

**In The Matter Of:**  
*ARKANSAS STATE BOARD OF EDUCATION*

---

*August 12, 2021*

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*Sharon K. Hill, CCR*  
*(501) 680-0888*

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ARKANSAS DIVISION OF  
ELEMENTARY AND SECONDARY EDUCATION  
STATE BOARD OF EDUCATION  
AUGUST 12, 2021  
10:20 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

MS. OUIDA NEWTON, Chairman  
DR. SARAH MOORE, Vice Chairman  
MS. CHARISSE DEAN  
MS. KATHY MCFETRIDGE  
DR. FITZGERALD HILL  
MS. ADRIENNE WOODS  
MR. STEVE SUTTON  
DR. BETH ANNE RANKIN

NON-VOTING PARTICIPANTS:

MR. JOHNNY KEY, Secretary of Education  
MS. SUSANNA POST, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MS. LORI FRENO                      General Counsel  
MS. MARY CLAIRE HYATT          Attorney

LOCATION:

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

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1 PROCEEDINGS  
 2 V.I. STATE BOARD HEARING PLSB CASE NO. 21-073 RICKY MORROW  
 3 CHAIRMAN NEWTON: The first item on our action  
 4 agenda is a State Board hearing for the Ricky Morrow  
 5 case. Ms. Douglas.  
 6 MS. DOUGLAS: Good morning.  
 7 CHAIRMAN NEWTON: Morning.  
 8 MS. DOUGLAS: Mr. Morrow was pulled by you all  
 9 last month and set for a hearing this month. I am  
 10 not a hundred-percent certain that he has received  
 11 notice of this hearing. It was not downloaded from  
 12 our secure server which is how we typically send that  
 13 notice. He did accept his sanction and that's why he  
 14 was on the consent agenda last month. I do have an  
 15 investigator here if the Board wishes to question the  
 16 investigator. But the educator is not here.  
 17 CHAIRMAN NEWTON: Okay. Can we proceed with  
 18 questions and discussion since the educator is not  
 19 here?  
 20 MS. DOUGLAS: Yes.  
 21 CHAIRMAN NEWTON: Okay. All right. Does anyone  
 22 have comments -- we'll go -- start on this side -- on  
 23 this case -- or questions?  
 24 Dr. Rankin?  
 25 DR. RANKIN: (Shaking head from side to side)

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1 CHAIRMAN NEWTON: Ms. McFetridge?  
 2 MS. McFETRIDGE: No.  
 3 CHAIRMAN NEWTON: Dr. Moore?  
 4 DR. MOORE: Yes. I believe I pulled this one  
 5 because I felt that the sanction of a probation was  
 6 very light based on the information that we received.  
 7 And so lacking a hearing today, I think I would like  
 8 to send it back to do an evidentiary hearing because  
 9 of, you know, information that we have here. My  
 10 concern is that a probation might not change habits  
 11 and we might see something even worse down the road.  
 12 CHAIRMAN NEWTON: Ms. Woods?  
 13 MS. WOODS: No, no questions.  
 14 CHAIRMAN NEWTON: Mr. Sutton?  
 15 MR. SUTTON: No, ma'am.  
 16 CHAIRMAN NEWTON: Let's see. I think Ms. Post  
 17 and Ms. Dean are joining us by Zoom.  
 18 Ms. Dean?  
 19 MS. DEAN: [No Zoom audio]  
 20 CHAIRMAN NEWTON: Ms. Dean, we can't hear you.  
 21 I'm going to let Ms. Post start while you see if  
 22 you can fix what you've got there.  
 23 Okay. Ms. Post?  
 24 MS. POST: I don't have any questions.  
 25 CHAIRMAN NEWTON: Okay. Is it working?

