the policy has changed. So,
14 before, it just said that if you had to have an added
15 extra expense that you could deny, and it would be an
16 added extra expense. The new law in 4.5(f) says the
17 district reserves to itself the ability to determine
18 based on examination of student records that came
19 from the prior district and other information whether
20 any student would require a different class, course
21 or courses, program of instruction, or special
22 services than originally applied for. If such an
23 examination determines that the capacity has been
24 reached in the appropriate classes, course or program
25 of the instruction, or that additional staff would

1 have to be hired for applicant, the district shall
2 rescind the original provisional acceptance letter to
3 deny the choice transfer of the student. Then the
4 next bullet says the district reserves to itself the
5 ability to decline or to accept under school choice
6 any student whose acceptance would require the
7 district to add additional staff.

8 MS. ROLLINS: So your services at Des Arc, are
9 those different than the ones at Bauxite?

10 SUPT. SHERRELL: Yeah. We -- what would be --
11 what would be different -- okay, so Hazen -- and I
12 don't want to speak --

13 MS. ROLLINS: Or Hazen. I'm sorry.

14 SUPT. SHERRELL: And Hazen is here.

15 MS. ROLLINS: Hazen. I'm sorry.

16 SUPT. SHERRELL: Hazen -- so the students that
17 fit that category at Hazen, they do -- they've hired
18 teachers and so they do it on campus. So they take
19 their -- the money they have and they've hired a
20 teacher and some aids to do it on campus, so they
21 don't send anyone to Sunshine. So with us, we don't
22 really have the capacity on campus because we send
23 ours to Sunshine --

24 MS. ROLLINS: Gotcha. Okay.

25 SUPT. SHERRELL: -- if that makes sense.

1 MS. ROLLINS: Yes, it does. Thank you.

2 SUPT. SHERRELL: All right.

3 CHAIRMAN MOORE: Mr. Wood, questions?

4 MR. WOOD: What -- what funding would you
5 receive for this student if they became a student in
6 your school district?

7 SUPT. SHERRELL: What funding?

8 MR. WOOD: Yes.

9 SUPT. SHERRELL: Well, we would get the \$7400
10 that -- that's going to -- that it went up to. You
11 get a little more for -- I think the special ed.
12 might've ran out about \$8,000. And then we would get
13 some catastrophic funding, but -- so for like the
14 three students we sent last year, which was \$36,000,
15 we got \$13,000. So we would -- so the offset would
16 not -- wouldn't be close to paying for the -- for the
17 extra student.

18 MR. WOOD: I see. When you described it a
19 second ago, you said it's basically like an ALE
20 place. Do they -- do you receive an ALE supplement?

21 SUPT. SHERRELL: No. No. It's not an ALE; it's
22 a -- it's not alternative learning environment per
23 se. It's -- it's kind of -- it's almost -- you could
24 call it a day school, I mean for lack of a better
25 term for it. It's just -- it's just a school that

1 deals strictly in disabled students, severely
2 disabled students.

3 MR. WOOD: Okay.

4 SUPT. SHERRELL: And there's a lot of districts
5 that send different -- that sends kids there. And
6 part of that is they do have to have an opening
7 before you can even send anyone there.

8 MR. WOOD: Okay.

9 CHAIRMAN MOORE: Ms. Hunter --

10 MS. HUNTER: None from me.

11 CHAIRMAN MOORE: -- questions?

12 I did have a question at this point. So when
13 you all denied the student based on hiring additional
14 staff, did you already know that that district had
15 requested -- or that that family had requested to go
16 to The Sunshine School?

17 SUPT. SHERRELL: Yes. Yeah. We're -- you know,
18 it's a small -- small area and I -- and they -- I
19 think the family made it known that that's what they
20 were wanting. Yeah. We -- we -- we knew at the
21 least that we was going to have to hire a one-on-one
22 aid.

23 CHAIRMAN MOORE: Okay. And when -- when your
24 district makes that decision to send a student to
25 that school what does that -- is that an IEP meeting

1 or what does that conversation look like?

2 SUPT. SHERRELL: Yes, it's an IEP meeting.

3 CHAIRMAN MOORE: Okay. So it's not -- is it
4 typically that parents are requesting it or is it
5 something that the district is leading?

6 SUPT. SHERRELL: I think it can go -- it can go
7 both ways, the school -- like we've had a parent
8 before who did not want to go to Sunshine, so we
9 ended up keeping them. So, you know, we try to do
10 what the parent wishes are on that, so we ended up
11 keeping them. Didn't go really well. So now that
12 student, with the parent blessing, is going to
13 Sunshine this year.

14 CHAIRMAN MOORE: How many years has the district
15 partnered with the program?

16 SUPT. SHERRELL: This is my -- this is my --
17 starting my third year. So I'm not sure how far that
18 goes back. I mean, I know it's probably -- I would
19 say at least the last eight to ten years. I don't
20 know for sure though.

21 CHAIRMAN MOORE: Okay. Thank you.

22 SUPT. SHERRELL: All right.

23 CHAIRMAN MOORE: Any more questions?

24 Okay. Thank you.

25 SUPT. SHERRELL: Thank you.

1 CHAIRMAN MOORE: Next, we have the resident
2 district, Hazen.

3 SUPT. BARRETT: Good morning. I'm Andy Barrett,
4 Superintendent of the Hazen School District.

5 And just briefly, we can provide for the full
6 education of the student. And so we defer to the
7 judgment of the Board.

8 CHAIRMAN MOORE: Thank you.

9 Questions, Mr. Sutton?

10 MR. SUTTON: No.

11 CHAIRMAN MOORE: Mr. Henderson?

12 MR. HENDERSON: No.

13 CHAIRMAN MOORE: Ms. Salaam?

14 MS. SALAAM: No.

15 CHAIRMAN MOORE: Ms. McFetridge?

16 MS. ROLLINS: No.

17 CHAIRMAN MOORE: Mr. Wood?

18 MR. WOOD: No.

19 MS. HUNTER: No.

20 CHAIRMAN MOORE: Okay. No questions at this
21 point.

22 SUPT. BARRETT: Okay.

23 CHAIRMAN MOORE: Thank you.

24 Next, we have the Camp family, if they'd wish to
25 make some remarks.

1 MS. CAMP: Hi. I'm Ms. Camp.

2 I was wanting my son to go to Des Arc school
3 because I don't feel like Hazen can accommodate my
4 child's needs. And I do feel like that Des Arc
5 should either hire more staff -- and then if they
6 can't do that, I was hoping they could send him to
7 The Sunshine School. So they just said they have to
8 be responsible for an extra -- an extra aid or, you
9 know, responsible for sending him to The Sunshine
10 School. So I think that's pretty much it.

11 CHAIRMAN MOORE: Thank you. Thanks for being
12 here. If you don't mind, we might ask you a few
13 questions, if that's okay. We appreciate you coming.

14 Mr. Sutton or Mr. Henderson, questions?

15 MR. SUTTON: Yes. Which district do you reside
16 in?

17 MS. CAMP: My son goes to Hazen school, but I'm
18 trying to send him to the Des Arc school.

19 MR. SUTTON: Right. Okay.

20 MS. CAMP: Uh-huh.

21 MR. SUTTON: So you're in Hazen now.

22 MS. CAMP: Yes.

23 CHAIRMAN MOORE: Any questions -- questions down
24 here, Ms. McFetridge?

25 MS. ROLLINS: What year is your child in?

1 MS. CAMP: Ma'am?

2 MS. ROLLINS: What school year is your child in?
3 Has he been in --

4 MS. CAMP: He is --

5 MS. ROLLINS: -- in school before?

6 MS. CAMP: Yes. He's in 2nd grade. He's in
7 Hazen school.

8 MS. ROLLINS: Okay.

9 CHAIRMAN MOORE: Mr. Wood?

10 MR. HUNTER: No.

11 CHAIRMAN MOORE: Ms. Hunter?

12 MS. HUNTER: No.

13 CHAIRMAN MOORE: Okay. Thank you. Thank you.
14 We might call you up again.

15 At this point is there any questions -- well,
16 further questioning by the Board or any further
17 discussion?

18 I would -- well, I have a question, but I'll let
19 anyone else go first.

20 MS. ROLLINS: I'd like to have the
21 Superintendent from Hazen come back up for a minute.

22 Can you talk to us again about the services that
23 you've offered to this child?

24 SUPT. BARRETT: Yes. Now this is my second week
25 at Hazen, newly Superintendent. So I do have -- and

1 she is new also, special ed. supervisor here with me
2 to help with those questions. In preparing for this,
3 I did talk to the teacher and some of those others
4 involved with the student there at -- last year at
5 Hazen. And from what I understand, he was making
6 progress. I don't want to talk specifically to his
7 needs, but he was making progress. He has
8 specialized transportation, one-on-one aid. We have
9 a one-on-one aid with the student. And that's -- I
10 mean, just in the short of it, that's what the
11 teacher said, that she was a little surprised because
12 she thought he was making good progress at Hazen.

13 MS. ROLLINS: Okay.

14 CHAIRMAN MOORE: Anymore questions?

15 Okay. Thank you, Superintendent.

16 Ms. Wagner, I do have a question for you, if you
17 don't mind.

18 MS. WAGNER: Yes, ma'am.

19 CHAIRMAN MOORE: So this is not the first year
20 that we've had instances where students have been
21 denied transfer based upon needs, special needs
22 situations.

23 MS. WAGNER: Correct.

24 CHAIRMAN MOORE: I am not an attorney, as you
25 are. But I feel that there is, you know, the federal

1 law around special education, and some state law too,
2 that students cannot be denied. But I understand in
3 their home district they aren't -- how does that work
4 in that a student obviously is -- should receive all
5 services that they're entitled to, yet they can't
6 transfer because they're receiving those services?

7 MS. WAGNER: So the school choice law
8 specifically states that a denial cannot be based on
9 disability, cannot discriminate on the basis of a
10 disability. That's what the law states.

11 CHAIRMAN MOORE: Okay. And when a student
12 applies for school choice is the district able to ask
13 --

14 MS. WAGNER: No, ma'am.

15 CHAIRMAN MOORE: -- the special needs status?

16 MS. WAGNER: No, ma'am. We took that off the
17 form to comply with federal law.

18 CHAIRMAN MOORE: Okay. So in instances like
19 this where it's happening it's because the districts
20 might know the families or more information was
21 given?

22 MS. WAGNER: Or they've done pre-enrollment
23 conferences and that's how they find out. Yes,
24 ma'am.

25 CHAIRMAN MOORE: Okay. In this instance where a

1 student is being sent to a different -- you know, a
2 different school, we can't -- we don't play a role in
3 that for school choice. Correct? Like we would --

4 MS. WAGNER: No, ma'am.

5 CHAIRMAN MOORE: -- you would say it's okay to
6 transfer, but you can't say this kid has to be placed
7 in that?

8 MS. WAGNER: No, ma'am. We don't have a
9 position in that. That is an agreement between the
10 Des Arc School District and The Sunshine School.
11 It's a tuition agreement between the two of them that
12 the State Board doesn't have any role in.

13 CHAIRMAN MOORE: Okay.

14 MS. WAGNER: We're just deciding whether or not
15 to grant or deny Ms. Camp's appeal of her rejection
16 of her school choice application.

17 CHAIRMAN MOORE: Okay. And I think, back to the
18 conversation about, you know, they're requiring an
19 additional aid, that is -- is that -- that's not seen
20 as additional staff in this case because, I mean,
21 that student is entitled to that because of their
22 IEP?

23 MS. WAGNER: Correct. So we have held that a
24 one-to-one aid is a related service under the IDEA
25 and does not -- does not count as staff under that

1 law. Yes, ma'am.

2 CHAIRMAN MOORE: Where are districts getting
3 funding for that? Is it federal and state or --

4 MS. WAGNER: They're -- that's just based on --
5 I don't know enough about funding to --

6 CHAIRMAN MOORE: Okay.

7 MS. WAGNER: -- to state that. So I don't know
8 if anybody has --

9 CHAIRMAN MOORE: That's really where it gets
10 tricky because everyone wants --

11 MS. WAGNER: Yeah.

12 CHAIRMAN MOORE: You know, we all --

13 MS. WAGNER: Sure.

14 CHAIRMAN MOORE: It all comes down to where the
15 funding comes from and how it was --

16 MS. WAGNER: Sure.

17 CHAIRMAN MOORE: Okay. I think that that was my
18 list right now.

19 MS. WAGNER: Okay.

20 CHAIRMAN MOORE: Anyone else have --

21 MS. WAGNER: Any other questions?

22 MS. ROLLINS: Do we know if The Sunshine School
23 has any openings for this school year? Do we know
24 that?

25 MS. WAGNER: No, ma'am. I don't know that.

1 MS. ROLLINS: Okay. What happens if we grant
2 the transfer and Des Arc cannot send a child to
3 Sunshine? Can the family still stay, go back to
4 Hazen at this point?

5 MS. WAGNER: Yes, ma'am. They can. They can
6 return to their resident district at any point in
7 time. If they transfer into Des Arc, if you overturn
8 the -- if you grant the appeal -- excuse me -- then
9 Des Arc will be required to provide all of the SPED
10 services to that student.

11 MS. ROLLINS: Okay. All right.

12 CHAIRMAN MOORE: Okay.

13 MS. HUNTER: I have a question.

14 CHAIRMAN MOORE: Okay.

15 MS. HUNTER: So -- and I'm super-new to this.
16 So the aid is not considered additional staff, but
17 there is expense, correct, with --

18 MS. WAGNER: Yes, ma'am.

19 MS. HUNTER: -- special needs? And does the law
20 indicate that, you know, capacity is also an expense
21 -- you know, there is expense related with capacity
22 issues?

23 MS. WAGNER: The law doesn't say anything about
24 expense. No, ma'am.

25 MR. SUTTON: Well, this -- this seems to be, to

1 me, more of a financial issue to the Des Arc
2 district. If the -- if her current district, which
3 is Hazen -- if it did not provide adequate services,
4 that's a different issue. But if those services are
5 being provided, maybe not to their satisfaction,
6 which is another issue -- but it's a real financial
7 burden, to me, to just allow the preference and
8 choice, you know. I'm a little concerned about that.

9 MR. WOOD: I suppose if -- from what I've heard
10 so far though, I'm concerned that if you were to take
11 out the special needs status of the student and the
12 ultimate destination at Sunshine School what else
13 would you base a rejection of this choice on.

14 Because I'm -- I'm not sure that it's appropriate for
15 us to consider for any school district to consider
16 the special needs status of the incoming student. So
17 I have a hard -- I have a hard time looking beyond
18 this is a student that doesn't live in Des Arc but
19 wants to be in the Des Arc School District. And
20 beyond that, among the allowable considerations in
21 the law, I'm not -- I don't see something that would
22 compel denying the choice. It seems to me that the
23 things that influence our thoughts on this -- because
24 I agree, it does seem complicated and it's a little
25 frustrating. But when you set aside the things that

1 we're really not supposed to consider or that are not
2 supposed to be considered in a choice application,
3 you're kind of left with, well, this kid should
4 probably get to go to Des Arc.

5 MR. SUTTON: Well, I agree. I agree with that.
6 But they're not going to -- not going to Des Arc.
7 Des Arc is a stepping stone to get to Sunshine.

8 MR. WOOD: Yeah.

9 MR. SUTTON: That's -- Des Arc is not denying
10 their willingness to come there.

11 MS. SALAS-FORD: If I may interject, Mr. Sutton,
12 I think I can help offer some clarification, re-
13 emphasize some of the things Ms. Wagner said. But
14 what you all are considering is the school choice
15 application to -- I'm sorry; is it Des Arc or Hazen?

16 MS. WAGNER: Des Arc.

17 MS. SALAS-FORD: To Des Arc -- whether that
18 student would then ultimately end up in The Sunshine
19 School is not within the purview of the Board. That
20 is a decision that the IEP team at that school
21 district would make. And so once you all -- if you
22 all were to grant the appeal, that student would be a
23 student of the school district. They would convene
24 an IEP team meeting, they would review records, they
25 would make a decision based on that child, whether it

1 was appropriate to go to The Sunshine School. If it
2 was, they would be responsible for placing them
3 there, regardless of financial cost. If they made
4 the decision without considering financial cost, that
5 it was not appropriate, then the student would have
6 the right to continue attending the district or they
7 would have the right to return to their resident
8 district. But I would just encourage you all to kind
9 of take The Sunshine School placement out of the
10 factors of consideration because that's not something
11 that you all have the purview to decide. That's
12 completely an IEP team decision.

13 MR. SUTTON: Hmmm.

14 MS. SALAS-FORD: Did I muddy it more than
15 clarify?

16 MR. SUTTON: No. I fully understand what you
17 said.

18 CHAIRMAN MOORE: Any other questions?

19 MS. SALAS-FORD: Because, again, the law -- the
20 law doesn't allow denial based on financial reasons.
21 It specifically says adding staff. And so when
22 you're considering whether to allow or deny, I would
23 look to that; are they denying based on adding staff
24 or are they denying based on a financial -- potential
25 financial cost that they could incur if the IEP team

1 decides that that is the appropriate placement for
2 the student.

3 MR. SUTTON: So Des Arc would have to have
4 adequate staff. Is that correct? Is that my
5 understanding?

6 MS. SALAS-FORD: The district would have to
7 speak for itself.

8 SUPT. SHERRELL: Yes. We would have to hire --

9 CHAIRMAN MOORE: If you'd come to the mic,
10 please. Thank you.

11 SUPT. SHERRELL: And I guess I would defer to
12 them on the federal side of it, on what the rules
13 are. But to me, I mean it clearly says that if you
14 have to require a different class, course or courses,
15 program instruction, or special services than
16 originally applied for. And then the school is not
17 obligated to add any teachers, other staff, or
18 classrooms to accommodate choice applications. And I
19 don't know if that collides with the federal law --
20 and if it does, I'm -- you know, I'm fine with that.
21 But --

22 MR. SUTTON: Well, regardless of what that says,
23 what would you have to add in order to provide the
24 services for that student?

25 SUPT. SHERRELL: We would have to have -- at the

1 -- at the minimum we'd have to have a one-on-one aid.
2 And then at the most it would be to Sunshine School.
3 So we're looking -- you're looking at either \$24,000
4 for --

5 MR. SUTTON: Well, we're not -- well, we're not
6 looking at --

7 SUPT. SHERRELL: Oh, I'm sorry.

8 MR. SUTTON: Yeah.

9 SUPT. SHERRELL: Well, for the aid it would be
10 around probably \$22,000.

11 MS. HUNTER: But the aid is not staff. Is that
12 what I'm hearing?

13 SUPT. SHERRELL: That's -- I mean, like I said,
14 I'll defer if someone is probably smarter than I am.
15 But I don't know why an aid wouldn't be considered
16 staff, because -- and it says other staff. I mean, I
17 would think that would at least fall into other
18 staff. But I mean --

19 MS. SALAS-FORD: Ms. Hunter, that's a legal
20 question. Under state law there is no definition of
21 staff. Under federal law, under IDEA, a one-on-one
22 aid is defined as a related service.

23 MS. HUNTER: Understood. Thank you.

24 SUPT. SHERRELL: So would that fall under
25 special services where it also says is a reason for

1 denial? It says requires a different class, course
2 or courses, program instruction, or special services.
3 Like I said, hey, I mean, we'll -- we'll definitely
4 abide by whatever the decisions are. And if I'm
5 wrong, we'll -- you know, I'm wrong, but that's just
6 the way I'm reading it.

7 CHAIRMAN MOORE: Thank you.

8 SUPT. SHERRELL: All right.

9 CHAIRMAN MOORE: Any questions? Any more
10 questions?

11 Okay. Discussion or -- at this point, if no
12 more questions, the floor is open for a motion.

13 MR. HENDERSON: I'd like to make a motion to
14 grant the appeal.

15 CHAIRMAN MOORE: Okay. A motion by Mr.
16 Henderson to grant the appeal. Is there a second?

17 MR. WOOD: Second.

18 CHAIRMAN MOORE: Second by Mr. Wood. All in
19 favor say "aye."

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN MOORE: Opposed?

22 The motion passes. Thank you.

23 b) JONES FAMILY

24 CHAIRMAN MOORE: Our next -- let's see. Where
25 are we? We're at c, so our next school choice appeal

1 is the Jones family.

2 MS. WAGNER: Yes, ma'am. So these are the same
3 two districts; Hazen is the resident district, Des
4 Arc is the nonresident district. And the Jones
5 family is here in the audience. So if you will just
6 swear everybody in, then we can testify with the
7 nonresident district.

8 CHAIRMAN MOORE: Thank you.

9 Those who are going to speak and anyone from the
10 family here today that will speak, please stand. And
11 just stand right there is fine. Do you swear or
12 affirm that the testimony you're about to give shall
13 be the truth, the whole truth and nothing but the
14 truth?

15 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

16 CHAIRMAN MOORE: Thank you.

17 We're going to do the districts first, and then
18 we'll get to you all. Thank you so much for being
19 here.

20 So, first, we start with the nonresident
21 district, Des Arc.

22 SUPT. SHERRELL: Well, I think in the sake of
23 time, just based on the last case I would say Des Arc
24 would be willing to just pull the -- we'll go ahead
25 and accept him --

1 CHAIRMAN MOORE: Okay.

2 SUPT. SHERRELL: -- because it's going to be the
3 exact same situation.

4 CHAIRMAN MOORE: Okay.

5 SUPT. SHERRELL: All right.

6 CHAIRMAN MOORE: Thank you. Any questions?
7 Hazen.

8 SUPT. BARRETT: Yes, ma'am.

9 CHAIRMAN MOORE: Do you wish to speak?

10 SUPT. BARRETT: Again, I think we can provide
11 for the education of the student. So we defer to the
12 judgment of the Board.

13 CHAIRMAN MOORE: Thank you.

14 And then the Jones family, thank you for being
15 here today. If you'd like to offer a few remarks
16 about your student at this point, you're welcome to.

17 MS. JONES: Like I said --

18 CHAIRMAN MOORE: If y'all don't mind stepping up
19 to the microphone. Sorry. They do -- we do have a
20 few people online.

21 MS. JONES: Well --

22 CHAIRMAN MOORE: We appreciate it.

23 MS. JONES: -- I prefer my son to go to Sunshine
24 School because he's got a lot of issues.

25 So that's what you --

1 MR. JONES: Yeah.

2 MS. JONES: The same.

3 MR. SUTTON: What grade is --

4 CHAIRMAN MOORE: Thank you.

5 MS. JONES: He was in -- he was going to Lonoke
6 Exceptional School.

7 MR. JONES: Yeah. He's just six.

8 MR. SUTTON: He's what?

9 MS. JONES: He just turned six.

10 CHAIRMAN MOORE: Thank you.

11 Any other questions?

12 MR. WOOD: Do you understand that a decision
13 today is not a guarantee that --

14 MR. JONES: Right.

15 MR. WOOD: -- your child --

16 MR. JONES: Right. Yes.

17 MR. WOOD: -- will go to Sunshine School?

18 MR. JONES: Right.

19 MR. WOOD: This is -- this is simply --

20 MR. JONES: Yeah.

21 MR. WOOD: -- if we were to make a decision, the
22 same as the last one, it would just be granting you
23 enrollment in Des Arc School District.