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1 No? Okay. Maybe you can hold up a sign here  
 2 then.  
 3 DR. MOORE: She wrote a comment that she --  
 4 CHAIRMAN NEWTON: Okay, in the comments.  
 5 DR. MOORE: -- had the same concerns.  
 6 CHAIRMAN NEWTON: Okay. I see now in the  
 7 comments, "I agree with Dr. Moore, I had the same  
 8 concerns." Okay.  
 9 Then my concerns were from the -- in the  
 10 rationale on this one it said there were high --  
 11 there was a high level of student impact. And then  
 12 if you go to our appendix where we -- it does the  
 13 sanctions, under probation it says low and moderate  
 14 level. But then when you go to high level it moves  
 15 to suspension, because it says moderate to high  
 16 level. So to me the sanction did not line up with  
 17 what it said in the actual information that we  
 18 received. So I would also be willing to send this  
 19 one back for an evidentiary hearing also.  
 20 DR. MOORE: I will second that. And I feel that  
 21 it is -- I appreciate when we have mitigating  
 22 evidence that will show why, you know, this is a less  
 23 severe penalty than maybe the rubric outlines. And  
 24 since we don't have any of that here -- we have  
 25 another case in the consent agenda that ended in

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1 revocation, and on paper they look the same, and  
 2 certainly they're not. But I feel that we need to  
 3 send it to get more information so that this does not  
 4 occur again.  
 5 CHAIRMAN NEWTON: So do we have a motion about  
 6 the Ricky Morrow case?  
 7 DR. MOORE: I'm not sure if I'm going to state  
 8 this right, but I think I want -- I want to move to  
 9 send it to an evidentiary hearing?  
 10 MS. DOUGLAS: That's correct.  
 11 DR. MOORE: Okay. And that will go --  
 12 MS. DOUGLAS: Return to PLSB for an evidentiary  
 13 hearing.  
 14 DR. MOORE: Okay. I move to return to PLSB for  
 15 an evidentiary hearing.  
 16 CHAIRMAN NEWTON: Okay. I have a motion by Dr.  
 17 Moore.  
 18 Do we have a second?  
 19 MS. WOODS: I'll second.  
 20 CHAIRMAN NEWTON: Okay. Seconded by Ms. Woods.  
 21 All in favor?  
 22 (UNANIMOUS CHORUS OF AYES)  
 23 CHAIRMAN NEWTON: Any opposed?  
 24 Okay. All right.  
 25 VI.2. STATE BOARD HEARING PLSB CASE NO. 21-088 SARA HUDSON

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1 CHAIRMAN NEWTON: We'll move then on to the Sara  
 2 Hudson case.  
 3 MS. DOUGLAS: Educator Hudson was placed on the  
 4 consent agenda item last month and was removed for a  
 5 State Board hearing. She has received her notice for  
 6 the State Board hearing, but is not appearing -- is  
 7 not here today and has not presented the PLSB any  
 8 additional information for the State Board to review.  
 9 The investigator is here if the Board would like to  
 10 question them. But Ms. Hudson did not have an  
 11 evidentiary hearing either.  
 12 CHAIRMAN NEWTON: Okay. All right. We'll start  
 13 over here this time.  
 14 Ms. Woods?  
 15 MS. WOODS: No, ma'am.  
 16 CHAIRMAN NEWTON: Mr. Sutton?  
 17 MR. SUTTON: No, ma'am.  
 18 CHAIRMAN NEWTON: Dr. Moore?  
 19 DR. MOORE: Just -- I do have a few questions  
 20 for you, Amy.  
 21 MS. DOUGLAS: Uh-huh.  
 22 DR. MOORE: So in this instance the teacher  
 23 received a written reprimand but it says was  
 24 terminated from their school district position. When  
 25 you receive a written reprimand is that something

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1 that if you were to go apply for a new district that  
 2 information would be there? Would that be disclosed  
 3 to the new district or is that just between the  
 4 educator --  
 5 MS. DOUGLAS: It would be publicly viewable on  
 6 the State Board website, as well on ALS.  
 7 DR. MOORE: Okay.  
 8 MS. DOUGLAS: So it is requirement for new-hires  
 9 for them to look at those systems --  
 10 DR. MOORE: Okay.  
 11 MS. DOUGLAS: -- prior to hiring.  
 12 DR. MOORE: Okay.  
 13 MS. DOUGLAS: But it would not prevent her from  
 14 getting a job.  
 15 DR. MOORE: Okay. But any district would have  
 16 -- would be aware of the situation --  
 17 MS. DOUGLAS: Correct.  
 18 DR. MOORE: -- or be able to talk with the  
 19 teacher about what had occurred?  
 20 MS. DOUGLAS: Correct.  
 21 DR. MOORE: Okay. Thank you.  
 22 MS. DOUGLAS: Uh-huh.  
 23 CHAIRMAN NEWTON: Ms. McFetridge?  
 24 MS. McFETRIDGE: I don't see where she was going  
 25 to receive additional training. Is that in there?

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1 MS. DOUGLAS: She was ordered to do Children's  
 2 Challenging Behavior, a 10-hour online course, as  
 3 well as Code of Ethics training; provide written  
 4 reflections on each training, detailing how they will  
 5 impact her interactions with students in the future.  
 6 MS. McFETRIDGE: All right. Thank you.  
 7 CHAIRMAN NEWTON: Dr. Rankin?  
 8 DR. RANKIN: (Shaking head from side to side)  
 9 CHAIRMAN NEWTON: Ms. Dean?  
 10 I think she's trying to fix her audio problems.  
 11 Ms. Post?  
 12 MS. POST: I don't have questions. Thank you.  
 13 CHAIRMAN NEWTON: Ms. Dean, did you have any  
 14 questions?  
 15 MS. DEAN: (Shaking head from side to side)  
 16 CHAIRMAN NEWTON: Okay. All right. I think I  
 17 was one of the ones that had thought about pulling  
 18 this one last week -- or last month. And there is a  
 19 case, very, very similar, on the consent agenda this  
 20 time that had the same sanction; so I felt better  
 21 about that, that we were being consistent. You know,  
 22 that helped my thought process that we were being  
 23 consistent and doing the same thing. So I did feel  
 24 better about this case once I saw the consent agenda  
 25 this time.

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1 So a motion would be to either uphold the  
 2 sanction of the PLSB board or to send it back for a  
 3 hearing.  
 4 MR. SUTTON: I'll make the motion to uphold the  
 5 recommendation from PLSB board.  
 6 CHAIRMAN NEWTON: Okay. All right. We have a  
 7 motion by Mr. Sutton to uphold the sanction. I think  
 8 right now it is a written reprimand plus training.  
 9 And then, do we have a second?  
 10 DR. RANKIN: I'll second.  
 11 CHAIRMAN NEWTON: Okay. Seconded by Dr. Rankin.  
 12 All in favor?  
 13 (UNANIMOUS CHORUS OF AYES)  
 14 CHAIRMAN NEWTON: Any opposed?  
 15 Okay. Thank you, Ms. Douglas.  
 16 MS. DOUGLAS: Thank you.  
 17 VI.3. STATE BOARD HEARING - REQUEST FOR WAIVER-LA-21-007,  
 18 JESSICA BRUNDAGE  
 19 CHAIRMAN NEWTON: All right. Now we have some  
 20 waiver requests.  
 21 Who is going to -- Dr. Pfeffer, are you handling  
 22 -- are you handling these?  
 23 Okay. State Board Hearing Request for Waiver,  
 24 Jessica Brundage.  
 25 DR. PFEFFER: Ivy Pfeffer, Deputy Commissioner.

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1 And so in this item this is a child maltreatment  
 2 issue. The Division was made aware that the educator  
 3 had a true finding as far as the Child Maltreatment  
 4 Registry or the Central Registry.  
 5 I believe you have this handout that was  
 6 prepared last month that kind of helps you understand  
 7 the difference between the decision-making process  
 8 for these types of issues versus a PLSB or a  
 9 licensure issue. And so if you have any questions --  
 10 but the issue before you is asking you to decide  
 11 whether or not that you would grant a waiver for the  
 12 educator in order to be licensed and also be employed  
 13 in the school district.  
 14 CHAIRMAN NEWTON: Okay. Ms. Freno, could you  
 15 give us some guidance here? If we hear from the  
 16 educator, do we need to swear someone in? Do we have  
 17 length of time? Can you give us some guidance?  
 18 MS. FRENO: Yes, Ms. Dean [sic]. Lori Freno,  
 19 Department of Education.  
 20 Witnesses must be sworn in.  
 21 CHAIRMAN NEWTON: Okay.  
 22 MS. FRENO: And the educator -- and you can hear  
 23 from the educator. They may present an opening --  
 24 the educator may present an opening statement, or her  
 25 counsel, of five minutes. And of course you can