24 MR. JONES: Right.

25 MR. WOOD: And so then the process would begin

1 to meet the needs of your student. Do you understand
2 that?

3 MR. JONES: We understand that.

4 MR. WOOD: Okay.

5 CHAIRMAN MOORE: Any more questions?

6 Thank you all. Thank you for being here today.

7 Any other questions of the districts or the
8 Department?

9 MR. HENDERSON: Yeah. If you don't mind, I do
10 have a question. You did mention that you would like
11 for him to go due to the issues he has. Do you mind
12 elaborating a little bit on as far as why you don't
13 feel that they can actually --

14 MR. JONES: I don't think they've got the proper
15 staff.

16 CHAIRMAN MOORE: If you don't mind coming to the
17 microphone. Thank you.

18 MR. JONES: I don't think they've got the proper
19 staff. So if you go to Sunshine in Searcy, they've
20 got a good school. So --

21 MR. SUTTON: Has he attended the Hazen district?

22 MR. JONES: Not yet. Because, see, last year he
23 went to Lonoke Exceptional School.

24 MR. SUTTON: Okay. Thank you.

25 CHAIRMAN MOORE: Thank you.

1 Any other questions or discussion?

2 If not, the floor is open for a motion.

3 MR. WOOD: I'll move to grant the appeal.

4 CHAIRMAN MOORE: A motion by Mr. Wood. Is there
5 a second?

6 MR. HENDERSON: Second.

7 CHAIRMAN MOORE: Second by Mr. Henderson. All
8 in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN MOORE: Any opposed?

11 Okay. Motion passes. Thank you.

12 c) ROBINSON (WARD)

13 CHAIRMAN MOORE: Up next we have a school choice
14 appeal for student Robinson, with the Ward family.
15 And Pulaski and Jacksonville North School -- North
16 Pulaski School District.

17 MS. WAGNER: So it's reversed. It is actually
18 the Robinson family and the student's last name is
19 Ward. But --

20 CHAIRMAN MOORE: Okay.

21 MS. WAGNER: -- that's okay.

22 CHAIRMAN MOORE: Thank you.

23 MS. WAGNER: You're very welcome. Just be sure
24 you swear everybody in.

25 CHAIRMAN MOORE: Okay. School districts and any

1 family members who wish to speak on this motion, if
2 you would please stand. I believe we have school
3 districts online as well here. Do you swear or
4 affirm that the testimony you're about to give shall
5 be the truth, the whole truth and nothing but the
6 truth?

7 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

8 CHAIRMAN MOORE: Thank you.

9 First, I'll start with the nonresident school
10 district, Pulaski County.

11 MR. BEQUETTE: Good morning, Dr. Moore. Good
12 morning, Board Members. Jay Bequette and Phillip
13 Brick, my colleague, on behalf of the Pulaski County
14 Special School District that we'll refer to as PCSSD.
15 Online I believe we have Dr. Janice Warren, the
16 district's Assistant Superintendent for Pupil
17 Services and Equity. I'm going to introduce the
18 district's position; then, I'll ask Dr. Warren to
19 weigh-in and speak to the specific issues. We're
20 going to rely heavily on the papers we submitted to
21 the State Board in response to the appeal by the
22 family.

23 Essentially, PCSSD raises two arguments. One
24 is, is that the school choice law is a -- is a law
25 that allows for transfer from district to district.

1 And here, it's a little bit unusual because the --
2 the family is requesting a transfer from a district
3 to a specific school -- high school within PCSSD.
4 PCSSD has four high schools: Robinson, Mills,
5 Maumelle, and then the school at issue here is Sylvan
6 Hills High School, which is the one -- the school
7 closest to Jacksonville North Pulaski School District
8 where the student resides and has attended school.
9 And so that's the first kind of anomaly in this
10 situation is that the parent is requesting a transfer
11 to a specific school. As we point out later in our
12 papers, the -- we've also submitted documentation
13 showing that PCSSD is at special ed. capacity at
14 Sylvan Hills High School. But PCSSD does have some
15 capacity at other high schools within the district, I
16 believe specifically perhaps Maumelle and Mills. I
17 believe Robinson High School is also at capacity. So
18 that's the -- kind of the -- the gist of the
19 district's position is the district -- if the student
20 persisted in wanting to attend Sylvan Hills, the
21 district would have to add capacity, teachers and
22 staff, at Sylvan Hills in order to accommodate this
23 student. But the district does have capacity at
24 other high schools within the district.

25 And at this point I'd like to invite Dr. Warren

1 to -- to provide her perspective on any of those
2 issues, or others, if she so desires.

3 Dr. Warren.

4 DR. WARREN: Yes. Thank you, Mr. Bequette. And
5 I'd like to say good morning and thank you for the --
6 to the State Board for allowing me to attend this
7 virtually. I am at a national conference, along with
8 other PCSSD educators. So thank you for that.

9 When we -- and I am the school choice
10 administrator for the district. When we received all
11 of our applications I did send provisional letters to
12 our requesting parties. I sent a letter --
13 provisional school choice letter to the family of
14 this student on May 18th -- and I believe you have
15 that letter in your packet -- and in that letter I
16 state to them that we will be contacting them. We
17 did have a pre-conference with the family. The dad
18 specifically was the one who answered the questions
19 from the school registrar and informed the -- our
20 school at Sylvan Hills High School that the student
21 did have an IEP. At Sylvan Hills High School you'll
22 see the numbers; that -- the document is included in
23 your packet as well. We are at capacity at that
24 school. However, as Mr. Bequette has stated, we do
25 have space at Maumelle High School and Mills High

1 School for IEP students, but at two of our other high
2 schools we do not. So as far as this request goes,
3 school choice is for a district request and this
4 parent asked for a particular high school, Sylvan
5 Hills High. We do not have capacity. We would have
6 to add staff at Sylvan Hills High to accommodate the
7 student. But at two of the other high schools we
8 would not have to add additional staff to accommodate
9 students. Thank you.

10 MR. BEQUETTE: Thank you, Dr. Warren.

11 Dr. Moore, if I may just add one other thing,
12 you know, it appeared from looking at the appeal that
13 one of the primary factors or one of the main -- an
14 impetus behind the parent's decision to choice was
15 the idea that the student would not do well in
16 Jacksonville North Pulaski because of that high
17 school's use of the A/B block schedule. And we also
18 pointed out in our papers, but I just wanted to
19 highlight it, that all of the district's high schools
20 -- PCSSD's high schools are transitioning for the 23-
21 24 school year to the A/B block schedule, which may
22 be a factor the Board could consider as well.

23 Unless the Board has any questions of me or Dr.
24 Warren, we thank you for your time and appreciate the
25 opportunity to state our case.

1 CHAIRMAN MOORE: Thank you.

2 Let's go with questions. Mr. Sutton?

3 MR. SUTTON: No questions.

4 CHAIRMAN MOORE: Mr. Henderson?

5 MR. HENDERSON: Just to clarify, you did state
6 that the option does exist to maximize resources
7 within the district without having to go out of the
8 district with the school of choice?

9 MR. BEQUETTE: Mr. Henderson --

10 DR. WARREN: That is correct.

11 MR. BEQUETTE: Yes.

12 DR. WARREN: That is correct. But not at the
13 Sylvan Hills High School, but at other high schools
14 within the district.

15 MR. HENDERSON: Okay. Thank you.

16 MR. BEQUETTE: That's correct. Uh-huh.

17 CHAIRMAN MOORE: Questions, Ms. McFetridge?

18 MS. ROLLINS: No.

19 CHAIRMAN MOORE: Mr. Wood?

20 MR. WOOD: So why wasn't the choice application
21 granted and then him assigned to a school where
22 capacity exists?

23 MR. BEQUETTE: That would be a question for Dr.
24 Warren, I believe.

25 Did you hear that, Dr. Warren?

1 DR. WARREN: I did. On the application this
2 parent -- and you have the application -- the parent
3 specifically asked for Sylvan Hills High School and
4 the parent noted that Sylvan Hills High School was
5 the high school that they wanted to attend.

6 MR. WOOD: I did see that on the application. I
7 guess, if I'm hearing Mr. Bequette's explanation,
8 that choice applications are district-to-district,
9 not into a specific school. But maybe -- maybe the
10 naming of the school on the application is a little
11 bit superfluous. Maybe this should just be a
12 district consideration, and then if the parents, the
13 family don't like the placement, then that's a --
14 that starts a different process concerning, you know,
15 whether a child goes to school and then they would
16 have decisions they can make. But as far as the
17 district-to-district choice goes, it seems to me that
18 Pulaski County is a proper destination if the parents
19 want to stay there.

20 Right?

21 DR. WARREN: Correct.

22 MR. BEQUETTE: Yeah, that's correct. We just
23 want to be transparent about what our ability and
24 capacity was at Sylvan Hills since that was the
25 specific school mentioned and referenced by the

1 parent; so to be fair to the parent.

2 DR. WARREN: Correct. And, Mr. Bequette, my
3 position, I'm -- we're not denying the transfer into
4 our district. We're denying the transfer request of
5 the parent for Sylvan Hills High School. Because
6 like I stated, we do have capacity at two other high
7 schools.

8 CHAIRMAN MOORE: Any more questions?

9 I do have a question, in that case. When --
10 when a student who might be a resident student in
11 your district would like to seek another school
12 outside of their zone is there a process with your
13 local board --

14 MR. BEQUETTE: Again --

15 CHAIRMAN MOORE: -- to do that? And what does
16 that look like?

17 MR. BEQUETTE: Yeah. Dr. Warren.

18 DR. WARREN: Yes. We call that our permit
19 process where they will send an application to our
20 office of Pupil Services and request a transfer from
21 one of our zoned schools to another zoned school.
22 And, of course, that's still based on if we have
23 space in the requested school. But we do have
24 between schools in our own zone to transfer students.

25 CHAIRMAN MOORE: Okay. And that is --

1 DR. WARREN: And that is a board policy.

2 CHAIRMAN MOORE: -- a decision by your local
3 board? Is that a decision by your local board to
4 transfer, or is that just within district to make
5 that decision?

6 DR. WARREN: We do have the board policy --

7 CHAIRMAN MOORE: Okay.

8 DR. WARREN: -- for that. So I'm the
9 administrator who grants that transfer or not.

10 CHAIRMAN MOORE: Okay. Thank you.

11 DR. WARREN: Thank you.

12 CHAIRMAN MOORE: Any more questions?

13 Okay. We'll move on to Jacksonville North
14 Pulaski. I see Dr. Owoh here online.

15 SUPT. OWOH: Good morning, everyone. Although
16 we would love to continue to provide the educational
17 opportunity or experience for the student, we do
18 understand that the parent is requesting to school
19 choice to Pulaski County and we're not denying or
20 contesting that request.

21 CHAIRMAN MOORE: Okay. Thank you.

22 Questions from our board?

23 MR. SUTTON: I don't understand why this was a
24 school choice issue.

25 CHAIRMAN MOORE: We can pull up the Department

1 after we hear from the family.

2 Questions down here?

3 Okay. Okay. Thank you, Dr. Owoh.

4 We'll move --

5 SUPT. OWOH: Thank you.

6 CHAIRMAN MOORE: -- to the Robinson family, if
7 you'd like to give remarks. Good morning. Thank you
8 for coming in today.

9 MR. ROBINSON: Good morning, Dr. Moore, Ladies
10 and Gentlemen of the Board. Thank you first for
11 hearing this. And I hope I can shed a little bit of
12 light on how things were presented and the reason I
13 filled out the application the way I filled out the
14 application. And as I move my notes around and get
15 everything set-up, just give me one moment on that.

16 So I'm going to give you a quick background on
17 [STUDENT] Ward, henceforth referred as [STUDENT].
18 This isn't something that I would normally share, but
19 I will. As you saw from my application packet, the
20 school choice transfer, I am his foster father.

21 [STUDENT] was removed five times from his biological
22 mother, has been in over 10 foster homes before
23 coming to me in the end of May of last year. I am in
24 the process now of adopting [STUDENT] and making him
25 a part of our family. With that being said,

1 [STUDENT]'s reason for being in foster homes was
2 neglect and [STUDENT] fell well behind his peers in
3 education. So with that, at some point in time an
4 IEP was set up for [STUDENT] to try to get him up to
5 par with his peers. His 8th grade year, Monticello
6 Middle School, down in Drew County, [STUDENT] was
7 placed with my sister and brother-in-law. During
8 that year [STUDENT] made leaps and bounds and
9 mastered the things that he was asked to master in
10 the IEP program. My sister and brother-in-law
11 decided to leave the state of Arkansas, due to career
12 change, but they weren't willing to adopt [STUDENT].
13 So here [STUDENT] is, about to be placed in a
14 different home, and I said no, that's not going to
15 happen. So we let him finish out that school year in
16 Monticello Middle, and he came to me through a
17 process known as Next of Kin. And the last weekend
18 in May he became part of my family.

19 Starting in Jacksonville last year, in the 9th
20 grade, a much larger school, a school where he did
21 not know a single individual, I was given the choice
22 to completely remove the IEP or to keep the IEP. I
23 chose to keep the IEP as a safety-net. That safety-
24 net was as a brand-new student in a much larger
25 school, moving from middle school, moving to high

1 school, not knowing a single student in that school,
2 would he lapse or would he fly? [STUDENT] is
3 diagnosed -- and I have the diagnosis here from my
4 doctor -- as ADHD. In that IEP I asked for one
5 provision that we implement, that same provision to
6 be set in a 504 plan, and that is accommodation --
7 accommodation to give him extra time, if he needed
8 it, to do homework, extra time to complete a test, if
9 he needed it -- well within the realms of 504.
10 [STUDENT] does not need, nor does he require, an IEP.
11 With that being said, as soon as I find it, the right
12 one, I would like to submit [STUDENT]'s current IEP
13 to the Board to review.

14 You know, Sylvan Hills High School cannot
15 accommodate solely because that [STUDENT] has an IEP.
16 I also have a formal written request today that I
17 wish to submit that would convert his IEP to a 504
18 plan. [STUDENT] is not SPED. He is up-to-par with
19 his peers. He showed that last year.

20 With regards to my appeal letter, I will simply
21 state, as you saw in the documentation provided by
22 the requested school district, their decline was very
23 generic. It did not give me specifics. It was only
24 Friday afternoon when I was about ready to walk out
25 of work that I received the email that stated the

1 exact reason the decline occurred. The decline was
2 given to that specific school because he had a need
3 they thought of being -- needing to be an IEP. Yes,
4 I was asked did he have an IEP; I said yes. I
5 further stated that I kept the IEP in the 9th grade
6 year exclusively as a safety-net, that it was not
7 needed. And that my intention then and still remains
8 today, starting his 10th grade year, I was going to
9 ask that the IEP be revoked because he has mastered
10 what was set up, but to allow it to be converted to a
11 504 just to meet the accommodation, which is a
12 totally different set of laws. Thank you.

13 CHAIRMAN MOORE: Thank you for sharing today.
14 We might have some questions of you, so if you don't
15 mind staying at the mic.

16 Mr. Sutton or Mr. Henderson, questions?

17 MR. SUTTON: No.

18 MR. HENDERSON: No.

19 CHAIRMAN MOORE: Okay. Questions, Ms.
20 McFetridge?

21 MS. ROLLINS: I know in your materials that
22 we've received you talked about [STUDENT]'s
23 friendships through his church --

24 MR. ROBINSON: Yes, ma'am.

25 MS. ROLLINS: -- that attend this school that

1 you want to send him to.

2 MR. ROBINSON: Yes, ma'am.

3 MS. ROLLINS: Do you want to elaborate a little
4 bit on that?

5 MR. ROBINSON: Yes. So the church that we
6 attend, his youth group, there are some students who
7 are actually at Sylvan Hills. There is no one at
8 Jacksonville High School. And I know for [STUDENT]
9 being able to see them in church and interacting with
10 them in church and then see them in the hallways
11 around the school and stuff is always a positive
12 reinforcement. And that's the reason why -- when you
13 look at the application, it gives you two school
14 choice and then the opportunity. But there's no
15 distinction on -- in the questionnaire how you should
16 answer the question. It says school, school
17 district; it doesn't state in the application process
18 that -- and I'm well aware that you can only choose a
19 school district. But I'm also aware that -- and it
20 was written in the response -- that that district
21 does allow you to recommend a school preference, if
22 you would like, since they have multiple schools
23 inside of their district. Because we live so close
24 to Sylvan Hills -- we're less than seven miles from
25 Sylvan, we're four-and-a-half miles from the line

1 which would change districts for us -- the fact that
2 he knows students in that school, I feel like he
3 would do better at that school versus commuting 30
4 miles to Maumelle High School. I also understand
5 that when the school district reached out to the --
6 Christy Darrington, who is the special ed. director
7 of the North Pulaski Special School District, she did
8 not release that IEP because she can't in law -- by
9 law release it. That's the reason I gave it to you
10 today, so you could see that he -- that there's no
11 special needs provision set up in his education
12 program. Last year at Jacksonville he met and
13 attended the classes with regular students; had no
14 outside -- no special -- no reduction of the grading
15 system because of that type scenario. He did
16 leverage the accommodation of extra time for his
17 World History ACT portion at the end of the school
18 year. He was running behind because some of those
19 questions were a little lengthy. So he did use that,
20 so -- in one of his other classes, where he didn't
21 have anything, he actually met with his World History
22 teacher to do that. I could not -- because they had
23 brought down -- I was only given three business days
24 since I knew the exact reason of the denial, at least
25 off of the response, I was not able to get a formal

1 copy of his final grades last year. I will say that
2 he did have one C. That one C was in Physical
3 Science. His overall English grade was an A and his
4 overall math grade was a B for the entire school
5 year.

6 With regards to the block program versus meeting
7 every day, I was not aware that Sylvan was changing.
8 So in my transparency, I will state that I was not
9 aware of that when I submitted that in the
10 application. But what I will say, it is still more
11 consistent than what Jacksonville High School does
12 today. Jacksonville High School has an alternating
13 day so that every Wednesday it is not the same set of
14 classes. And then you throw in a holiday or you
15 throw in the students don't attend because of parents
16 -- not parents -- because of teacher training,
17 teacher lab, a teacher workshop day, everything then
18 shifts one more day; whereas, Sylvan and their block
19 program, every Wednesday will have the exact same
20 classes every Wednesday and that will never change.
21 And that's what I'm talking about with regards to the
22 way Jacksonville's block program is implemented, it
23 literally shifts every day, and what was taught on
24 Monday, Wednesday and Friday today is taught on
25 Tuesday and Thursday the next -- in week two; back to

1 Monday, Wednesday and Friday in week three. So it's
2 like [STUDENT], what is your homework? Well, for me
3 as a parent, because I work, I'm not there at the
4 school, I have to go look up to see what day Tuesday
5 is -- it's either an A day or a B day this week;
6 whereas, with -- where Sylvan is going every Tuesday
7 is the exact same course on Tuesday. There is no
8 shifting with regards to week after week after week,
9 which is still a much more -- for someone with ADHD
10 it's much easier to stay focused when I know on
11 Tuesday I will always have this.

12 MS. ROLLINS: Okay. Thank you for that.

13 CHAIRMAN MOORE: Thank you.

14 Additional questions, Mr. Wood or Ms. Hunter?

15 MR. WOOD: I do not.

16 CHAIRMAN MOORE: Okay.

17 MS. HUNTER: So I have a question, but not for
18 you.

19 CHAIRMAN MOORE: Thank you so much.

20 Now the floor is open. Ms. Hunter, do you have
21 questions of the Agency or one of them?

22 MS. HUNTER: Yes. So for Pulaski County -- for
23 the school district.

24 CHAIRMAN MOORE: Okay. Pulaski County School
25 District, Dr. Owoh.

1 MS. HUNTER: If the IEP is removed, how would
2 that change the district's response? I mean, does
3 that --

4 CHAIRMAN MOORE: Oh, I'm sorry. I said that
5 this is for Pulaski County. So, Dr. Warren.

6 MS. HUNTER: I'm sorry. Yeah.

7 MR. BEQUETTE: Dr. Warren.

8 MS. HUNTER: Dr. Warren.

9 DR. WARREN: Yes. If the student did not have
10 an IEP, we do have space at Sylvan Hills High School
11 in the 10th grade.

12 MR. BEQUETTE: Right. But just as a note, you
13 know, dismissal from SPED involves evaluations to
14 determine whether dismissal is appropriate. It's an
15 IEP team decision.

16 MS. HUNTER: Understood.

17 MR. BEQUETTE: It's not just -- I mean it can be
18 based on parent request, but it's -- there are i's
19 you have to dot and t's you have to cross before that
20 happens.

21 MS. HUNTER: Sure.

22 MS. SMITH: Shastady, do you want to come
23 clarify the difference between a district -- school
24 and district. Yeah.

25 MS. WAGNER: Yes, ma'am. So under school choice

1 the State Board does not have the authority to
2 dictate what school a child goes to. You -- school
3 choice is just a district-to-district transfer,
4 because this isn't an opportunity school choice
5 transfer, which would have an intra-district effect
6 in -- within a district. This is public school
7 choice, so it's district to district. So even if
8 there is, we don't get to decide as a board -- don't
9 have the authority to decide what particular school
10 that child goes to, since there are four high schools
11 within one district that the child would technically
12 be eligible to attend.

13 MS. SMITH: So if I heard today correctly, the
14 district is willing to accept the student and assign
15 the student at a school. Where the conversation is
16 is which school.

17 MS. WAGNER: Yes, ma'am.

18 MS. SMITH: And so, to me, the approval -- the
19 district and the parent need to come back together
20 and have conversation about where is the proper
21 placement now, with these conversations. Pull
22 everybody back together. The district will accept
23 it, but they have the right to assign the school. So
24 it just needs to come back together.

25 MS. WAGNER: Yes, ma'am.

1 MS. SMITH: What was the origin of school with
2 the student in foster? When he was in foster what
3 district was he in?

4 MR. ROBINSON: So this student, [STUDENT] --

5 MS. SMITH: How long had he been in foster care?

6 MR. ROBINSON: [STUDENT] has been in and out of
7 foster care since he was like nine years old.

8 MS. SMITH: What was his origin -- what was his
9 last school placement when he -- before he was --
10 before he was placed in foster care?

11 MR. ROBINSON: So his biological parents would
12 have put him in Poinsett County, in the Truman area.

13 MS. SMITH: Okay. So he's not even close.
14 Okay.

15 MR. ROBINSON: So he's not close. That is
16 correct.

17 MS. SMITH: Okay. I was just --

18 MR. ROBINSON: And both --

19 MS. SMITH: I was just trying to determine if
20 there was something --

21 MR. ROBINSON: Right. And both biological
22 parents' parental rights have been fully terminated.

23 MS. SMITH: They don't -- I don't need -- yeah.

24 MR. ROBINSON: But I would like to respond to
25 something in a moment, if I may.

1 CHAIRMAN MOORE: Okay.

2 Okay. Any other questions of the Agency?

3 Okay.

4 MS. SMITH: Yeah. And I do want to say one more
5 thing. We're not asking someone to get rid of an IEP
6 or that is not -- that is not the Board's decision up
7 here.

8 MS. HUNTER: No. Okay.

9 MS. SMITH: I just wanted to --

10 MR. ROBINSON: May I respond to that?

11 CHAIRMAN MOORE: Yes, you may. You still have
12 time.

13 MR. ROBINSON: So with regards to the comment
14 made by the attorney -- and I would hope the Board
15 would actually know this -- a parent or legal
16 guardian has complete consent, complete right to make
17 a -- if I would like to have -- if I feel like
18 [STUDENT] is doing well and that he can survive --
19 because my thought is -- I believe in excellence
20 through education. Given my degrees, given my
21 certifications, given my natural field, a parent has
22 exclusive rights that with the strike of a pen I can
23 say make this change. There are no evaluations that
24 are needed. So for the school district to state that
25 they need to have these procedures take place to see

1 where he's at is misleading. Because a parent can at
2 the will say I want to remove this. And I do have
3 the documentation -- I do have a formal written
4 letter today to actually remove that, which will
5 allow us to go into Sylvan.

6 CHAIRMAN MOORE: Okay. Thank you. And, again,
7 I think we are -- we're focused on the district-to-
8 district transfer at this point.

9 Any questions or discussion? If not, the floor
10 will be open for a motion.

11 MS. ROLLINS: I make the motion that we grant
12 the appeal.

13 CHAIRMAN MOORE: Okay. There's a motion to
14 grant the appeal. Is there a second?

15 MS. HUNTER: Second.

16 CHAIRMAN MOORE: Second by Ms. Hunter. All in
17 favor say "aye."

18 (UNANIMOUS CHORUS OF AYES)

19 CHAIRMAN MOORE: Any opposed?

20 The motion passes.

21 Thank you, Districts, and thank you for being
22 here today.

23 With that, I believe that is the end -- yes,
24 that is --

25 MR. WOOD: Could I -- I'm sorry.

1 CHAIRMAN MOORE: Yes.

2 MR. WOOD: Dr. Moore, can I make just one brief
3 comment?

4 CHAIRMAN MOORE: Yes.

5 MR. WOOD: I feel like that today's hearing on
6 this might could've been avoided if the district were
7 to communicate better with the parents in this
8 situation. It seems as though a denial was made that
9 wasn't necessarily a denial. When they come in here
10 and say we'll take him, we just can't put him in that
11 school, it seems like that's almost -- it's almost as
12 though the application should have been granted and
13 then a conversation about what school to go to, to
14 avoid a hearing.

15 MR. BEQUETTE: That's a great point, Mr. Wood.
16 If I may?

17 CHAIRMAN MOORE: Yes.

18 MR. BEQUETTE: I'd like Dr. Warren to address
19 that. Because she did mention that there was a pre-
20 enrollment conference after the choice application
21 was filed, and I'm not sure if Dr. Warren attended
22 that.

23 Dr. Warren?

24 DR. WARREN: No, I do not attend those
25 conferences. Those conferences are for the school

1 personnel that's being requested; so in this case it
2 was the Sylvan Hills High School. So what I can do
3 is make contact with Mr. Robinson and offer him
4 Maumelle High School, because we do have space at
5 Maumelle High School.

6 CHAIRMAN MOORE: Okay. And we'll have the
7 family -- the Agency will work with you all as you --
8 to contact the district to figure out -- our role is
9 not within that building on the capacity.

10 MR. BEQUETTE: Right.

11 MR. ROBINSON: So --

12 DR. WARREN: Yes.

13 MR. ROBINSON: So I'm clear on everything, my
14 appeal that you just approved was specific for Sylvan
15 Hills?

16 CHAIRMAN MOORE: It was not. We do not have the
17 authority --

18 MR. ROBINSON: Okay.

19 CHAIRMAN MOORE: -- for schools; ours is just
20 district.

21 MR. ROBINSON: Okay.

22 CHAIRMAN MOORE: And so we made -- the motion
23 was passed --

24 MR. ROBINSON: And if I remember correctly, the
25 Superintendent did state without the IEP Sylvan is an

1 option. And I have removed the IEP as of this
2 meeting.

3 CHAIRMAN MOORE: Okay. So you all can have that
4 conversation later.

5 MR. ROBINSON: Thank you.

6 CHAIRMAN MOORE: Our meetings are recorded and
7 transcribed, as well.

8 And I guess from that conversation too I
9 struggle with -- and maybe, you know, before our
10 hearings next year having a little bit of a work
11 session, because I also see school choice as totally
12 blind to students, and having these -- whether
13 districts can even have a pre-meeting to determine if
14 a student can transfer or not.

15 MR. BEQUETTE: Right.

16 CHAIRMAN MOORE: And I saw some things in policy
17 today that I question as well. So I think -- I know
18 there's a few little changes that as the Agency
19 communicates with districts for next year's cases.

20 MS. WAGNER: That documentation that was
21 submitted to you, if we're going to enter that into
22 the record that needs to be fully redacted before
23 it's admitted into the record.

24 CHAIRMAN MOORE: Okay. Thank you.

25 MS. WAGNER: So, just note that.

1 CHAIRMAN MOORE: Thank you.

2 (WHEREUPON, Robinson's Exhibit One (1) was
3 redacted, marked for identification and entered into
4 evidence.)

5 CHAIRMAN MOORE: So the end of school choice.
6 Any other comments there?

7 And, y'all, I regret that I didn't initially
8 congratulation Ms. Salaam on being here today, her
9 first meeting. Got caught up in my first meeting.
10 But we're so happy to have you here today, Teacher of
11 the Year. Such a wonderful honor and we're excited
12 to get to know you and work with you this year.

13 MS. SALAAM: Thank you all.

14 CHAIRMAN MOORE: Thank you. Sorry I didn't say
15 that at the beginning. Welcome.

16 We're going to move on --

17 MR. WOOD: Well, in the same vein, I'm not sure
18 much was said to congratulate you on your first
19 meeting --

20 CHAIRMAN MOORE: Oh, it's all right.

21 MR. WOOD: -- as Chair --

22 CHAIRMAN MOORE: Don't get me off track.

23 MR. WOOD: -- Chair of the Board. Okay, I
24 won't.

25 CHAIRMAN MOORE: Thank you.

1 MR. WOOD: Congratulations.

2 CHAIRMAN MOORE: Yeah.

3 2) CONSIDERATION OF REQUEST FOR ACT 1240 WAIVER BY
4 JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT

5 CHAIRMAN MOORE: So Item -- Action Item 2, Act
6 1240 Waiver by Jacksonville North Pulaski School
7 District. We have Superintendent Owoh online here.
8 But, first, we'll start with Mr. Reynolds from the
9 Agency.

10 MR. REYNOLDS: Good morning. Stephen Reynolds
11 for the -- attorney for the Department.

12 Before you is the Jacksonville North Pulaski
13 School District. They're requesting an Act 1240
14 waiver for Attendance, Six-Hour Instructional Day,
15 Clock Hours, and Recess. The district is seeking its
16 waivers for its virtual option for its students.

17 A little bit of background: during Covid the
18 Department allowed districts to waive -- waivers for
19 their digital learning programs and we're moving away
20 from that now. So we've told school districts that
21 they need to go through the Act 1240 process or do
22 something like apply for a district conversion
23 charter. It's my understanding that Jacksonville
24 North Pulaski is the first school to try this waiver
25 process in this way, so they get to be the guinea

1 pigs. It's my understanding that they're seeking
2 this waiver for a limited time. I thought it was one
3 year, but the district has told me it's three years;
4 so they'll have to confirm that. But it's for --
5 either way, it's for a limited time; it's just for
6 the students in this program, and they're going to
7 start pursuing the district conversion charter.
8 Again, I don't want to speak for them; I'll let them
9 confirm that on record.

10 As far as procedures, I don't think there's
11 anybody here that opposes this waiver. So the
12 district has 20 minutes to present its case. But, as
13 always, the Board can ask questions at any time and
14 grant any additional time.

15 So with that, we've got a couple of folks on
16 Zoom and a couple of folks here in the audience. And
17 Doctors Picard, Walker, and Owoh are on Zoom, and
18 then Michael Vincent and Lorri Stinton -- Stinnett
19 are here in person. So the floor is theirs.

20 CHAIRMAN MOORE: Thank you.

21 Whoever wants to start from Jacksonville.

22 DR. OWOH: Good morning again, Board -- State
23 Board Members. I'll start off just by stating that,
24 you know, in this age of choice, you know, we
25 definitely understand the importance of giving our

1 scholars and our parents choice. And within our
2 district itself we would like to continue to be able
3 to offer choice of a virtual or digital learning
4 experience. We've had several students to actually
5 perform well, perform better in a digital learning
6 environment. And so we would like to allow them to
7 have that opportunity as scholars in our school
8 district.

9 As stated, we have Dr. Amanda Picard here
10 virtually, Director of our Curriculum and
11 Instruction, and Dr. Janice Walker, Assistant
12 Superintendent, Curriculum and Instruction. And
13 then, of course, I have two team members there in
14 person with you to answer any questions that you may
15 have.

16 CHAIRMAN MOORE: Thank you.

17 Okay. We'll start with questions then.

18 Mr. Sutton?

19 MR. SUTTON: No, ma'am.

20 CHAIRMAN MOORE: Mr. Henderson?

21 MR. HENDERSON: No.

22 CHAIRMAN MOORE: Ms. Salaam?

23 MS. SALAAM: (Shaking head from side to side)

24 CHAIRMAN MOORE: Ms. McFetridge?

25 MS. ROLLINS: I don't have any.

1 CHAIRMAN MOORE: Okay. Ms. Hunter?

2 MS. HUNTER: So in reading over the information
3 in the packet, did I understand that there will be
4 attendance taken for certain grades but not for
5 others? And if so, can you explain?

6 MS. STINNETT: Yes. In our K-5 virtual program
7 scholars are required to log in every day and
8 participate in the synchronous instruction, live
9 instruction with our teachers. Grades 6 through 12,
10 we're -- we will be using Imaginary Learning --
11 Imagine Edgenuity -- excuse me. And the way that
12 works, it's a flex scheduling; so the student gets
13 credit as long as they have all their work turned in
14 by the end of that semester and they, you know,
15 announce a due-date and everything. So with that
16 being said, it would be impossible to do like a daily
17 attendance for grades 6 through 12.

18 Last year we used ARVA and it -- same thing;
19 most of these companies, that's what they do for
20 grades 6 through 12.

21 MS. HUNTER: Okay.

22 MS. STINNETT: Some scholars require the full
23 amount of instructional time and some do not. That's
24 one of the positives for some families and scholars
25 to offer the virtual program.

1 MS. HUNTER: Understood. So in that same vein,
2 there -- I think I read that there's going to be a
3 coordinator to monitor participation and submission
4 of assignments?

5 MS. STINNETT: Yes, that is true. We've not
6 done that in the past, but this year I will be that
7 coordinator. I have had experience before working
8 with the virtual program, and so I will be checking
9 in with scholars each week, looking at their
10 performance, looking at their attendance for K-5.
11 And if there is an issue with secondary scholars not
12 turning their work in and I feel that they're waiting
13 till the last minute at the end of the semester, I'll
14 be contacting those parents.

15 MS. HUNTER: Okay. So even though their work is
16 not required to be submitted till the end of the
17 semester, which I think you said earlier, there is an
18 expectation that they're submitting things along the
19 way?

20 MS. STINNETT: Yes.

21 MS. HUNTER: Okay.

22 MS. STINNETT: We will be monitoring that
23 closely.

24 MS. HUNTER: Okay. Thank you.

25 SUPT. OWOH: Ms. Hunter, if I can add on to

1 that, that's one of the reasons why we added the
2 virtual coordinator is so that we had someone that
3 was designated just for our scholars in that digital
4 learning environment, to make sure we're providing
5 support and resources throughout the school year,
6 throughout the semester, so that they will stay on
7 track and receive any support that they may need
8 during this experience.

9 MS. HUNTER: Okay. Thank you. It just kind of
10 seems a little contradictory to not expect things to
11 be turned in by the end of semester, but then you're
12 going to monitor their progress throughout the
13 semester. It -- they just kind of seem a little --

14 MS. SMITH: Yeah. I want to -- it requires --
15 there is -- even if you're not keeping it daily,
16 there is a requirement in law that you're required to
17 keep some type of attendance and a process for that,
18 even through digital learning. So there has to be
19 some type of process where you're monitoring and
20 maintaining and keeping -- the kids are at their mark
21 and that they are attending to their work. So that's
22 probably something that we need to go back and
23 revisit on that. You have to have a process for
24 attendance. It doesn't have to be daily.

25 Go ahead.

1 MR. REYNOLDS: I just wanted to interject -- I
2 think that the district has got a PowerPoint
3 presentation, so they can go ahead and present that
4 at any moment. Sorry.

5 MR. VINCENT: That PowerPoint is ultimately to
6 support the conversation. So --

7 CHAIRMAN MOORE: Okay.

8 MR. VINCENT: -- if y'all want us to go through
9 it, we can. We can use it as back-up documentation.
10 I figured that you might want to look at the
11 performance of our scholars and how that stacks up
12 against our onsite programs, so some of that is in
13 there. But just know that that's just to support
14 conversations.

15 MS. STINNETT: To answer your question, I think
16 that we can work with Imagine Edgenuity and like at a
17 certain point in the nine weeks a certain percentage
18 needs to be --

19 MS. SMITH: Right.

20 MS. STINNETT: -- turned in. Would that work
21 for you?

22 MS. SMITH: Yeah. The -- you have the ability
23 to define how you're going to keep the attendance.

24 MS. STINNETT: Okay.

25 MS. SMITH: But you have to have some type of

1 definition of procedure that you're going to follow
2 through --

3 MS. STINNETT: Okay.

4 MS. SMITH: -- and to monitor.

5 MS. STINNETT: All right. Sounds good.

6 CHAIRMAN MOORE: Are you --

7 MS. HUNTER: And, I mean, just for my -- I'm
8 seeing attendance and progress as two different
9 things. I don't know if that's right. But, you
10 know, I just would hate to get to the end of the
11 semester and like the progress -- you know, we just
12 haven't measured progress appropriately, maybe
13 measuring attendance in some way. But, you know, you
14 give up half the school year by not measuring that
15 progress along the way, especially if there's the
16 expectation that they don't have to turn it in till
17 the end of the semester. That's -- and I keep
18 harping on that, and maybe I'm not understanding what
19 I read.

20 MS. STINNETT: That would actually be broken up
21 into four nine-week periods.

22 MS. HUNTER: Okay.

23 MS. STINNETT: So two nine-week periods would
24 equal that semester. So there is a due date at the
25 end of that first nine weeks, a due date at the end

1 of the second nine weeks.

2 MS. HUNTER: Okay.

3 MS. STINNETT: Maybe that will offer a little
4 bit more clarity.

5 MS. HUNTER: Yes. Yes. I just think I read
6 semester.

7 MS. STINNETT: One thing, too, that appealed to
8 us for Imagine Edgenuity is they also offer
9 synchronous support and synchronous instruction. And
10 they do have a teacher that will also be checking in
11 with our scholars each week. So they will have both
12 me and that individual helping to support them, to
13 make sure they're on-track.

14 MS. HUNTER: Thank you.

15 CHAIRMAN MOORE: Questions, Mr. Henderson?

16 MR. HENDERSON: Yeah. With regards to measuring
17 results, I notice the waiver is -- request is only
18 for one year. Is that practical to be able to have
19 measurable results for -- with a one-year time --
20 timeframe?

21 MR. VINCENT: As Mr. Reynolds pointed out, we
22 would actually like this waiver to be for a three-
23 year time-span. And the reason for that is we're
24 looking into filing for a conversion charter and feel
25 like the waiver -- I mean we could have a one-year

1 time-span, but we'll be back here next year in this
2 same place as we apply for the charter. We
3 researched going ahead and doing a charter conversion
4 this year and -- it was in April, and found out that
5 we had -- it was just not -- there was not enough
6 time to get started.

7 So you're correct; the time-span is short and
8 that's one of the things -- I know that when we set
9 this out we did not see a question or a prompt for
10 how many years we can request for. But we definitely
11 would like the three years. However, if it's a one-
12 year thing, we can appear before the Board again.
13 That's not a problem. We -- of course, we've got
14 data on our virtual program to speak for in the past
15 and up to current. Ms. Stinnett is -- she follows
16 that very closely; so if you have a data question we
17 can definitely dig into that. But we've -- the third
18 or fourth slide on this PowerPoint has a chart that
19 shows our current data -- yeah, just a graphic that
20 we created, just to point out that it's on par with
21 our growth of students on our onsite programs. I
22 believe, off the top of my head, the -- and this is
23 off the top of my head -- we had like 83% virtual.
24 And I think that we looked at our elementaries, which
25 is the primary -- that's our primary attendance pool

1 -- and the virtual programs for the district was 84.
2 So, very similar.

3 MS. STINNETT: Also, let me just add to that --
4 when a family fills out the application for their
5 scholar to have virtual instruction, it is a semester
6 commitment. So at semester if that scholar is not
7 being successful, then they will be required to
8 return back on -- for onsite instruction. This past
9 year we had nine students, in December, that had to
10 go back to the building.

11 MR. HENDERSON: Thank you.

12 CHAIRMAN MOORE: Can you share what your -- what
13 was your enrollment last year for the virtual?

14 MS. STINNETT: We -- for K-12 we had 62
15 scholars.

16 CHAIRMAN MOORE: Okay. And do you know what it
17 will be for this coming year?

18 MS. STINNETT: Not yet. We have not publicized
19 our program until we had your approval. But we
20 already have parents inquiring about it. And that's
21 one of the reasons why we've continued with the
22 virtual program; maybe due to the time period during
23 Covid, but a lot of parents have grown accustomed to
24 having this option.

25 We also have a large military enrollment in our

1 district and the virtual instruction option gives
2 those military families more flexibility for
3 immediate change in life. The students may have to
4 go live with a grandparent periodically for a period
5 of time. A lot of times mom or dad comes in on leave
6 and that gives the child and the parent an
7 opportunity to go visit family while they're here,
8 and they can just pick up their Chromebook, continue
9 school; there's no disruption in the learning. So
10 that's one of our major reasons.

11 We also have scholars who are very fragile as
12 far as health or mental disorders and they do not do
13 well in a normal school environment. And so they
14 have done very well in the virtual setting, and so
15 these parents wish to continue that.

16 Another thing that has been another reason why
17 we've pursued this is that we also have some scholars
18 where parents want to be more involved in their
19 learning, and so this gives them an option opposed to
20 home-schooling their child. And that's -- you know,
21 that's 62 scholars that we originally enrolled that
22 have benefitted from this program. So as a district
23 team we felt like it was very important that we
24 continue to try and meet the needs of our community.

25 CHAIRMAN MOORE: Thank you. I have a few more

1 questions, if you don't mind.

2 MS. STINNETT: Sure.

3 CHAIRMAN MOORE: Looking first at the K-5 space,
4 these are your district teachers that are teaching
5 virtually?

6 MS. STINNETT: Yes, ma'am.

7 CHAIRMAN MOORE: Are they teaching -- are they,
8 you know, solely assigned to teaching virtual --

9 MS. STINNETT: Yes, ma'am.

10 CHAIRMAN MOORE: -- or are they splitting jobs
11 between --

12 MS. STINNETT: Solely virtual instruction.

13 CHAIRMAN MOORE: Okay. And I notice that there
14 is synchronous and asynchronous. What does reading
15 instruction look like, especially in the K-3 space?

16 MS. STINNETT: It is synchronous using the
17 Science of Reading. Our teachers are trained and
18 proficient in Science of Reading. We're also a
19 district Level 4, and so we are making sure to --
20 that all the different components required of us are
21 included in the instruction. If you look at the --
22 there's a link you can click on in our PowerPoint
23 that has our instructional schedules and it breaks it
24 down exactly what's being covered each day.

25 CHAIRMAN MOORE: So for a -- say a 2nd grade

1 student, are they every day receiving synchronous
2 instruction?

3 MS. STINNETT: Yes, ma'am. Live instruction
4 every day, Monday through Friday.

5 CHAIRMAN MOORE: Okay.

6 MS. STINNETT: Those lessons are also recorded
7 so that if a student is sick they can go back in the
8 evening-time and replay that lesson, or if they just
9 need some reinforcement on the lesson -- or if the
10 parent does they can go back and review it.

11 CHAIRMAN MOORE: Okay. As far as the 6-12 space
12 goes, this will be the first time y'all use this new
13 program. Is that correct?

14 MS. STINNETT: No.

15 CHAIRMAN MOORE: No?

16 MS. STINNETT: We have -- this past year we
17 provided virtual instruction for 6-12 and we used
18 Arkansas Virtual Academy.

19 CHAIRMAN MOORE: Okay. But you're switching to
20 the Imagine --

21 MS. STINNETT: Imagine Edgenuity.

22 CHAIRMAN MOORE: Okay.

23 MS. STINNETT: Because there's more hands-on,
24 there's more synchronous instruction, and there's
25 also more monitoring being done by their teachers.

1 CHAIRMAN MOORE: Okay. And you've talked to
2 other districts or how -- what came to make that
3 decision for you all?

4 MR. VINCENT: Our district has used Edgenuity in
5 the past for credit recovery, credit retainment, when
6 we have a problem filling a position. I know that
7 we've had a history taught over Edgenuity this year.
8 So that -- not only do we feel it's just a superior
9 product for us, it would make it a little bit easier
10 on students, especially a student that has to
11 transition from the virtual program to an onsite
12 program; if they have to do some credit recovery,
13 they will be using that Edgenuity platform. So, you
14 know, just the option for a consolidated vendor there
15 and make sure that the student's experience is the
16 same.

17 CHAIRMAN MOORE: Okay. Thank you.

18 MS. STINNETT: One other thing on my pad,
19 another part of our why, if we have any students who
20 have -- are under expulsion we also incorporate them
21 into our virtual learning K-5 with our teachers,
22 which is very similar or the same as they would have
23 onsite. And then our 6-12 would also have Edgenuity
24 to maintain or earn their credits so they'll be on
25 track for graduation and they don't lose out on that.

1 CHAIRMAN MOORE: Okay. Thank you.

2 Any other questions?

3 MS. ROLLINS: Yes. I've got a couple.

4 CHAIRMAN MOORE: Ms. McFetridge.

5 MS. ROLLINS: How are you working with your
6 parents?

7 MS. STINNETT: A lot of times, K-5, the parents
8 are right there beside the student, and it's amazing
9 to watch them learn along with the students. And the
10 teachers send out weekly newsletters. The parents
11 have access to the Google Classroom, which is the
12 platform that we deliver the synchronous instruction
13 each day for K-5. The teachers are in constant
14 communication with parents, just like they would be
15 if the scholar was onsite. I am in communication
16 with parents. If they do not -- if they're not
17 satisfied with the communication level or they have a
18 question about something, well, then they contact me.
19 And I will be in contact with those parents if their
20 scholar is not showing up for instruction or they're
21 not completing the amount of -- percentage amount of
22 work that needs to be turned in during the nine weeks
23 and the semester. So it's an ongoing communication
24 back and forth between parents and scholars and
25 teachers and myself.

1 MS. ROLLINS: So your teachers and yourself are
2 available during those school hours?

3 MS. STINNETT: Yes.

4 MS. ROLLINS: Okay.

5 MS. STINNETT: Yes.

6 MS. ROLLINS: How about professional
7 development? It's different teaching online than in
8 person, I would imagine.

9 MS. STINNETT: It is different. Currently, two
10 of our teachers are certified to teach virtually.
11 They've been doing it since Covid, and so they love
12 it and so they went and got their certification. And
13 the other -- outside of that, their professional
14 development is -- the same amount is required of them
15 as it is any other certified teacher in the district.
16 But they have each gone to different trainings to
17 help prepare them for the software and having a more
18 enriching, engaging virtual instructional period.

19 MS. ROLLINS: Okay. Thank you.

20 MS. STINNETT: Uh-huh.

21 CHAIRMAN MOORE: Any questions, Mr. Wood?

22 MR. WOOD: Yeah. Does your virtual option --
23 does it have a separate LEA number or is this just a
24 blended community from all of your campuses?

25 MS. STINNETT: It is just another learning

1 instructional option that our district is offering at
2 this time, but our ultimate goal is to continue to
3 build this program. And we would like to apply for a
4 conversion charter and that's our ultimate goal.

5 MR. WOOD: Okay. Have --

6 MS. STINNETT: When we do that, if we're
7 approved for that, then we would have our own LEA.

8 MR. WOOD: And do you have measures in --
9 measurements in place measuring the effectiveness of
10 the virtual environment?

11 MS. STINNETT: Yes. I have -- I have a whole
12 lot of data to show you that our virtual scholars are
13 performing comparable to our onsite scholars. And
14 then, once again, if they are not performing where
15 they should be that in December they will be required
16 to go back to onsite instruction.

17 MR. WOOD: Uh-huh. So the percentage of your
18 students that are ready or proficient in reading is
19 about the same --

20 MS. STINNETT: Yes.

21 MR. WOOD: -- as the students who attend a live
22 classroom?

23 MR. VINCENT: One percentage difference. One
24 percentage point --

25 MR. WOOD: One percentage point?

1 MR. VINCENT: -- is what I --

2 MR. WOOD: Okay.

3 MR. VINCENT: Yes, sir.

4 MR. WOOD: All right.

5 MR. VINCENT: Or, excuse me, that's math. It's
6 similar. I don't know. You asked specifically for
7 reading. Correct?

8 MR. WOOD: Sure.

9 MS. STINNETT: There is a graph that should be
10 --

11 MR. WOOD: Yeah.

12 MR. VINCENT: There's a Notes section that you
13 just can't see on the printout. And I believe -- I
14 know that the reading is 78 and the math is 83. And
15 I know that our district combined growth in the -- of
16 the similar schools, the ages, was 84%; so it's
17 similar.

18 MR. WOOD: Okay.

19 MS. STINNETT: We also have a link there on that
20 same page. We do a parent survey and then a survey
21 of our scholars 3-5, and it is very positive. There
22 was not anything negative. It was -- the parents
23 love the program and that's one reason why we as a
24 district have chosen to continue to pursue it and
25 offer it to our community, is we feel like it's

1 important. You know, we finished out I think with 58
2 students, and so that's 58 students where we were
3 able to meet their needs, whereas they may have gone
4 somewhere else where they would not have had those
5 needs met and also created a hardship on the family.

6 MR. WOOD: Okay.

7 MS. ROLLINS: Are your teachers able to work in
8 the PLCs together?

9 MS. STINNETT: Absolutely.

10 MS. ROLLINS: Okay.

11 MS. STINNETT: Yes.

12 MS. ROLLINS: Tell me how that works with your
13 virtual teachers.

14 MS. STINNETT: We have a time set aside during
15 their planning time where we sit down and meet
16 together. And their planning time each morning is
17 from 7:15 until 8:00, and so we sit down one day a
18 week and have those PLC meetings. And our teachers
19 are trained in the professional learning communities.
20 We've had extensive work, working alongside Solution
21 Tree.

22 MS. ROLLINS: Okay. Thank you.

23 MS. STINNETT: Uh-huh.

24 CHAIRMAN MOORE: More questions?

25 I have a few more, if you don't mind.

1 Do you provide technology to students?

2 MS. STINNETT: Do we provide it?

3 CHAIRMAN MOORE: Yes.

4 MS. STINNETT: Yes, ma'am. We certainly do.

5 CHAIRMAN MOORE: Are students able to access
6 meals at school?

7 MS. STINNETT: Yes, ma'am.

8 CHAIRMAN MOORE: And then, are they able to
9 access extracurriculars or sports?

10 MS. STINNETT: Yes, ma'am.

11 CHAIRMAN MOORE: And is that at their resident
12 zoned school, or how does that work?

13 MS. STINNETT: Yes. That's the way that works.

14 CHAIRMAN MOORE: Okay.

15 MS. STINNETT: They do have access to any
16 extracurricular activities.

17 CHAIRMAN MOORE: Okay.

18 MS. STINNETT: Uh-huh.

19 CHAIRMAN MOORE: I think -- and I have an Agency
20 question, if y'all don't mind, for the Agency.

21 I think -- let's see -- during Covid we allowed
22 almost -- almost every district that came to us to
23 receive a waiver for virtual education. At this
24 point, obviously, it's a different story and we have
25 districts like this that want to continue virtual

1 education. My ongoing concern is that by doing this
2 through the waiver process we're not able to speak to
3 what Jeff just said, is we're not able to see who
4 these students are because they just sort of fall
5 under the radar in their district. We also may or
6 may not have districts that are -- you know, like
7 them and devoting teachers to the online school
8 versus teachers who are still trying to do both
9 things at the same time. Is there greater Agency
10 conversation about that? What does that look like?

11 MS. SMITH: So even pre-Covid, school districts
12 were able to offer digital courses through digital --
13 approved digital providers. So that was before
14 Covid. There's a whole list and there's
15 qualifications and things that to be a digital
16 provider you have to do. Okay. So Edgenuity is on
17 that list to be a digital provider. When you're
18 granting a waiver, especially for high school,
19 there's very little, I think, that the school even
20 has to ask for. I mean every school in the state
21 could offer digital courses in their high school.
22 The difference is the kids sitting at home versus
23 sitting in the classroom. Okay. A lot of your
24 digital providers are still course-by-course
25 throughout the day and kids sitting in school. This

1 changed it where it was where are the kids actually
2 at. And also when you're getting into like Edgenuity
3 some of that again is self-paced and you're -- you
4 know, you can work on Algebra 1 all day long if you
5 wanted to instead of switching from course to course.
6 So I think the high school piece has been in place
7 for a long time and you see that with flex schedules
8 and some of those things. Elementary is probably
9 where most of the waivers are needed because there
10 are specific requirements in elementary, time and
11 instruction. And I know there was lots of concerns
12 around especially teaching reading in primary grades,
13 and Covid really waved that to the front, that a lot
14 of the programs were not aligned and did not meet the
15 requirements of the law. We've seen districts shift
16 and -- where they have their own teachers teaching
17 that. I think, you know, we do have full-on virtual
18 schools throughout the state and we do -- like here,
19 you're having a school that has options of virtual
20 classrooms that are offsite. And we -- I know we've
21 talked internally about -- we've stopped doing these
22 blanket digital learning plans and doing the waiver
23 like this or doing a charter conversion school so
24 that you have that data piece. It's my understanding
25 that that was what Jacksonville School District was

1 moving toward, is creating a whole digital -- so it
2 would be a separate LEA --

3 MS. STINNETT: Yes, ma'am.

4 MS. SMITH: -- where those kids are not part of
5 everybody else. Which I think is what we would like
6 to see school districts start doing, if they're going
7 to do this, that they have that really intentional
8 piece that's planned for. So I do think there's a
9 bigger conversation there.

10 I don't know -- Stephen, did you want to add
11 anything else to that? I saw you walk up earlier.

12 MR. REYNOLDS: No. That's right. It's
13 basically more of a bridge to get from digital
14 learning program, but -- where most schools were
15 working under, to getting to a district conversion
16 charter. And it's just trying to figure out how
17 that's going to work.

18 MS. SMITH: I think the thing today that I'm
19 really listening for -- and even kind of piggybacking
20 on some conversation I heard earlier this morning on
21 other topics -- is here you have Jacksonville School
22 District teachers who are teaching at the elementary
23 school and they're still responsible for those
24 students. Then you're getting to the high school and
25 you're going with a digital provider that's providing

1 the teacher-of-record. It does not release the
2 Jacksonville School District from insuring that what
3 that vendor is providing is high quality. And that
4 your principals are still observing classrooms with
5 those providers and insuring that it is of quality.
6 And so I think that's -- when you guys are asking
7 questions up here, you're really asking quality
8 questions -- again, kind of piggybacking on that
9 conversation this morning, is how is the Jacksonville
10 School District insuring that -- it's not that we've
11 hired Edgenuity to offer Algebra and kids are going
12 to go through it on their own and at the end of the
13 year they did great; it's how are you insuring that
14 who you hired to do that is doing that and
15 monitoring. Because they're still your kids. They
16 don't become Edgenuity's kids; they're your kids.

17 MS. STINNETT: Exactly.

18 MR. VINCENT: And if I can, just to speak to
19 that point, that is a big point and reason that we
20 want to move all services to Edgenuity. Their
21 platform for the tracking the progress, the color-
22 coding of -- you know, hey, there's red, this kid is
23 not -- you know, he's not progressing the way they
24 should. They're automated reports.

25 MS. SMITH: So you have in-district people who

1 are monitoring that?

2 MR. VINCENT: Yes.

3 MS. SMITH: Okay.

4 MR. VINCENT: Yes, we do. And we've got it set-
5 up where we're going to have reports at a steady
6 pace, and they've told us that it can be weekly,
7 daily, whatever we want it to be to show which
8 students might be of concern to respond to. So there
9 are a lot more tools to notify and keep everybody
10 aware of student progress in Edgenuity over the
11 platform we had, and so that's one of our big reasons
12 for moving to that platform.

13 CHAIRMAN MOORE: Further questions to my left?
14 Questions down here?

15 Any discussion before we are open for a motion?

16 MS. SMITH: Did you want to clarify the years?

17 CHAIRMAN MOORE: Yeah, let's clar- -- I mean now
18 whoever makes the motion will have to clarify. On
19 our agenda it is stated as one year; in the packet,
20 I'm not sure it's stated. And so --

21 MS. ROLLINS: Their application does say three
22 years.

23 CHAIRMAN MOORE: Okay. So whoever makes the --
24 whatever the motion is will need to clarify. And,
25 actually, I do have a question on that.

1 So the three years for you all, will you not
2 apply for the conversion charter school this upcoming
3 spring?

4 MR. VINCENT: Yes. That process, from our
5 understanding, will take a year.

6 CHAIRMAN MOORE: Okay.

7 MR. VINCENT: And so I think that it might be --
8 the 25-26 school year would be the implementation
9 year of the charter, if it were approved.

10 CHAIRMAN MOORE: Okay.

11 MR. VINCENT: So the waiver we would really need
12 to cover up to that point.

13 CHAIRMAN MOORE: Okay. Any more questions?

14 MS. ROLLINS: I'll go ahead and make the waiver
15 -- approve the waiver for the three-year period.

16 CHAIRMAN MOORE: We have a motion to approve the
17 waiver. Is there a second?

18 MR. SUTTON: I'll second.

19 CHAIRMAN MOORE: We have a second.

20 MR. WOOD: Which waiver? Are all of them
21 grouped together?

22 MS. ROLLINS: I thought so.

23 CHAIRMAN MOORE: Okay. So let's make sure that
24 is correct. So you're saying that all of the waivers
25 in this packet for the 1240 --

1 MS. ROLLINS: Yes.

2 CHAIRMAN MOORE: -- is the motion?

3 MS. ROLLINS: Yes.

4 CHAIRMAN MOORE: Okay. For a three-year period
5 for all of them?

6 MS. ROLLINS: Yes.

7 CHAIRMAN MOORE: Okay. Okay. That is the
8 motion. All in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN MOORE: Any opposed?

11 The motion passes. Thank you for clarifying.

12 MS. STINNETT: Thank you so much.

13 MR. VINCENT: Thank you all.

14 CHAIRMAN MOORE: Thank you.

15 Okay. Next on our agenda -- do we -- anyone
16 need a break before --

17 Okay. So let's do a five-minute break and start
18 back here at 10:43-ish.

19 (BREAK: 10:40 a.m. - 10:50 a.m.)

20 3) RECOMMENDATION FOR ACCREDITED PROBATION STATUS FOR THE
21 CUTTER MORNING STAR SCHOOL DISTRICT

22 CHAIRMAN MOORE: Let's start action item 3,
23 Recommendation for Accredited Probation Status.

24 Shastady Wagner from the Agency. Andres -- you told
25 me that.

1 MR. RHODES: So I'm not Shastady, for the
2 record. I'm going to go over the procedure and then
3 Shasta will handle the actual argument.

4 CHAIRMAN MOORE: Okay.

5 MR. RHODES: So, good morning, Chair and Board
6 Members. My name is Andres Rhodes. I'm the new
7 Chief Counsel for the Department. So I just want to
8 take a quick moment of personal privilege to just
9 introduce myself for everyone.

10 So next on our agenda is Item 3, like the Chair
11 mentioned, and this is an appeal of investigation
12 held by the Department on the Cutter Morning Star
13 School District. Shastady Wagner will be presenting
14 the Department's findings to support the Department's
15 recommendation to place the district in accredited
16 probation status. The district has appealed the
17 Department's May 17, 2023 findings and the
18 Department's recommendation.

19 The Standards of Accreditation rules provide
20 that each side has 20 minutes to present their case-
21 in-chief, and, Chair Moore, you may extend that time
22 if you wish at your discretion. The Department of
23 Education will present first, followed by the
24 district, and all persons testifying need to be under
25 oath. At the conclusion of both presentations the

1 Board may discuss, deliberate, vote and -- and vote
2 on the matter. However, the Board may ask questions
3 at any time during each of the foregoing
4 presentation. Ultimately the Board can choose to
5 affirm the Department's findings and recommendation,
6 which would be the probation of accreditation for the
7 district, with a written order to that effect.
8 Likewise, the Board can choose to sustain the
9 district's appeal, in writing, and not place the
10 district in that status. Alternatively, there is a
11 third option, which is the Board may choose to impose
12 a lesser assignment and place the district in cited
13 status. So for some background, the district may be
14 placed in cited status when it fails to meet the
15 standards Ms. Wagner will present. For a district to
16 be placed in probationary status it must fail to meet
17 the same standards or be given cited status for two
18 consecutive years.

19 There will be two votes, one to adopt or reject
20 the Department's recommendation, and a second vote to
21 affirmatively place the district in whichever status
22 you may see fit. Your ruling is appealable to the
23 Pulaski County Circuit Court under the Administrative
24 Procedure Act.

25 And I will now cede the floor to Ms. Wagner, and

1 then to the appellant's counsel.

2 CHAIRMAN MOORE: Thank you, Mr. Rhodes.

3 All right. I'll swear in all parties who will
4 be speaking. Thank you. Do you swear or affirm that
5 the testimony you're about to give shall be the
6 truth, the whole truth, and nothing but the truth?

7 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

8 CHAIRMAN MOORE: Thank you.

9 And I will ask whoever steps up to the
10 microphone to introduce themselves. I haven't
11 reminded that today. Thank you.

12 MS. WAGNER: Good morning, Board. Again,
13 Shastady Wagner with DESE Legal.

14 So I actually have a presentation for you guys
15 to kind of go over -- so we're here today based on
16 the Division's recommendation that the Cutter Morning
17 Star district be placed on accredited probation
18 status for the violation of -- hang on.

19 Chauncey, which way do I do this?

20 There we go.

21 Okay. The violation of Standard 2-B.2, which
22 states that each public school shall maintain
23 accurate student attendance records in the format
24 prescribed by the Division. You will notice the D
25 and P next to that standard, which means that it is a

1 district-wide cite and that the citation is probation
2 for violation of this standard. They are also
3 recommending that the Cutter Morning Star district be
4 placed on accredited cited status for violation of
5 Standard 3-A.3, each public school district shall
6 submit accurate and timely reports deemed necessary
7 to assure compliance with federal and state law and
8 the rules of the Division as requested. Again,
9 you'll see that D and C district-wide -- just means
10 that it is a cited status.

11 There's always going to be a technological
12 glitch. Okay. Oh, no. All right.

13 So, first, we'll talk about a timeline. Really,
14 there are two different investigations here. We
15 started into investigating Cutter and what was going
16 on. We'd received some words about some -- this
17 partnership between ACA, which is All Children's
18 Academy, and the Cutter Morning Star School District.
19 All Children's Academy is a 501(c)(3) educational
20 institution, and Cutter Morning Star, of course, is a
21 traditional school district.

22 You'll notice we started this investigation on
23 8/2/2022. So we actually had -- an onsite monitoring
24 visit took place in October of 2022. In December of
25 2022, a cease-and-desist letter was sent to the

1 Cutter Morning Star School District due to ALE
2 program issues; so had some kids that were coded as
3 ALE in this program that was an unapproved ALE
4 program. We asked them to return \$48,000 due to that
5 issue on 2/22 -- sorry, excuse me -- 12/20/2022.
6 We've continued to monitor this program though; that
7 was specifically in the letter that monitoring of
8 this program would continue. The Cutter Morning Star
9 School District did return the funds and they removed
10 those students that were coded as ALE students --
11 they removed that. That occurred as of February of
12 '23. Repayment had occurred within the 45-day window
13 that we gave them to make all these corrections. So
14 the ALE issue was corrected at that point in time, so
15 this is not an ALE issue going forward.

16 But because we did tell them that investigations
17 would continue, in December of 2022, PSA, Public
18 School Accountability, here with the Division, opened
19 their investigation based on inconsistent data,
20 student data. Okay. In April -- on April 12th of
21 '23, PSA did an onsite investigation where they
22 interviewed administration with Cutter Morning Star
23 School District; they interviewed administration with
24 ACA, and continued, of course, to collect records.
25 And they took people from across the Agency -- which

1 Dr. Sutherlin was actually present for the
2 investigations. If you have any questions about
3 that, he can testify to that specifically. Based on
4 that investigation, findings were made. That letter
5 was sent to Cutter Morning Star School District on 5-
6 17-23. It contained all of the findings and the
7 payments were required -- they had a payment that was
8 required to be returned by June 30th. They did -- so
9 in that they also -- we also told them that the
10 Division would be recommending -- based on what was
11 found in our investigation, based on these two
12 standards violations, we would recommend to this
13 board that the Cutter Morning Star School District be
14 placed on accredited probation status.

15 They submitted an appeal to those findings. We
16 sent them a hearing notice on 6/13/23. They did
17 correct their cycle data for 3, 5 and 6 cycles, which
18 have to do with student attendance and enrollment.
19 And then on 6/30/23, the Cutter Morning Star School
20 District returned their check for the ADM that they
21 owed based on this incorrect enrollment data.

22 All right. So, here are the findings for
23 Standard 2-B.2. So as of the 21-22 school year PSA
24 found that seven students were identified as dually
25 enrolled -- and what we mean by dually enrolled is

1 that these students were enrolled over here at ACA as
2 full-time students who are paying tuition to this
3 private institution and they were also enrolled at
4 Cutter as full-time students where the Cutter Morning
5 Star School District was receiving full ADM for these
6 students. It's noted there that we had students that
7 were falsely identified as ALE students in December
8 of 2022. That payment was made, that \$48,000; they
9 repaid that and they corrected their ALE data. So
10 that ALE issue was done at that point. In the 23 --
11 in the 22-23 school year -- so this previous school
12 year, we identified 19 students that were dually
13 enrolled. Of those 19 students, they were marked as
14 virtual students in eSchool but their schedules did
15 not indicate that they were receiving curriculum or
16 instruction from any Cutter Morning Star educators.
17 Also, according to school choice paperwork that was
18 provided by Cutter Morning Star, all 19 of those kids
19 lived outside of the Cutter Morning Star School
20 District and had school-choiced into that district.
21 According to interviews, those dually enrolled
22 students were receiving full-time face-to-face
23 curriculum and instruction from ACA and no curriculum
24 and instruction from CMS. CMS did provide technology
25 devices for these students, but there was no evidence

1 of curriculum or instruction provided by CMS. CMS
2 received ADM, average daily membership, for all of
3 those dually enrolled students, and this include --
4 included -- they had increased enrollment funding
5 that they were provided as well. ACA was charging
6 tuition to all of these students and CMS had a lease
7 agreement with ACA for facilities. ACA is actually
8 located on CMS's campus.

9 So here, as you will note, due to the
10 unauthorized dual enrollment DESE actually found that
11 the district's total state aid for '22 and '23 had to
12 be reduced by \$55,339. So DESE adjusted the May and
13 June disbursements. Also, there were additional
14 funds that they had been overpaid in the amount of
15 \$33,306, which had to be paid back, and that had to
16 be cut by June 30, 2023, which it was. They cut it
17 back to us and have paid it. You can see the
18 breakdown in those payments there.

19 So that was for Standard 2-B.2 which, reminder,
20 is about accurate student records.

21 Standard 3-A.3, also about student records,
22 Cutter Morning Star did not submit accurate
23 attendance data and cycle submissions, and knowingly
24 falsified their enrollment data. According to
25 interviews, ACA is taking daily attendance for the

1 dually enrolled students; however, CMS staff did not
2 receive any daily attendance from these dually
3 enrolled students. According to eSchool, those ACA
4 students were present every single day for the entire
5 year. That was not corrected until the cycle reports
6 were corrected, which was on June 13th is when those
7 cycle reports were corrected. The district did
8 receive funding based on increased enrollment and
9 attendance, as noted in Finding 1, which was that
10 \$33,000 that had to be returned.

11 So, I'm getting slightly ahead of myself here.

12 If the district -- if you decide to place the
13 district on probation, probationary status, these are
14 the actions that the State Board as a whole can take:

15 So based on the findings from our PSA group we
16 recommended -- we have to bring to the Division our
17 recommendation to the State Board. The Division
18 recommends that the Cutter Morning Star district be
19 placed on accredited probation status for failure to
20 accurately report their students' attendance records,
21 which led to this increase in enrollment funding; and
22 so they had this -- these 19 dually enrolled students
23 that they received funding for which they were not
24 entitled to.

25 So, in conclusion, the Division would ask that

1 you affirm our recommendation and place the Cutter
2 Morning School -- Star -- the Cutter Morning Star
3 School District on accredited probation status for
4 violation of Standard 2-B.2 and accredited cited
5 status for violation of Standard 3-A.3.

6 If you have any questions, we are free to answer
7 any of those.

8 CHAIRMAN MOORE: Thank you, Ms. Wagner.

9 We'll start over here. Mr. Sutton, questions?

10 MR. SUTTON: No.

11 CHAIRMAN MOORE: Mr. Henderson?

12 MR. HENDERSON: No, ma'am.

13 CHAIRMAN MOORE: Ms. Salaam?

14 MS. SALAAM: No.

15 CHAIRMAN MOORE: Ms. McFetridge?

16 MS. ROLLINS: No questions.

17 CHAIRMAN MOORE: Mr. Wood?

18 MR. WOOD: No.

19 CHAIRMAN MOORE: Ms. Hunter?

20 MS. HUNTER: No.

21 CHAIRMAN MOORE: Okay. Then we'll move on to
22 the district at this point. The district will now
23 have 20 minutes to present their case. And please
24 introduce yourself when you get to the microphone.

25 SUPT. ANDERSON: Hi. I'm Dr. Nancy Anderson;

1 I'm Superintendent at Cutter Morning Star.

2 Boy, that really made us sound like we were
3 doing some really bad stuff. And I want you to know
4 that -- and I know this is about attendance; and so
5 I'd love to go back and explain some of the other
6 parts, but let's focus on the attendance because
7 that's where the probation -- is that my
8 understanding? The attendance is what's put us on
9 probation.

10 As Superintendent, we did oversee that. We had
11 a director -- we were under the impression that we
12 had an ALE when we started. We filed the paperwork,
13 it was submitted; we never got a rejection letter
14 from the Department. We got an email that said we
15 were approved. However, it was a different ALE,
16 because we have two ALE's, one that was with Arch
17 Ford. So we were under the assumption that we had an
18 ALE. So that is my fault, I didn't open the
19 attachment from Jared. But I had been talking to
20 Jared numerous times and when he sent me the email --
21 and we have documentation of that -- we were under
22 the impression -- I would never illegally operate as
23 an ALE. I thought we had an ALE. For a year-and-a-
24 half I thought that, so please understand that. But
25 that was an oversight on my part because, again, we

1 had two ALE's going on, and I had never gotten the
2 one for Arch Ford -- you know, from Jared. And so
3 when he sent me the email that you'd been accepted, I
4 thought it was our ALE that we had started. And so
5 -- and we got it, it was an attachment; I sent it to
6 Ms. Baber, because Jared and I had been in contact
7 since March 31st, because I actually put it on the
8 last year's form. So I contacted Jared and said,
9 "Oh, my goodness, I put it on the wrong form. Do you
10 want me to resubmit?" He said, "It's fine." We
11 talked to -- I talked to him numerous times; not
12 blaming him whatsoever. I should've opened the
13 attachment, but he sent it to me, I forwarded it --
14 because -- to Ms. Baber, "Praise the Lord, we have
15 our ALE." We operated under the pretense we had an
16 ALE. When I found out that we didn't, obviously I
17 owed the money back. There was never a question, we
18 were not an ALE. But that was not something that I
19 falsified or pretended or just let's make up. Okay.

20 When this partnership started I met with those
21 people. All but one at that time did qualify; they
22 had two or three more indicators of ALE, so that's
23 why we went with ALE, except for one or two of those
24 kids which did not. And we had all that, we did all
25 the plans. Unfortunately, I can't produce those

1 because the director of that company got fired, took
2 everything with her, and it's not a good
3 relationship; so she refuses to return those.

4 So I do want you to know, first of all, for you
5 to understand I've been in this business for 25 years
6 and I've never been in trouble and I would never
7 operate an ALE illegally or unknowingly. I thought
8 until that day when we were -- found out we were not
9 on the list as an ALE -- unluckily for me, our cycles
10 with Arch Ford ALE, and my cycle runs in the same
11 year; you know how they run in three years. Okay. I
12 was under the impression we had it; again, found out
13 we didn't. I immediately sent the money back
14 because, obviously, we didn't get that right. So I
15 take full responsibility for that.

16 On the other hand, we had a partnership with a
17 nonprofit and they were on the public school list,
18 apparently, but then they got taken off the public
19 school list, according to Mr. Oliva. So they're
20 really a nonprofit. The company, New Hope Therapy,
21 offers OT/PT speech and mental health services. It
22 was very much -- it was intended to be very much like
23 the partnership that we have with Arch Ford, with
24 National Park, with Virtual Arkansas, with First Step
25 -- all of those entities that provide services to our

1 kids. So we pay them a fee. They talked about The
2 Sunshine School earlier. And so these are a group of
3 kids that are not getting what they need in public
4 school. They had worked with another public school
5 -- and I know I'm not supposed to say that, but they
6 had worked for another public school before, and it's
7 that kind of the same scenario. And the staff was
8 not getting the support that they felt they needed,
9 so they reached out to me.

10 I am a person -- and it's all about kids. I'm
11 sorry; it's about kids. It's not about money. It's
12 not about people. It's not about adults. It's about
13 kids. And when somebody comes to me and tells me
14 there's 12, 25, however many kids that needs are not
15 being met, whether it's because of dyslexia, because
16 of anxiety, because of potential mental health
17 issues, and I can do anything to help them, I'm going
18 to do it. And so we collaborated with this group,
19 not knowing there was anything illegal about it. I
20 talked to a number of different people and it's my
21 understanding that a parent can pay tuition to
22 anybody they want to, except for a true public
23 school. They never gave -- the parents never gave me
24 any money. Okay. And so it was explained to me that
25 if a parent -- if a student goes to a public school

1 and they -- that public school gets dollars, federal
2 -- you know, state dollars for that student's
3 enrollment, then a parent has every right to pay a
4 tutor or anyone else, tuition, or however much they
5 want to pay them to work with their students above
6 and beyond or whenever. So my understanding -- and
7 please correct me if I'm wrong -- there's a lot of
8 attorneys in this room -- but my understanding is
9 there's nothing illegal about a parent paying any
10 entity -- private, public, or mental health services
11 or anything -- for services. They didn't pay Cutter
12 Morning Star at all. As a matter of fact, Cutter
13 Morning Star, when you talk about the services we've
14 provided, we provided -- at the building we -- they
15 were involved in our Pee Wee program; we thought that
16 -- we thought the ALE was, again, just through 6th
17 grade. And so there were students in that building
18 that were not Cutter Morning Star's through school
19 choice and through the ALE at the time, because they
20 didn't qualify; they were considered home-school.
21 Okay. But the 25 kids that were there, that we
22 believed were ours that had school-choiced, we
23 provided computers and we also paid \$2,000 a year --

24 MS. BABER: Per student.

25 SUPT. ANDERSON: -- per student -- \$2,000 per

1 student, per year to provide OT/PT, speech, mental
2 health, just like we do with many other agencies in
3 educational services, with completely certified
4 teachers -- okay -- special ed. teacher, GT teacher,
5 certified teachers that were providing the education.
6 Okay. We offered them any access to our library,
7 which they use. We gave them a math curriculum. We
8 gave them anything that they wanted. We gave them
9 the computers, anything they wanted. They used our
10 gyms, they used our playgrounds, they -- the first
11 year they ate in our cafeteria, they filled out the
12 paperwork, the ones that were classified as our
13 students, not the other ones.

14 The unfortunate part about all of this is right
15 now we're sitting with 90 students that are not ours
16 because we've had to shut that down. They're not
17 ours. They have chosen -- a couple of them chose to
18 come -- just come into school choice with Cutter.

19 I don't think any of them went back to home
20 districts, did they?

21 MS. BABER: A couple of them.

22 SUPT. ANDERSON: A couple of them went back to
23 home districts. But they're up to 90 kids right now,
24 guys, and you've got 90 kids that are being home-
25 schooled because they don't fit in in the traditional

1 learning environment.

2 So I want you to understand where my heart was
3 and I'm just trying to do what's best for kids. Did
4 I make mistakes? Obviously. I called and asked
5 advice, I asked for help. This is way outside of the
6 -- I loved the presentation that people gave before
7 because it's very much what we're trying to do. I
8 believe it fits right into the LEARNS bill; maybe
9 we're just a little early on it -- because it talks
10 about those third-party people that are helping these
11 kids, it talks about the -- what's it called -- the
12 tutoring, the --

13 MS. BABER: Transformation.

14 SUPT. ANDERSON: -- transformation -- schools of
15 transformation. And if you look at that law, I
16 believe what we were doing at Cutter Morning Star was
17 exactly that. We're helping kids. We have kids that
18 -- and that's my heart. I don't care if they're
19 home-school, I don't care if they're private school,
20 I don't care if they're public school, I don't care
21 if they're in my district -- I don't care. I'm
22 sorry. They're kids and I will always help all kids
23 at any chance I get. I try not to get emotional.
24 But I have allowed kids -- and I'll probably get in
25 trouble for this, I know it's recorded, whatever --

1 but I have allowed kids that are struggling at
2 another school come over to my school and get
3 tutoring from one of my teachers. I do that because
4 it's all about the kids and I don't care who they
5 belong to. I've got a kid right now that wants to
6 play soccer -- play soccer; I'm calling Stephanie
7 Nehus in Hot Springs, can he just go over there and
8 play soccer, because they denied his school choice.
9 That's why he was going, to play soccer, but he's not
10 the right, you know, deseg in Hot Springs. All I
11 care about is kids. And maybe I didn't do it right;
12 I didn't know. It's uncharted territory. Mr.
13 Bequette -- Cody Keys, actually, is who I work with a
14 lot, but Mr. Bequette is fully aware of this
15 situation. He just happened to be here today on the
16 other cases; so I'm like, hey, hang around, I might
17 need you. But he knows me, he's worked with me for a
18 long time. Stacy knows me. There's a lot of people
19 -- she knows me. I've served on school safety
20 committees at the Governor's request; I've served on
21 a lot of committees. I am not a -- you know, they
22 just made me sound terrible, it really did, and
23 that's not who I am. I'm about helping kids. But
24 when you talk about -- and here's the situation I was
25 in: when I found out that they were not school choice

1 -- that they were not ALE, I was told -- my
2 understanding was to put them in virtual -- or --
3 virtual, because that's the only thing we could do
4 with them at that point. So that happened in
5 December. So we were told to put them in virtual to
6 get them out of ALE, so that's what we did. But we
7 have all kinds -- and the teachers up there had all
8 access to it -- all kinds of computer programs for
9 them to use. I can't even name them all, but -- I
10 don't know -- 25 different kinds of programs, from
11 math to English to whatever. They were all available
12 to those students, again, with certified teachers.
13 We tested these kids every year with a certified
14 teacher that had been -- gone through the training.
15 Their scores actually brought our scores down and --
16 the first year. So we met with these teachers, we
17 talked about remediation, talked about what we could
18 do to help these kids, because it's affecting our
19 scores. These teachers came to PD with us, they were
20 part of our staff, even though I didn't employ them.
21 And what I brought up to someone else, I could've
22 done this two different ways -- and I'm going to be
23 honest with you -- I could've done this two other
24 ways and I wouldn't be standing here today. But in
25 my mind, that would be unethical the way I could have

1 done it. The way I could've done it -- and I'm going
2 to be honest with you -- I could've taken every one
3 of those students and I could've enrolled them with a
4 teacher of record from my district. No one -- and I
5 could've still let them go to the ALE; no one would
6 have ever known the difference. The Department
7 would've not known, no one would've known. You
8 would've never known because, like I said, these five
9 kids that are in 1st grade, I'm going to assign them
10 to this 1st grade teacher that's within my building
11 that works for me. No one would've ever questioned
12 that. But that was not what was really happening.
13 To me, that's unethical. Okay. The next thing I
14 could have done is I could've hired one of their
15 teachers and then assigned all of these kids to that
16 one teacher that would've been employed by me. Okay.
17 But she would only be working with those kids. I
18 could've done either one of those two things and we
19 would not be standing here today. But both of those
20 were shady, in my opinion, and unethical, and that's
21 not who I am. And that makes it sound like that's
22 who I am, and I'm not. I care about kids.

23 So back to the attendance, is why we're here --
24 but I felt like I needed to go through that because
25 it's not -- it's not as it looks. The attendance --

1 their director on the first day of school this year
2 got fired. Okay. I had a new elementary principal
3 and then I had an ALE director. My ALE director, I
4 will tell you, he's no longer with the district
5 because there were some things -- we all have good
6 employees and we have employees we have to watch, you
7 know. I'm not trying to blame him; it's all on me,
8 I'm the Superintendent and these shoulders get wider
9 and wider every year. But that did not happen,
10 things did not happen like it should have. I didn't
11 know. When he met with the ALE people he said he had
12 nothing to do with that ALE. I was like, what did
13 you just say? You're my ALE director. And you had
14 nothing to do with them? Not making excuses, that
15 falls on me, but he did have something to do with
16 them. But with that said, they took attendance up
17 there every single day. Okay. We have attendance on
18 those students. It did not get from here to here,
19 and that happens a lot. It was -- that happens in my
20 high school; a teacher doesn't turn in attendance
21 today, but we get it, and we get it in there. Right?
22 Apparently, there's no time -- I just heard this in
23 the presentation before me -- there's no time limit
24 to put it in; you just have to put it in.
25 Immediately when it was brought to my attention I was

1 flabbergasted. Deb Coffman was sitting there and I
2 -- and Ms. Baber was there; I said, "What? What?"
3 You know, and I was the Superintendent during Covid,
4 that we still took attendance and we didn't even know
5 how to code them; we didn't know if they were
6 quarantined or whatever. We created a spreadsheet.
7 Because we have a problem with attendance, so we try
8 to hold our kids and our parents accountable. And so
9 when I found that out it was news to me. And so we
10 were advised that day to drop all those kids
11 immediately, that's what we were advised to. And so
12 I told Ms. Baber, who was going to do it, I said,
13 "Hold on. Hold on just a minute. Let's think about
14 this. If we drop all of those kids right now, how
15 can we fix their attendance? So if they're our kids,
16 then -- and we mess up the -- with the attendance,
17 then I need to fix the attendance, because that's why
18 I'm in trouble. If we drop the kids, then they're no
19 longer our kids, so why am I worried about their
20 attendance anyway?" Do y'all understand? How can I
21 be in trouble for two different things. They're our
22 kids, I didn't do attendance, so I need to fix
23 attendance. They're not my kids, if that's the case,
24 then why would I worry about their attendance. Does
25 that make sense to you? So I asked Ms. Baber not to

1 delete those kids out. We went in and we fixed
2 everyone's attendance. Okay. We fixed everyone's
3 attendance. Then we printed all that out. You have
4 all that documentation. We printed it out. We
5 corrected the clerical error. And then we did as we
6 were directed, as we were told, and we dropped all of
7 those kids. But we made the corrections on the
8 attendance and then we dropped all of those kids,
9 which cost us a lot of money. It's not about money.
10 But this venture where I tried to help kids cost my
11 district \$250,000. Because you have to remember I
12 got all the funding taken away, but I still paid
13 \$2,000 a kid for all those kids to have services,
14 OT/PT, speech, mental health, and they were being
15 taught.

16 Was it a faith-based? That came up a lot in
17 that. Yes, it was. It was a faith-based. Every
18 parent knew that, they signed off on it, they gave
19 approval for that to be that way. That was another
20 reason I hesitated to put that person on my roll, on
21 my staff because I knew that was what would -- they
22 were going to be teaching. There was a small
23 component in their English with faith-based. Okay.
24 And so that's why I was concerned about, you know,
25 hiring them to work for me. Every parent that went

1 to that -- went to ACA knew; they wanted that. The
2 parents wanted it. The parents want this. The
3 parents want what we're doing. It is a great model.
4 Obviously, I did it wrong. I beg the Department to
5 help me make it work because today in Garland County
6 you have 90 kids that have nowhere to go. Nowhere to
7 go. And their parents aren't going to put them back
8 in public school, so right now they're home -- being
9 home-schooled. And they are going to pay tuition, I
10 guess, to this group, but they're not going to be
11 able to get my support because they're not my kids.
12 You know, and it said dually enrolled -- you know, if
13 you know about cycles you get dually enrolled notices
14 all the time, if they're dually enrolled in Lakeside
15 and Cutter at the same time. Never once did that pop
16 up. Never once did an accreditation issue pop up
17 with any of their teachers of record, because they
18 were fully certified teachers. Never once did it pop
19 up. Never once was there an issue. We tested them,
20 we did what we were supposed to do with them.

21 I forgot what I was saying.

22 CHAIRMAN MOORE: Well, Dr. Anderson, you do have
23 two minutes left of your 20 minutes.

24 SUPT. ANDERSON: Sure.

25 CHAIRMAN MOORE: Keep using your time and then

1 we'll ask questions --

2 SUPT. ANDERSON: Sure.

3 CHAIRMAN MOORE: -- and then there will be more
4 time to talk.

5 SUPT. ANDERSON: I just wanted to let -- I
6 wasn't prepared to do all that today, but since it
7 was brought up I just want to explain. We're just
8 trying to do what's right for kids. My heart is for
9 kids and it's not about the money, it isn't. We --
10 like you said, we lost money year-one, year-two. We
11 were hoping -- it was never an attempt to -- this was
12 never a money grabbing thing. This was -- we were
13 just praying to break even and do what's right for
14 kids in year-three -- that's all we were praying for
15 -- and to have a place for some of these kids to
16 belong.

17 Forgive me for my ignorance and not following
18 through and not checking on my employees to make sure
19 it was put in there. But I assure you I would never
20 do anything illegal or unethical. That's not who I
21 am. That's not who I am.

22 CHAIRMAN MOORE: Thank you.

23 We will go to questions now. Ms. McFetridge,
24 questions?

25 MS. ROLLINS: No.

1 CHAIRMAN MOORE: Mr. Wood?

2 MR. WOOD: No.

3 CHAIRMAN MOORE: Ms. Hunter?

4 MS. HUNTER: No, not right now.

5 CHAIRMAN MOORE: Okay. Mr. Sutton?

6 MR. SUTTON: No.

7 CHAIRMAN MOORE: Mr. Henderson?

8 MR. HENDERSON: No.

9 CHAIRMAN MOORE: Okay. I do have some
10 clarifying questions, if that's okay.

11 SUPT. ANDRSON: Pardon me?

12 CHAIRMAN MOORE: I have some clarifying
13 questions --

14 SUPT. ANDERSON: Sure.

15 CHAIRMAN MOORE: -- of both the Agency and you
16 all.

17 So just to be clear, these students -- this
18 second set -- we're talking about two set of
19 students. The second set of students that were
20 coming to your district, were they fully educated by
21 the ACA program?

22 SUPT. ANDERSON: Yes and no. I know that --
23 their teacher of record was from ACA.

24 CHAIRMAN MOORE: Okay.

25 SUPT. ANDERSON: However, we provided support.

1 Like we worked with the teachers, with PD; they came
2 to our PD sessions. We provided them with materials
3 from our library for the same math program. And so
4 we provided those materials and we offered them
5 training in the professional development so that they
6 would have that. When -- in October, when -- I can't
7 remember their names -- yes, Mr. Gardenhire and Ms.
8 Johnson were there, they looked through all of their
9 lesson plan books and went into their classrooms and
10 they applauded the teaching because it was in line
11 with Science of Reading. We made sure all of that
12 was in line with Science of Reading, and they
13 applauded their lesson plans and their curriculum,
14 Because they were used in-state -- you know, using
15 state frameworks. Okay. I made sure of that. We
16 sat down and we had many, many conversations about
17 this. They also worked in partner -- like if they
18 were 3rd -- they taught 3rd grade they worked with my
19 3rd grade teacher and collaborated on lesson plans.

20 CHAIRMAN MOORE: Okay.

21 MS. BABER: So they were -- they were fully
22 educated, just not by Cutter Morning Star teachers.

23 CHAIRMAN MOORE: Teachers. But you are
24 receiving full foundation funding for them?

25 MS. BABER: Yes.

1 CHAIRMAN MOORE: Okay. And that was -- I think
2 your last year average was almost \$14,000 per pupil,
3 but you were only paying \$2,000 to the ACA. What was
4 the rest of that money for, for those individual
5 pupils?

6 SUPT. ANDERSON: But part of it was for -- well,
7 part of it was we didn't charge them hardly any rent,
8 number one, because they did have a lease. So that
9 --

10 CHAIRMAN MOORE: That's for the organization to
11 be housed at your campus?

12 SUPT. ANDERSON: Yes.

13 CHAIRMAN MOORE: Okay.

14 SUPT. ANDERSON: I mean it was -- it's \$36,000 a
15 year just for the electricity and all those kind of
16 things up there, and they were paying -- what did
17 they pay us -- \$1,000 the first year.

18 CHAIRMAN MOORE: Okay.

19 SUPT. ANDERSON: And so it was to offset some of
20 that cost. It was also -- you know, again, we
21 provided computers, we provided any kind of access
22 that they needed. And so we -- and, again, every
23 year, just like last year, we started this not
24 knowing what it was going to cost, you know. And so
25 we -- throughout -- each year is \$1,000 and all of

1 that. And so then -- then the next year we upped it
2 to \$2,000 because we saw just the electricity and all
3 that was \$36,000 a year and we only brought in
4 \$12,000. You see what I'm saying? And so right
5 there is a huge deficit, so part of that money was
6 trying to cover that. We wanted them to be
7 successful. You know, we wanted them to be
8 successful and we wanted what was best for our kids.
9 We put them on -- when the big tornadoes happened we
10 put them on our buses, we transferred them to our
11 FEMA room to keep them safe -- copy machines, paper,
12 just different things like that. We provided a lot
13 of -- a lot of extra --

14 CHAIRMAN MOORE: As a partner to your district?

15 SUPT. ANDERSON: Yes.

16 CHAIRMAN MOORE: Okay. But then at the same
17 time were you aware that they were charging students
18 tuition?

19 SUPT. ANDERSON: I was. Yes, ma'am.

20 CHAIRMAN MOORE: Okay.

21 SUPT. ANDERSON: And I knew that -- and the idea
22 was -- and I don't know how they spend their money;
23 I'm not on that board. But when I checked with that,
24 with people, no one -- everybody told me that that
25 was not illegal.

1 CHAIRMAN MOORE: And is that because it wasn't
2 coded as a private school?

3 SUPT. ANDERSON: Correctly -- correct. They
4 were not a private school.

5 CHAIRMAN MOORE: Because they were, what?

6 SUPT. ANDERSON: They're a nonprofit.

7 CHAIRMAN MOORE: Okay.

8 SUPT. ANDERSON: They're a nonprofit.

9 CHAIRMAN MOORE: Okay. And that nonprofit
10 provided services to students, so that's why y'all
11 saw it that they could do that. Okay.

12 SUPT. ANDERSON: Yes.

13 CHAIRMAN MOORE: Okay.

14 MS. BABER: And we had a contract with them to
15 provide therapies, including education.

16 SUPT. ANDERSON: Education.

17 CHAIRMAN MOORE: Okay.

18 MS. BABER: So that's how we thought that we
19 were in compliance.

20 SUPT. ANDERSON: And we made sure that those
21 teachers were fully certified teachers --

22 CHAIRMAN MOORE: Okay.

23 SUPT. ANDERSON: -- even for the special ed.
24 Oh, and that's another thing we did; special ed., we
25 held all the special ed. folders, we did all the

1 conferences, you know, with the parents; GT, we went
2 up and offered GT services for any kids that needed
3 GT. So our staff was involved heavily with them.
4 And so we did offer more than just, you know, the
5 therapies.

6 CHAIRMAN MOORE: Okay. Like, we saw this
7 morning in another instance where a district was
8 paying to send students elsewhere; but in that case
9 the families weren't being charged. Were y'all
10 having parent meetings to send parents to this school
11 or was it parents coming to you all? You weren't
12 compelling anyone to pay to go?

13 SUPT. ANDERSON: No, ma'am. We had -- we
14 actually had -- they came -- parents came to us --

15 CHAIRMAN MOORE: Okay.

16 SUPT. ANDERSON: -- and wanted to be a part of
17 that. As a matter of fact, last year there was about
18 30 other students that, again, we thought we had the
19 ALE, and that was a K-6. And so there was some kids
20 that came to us that wanted to be a part of it and I
21 told them that they couldn't because our ALE was a K-
22 6, we're sorry. And so they decided to just file
23 home-school paperwork and they were up there. One of
24 the comments brought out in the meeting is when they
25 came to visit I separated the kids. And I did that

1 because, when the Department came to look, these are
2 the 25-whatever kids that are Cutter kids and these
3 other ones are home-schooled. And because of FERPA,
4 yes, I did separate them because that had nothing to
5 do with public school. They were home-school kids.
6 And we also had some kids that didn't qualify under
7 school choice because of race or they missed the
8 deadline, that wanted to come to ACA and Cutter
9 Morning Star and they were denied. But they went
10 ahead and filed home-school paperwork and they were
11 up there, but they were not us; they were not part of
12 our district. That was actually the real challenging
13 part was trying to keep the resources we were
14 providing to our students, you know, kind of
15 separated from those that were not our students, that
16 were in the building that they were leasing. Does
17 that make sense? Because we provided anything. We
18 even offered to provide -- in year-one we did provide
19 lunches; you know, they turned in their free-and-
20 reduced and we'd provide lunches, just like we did
21 our other students. And then we did offer the other
22 ones, students, food, just like if -- Ms. Birdsong
23 comes and eats with us all the time. Right? Which
24 she doesn't get the discounted reimbursable rate.
25 And so these other kids could have eaten in our

1 cafeteria. There's nothing illegal; we just can't
2 claim them on our child nutrition counts.

3 CHAIRMAN MOORE: Yeah.

4 SUPT. ANDERSON: Right. And so we were accused
5 of that, and that never happened. She's my Child
6 Nutrition Director; she'd never let that happen. And
7 so, again, nothing we did we thought was wrong at
8 all. They are -- also are a year-round school.
9 Okay. And we're a four-day week school. Okay. And
10 so when I think about that tuition I also think about
11 they're keeping the kids longer. You know, it could
12 be considered summer care or what -- you know what I
13 mean? Because they are a year-round school. Again,
14 that money has nothing to do with me.

15 CHAIRMAN MOORE: But they're -- are the -- the
16 teachers are employed by the organization, not by
17 you?

18 SUPT. ANDERSON: That's right.

19 CHAIRMAN MOORE: Okay.

20 SUPT. ANDERSON: That's right.

21 CHAIRMAN MOORE: Okay. I'll ask Board Members,
22 any other questions of the district right now?

23 Okay. Do we have questions of the Agency?

24 Mr. Rhodes.

25 MR. RHODES: Chair, if I may, can I clarify

1 something for the record? Because, I mean, she's
2 making a lot of admissions. Is she being represented
3 by Counsel today?

4 MR. BEQUETTE: Yes.

5 MR. RHODES: Do you want an opportunity to
6 speak?

7 MR. BEQUETTE: No.

8 MR. RHODES: Okay. All right. Just making sure
9 that was on the record --

10 CHAIRMAN MOORE: Okay.

11 MR. RHODES: -- because she's made a lot of
12 admissions in the transcript. So --

13 CHAIRMAN MOORE: Okay.

14 MR. RHODES: Okay.

15 CHAIRMAN MOORE: I do have a question, but I
16 want to give deference to board members first, for
17 Ms. Wagner.

18 As we are looking at this -- and I think as we
19 saw this morning, there are districts that have
20 unique situations where they are, you know,
21 outsourcing education to other entities. Is that
22 correct?

23 MS. WAGNER: So they might be outsourcing
24 services --

25 CHAIRMAN MOORE: Okay.

1 MS. WAGNER: -- to other communities, but they
2 do not outsource their education.

3 CHAIRMAN MOORE: Okay.

4 MS. WAGNER: And it's different if there's a
5 tuition agreement in place between them, that that's
6 an approved provider. There was no such thing as
7 this, and they don't double-dip in those instances.
8 You have double-dipping here; they're enrolled over
9 here at ACA and they're enrolled at Cutter, and
10 Cutter is receiving a full ADM funding for students
11 that they are not providing educational services to.

12 CHAIRMAN MOORE: Okay. So, and this is where I
13 -- this is part of -- I don't understand. So if you
14 are -- a district might contract for OT or PT.

15 MS. WAGNER: Yes, ma'am.

16 CHAIRMAN MOORE: And doing so, are the families
17 paying --

18 MS. WAGNER: No, ma'am.

19 CHAIRMAN MOORE: Okay. If it is -- if it's on
20 their IEP and they need those services, the district
21 is paying?

22 MS. WAGNER: Yes, ma'am.

23 CHAIRMAN MOORE: There's not other instances
24 where families have to pay for services?

25 MS. WAGNER: No, ma'am. Not when they are

1 public school students. No, ma'am.

2 CHAIRMAN MOORE: Okay. Okay.

3 MS. WAGNER: Does that answer everything?

4 CHAIRMAN MOORE: No. Back to the ALE -- so the
5 ALE students --

6 MS. WAGNER: Uh-huh.

7 CHAIRMAN MOORE: -- that they -- if that were a
8 part of that, what was -- that was they're getting
9 above and beyond the foundation amount for ALE
10 students?

11 MS. WAGNER: Yes, ma'am.

12 CHAIRMAN MOORE: And were they also being
13 educated by the other organization?

14 MS. WAGNER: Yes, ma'am.

15 CHAIRMAN MOORE: Okay. And then what about Arch
16 Ford too? Was their part --

17 MS. WAGNER: So they're two -- they have two
18 separate ALE programs.

19 CHAIRMAN MOORE: Okay.

20 MS. WAGNER: They had this one that they applied
21 for that they were not approved for, that never
22 should have been an ALE program or operating as one,
23 and then they have one that is an Arch Ford. And I'm
24 not aware of how they do all their stuff with Arch
25 Ford.

1 CHAIRMAN MOORE: Okay.

2 MS. WAGNER: But this ALE instance, they cleared
3 their ALE issue. This is not an ALE issue.

4 CHAIRMAN MOORE: Okay. So that was just that --

5 MS. WAGNER: Yeah. That was just background to
6 provide, because I knew it was going to come up
7 today. They cleared that, they paid their money
8 back, they removed that ALE coding from those
9 students.

10 CHAIRMAN MOORE: Okay.

11 MS. WAGNER: So it's not an ALE issue. It is an
12 enrollment issue.

13 CHAIRMAN MOORE: So these students were coded
14 just as regular students in the school district?

15 MS. WAGNER: Yes.

16 CHAIRMAN MOORE: But then the attendance --

17 MS. WAGNER: Right. We didn't have -- they were
18 reported as present for an entire year. And as you
19 will note in the documentation that was provided to
20 you, none of those students were present every single
21 day for the entire year. Some of them had upwards of
22 17 absences that weren't recorded until the cycle
23 reporting was fixed on June 13th.

24 CHAIRMAN MOORE: Okay. So, and just -- just as
25 an example, since it's fresh on my mind, if we're

1 talking about the program earlier where special ed.
2 students were going to that Sunshine Academy, who
3 would report attendance for those students typically?
4 Would it be that Sunshine Academy directly to the
5 state or are they reporting that attendance to the
6 district?

7 MS. WAGNER: That would be something that would
8 be a part of that tuition agreement, and without
9 looking at that I wouldn't be able to tell you.

10 CHAIRMAN MOORE: Okay. But, again, this is
11 different because of the tuition element --

12 MS. WAGNER: Yes, ma'am.

13 CHAIRMAN MOORE: -- in that sense? Okay. Okay.
14 Thank you for allowing me to ask a lot of questions.
15 Board Members, other questions of the Agency?

16 MR. WOOD: Yeah. Did -- in investigating this,
17 did you speak to any of the families that were dually
18 enrolled or whatever?

19 MS. WAGNER: So I didn't perform the
20 investigation. Dr. Sutherlin performed the
21 investigation. So I will let him answer that
22 question for you.

23 MR. WOOD: Okay. And, again, my question in
24 that vein is what was -- what did they communicate to
25 you was their understanding of the relationship

1 between the district and ACA?

2 DR. SUTHERLIN: So, Matthew Sutherlin,
3 Coordinator for Standards and Systems Support.

4 So in looking at their understanding of it, it's
5 very clear on the ACA website that they have it where
6 -- they say if you want to be part of Cutter Morning
7 Star School District, then you just sign-up and do
8 school choice and walk through the paperwork. We did
9 speak to one parent that was very upset that their
10 child was coded as ALE. They went back to another
11 district and realized that it had been coded that way
12 in Triand. So that was another issue that we saw.

13 MR. WOOD: Well, not ALE, necessarily. I think
14 -- I think -- and I'm sorry if I'm confused. But
15 just in the dual enrollment nature of the citation
16 and probation recommendation, did -- what did they
17 think their students were -- what did they think the
18 relationship was between the district and ACA?

19 DR. SUTHERLIN: I think it's exactly the way the
20 relationship is, as it was described by Ms. Anderson
21 -- I mean Dr. Anderson. So, you know, that -- there
22 are students going to ACA being taught by ACA
23 teachers. They did get -- they were told they would
24 be able to play Pee Wee sports and, you know, be able
25 to use the facilities, those sorts of things. But I

1 do think that that's a very clear relationship for
2 them because they're the ones that kind of put the
3 whole organization together.

4 MR. WOOD: Who, "they?"

5 DR. SUTHERLIN: Meaning ACA.

6 MR. WOOD: ACA. Okay. Okay.

7 MS. SMITH: And you didn't interview a lot of
8 parents. You're talking --

9 DR. SUTHERLIN: Yeah.

10 MS. SMITH: -- one parent.

11 DR. SUTHERLIN: Yeah.

12 MS. SMITH: You mainly interviewed staff?

13 DR. SUTHERLIN: Yeah. Yeah, yeah.

14 MS. SMITH: Okay.

15 MR. WOOD: Okay.

16 CHAIRMAN MOORE: Mr. Sutherlin, I do have a
17 question.

18 DR. SUTHERLIN: Okay.

19 CHAIRMAN MOORE: So is this something that y'all
20 have ever seen before?

21 DR. SUTHERLIN: No.

22 CHAIRMAN MOORE: Okay. And I think what's
23 holding me up is the tuition. So we have seen where
24 maybe a school district has a -- has a student and
25 they are on a virtual program, and so that virtual

1 program is -- is doing all the pieces. So that's not
2 abnormal?

3 DR. SUTHERLIN: So as far as the relationship is
4 concerned, the way that Dr. Anderson described it to
5 you, I was the one that interviewed her and that's
6 the exact same way she described it to me. However,
7 all of the other people that went out and interviewed
8 at the same time were told there were no services
9 provided; so that's faculty and staff.

10 CHAIRMAN MOORE: Okay.

11 MS. SMITH: So if I can just -- there is an
12 avenue for a public school district to have a
13 partnership and provide services for instruction with
14 private schools. And what it allows is individual
15 students can enroll in a course at the public school,
16 and the public school can receive one-six funding per
17 course of instruction that they're providing. Okay.
18 So that is allowable, and that was not what was
19 happening here. You had, in essence -- and the
20 argument is were they a private school, were they not
21 a private school. What I can tell you is you have
22 families paying tuition to go to -- to have
23 educational services provided at ACA. And these
24 students then were also enrolled at Cutter Morning
25 Star where they were not providing course instruction

1 for courses. I mean the funding part -- if Cutter
2 Morning Star would have been providing the math
3 instruction, they could have put in for funding for
4 math instruction. But that's not what was happening
5 here.

6 And as far as coming to our attention and the
7 investigation, you know, this was complaints from a
8 surrounding district when they were getting students
9 back that were listed as ALE at the ACA and they were
10 like -- or they were school-choice kids, and they
11 were like how did this kid get over there, we weren't
12 supposed to school choice. So lots of questions like
13 that were coming to us originally when we were
14 pulling course lists in the beginning -- or kid
15 lists, trying to figure out what was going on. When
16 they did the ALE investigation they talked about how
17 they had teachers' names in our system, so we were
18 able to start pulling kids' names based on who they
19 were assigned to as a teacher. And we were looking
20 at those lists and you were seeing some were marked
21 ALE, some were marked regular; and so when they went
22 onsite the first time it was like trying to figure
23 out what the ALE was. Corrected that, redirected
24 folks, paid the money back. And then we started
25 investigating what is this other group of students.

1 And so it's just kind of -- I think every time we
2 went down there and they were looking at things, it's
3 kind of like they kept uncovering, you know, things
4 that didn't make sense. But it was full FTE funding
5 at Cutter, also while the students were over at ACA.

6 MR. WOOD: Did I understand correctly that these
7 students over at ACA then took the ACT Aspire or
8 whatever as part of Cutter Morning Star's testing?

9 MS. SMITH: Yes, sir.

10 MR. WOOD: That's very weird.

11 MR. HENDERSON: I do have a question.

12 CHAIRMAN MOORE: Yes, Mr. Henderson.

13 MR. HENDERSON: What was the timeline of the
14 conflicts -- for the dual conflicts?

15 DR. SUTHERLIN: So the students stayed dually
16 enrolled until they removed them when they corrected
17 the data. So those ALE students in the beginning
18 were also ACA students.

19 MR. HENDERSON: I guess the reason why I'm
20 asking about the timeline, are we talking about six
21 months, one calendar year?

22 DR. SUTHERLIN: Pretty much the entire school
23 year.

24 MR. HENDERSON: Okay.

25 DR. SUTHERLIN: August, whenever they enrolled,

1 and then till the end of the school year.

2 MS. SMITH: And they have corrected their
3 funding --

4 DR. SUTHERLIN: Yes.

5 MS. SMITH: -- for the -- was it nine students
6 from last year? And then we directed them to correct
7 their enrollment for the 19 students for this year.
8 If that didn't get corrected, then we would be
9 funding them for those kids next year.

10 MR. HENDERSON: Gotcha.

11 MS. SMITH: So they cleaned that part up.

12 MR. HENDERSON: Okay.

13 CHAIRMAN MOORE: Anybody else have a question?

14 Lisa -- Ms. Hunter, questions?

15 MS. HUNTER: I don't -- I don't know that it's a
16 question. But, I mean, are we really -- like what
17 we're here to talk about today, I mean, is about
18 accountability for what occurred. Is that more what
19 we're talking about --

20 MS. WAGNER: Yes, ma'am.

21 MS. HUNTER: -- in the citation and probation?

22 MS. WAGNER: Yes, ma'am. So we, the Division,
23 have to bring the recommendation to you because
24 they're -- they did, in fact, violate that standard.
25 So we believe they violated the two standards, we

1 presented our evidence to you; it's your decision
2 what you do with that. We just have to bring you the
3 recommendation.

4 MS. HUNTER: Right.

5 CHAIRMAN MOORE: What is the -- so the probation
6 status, there's a list on your PowerPoint of
7 consequences.

8 MS. WAGNER: Yes, ma'am.

9 CHAIRMAN MOORE: What is the immediate
10 consequence of probation status?

11 MS. WAGNER: So if the Board decides to place
12 them on probation status right now, they will have to
13 put it on their website, notifying that they've been
14 placed on that status. And they will have to notify
15 their parents that they have been placed on that
16 status.

17 CHAIRMAN MOORE: Okay.

18 MS. WAGNER: And then the Board can take any
19 action that you saw in that PowerPoint.

20 CHAIRMAN MOORE: And it will cease this from
21 occurring in the future?

22 MS. WAGNER: We will definitely heavily monitor
23 them. They were going to be monitored anyway. Going
24 forward, regardless of whether we place them on
25 probation or not, they're going to be heavily

1 monitored. But I believe we've also talked about
2 putting a -- what do we call it?

3 DR. SUTHERLIN: Corrective action.

4 MS. WAGNER: A corrective action plan in place
5 for the district to insure that this does not occur
6 again.

7 CHAIRMAN MOORE: Okay. Questions of board
8 members?

9 Okay. Any discussion?

10 MR. SUTTON: Yes. Are we only to consider the
11 recommendation?

12 MS. SMITH: (Shaking head from side to side.)

13 MR. SUTTON: No?

14 MS. SMITH: No.

15 CHAIRMAN MOORE: So we have to make two votes.
16 Mr. Rhodes, if you don't mind reminding us?

17 MR. RHODES: Correct. So there are three
18 options. You can affirm the recommendation of the
19 Department, which is to place them on probation.

20 MR. SUTTON: Right.

21 MR. RHODES: You can sustain their appeal and
22 not place them -- place them in any status. Or you
23 can put them in cited status, which in some ways is a
24 precursor to probationary status. Now, again, it can
25 -- it's not necessarily a precursor, always, but if

1 they have been found to violate the standards you can
2 place them in either one of those standards. Does
3 that answer your question?

4 MR. SUTTON: I think so.

5 MR. RHODES: Okay.

6 CHAIRMAN MOORE: Any other questions or
7 discussions, or do -- we have the floor open for a
8 motion -- the will of the Board.

9 MR. WOOD: I'll make a motion to affirm the
10 finding of the Department, and that is not -- that is
11 not me casting judgment that it was on purpose or
12 purposeful; but the management of the district must
13 be sufficient that this -- this weird relationship
14 was such that it should have, in my opinion, rang
15 other alarm bells and raised flags of concern before
16 it got to this point.

17 CHAIRMAN MOORE: Okay. So there is a motion by
18 Mr. Wood to affirm the recommendation. Is there a
19 second to that?

20 MR. SUTTON: I'll second.

21 CHAIRMAN MOORE: A second by Mr. Sutton. Any
22 discussion?

23 All in favor say "aye."

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN MOORE: Any opposed?

1 Okay. The motion passes.

2 And, now, do we take a second -- can you remind
3 us of our --

4 MR. RHODES: So that first was -- the first vote
5 was to adopt. The second vote is to actually take
6 that action.

7 CHAIRMAN MOORE: Okay.

8 MR. RHODES: So to actually place the district
9 in whatever status. So you've affirmed just to
10 actually place them in probationary status.

11 CHAIRMAN MOORE: Okay. And does it need to cite
12 the specific violation of standards?

13 MR. RHODES: I would say so. Yes. But --

14 CHAIRMAN MOORE: Okay.

15 MR. RHODES: -- Shasta can cite it for you, if
16 you'd like.

17 CHAIRMAN MOORE: Okay.

18 MS. WAGNER: So it's a violation of Standard 2-
19 B.2 for the accredited probation status, and then a
20 violation of Standard 3-A.3 for the accredited cited
21 status.

22 CHAIRMAN MOORE: Okay. Any questions about
23 that? Any discussion?

24 The floor will be open for a motion.

25 MR. WOOD: I'll -- I'll make a motion -- and

1 I'll try to word this correctly; feel free to correct
2 me if I do it wrong -- to place the district in
3 probation status for violation of Standard 2-B.2.

4 MR. HENDERSON: Second.

5 CHAIRMAN MOORE: We have a motion by Mr. Wood to
6 place the district on probation status, a second by
7 Mr. Henderson. Any discussion?

8 Okay. All in favor say "aye."

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN MOORE: Any opposed?

11 The motion passes.

12 And then for the other violation, 3-A.3, do we
13 need a motion for that as well?

14 MS. WAGNER: Yes.

15 CHAIRMAN MOORE: Okay. Okay.

16 MR. WOOD: I can make another motion --

17 CHAIRMAN MOORE: Okay.

18 MR. WOOD: -- to place the district in cited
19 status for violation of Standard 3-A.3.

20 CHAIRMAN MOORE: Okay. There's a motion by Mr.
21 Wood. Is there a second?

22 MR. SUTTON: I'll second.

23 CHAIRMAN MOORE: Second by Mr. Sutton. All in
24 favor say "aye."

25 (UNANIMOUS CHORUS OF AYES)

1 CHAIRMAN MOORE: Any opposed?

2 Okay. Motion passes. Thank you.

3 MR. WOOD: Is there any further requirement of
4 us -- and I direct my question to you, I guess --
5 with regard to that probation status? Or do we just
6 -- it is probation status and --

7 MR. RHODES: No. I don't -- I don't believe
8 there's any action that needs to be taken by this
9 board, State Board, at this time. Now, again, they
10 are going to be subject to observation from the
11 Department. If there is any further action needed,
12 we can take it to the State Board at that time.

13 CHAIRMAN MOORE: Okay. Because it -- so those
14 duties that were listed -- any time a new probation
15 status, yeah, can occur.

16 MS. WAGNER: Yes

17 MR. RHODES: Right. And that was the last slide
18 that she put forth as -- there's a litany of options
19 that this -- the Department can take. And, again, if
20 I think they're appropriate at that time they can
21 bring them to your attention.

22 CHAIRMAN MOORE: Okay. Thank you. Thank you
23 all.

24 MS. WAGNER: I will just note for the record
25 that the Cutter Morning Star district, now that you

1 have placed them on probation, does have to publicly
2 notify that they've been placed on probation.

3 CHAIRMAN MOORE: Okay. Thank you.

4 4) UPDATED PRAXIS TESTS FOR SECONDARY SCIENCE AND K-12 SCHOOL
5 PROFESSIONAL LICENSURE TESTS AND CUT SCORES

6 CHAIRMAN MOORE: Okay. We will -- I think -- if
7 we're okay, we'll go ahead and move on to the next
8 agenda item, Item 4, the Updated Praxis Tests for
9 Secondary Science and K-12 School Professional
10 Licensure Tests. Okay.

11 MS. SARACINI: Karli Saracini, Assistant
12 Commissioner, Educator Effectiveness and Licensure.

13 Can I speak?

14 CHAIRMAN MOORE: Yeah, you're good. Thank you.

15 MS. SARACINI: Okay. So today before you, you
16 have -- every-so-often, about every five years to
17 seven years our Praxis exams are updated because
18 they're based on national standards. And today
19 before you is our updated -- and, again, going with
20 these recommended cut scores.

21 Are there any questions?

22 CHAIRMAN MOORE: Questions, Ms. McFetridge?

23 MS. ROLLINS: No.

24 CHAIRMAN MOORE: Mr. Wood?

25 Yes?

1 MS. ROLLINS: Yes. How have the scores and the
2 fees changed? Can you kind of give us an update on
3 how much change there is?

4 MS. SARACINI: The scores are -- the fees vary.
5 Usually, they've gone up about \$10.00 in the past few
6 years. And the reason they've gone up \$10.00 is
7 because now they provide a online practice test that
8 they can utilize before taking the test. And so most
9 of them are around \$135.00.

10 MS. ROLLINS: Uh-huh. Okay.

11 MS. SARACINI: Uh-huh.

12 MS. ROLLINS: So not a great increase --

13 MS. SARACINI: No.

14 MS. ROLLINS: -- in the fee?

15 MS. SARACINI: No. There hasn't been. Also,
16 when you're looking at these test scores, I know that
17 Secretary Oliva talked to you about the two SEMs. We
18 all know that the Standard Error of Measurement or
19 deviation is two below and two -- two above or two
20 below. And so I had Dr. Josh McGee do an analysis of
21 our Praxis and it showed that those that fall in
22 between those two SEMs, below and above, there is no
23 significant difference in their impact on student
24 achievement. And so when we're talking about
25 recommending those cut scores, I feel very

1 comfortable with that.

2 CHAIRMAN MOORE: Any more questions, Mr. Wood?

3 MR. WOOD: Why the change in the cut scores?

4 MS. SARACINI: The cut scores, every time one is
5 updated we have to come back to you to -- come back
6 with a cut score, because the test may change.

7 MR. WOOD: Okay.

8 MS. SARACINI: You know, it's statistically
9 done. So it may be more questions or less questions,
10 so that score range will change.

11 MR. WOOD: Okay.

12 MS. SARACINI: And, you know, depending on how
13 many, if there's 145 multiple choice questions, you
14 know, that cut score could vary between tests that
15 only has -- another test with 126 questions. So it
16 could be eight points or twelve points or ten points
17 between each, because it's all statistically done
18 based on that particular test, the number of
19 questions.

20 MR. WOOD: Okay.

21 MS. SARACINI: So we are always having to come
22 back because there's -- it's just that cycle of
23 updates. But we are -- I would love to come back in
24 the future, once we get the latest test scores, the
25 Praxis, because we are showing improvement, that our

1 scores are going up. But I think it's the efforts of
2 that licensure ready assessment.

3 CHAIRMAN MOORE: That's great.

4 MR. SUTTON: If -- Karli --

5 MS. SARACINI: Yes.

6 MR. SUTTON: -- if we had that range --

7 MS. SARACINI: Uh-huh.

8 MR. SUTTON: -- of error --

9 MS. SARACINI: Uh-huh.

10 MR. SUTTON: -- margin of error --

11 MS. SARACINI: Uh-huh.

12 MR. SUTTON: -- acceptance of errors --

13 MS. SARACINI: Uh-huh.

14 MR. SUTTON: -- do you have any idea how many
15 teachers it would have put back into -- into the
16 pipeline?

17 MS. SARACINI: Yes, sir. 405.

18 MR. SUTTON: Really?

19 MS. SARACINI: Yes. They would end up with
20 standard license. And then this could become our
21 policy, that this is what we accept, then we wouldn't
22 have to come back constantly to you --

23 MR. SUTTON: Yeah.

24 MS. SARACINI: -- if you say this is -- that we
25 could go with that.

1 MR. SUTTON: And do you have any idea of
2 approximately how many proposed teachers take the
3 test every year?

4 MS. SARACINI: Yes. But I can't just, right off
5 the top of my head. But I can bring that back next
6 month and we can --

7 MR. SUTTON: Okay. Are we talking a thousand?

8 MS. SARACINI: Oh, yes.

9 MR. SUTTON: Two thousand?

10 MS. SARACINI: We -- we have an enrollment in
11 our ed-prep programs, both traditional and
12 nontraditional, around 4,000 to 5,000. And we have
13 about 1800 that complete, that get to licensure every
14 year. So you know at least 1800, if not more.

15 MR. SUTTON: Yes. Okay. Thank you.

16 MS. SARACINI: Okay.

17 CHAIRMAN MOORE: Any more questions? Mr.
18 Henderson?

19 MR. HENDERSON: No.

20 CHAIRMAN MOORE: Ms. Salaam?

21 MS. SALAAM: No.

22 CHAIRMAN MOORE: Just to clarify --

23 MS. SARACINI: Uh-huh.

24 CHAIRMAN MOORE: -- these are all -- none of
25 these are new requirements?

1 MS. SARACINI: No. No. These are just updated.
2 Again, you know, you have to update tests on national
3 standards.

4 CHAIRMAN MOORE: Okay.

5 MS. SARACINI: And so when a national standard
6 is updated, they go back. And I do want to point out
7 that we always have a representative, a practitioner,
8 a teacher always on that national -- they actually go
9 to Praxis and they're on that committee. So we
10 always include our practitioners in the national
11 norming.

12 CHAIRMAN MOORE: Okay. More questions?

13 MR. SUTTON: Is the Praxis exam the only
14 licensing test -- well, where does it rank in those
15 that are used with the other 50 states?

16 MS. SARACINI: Around 26 states use Praxis. If
17 you use Pierson or some other --

18 MR. SUTTON: Uh-huh.

19 MS. SARACINI: -- you have to pay for your
20 individual. It's quite expensive because they
21 actually build tests, like our students' tests are
22 new -- assessment for our K-12 students --

23 MR. SUTTON: Uh-huh.

24 MS. SARACINI: -- that we built for our
25 standards, we would have to build it for --

1 particular for Arkansas.

2 MR. SUTTON: Oh. Okay. Thank you.

3 CHAIRMAN MOORE: Okay. Any more questions? I
4 think the floor is open for any discussion or a
5 motion.

6 MS. ROLLINS: I'll make the motion that we adopt
7 the updated Praxis assessments and cut -- well,
8 approve the cut scores and the increased fees. Is
9 that --

10 MS. SARACINI: (Nodding head up and down.)

11 MS. ROLLINS: Okay.

12 MS. SARACINI: Perfect.

13 MR. HENDERSON: Second.

14 CHAIRMAN MOORE: There's a motion by Ms.
15 McFetridge, a second by Mr. Henderson. All in favor
16 say "aye."

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN MOORE: Any opposed?

19 MS. SARACINI: Thank you.

20 5) CONSIDERATION OF REQUEST FOR APPROVAL OF EMERGENCY RULES
21 GOVERNING EDUCATION FREEDOM ACCOUNTS

22 CHAIRMAN MOORE: Next on our agenda is
23 Consideration of the Request for Approval of
24 Emergency Rules Governing Education Freedom Accounts.
25 Mr. Rhodes.

1 MR. RHODES: So, Chair and Board, I just want to
2 pose a question to you. Do you want to recess for
3 now so that you can have lunch before your 1:30
4 appointment, or do you want to just move forward?

5 CHAIRMAN MOORE: I think go ahead and move -- we
6 just have three action items left. What do y'all
7 think? Maybe get through these three and then break
8 for lunch.

9 MR. RHODES: Okay. Works for me.

10 CHAIRMAN MOORE: Yeah, let's do that.

11 MR. RHODES: Okay. So, Chair, Members of the
12 Board, before you are the Department's emergency
13 rules to implement the Education Freedom Account
14 program beyond August 1st of 2023, as is required by
15 Act 237 of 2023 -- otherwise known as the LEARNS Act.

16 Educational Freedom Accounts, or EFAs, will
17 allow participating students and families to cover
18 private school tuition, fees, uniforms, and other
19 required expenses with state funding on a year-by-
20 year basis. EFAs will allocate up to 90% of the
21 state's prior years per student foundation funding
22 for these expenses. For 2023-2024 school year the
23 amount is around \$6600. Implementation of the
24 program is staggered with students eligibility
25 limited to certain participating students for the

1 first year, with expanding thereafter.

2 So for the first year what's included in these
3 emergency rules, the students who would be eligible
4 are those with a disability as defined by the IDEA,
5 those who are homeless or unhoused, those who are in
6 foster care, those who have a parent in active
7 military duty, those who have participated in the
8 Succeed Scholarship last year which includes some of
9 those students already, students enrolling in
10 kindergarten for the first year, and then those who
11 are enrolled in an F-rated school or in a school In
12 Need of Level 5 Intensive Support.

13 Eligible students will expand in year two to
14 those that are enrolled in a school that's rated D or
15 F and children of veterans, military reservists,
16 first responders, and law enforcement officers.

17 For year three the program will be open to all
18 other students.

19 Qualified expenses may generally be tuition,
20 fees, uniforms, and cost of testing. Applicants have
21 applied already and have done so online at LEARNS at
22 ADE through Arkansas.gov, and may continue to apply
23 until August 1st of this year. Parents may apply
24 after August 1st, but participation will only be
25 available so long as funds remain available, after

1 all other timely applications have been processed.

2 So far, under 3300 students have applied for the
3 program. Of those, about 1900 have been approved to
4 participate. If you do the math of every student
5 that has been approved utilizes the full funding we
6 can expect the cost to be about \$13,000,000 for this
7 year. The cap for this upcoming year is \$46,000,000.
8 Again, those are estimates, the \$13,000,000 is,
9 because we're still accepting applications; none of
10 them have -- not all of them have been processed and
11 there's no guarantee that every student that
12 participates utilizes the full funding for the next
13 upcoming school year.

14 So these emergency rules mirror the language of
15 the LEARNS Act and will become effective August 1st
16 if they're adopted by the Legislative Council next
17 week.

18 Now Darrell Smith is also available in the room;
19 so if you have operational questions of the program,
20 he's available to answer those questions. And I'll
21 be around as well.

22 CHAIRMAN MOORE: Okay. Thank you.

23 Questions from the Board? Mr. Sutton?

24 MR. SUTTON: Were you reading all of that out of
25 the LEARNS Act itself?

1 MR. RHODES: I was not; just I have some talkers
2 to summarize all of it. But, yeah, most of that is
3 directly from the Act.

4 MR. SUTTON: Okay. Did we get -- I don't see
5 supplemental information on that.

6 CHAIRMAN MOORE: I know that they had emailed
7 it. Courtney emailed it this week. I'm sorry.

8 MR. SUTTON: Okay.

9 CHAIRMAN MOORE: You know, we can get it.

10 MR. RHODES: I do have a copy, if you'd like to
11 look at it right now. Let me pull it up for you.

12 CHAIRMAN MOORE: Mr. Henderson, questions?

13 MR. HENDERSON: Do not.

14 CHAIRMAN MOORE: Okay. Ms. McFetridge?

15 MS. ROLLINS: No.

16 MR. WOOD: I do have a question. What's the
17 rationale for the August 1 deadline? As a parent,
18 I'd just be concerned that a number of people that
19 are interested in this are disconnected in the summer
20 and come the first day of school they may remember,
21 oh, yeah, I meant to apply for that. Why not mid-
22 August to late-August?

23 MR. RHODES: As far as the application deadline?

24 MR. WOOD: Yes.

25 MR. RHODES: So I think part of that is

1 anticipating that the school year begins mid-August,
2 trying to build some time. Again, the rules
3 anticipate the parents may apply after August 1st;
4 they just do so under the understanding that may not
5 be -- there may not be funding available at that
6 time. Right? So those that have applied before that
7 deadline and have been proactive about joining the
8 program, at that point would effectively get
9 priority. So it's not to say they can't apply; it's
10 just it's contingent upon there being funds
11 available.

12 MR. WOODS: All right. Well, I don't know.
13 Seems to me that this -- this is essentially managing
14 a fund, and the fund doesn't care when school starts,
15 you know. So --

16 MR. RHODES: Yeah.

17 MR. WOOD: -- I just hate for people to wake up
18 from their summer slumber and be disadvantaged in
19 their application. But is it even for consideration
20 to expand the time for application?

21 MR. RHODES: So participation in the program is
22 tied to enrollment. Right? So if they're not
23 enrolled in a participating school by the beginning
24 of the school year, there are already complications
25 with the application.

1 MR. WOOD: Yeah. But those two things are not
2 mutually exclusive. You can be enrolled in a school,
3 have your child set-up to start kindergarten at such-
4 and-such private school; you just haven't applied for
5 the, you know --

6 MR. RHODES: Right. And that's assuming that
7 that school, the participating school has also
8 applied to be in the program. Right? So if they
9 have, great. If they haven't, they would also have
10 to apply to be a part of the EFA program. So if
11 Private School A is in the program, Private School B
12 is not, and the parent wants to send their child to
13 Private School B, there's an additional complication
14 --

15 MR. WOOD: Sure.

16 MR. RHODES: -- with their application.

17 MR. WOOD: Right. I understand that. Okay.

18 CHAIRMAN MOORE: Ms. Hunter, questions?

19 MS. HUNTER: This is kind of a nitpicker
20 question. But I noticed that, you know, for
21 eligibility for a private school I think it's -- it
22 talks about that private school personnel who are
23 allowed direct contact with participating students
24 have cleared a background check and fingerprinting
25 process. And we're giving those private schools

1 until May 30th of 2024 to meet that requirement; I
2 mean that's basically the entire school year.

3 MR. RHODES: That's correct.

4 MS. HUNTER: What is the rationale for that?

5 MR. RHODES: Darrell may be better equipped to
6 answer that question. Again, I think it's to give
7 schools that have probably not had to comply with a
8 lot of standards that public schools have had up to
9 this point additional time and sufficient time to get
10 that paperwork processed. So, you know, as an
11 attorney I've had to go through a background check.
12 In my previous life I worked for the Governor, and
13 even as an employee of the Governor's office we
14 didn't get preferential treatment. And when I had to
15 get a background check it took months and months and
16 months to get it back. So it's not to say that I
17 didn't apply in a timely basis, but the processing of
18 that background check takes time.

19 MR. SMITH: May I add some clarification to
20 that?

21 Darrell Smith, Assistant Commissioner for School
22 Choice.

23 The May 2024 deadline is only for
24 fingerprinting, not for backgrounds. Because a lot
25 of private schools don't have -- have not implemented

1 a fingerprinting rule, I guess, as we would have in
2 public school. And so it gives the private schools a
3 chance to get all their employees fingerprinted by
4 the end of the school year. So that wasn't about the
5 backgrounds; the background check still has to be in
6 place by the beginning of the school year. But it
7 was just to allow those fingerprinting -- some extra
8 time for them to figure out how to get their
9 fingerprinting done for all their employees.

10 MS. HUNTER: Okay. Thank you.

11 MR. SMITH: Yeah.

12 CHAIRMAN MOORE: More questions?

13 MR. WOOD: I hate to bring it up, but what about
14 the Pulaski County Circuit Clerk's ruling in the case
15 barring implementation; how does that impact our
16 decision here and these rules? Are we running afoul
17 of the Judge's order by doing this?

18 MR. RHODES: So it is explicitly stated in the
19 rules that they'll become effective August 1st. So
20 even running them through the Legislative Council,
21 I'm getting them reviewed by the Legislature. So,
22 generally speaking, when you have an emergency rule
23 and it is reviewed by the Legislature at ALC, it
24 becomes effective when it is approved by that body,
25 which is generally on Friday of that week. We've

1 built it onto this so it will become effective on
2 August 1st to try to address some of those concerns.
3 Again, at this point the Department is preparing for
4 the eventuality that this Act becomes effective on
5 August 1st, which from those -- for all intents and
6 purpose is in a couple of weeks. Again, we're not
7 going to be taking action on actually disbursing
8 funds until after it becomes effective and the rules
9 are in place. So as to the actions that some people
10 have concerns about, those will be taking effect well
11 beyond August 1st, not currently. Does that answer
12 the question?

13 MR. WOOD: I think. I think so.

14 MR. RHODES: Okay. And again we're acting under
15 advice from our attorneys externally, outside of the
16 Department. So we are, I feel, at least in a good
17 place that we're complying with any requirements that
18 have been placed on the Department whatsoever, to the
19 extent that they have.

20 MR. WOOD: Okay.

21 MS. SMITH: So these are emergency rules. So
22 when do we anticipate the other rules to come back?
23 But this board will see another set of rules, later
24 this year?

25 MR. RHODES: So the next item on your agenda are

1 the permanent rules and those would be -- we will be
2 seeking approval from the Board to put them out on
3 public comment. Again, the language is effectively
4 identical. The only difference is that it omits the
5 emergency clause at the end of the emergency rules.

6 MS. SMITH: So these are getting us started for
7 the first 90 days and then we'll be -- right?

8 MR. RHODES: 120. Right.

9 MS. SMITH: 120 days.

10 MR. RHODES: Right.

11 MS. SMITH: And then, so rules then will come
12 back for permanent rules to this board?

13 MR. RHODES: That's right.

14 MS. SMITH: This will just be emergency rules
15 for the next 120 days?

16 MR. RHODES: Correct. So there will be ample
17 opportunity for public comment for us to change the
18 rules as they need to be changed, add sections that
19 need to be changed. This is so we can have something
20 beginning August 1st for the upcoming school year.
21 Again, it will sunset, so we have to work on
22 permanent rules, and we're working on that now.

23 MR. SUTTON: So when will the first funding take
24 place?

25 MR. RHODES: So that's probably a question for

1 Darrell. But they do -- so that these first funds
2 occur on a quarterly basis --

3 MR. SUTTON: On a what?

4 MR. RHODES: On a quarterly basis.

5 MR. SMITH: Yes.

6 MR. RHODES: Now the first quarter disbursement
7 is --

8 MR. SMITH: First quarter will be at the end of
9 August.

10 MR. RHODES: So --

11 MR. SUTTON: Is it fair to ask the logistics of
12 how that funding takes place?

13 MR. SMITH: Sure.

14 MR. SUTTON: So, I'm asking.

15 MR. SMITH: Absolutely. Which part of the
16 logistics would you be referring to?

17 MR. SUTTON: Well, I mean just the funds are
18 going to go to a family?

19 MR. SMITH: No. Families do not ever receive
20 funds directly.

21 MR. SUTTON: Oh, I see.

22 MR. SMITH: So the funds are gone through a
23 company at this point. We anticipate having a
24 contract with them after the August 1st deadline.

25 MR. SUTTON: Third-party --

1 MR. SMITH: Third-party. Yes, sir.

2 MR. SUTTON: -- administrator?

3 MR. SUTTON: We'll have -- yeah, we'll have the
4 funds. And then basically at this point what happens
5 is that a family will submit an invoice from the
6 school to verify the amount that is that quarterly
7 disbursement. We will verify that tuition is
8 correct, and then we will disburse appropriately.
9 They will basically approve it. Then the funds will
10 be released from the third-party to the school. So a
11 family never receives any funds for any of the
12 approved expenses.

13 MR. SUTTON: What happens if a student drops out
14 after 30 days?

15 MR. SMITH: The school needs to notify --
16 because there's a -- the school will notify us that
17 they are -- the family and the school is designed to
18 then notify us that they've been withdrawn. At that
19 point we will do -- see where they're at in the
20 process, if disbursements have already been made or
21 not and is a refund is required from the school back
22 to the State.

23 MR. SUTTON: Okay.

24 MR. RHODES: If I may add, so the LEARNS Act and
25 the rules also contemplate that occurring. So, for

1 example, if there's a student that withdraws from
2 private school and enrolls in public school at that
3 point they're no longer eligible for the program.
4 So, and beyond that, the LEARNS Act also gives the
5 Department authority to promulgate additional rules
6 to try to claw back some of that money. Obviously,
7 we haven't incorporated any parts of the program at
8 this point, so there's no way to gauge how often that
9 might happen.

10 MR. SUTTON: Yeah. No. I'm sorry. I apologize
11 for getting into the weeds on that.

12 MR. RHODES: No, it's all right.

13 MR. SUTTON: I didn't know exactly when we would
14 have an opportunity to ask such questions.

15 MR. RHODES: Absolutely. I mean, we're here to
16 answer whatever questions you may have. If we start
17 seeing some of those issues come up, we can certainly
18 promulgate additional rules to say, okay, again, in
19 the event that A, B or C happens we can claw back
20 those funds to put back in the EFA fund generally --
21 in the big fund, so-to-speak.

22 MR. SUTTON: And, again, the budget -- the
23 annual budget for this program is \$46,000,000?

24 MR. RHODES: That's right.

25 MR. SMITH: And it's one-and-a-half percent of

1 the -- one-and-a-half percent of the total.

2 MR. RHODES: Yes. Yes.

3 CHAIRMAN MOORE: Come to the microphone, please.

4 MR. RHODES: So for the current -- for the
5 current school year it's going to be \$46,701,900.
6 Now that is based on the one-and-a-half percent he's
7 mentioning. School year two will jump up to three
8 percent. But, yes --

9 MR. SUTTON: Okay.

10 MR. RHODES: -- I mean that's the budget is
11 \$46,701,000 for 2023-2024.

12 MR. SUTTON: Okay. Is that taxable income? Is
13 that taxable to their city?

14 MR. RHODES: We would have to get that answer
15 for you.

16 MR. SUTTON: Okay. I'm in the weeds again, so
17 --

18 CHAIRMAN MOORE: Yeah.

19 MR. RHODES: Because we'll have to double-check
20 with EFA.

21 MS. SALAS-FORD: Yes. From my information, from
22 Department of Finance and Authority [sic] is that
23 it's not.

24 MR. SUTTON: It's what?

25 MS. SALAS-FORD: That is it not taxable income.

1 But that's coming from D-F-and-A. That is not our
2 determination.

3 MR. RHODES: Right.

4 MR. SUTTON: Just curious.

5 CHAIRMAN MOORE: Any more questions? Ms.
6 Hunter, did you have one?

7 MS. HUNTER: Yes. So a question, again, about
8 more in-the-weeds questions. I do understand how the
9 relationship between the third-party administrator
10 and payment of tuition to schools -- that's pretty
11 straightforward. It doesn't -- there are other
12 expenses -- allowed expenses that don't really put
13 such a straightforward payment out there. I mean,
14 can you talk about that? Like is it uniforms and
15 computers? I mean, is it a reimbursement process or
16 how does that --

17 MR. SMITH: So --

18 MR. RHODES: Yes, I think you're better equipped
19 to take it.

20 MR. SMITH: So, basically, everything has to go
21 through the third-party.

22 MS. HUNTER: Okay.

23 MR. SMITH: So the third-party will set-up
24 vendors, whether it's a uniform vendor or supply
25 vendor or something like that. And the process works

1 exactly the same --

2 MS. HUNTER: Okay.

3 MR. SMITH: -- where they would go through and
4 order through the vendor; the vendor would then
5 submit the invoice; we would approve the invoice; and
6 then the payment would go straight to the vendor.
7 And so at this time there's no set-up for
8 reimbursements to families.

9 MS. HUNTER: Thank you.

10 MS. ROLLINS: How does that work with a
11 homeschool parent?

12 MR. RHODES: Okay. So homeschool children are
13 not eligible for this emergency rule; they're not in
14 year-one.

15 MS. ROLLINS: Okay.

16 MR. RHODES: I think they would probably fall
17 within year-three.

18 MR. SMITH: Two.

19 MR. RHODES: Two. Okay.

20 MS. ROLLINS: Okay.

21 MR. RHODES: Yeah. And we will be working on
22 those rules again. We'll be releasing this draft and
23 public comment and then working on the language, so
24 --

25 CHAIRMAN MOORE: Okay. So that will be in rules

1 to come, since that won't be implemented yet?

2 MR. RHODES: Well, yeah. The first step in that
3 is the next item on the agenda, which are the
4 permanent rules to release for public comment.

5 CHAIRMAN MOORE: Okay.

6 MR. RHODES: But we'll be working on the
7 language over time. Yes.

8 CHAIRMAN MOORE: Okay. Thank you.

9 Any more questions? Any discussion?
10 The floor is open for a motion.

11 MR. HENDERSON: I'd like to make a motion to
12 approve the emergency rules governing Education
13 Freedom Accounts as promulgated, pursuant to Act 237
14 of 2023.

15 CHAIRMAN MOORE: A motion by Mr. Henderson. Is
16 there a second?

17 MR. WOOD: Second. Well, can I just clarify
18 that it's to release the rules --

19 MR. RHODES: No. This is for the emergency
20 rules.

21 MR. WOOD: Oh.

22 CHAIRMAN MOORE: Yeah.

23 MR. WOOD: I'm sorry.

24 CHAIRMAN MOORE: The first one is for emergency
25 rules.

1 MR. WOOD: I'm sorry. Well, just a second.

2 CHAIRMAN MOORE: And second by Mr. Wood. Any
3 discussion?

4 Okay. All in favor say "aye."

5 (MAJORITY CHORUS OF AYES)

6 CHAIRMAN MOORE: Any opposed?

7 MR. SUTTON: Opposed.

8 CHAIRMAN MOORE: The rule passes for emergency
9 release.

10 6) CONSIDERATION OF REQUEST FOR APPROVAL TO RELEASE THE RULES
11 GOVERNING EDUCATION FREEDOM ACCOUNTS FOR PUBLIC COMMENT

12 CHAIRMAN MOORE: Action item 6 is Consideration
13 for Request for Public Comment.

14 MR. RHODES: That's right. So as I mentioned
15 previously, Board, this is simply to release the
16 permanent rules that are effectively the same
17 language to public comment so we can get input from
18 the public as to how to improve the rules and address
19 some of the questions that may come up. Again, it's
20 not for promulgation, because we can't just go
21 directly to the Legislature next week and get
22 something in place. It's going to be a longer
23 process and will take months to achieve.

24 CHAIRMAN MOORE: Okay. Questions on that, Ms.
25 McFetridge?

1 MS. ROLLINS: No.

2 CHAIRMAN MOORE: Mr. Wood?

3 MR. WOOD: No.

4 MS. HUNTER: No.

5 CHAIRMAN MOORE: Questions, Mr. Sutton?

6 MR. SUTTON: No.

7 CHAIRMAN MOORE: Mr. Henderson?

8 MR. HENDERSON: No.

9 CHAIRMAN MOORE: Ms. Salaam?

10 MS. SALAAM: No.

11 CHAIRMAN MOORE: Just to clarify, so once these
12 are released for public comment, that's put on your
13 website and you'll have a form where people can
14 submit comments?

15 MR. RHODES: We'll put a notice out --

16 CHAIRMAN MOORE: Okay.

17 MR. RHODES: -- in front of the public; we'll
18 put them on the website. And I believe we also do a
19 newspaper notice for that?

20 MS. SALAS-FORD: Yes.

21 MR. RHODES: Yeah.

22 CHAIRMAN MOORE: Okay.

23 MS. SALAS-FORD: Newspaper notice -- sorry.

24 Courtney Salas-Ford.

25 Yes, we disseminate that information to schools,

1 we do a newspaper ad notice to the public, we hold a
2 public comment hearing. We also have an email
3 address dedicated so that people can submit written
4 public comments. And I also wanted to note that, for
5 the board members, obviously you all are permitted to
6 submit public comments to us here in this setting.
7 But if after you've had time to read them during that
8 period you also can submit public comments as well.
9 And then after all those comments are received -- and
10 I'm now overstepping -- but, you know, that's when we
11 then look at all of that and come back to you-all
12 with potentially proposed changes to the rules.

13 MR. RHODES: Right.

14 CHAIRMAN MOORE: Okay. Thank you.

15 Questions on that? Any comments or discussion?

16 Okay. The floor is open for a motion. Any
17 motion? And this will be for public comment.

18 MS. ROLLINS: I make the motion that we release
19 the rules for public comment.

20 CHAIRMAN MOORE: Okay. A motion by Ms.
21 McFetridge. Is there a second?

22 MR. SUTTON: Yeah, and I'll second that.

23 CHAIRMAN MOORE: Second by Mr. Sutton. Any
24 discussion?

25 Okay. This is to release the rules for public

1 comment. All in favor say "aye."

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN MOORE: Any opposed?

4 The motion passes. Thank you --

5 MR. RHODES: Thank you, Board.

6 CHAIRMAN MOORE: -- Mr. Rhodes.

7 7) EDUCATIONAL SERVICE COOPERATIVE'S ANNUAL REPORTS

8 CHAIRMAN MOORE: The last on our action agenda
9 is the Education Service Cooperative's Annual
10 Reports.

11 MS. SMITH: So each year, Educational
12 Cooperatives are required to submit an annual report
13 to the State Board. It's more of a statistical
14 report. I did attach on the State Board agenda the
15 things that are supposed to be in each report.

16 This month, you have eight of the reports
17 attached. And next month, the goal is to have the
18 other seven if they submit those.

19 CHAIRMAN MOORE: Questions? Ms. McFetridge?

20 MS. ROLLINS: No, I don't think so.

21 CHAIRMAN MOORE: Mr. Wood?

22 MR. WOOD: Well, I do have some questions about
23 the Arch Ford report. And I have a good little bit
24 to say, but I suppose just starting with questions --
25 there was a link in the annual report to the

1 evaluation narrative summary from Arch Ford. And a
2 concerning statement in there is on page 13, section
3 2, Staff qualifications. It says that all Arch Ford
4 ESE employees who hold positions requiring license --
5 licensure are licensed in the appropriate area or
6 have an approved licensure plan on file. And I think
7 that things have come to light since our May board
8 meeting that might suggest that that statement is not
9 accurate to the -- in the ALE program. There's
10 evidence to suggest, and maybe admissions from the
11 director, that licensed employees were not in the
12 positions where licensure was required and a
13 licensure plan was not in place. Is that accurate
14 from my -- from what I kind of described there?

15 MS. SMITH: Well, we do know that they were
16 submitting for the long-terms -- like that whole
17 discussion before on having accurate licensed folks.
18 I don't want to speak for Arch Ford. We're happy to
19 pull that annual report from this agenda and they can
20 come back next month and answer some of those
21 questions as far as -- I don't want to speak for who
22 they had licensed or not licensed --

23 MR. WOOD: Yeah.

24 MS. SMITH: -- for that. That was on their
25 narrative summary for their evaluation earlier in the

1 year which I conducted with a team of about 10 folks
2 that went down there. I do know that there have been
3 questions around the consortium piece for the ALE and
4 some licensing questions. So I think the best person
5 to answer that question would be the cooperative.

6 MR. WOOD: Okay. I respect that.

7 I -- assuming that what I said is accurate based
8 on information that I've read and testimony that I've
9 read, I do have problems with, you know, Arch Ford
10 representing that they have licensed people in all
11 areas where they need a licensed person or that they
12 have a alternative licensing plan in place when there
13 was not.

14 And so I was, you know, going to speak against
15 approving Arch Ford's annual report, but I would
16 agree that maybe holding that report until the August
17 meeting could be more appropriate. And I was going
18 to ask of the Board that we request a report on the
19 Arch Ford ALE program. You may remember that Ms.
20 Alumbaugh, who's in the audience today, she came and
21 spoke at our May meeting and highlighted some
22 problems that she had discovered in the Arch Ford ALE
23 program. And, you know, we were told that we would
24 hear about long-term sub explanations in June, and in
25 June they decided not to even pursue the long-term

1 sub waiver request. And then we were told in June
2 that we would get a comprehensive report at this
3 meeting, at the July meeting, with regard to the Arch
4 Ford ALE program. But a development late in June is
5 that a family sued Arch Ford, and a number of other
6 defendants, and including Secretary Oliva in his
7 official capacity, and so that threw a monkey-wrench
8 in the Department wanting to present today on their
9 Arch Ford ALE investigation. But while I respect
10 that a lawsuit can -- has its own impact on things, I
11 also believe that we have a responsibility, given the
12 fact that school is about to start in just a few
13 weeks, that I think we still need to hear what's
14 going on at the Arch Ford ALE and know that it is in
15 compliance with the regulations we have.

16 I've reviewed a lot of stuff. I've reviewed
17 documents and reports and testimony, you know, sworn
18 testimony of individuals. And there does seem to be
19 strong evidence to suggest that at least portions of
20 the Arch Ford ALE program were not adhering to
21 regulations regarding student-to-teacher ratios; they
22 did not have the appropriately licensed teachers in
23 the classroom, and did not have approved waivers or
24 requests for waivers; they did not adhere to
25 regulations regarding the percentage of time for live

1 or synchronous instruction; they -- they did not have
2 qualified individuals serving as institutional --
3 instructional facilitators and interventionists;
4 evidence of lots of -- lots of problems. And I'm not
5 saying that's conclusive, any of those things; I just
6 said -- I'm not -- I'm not saying that's conclusive;
7 I'm just saying that things I have seen suggest that
8 that may be the case. And I would hope that we would
9 ask them to come back to -- to come to us at the next
10 meeting and show us a specific -- with specific
11 evidence that they will be in compliance with our
12 regulations. And I would like to hear from the
13 Department at the August meeting that they've
14 reviewed Arch Ford's promises and they agree that if
15 they were to take those steps they would be in
16 compliance.

17 I had a good meeting with Ms. Smith this morning
18 about a lot of this stuff, and I am comforted that it
19 does appear that the Department has a -- a very
20 strong plan in place to evaluate what happens when
21 school starts at the beginning of next year. But --
22 and so I understand that you can't go evaluate a
23 program right now because it's summer and there
24 aren't any kids there; there aren't any teachers
25 there. But the Department intends to be very -- very

1 -- I don't know -- proactive at the beginning of the
2 school year. But I would like to know, just one of
3 -- one of nine of us, and I hope that y'all would
4 want to know also, that on day-one, when school
5 starts, that Arch Ford is going to offer a -- a
6 compliant program.

7 So that's why I was prepared to ask that we hold
8 Arch Ford's report and ask them to come and speak to
9 their program and get the blessing of their plans
10 from the Department in August.

11 CHAIRMAN MOORE: Thank you, Mr. Wood.

12 More questions or comments? Ms. Hunter?

13 MS. HUNTER: No.

14 CHAIRMAN MOORE: Mr. Sutton? Mr. Henderson?

15 MR. SUTTON: Well, my only question, based on
16 what Jeff was saying, is by tabling this, is it
17 creating any huge issue?

18 MS. SMITH: I would ask that we go ahead and
19 approve the other annual reports. If you were going
20 to hold Arch Ford's, it would just go on next month.
21 The cooperatives are required to have them submitted
22 to the Department by August 31st every year. So
23 their report would be on the August agenda with the
24 other seven, and so it -- they would be meeting the
25 timeline still. And they have submitted their

1 report.

2 MR. SUTTON: So we could make a motion to
3 approve this with the exception of Arch Ford?

4 MS. SMITH: Absolutely, you could do that.

5 MR. SUTTON: Is that -- I mean --

6 MR. WOOD: I think so.

7 CHAIRMAN MOORE: Okay. Mr. Henderson,
8 questions?

9 MR. HENDERSON: No.

10 CHAIRMAN MOORE: Okay. I did have a question.
11 I know -- and I don't remember -- looking at this in
12 years past, I appreciate that y'all put in the rules
13 on our agenda. And part of those rules of the co-op
14 -- it listed everything they're supposed to include.
15 Part of it was more fiscal. And I noticed some of
16 them for their programs -- it says an itemization of
17 administrative and program expenditures and review of
18 the expenditures by the board of directors. I
19 noticed that some of them did put in some
20 expenditures, but it wasn't very detailed. Is that
21 something y'all have talked with them about before or
22 why they choose -- some did and some didn't?

23 MS. SMITH: So when we did onsite evaluations
24 this year we did review their audits and like if
25 there were any audit findings and how they did their

1 expenditures. So those were part of the process for
2 the evaluation.

3 CHAIRMAN MOORE: Okay.

4 MS. SMITH: And so if the board is requesting
5 more additional information on that within their
6 annual reports, we can most certainly do that.

7 CHAIRMAN MOORE: I think that would be helpful.
8 Because from what I've heard over the years is, I
9 mean, co-ops are receiving a lot of funding from
10 state and local, and their board of directors is over
11 that. But we don't -- we don't see that and so we
12 don't know what's going in and what's going out. So
13 I think that would be helpful in light of it's asking
14 us here to have some kind of pulse on those program
15 expenditures.

16 MS. SMITH: Okay. So are you -- so is that --
17 are you -- are there specific ones that you'd like to
18 see more on, or would you like to -- I mean, we could
19 bring every single annual report, all 15 of them,
20 back next month with the expectation to add
21 additional pieces for finance, if that's what -- if
22 that's the pleasure of this board.

23 CHAIRMAN MOORE: Yeah. I mean, certainly have
24 them do an itemization of administrative and
25 pertinent expenditures. Now I don't want them to

1 have to go through their books and give us all the
2 information just for the sake of it. But I do think
3 some of them, at least for the grants they receive,
4 they listed how much and whether they're -- if
5 they're restricted or not. I think just a greater
6 understanding of those expenditures would be helpful.

7 MS. SMITH: Okay.

8 CHAIRMAN MOORE: But I'm just one. I don't know
9 if any discussion or further questions on that by
10 other board members. And I guess to add to that, I
11 think, you know, districts have a lot of laws as far
12 as what they have to put on their websites, and you
13 can by and large look at district budgets. Costs
14 don't have much of that, so this might be one of the
15 only ways where we're -- people can get an
16 understanding of where the money goes in and goes
17 out.

18 MS. HUNTER: And I'm wondering if actually
19 seeing them side by side might be helpful?

20 CHAIRMAN MOORE: Yeah.

21 MS. HUNTER: Not just one report per --

22 MR. WOOD: What do you mean?

23 MS. HUNTER: Well, say you can list your
24 revenues and expenditures, and then just across a
25 spreadsheet show each one so you can look across to

1 see who might be spending and --

2 MR. WOOD: Oh, I see.

3 MS. HUNTER: -- receiving more or less than the
4 others --

5 MR. WOOD: Yeah.

6 MS. HUNTER: -- for a comparative.

7 CHAIRMAN MOORE: Which it does say on or before
8 August 31st of the year, so they still do have a
9 little bit of time.

10 MR. WOOD: Yeah.

11 CHAIRMAN MOORE: We don't want to do -- undue
12 work on the district -- or on the co-ops. But also,
13 you know, it's listed here for us to look at.

14 More questions --

15 MS. SMITH: So would you like to -- I mean,
16 again, I don't mind going back and asking them for
17 more information on their annual reports for you.
18 It's for your approval, so it's not something for us
19 to review and approve. They send their annual
20 report, these are the items that are supposed to be
21 on the report; if you have more questions regarding
22 it, we most definitely have the ability to ask for
23 that.

24 CHAIRMAN MOORE: Okay. The floor is open for
25 discussion or motion at that point.

1 Well, I do -- actually, wait. Do we have
2 someone signed up for public comment on this agenda
3 item? Do we have -- and do we have to take a vote on
4 public comment at this point? I don't remember.

5 MR. RHODES: No.

6 CHAIRMAN MOORE: Okay.

7 MR. RHODES: You can take public comment.

8 CHAIRMAN MOORE: Okay.

9 MR. RHODES: So I believe Audie Alumbaugh is
10 here for the Arch Ford report and not the other
11 reports. Correct?

12 CHAIRMAN MOORE: Okay.

13 MS. ALUMBAUGH: Yes, sir.

14 MR. RHODES: Okay.

15 CHAIRMAN MOORE: Okay. Thank you.

16 And then public comment is three minutes.

17 MS. ALUMBAUGH: Okay.

18 CHAIRMAN MOORE: Thank you.

19 MS. ALUMBAUGH: Good morning, Board, and thank
20 you for the opportunity to speak today. As you know,
21 I came two months ago to speak with you guys about
22 the alternative learning environment, or ALE, at the
23 Arch Ford Co-op. Today I come with you -- to --
24 today I come to you with the very same concerns, as
25 it appears the inaccuracy has run over into the Arch

1 Ford Cooperative report that you have in front of
2 you. I believe that the ALE fraud has been going on
3 for at least three years, and I believe that the Arch
4 Ford has been pulling the wool over our eyes for
5 longer than that. I don't know how else to say this,
6 but these kids cannot get this time back. The adults
7 need to get this right every year for these kids.
8 And in my eyes, the adults in charge have lost the
9 privilege of working with these kids. Last month,
10 Lincoln School District was cited for the same thing
11 these districts and co-ops have done for years.
12 Where is the citation for these districts associated
13 with the ALE?

14 What you heard today from Cutter Morning Star is
15 terrible, and the ALEs have done the same thing --
16 money for nothing. Where is the citation? Where is
17 the recommendation for probation or the corrective
18 action plan? I'm telling you guys this ALE fraud is
19 pervasive and it is driven by the Arch Ford Co-op.
20 I'm not going to list all the inaccuracies in the
21 report, but they start on page 2 and go throughout.
22 Where you see the districts requirement for a co-op
23 to serve at least 10, but no more than 35 districts,
24 Arch Ford serves over 50 school districts in the ALE
25 alone. ALE appears to be a \$30,000,000 industry in

1 the state of Arkansas -- and by my calculation,
2 although it is difficult to calculate because it is
3 so incredibly convoluted, \$11,000,000 of that goes to
4 the Arch Ford Co-op. Schools were not only given
5 foundation funding, but they were given an additional
6 \$4200 per student to provide more services, and these
7 kids did not even get the basics -- certified
8 teachers, six hours of instruction, PE, school nurse,
9 et cetera. These schools got money and -- more money
10 and the children got less. To accept this report at
11 face value would be to continue to incentivize this
12 dereliction. Imagine being autistic, being placed in
13 an alternative learning environment for no reason
14 other than transferring from Missouri to Arkansas,
15 being beat-up and searched every day for no reason,
16 your parents begging for you to be released from this
17 environment, but you being told that you haven't met
18 your goals -- goals that were not even developed by
19 certified teachers or implemented with accurate
20 behavior sheets. The absolute heartbreaking
21 disappointment that this family has felt and all of
22 us should feel is almost unbearable, and it certainly
23 was for this child as he became suicidal. It appears
24 that this school-to-prison pipeline is gone. We've
25 skipped the pipeline and now we're just putting kids

1 in school in prison.

2 I'm asking this board to examine this report
3 with a keen eye. I'm asking this board to not
4 rubberstamp the report. I'm asking this board to
5 take the same keen eye and look at the educational
6 service cooperative model in the state of Arkansas,
7 particularly at Arch Ford, and recognize that it is
8 not working for students. It is part of the system
9 that has failed kids for years. It's time the state
10 of Arkansas stop writing blank checks to educational
11 systems that believe they are above the public that
12 funds them. Accountability to our children and
13 families is a must. I am asking you guys to stand in
14 the gap for these kids. If you don't do something,
15 you're going to fall for everything. There is
16 nothing worse than taking an opportunity from a
17 child, except when you take an opportunity from a
18 child at risk. This has become everyone's knowledge
19 and no one's responsibility. I urge you to table
20 this report and request an immediate financial and
21 service audit into the Arch Ford Co-op. You've
22 already tabled it, and I thank you for that.

23 CHAIRMAN MOORE: Thank you.

24 Was there anyone else signed up, Mr. Rhodes?

25 MR. RHODES: (Shaking head from side to side.)

1 CHAIRMAN MOORE: Okay.

2 MR. RHODES: No, Chair. That's it.

3 CHAIRMAN MOORE: Thank you.

4 Questions, comments, discussion, over here?

5 Over here?

6 Okay. We'll leave the floor open for a motion
7 now.

8 MR. WOOD: Well, I was just going to say I
9 appreciate the item you brought up about funding.
10 And I would -- I would be in favor of delaying
11 approval of all of them until after they were to all
12 give us significant, you know, explanation of their
13 finances.

14 CHAIRMAN MOORE: Okay. Is that appropriate?
15 Make a motion? Do we need -- we need to make a
16 motion?

17 MS. SMITH: We need to make a motion as to like
18 table, how -- what would need to be done?

19 MR. RHODES: That's right. Just make a motion
20 to table these items for the next upcoming meeting
21 and then you can take them up at that time.

22 CHAIRMAN MOORE: Okay.

23 MS. SMITH: And do they need to note that
24 they're requesting additional information that
25 follows the requirement on the itemization of

1 finances in all the reports? Because that's why
2 we're tabling all the -- voice that?

3 MR. RHODES: I think you can voice it in the
4 motion and then the Department can reach out to the
5 co-ops and get that information.

6 CHAIRMAN MOORE: Okay. Thank you.

7 MS. SMITH: And I'm assuming you'd like me to
8 request them to be here in person or on Zoom next
9 time too, as well? Arch Ford I know you want here.

10 CHAIRMAN MOORE: Yes.

11 MS. SMITH: Would you like all of them to be
12 able to participate?

13 CHAIRMAN MOORE: I think so.

14 MR. WOOD: I think so.

15 CHAIRMAN MOORE: Yeah.

16 MR. WOOD: Certainly by Zoom.

17 CHAIRMAN MOORE: On Zoom to answer questions.

18 MS. SMITH: Okay.

19 MR. WOOD: Yeah.

20 CHAIRMAN MOORE: Mr. Wood, do you want to make a
21 motion?

22 MR. WOOD: I'll make an attempt at the motion.
23 It got complicated.

24 CHAIRMAN MOORE: Yeah.

25 MS. SMITH: I'm sorry.

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MR. WOOD: The easy part was tabling them.

I move to table the educational service cooperative's annual reports until the August State Board meeting. And request --

MS. SMITH: Additional financial information.

MR. WOOD: Request additional financial information be included in their annual reports.

CHAIRMAN MOORE: Okay. A motion was made by Mr. Wood. Is there a second?

MR. SUTTON: I'll second.

CHAIRMAN MOORE: Second by Mr. Sutton. All in favor say "aye."

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN MOORE: Any opposed?

The motion passes.

Okay. That's the end of our action agenda.

(The Action Agenda was concluded at 12:34 p.m.)

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