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1 always allow additional time, if needed. And then  
 2 there's an additional -- the Division may present  
 3 anything that it wishes, and then there is 15 minutes  
 4 for each side to present any additional evidence that  
 5 they wish.  
 6 CHAIRMAN NEWTON: Okay. Thank you.  
 7 MS. FRENO: And then the Board would make a  
 8 determination.  
 9 CHAIRMAN NEWTON: Okay. All right.  
 10 Who is here --  
 11 MS. BRUNDAGE: I'm Jessica Brundage.  
 12 CHAIRMAN NEWTON: Okay. Would you stand please,  
 13 raise your right hand. Do you swear or affirm that  
 14 the testimony you're about to give shall be the  
 15 truth, the whole truth and nothing but the truth?  
 16 MS. BRUNDAGE: I do.  
 17 CHAIRMAN NEWTON: Okay. You can come forward.  
 18 MS. BRUNDAGE: Good morning.  
 19 CHAIRMAN NEWTON: Morning.  
 20 MS. BRUNDAGE: Much of my opening statement is  
 21 in the letter that I wrote that you already have, so  
 22 I'll just mention the highlights.  
 23 In 2012, when the charge of neglect occurred I  
 24 was in a very different place. I was married to an  
 25 abusive man and turned to alcoholism as an escape. I

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1 fled Arkansas to Colorado, where through the love and  
 2 support of family and friends I gathered the courage  
 3 to divorce him. I put the children and myself in  
 4 therapy and I attended substance abuse counseling  
 5 sessions and rehab, successfully completing both  
 6 programs. I made some poor decisions during the time  
 7 I was drinking, and I swore I would never be that  
 8 person again. I began a mission to help others,  
 9 especially children.  
 10 Once I achieved sobriety, I enrolled myself in  
 11 school, something I wasn't allowed to do when I was  
 12 married. I worked as a special education  
 13 paraprofessional where I worked -- while I worked on  
 14 my licensing, and I knew I had found my calling.  
 15 During my student teaching semester I was hired to  
 16 take on a class that no other teacher had stayed with  
 17 due to behavior problems. I was their third teacher  
 18 in one quarter. With patience, consistency and  
 19 understanding, I built relationships with these kids  
 20 that others had not been able to. Things began to  
 21 change and I achieved what others had thought was  
 22 impossible, a class that was no longer breaking out  
 23 in fistfights or disruptions but was sitting and  
 24 learning in a stable and safe environment. This is  
 25 where I was given my first award.

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1 I moved on to another school which won the  
 2 Governor's Distinguished Award the first year I was  
 3 there. I was featured in the newspaper the following  
 4 year, which I also provided. I went through the  
 5 training and became a facilitator for the program  
 6 Raising Highly Capable Kids.  
 7 Not only have I not done anything to any student  
 8 at any time, quite the opposite is true. I have an  
 9 untarnished career in the three years I've had my own  
 10 classroom, and I included recommendations and  
 11 character letters in the packet.  
 12 Following the death of my ex-husband, I moved  
 13 myself and my kids back to Arkansas. I filed for  
 14 reciprocity and I had been hired for what I thought  
 15 was my dream job, teaching math and science to 5th  
 16 grade. I was excited and so was the school. And so  
 17 I got the notice of the true finding from nearly a  
 18 decade ago. I could not -- I couldn't believe that  
 19 despite all I had overcome that my past was being  
 20 thrown in my face and coming back to haunt me. A  
 21 relative put it best when she said, "I'm awed how  
 22 quick [inaudible, educator crying]." I lost that job  
 23 at the school and I'm now a waitress.  
 24 I'm not denying or minimizing that my household  
 25 was a mess or anything I have done, but I'm not the

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1 same person I was 10 years ago. I'm asking for a  
 2 waiver to continue my mission and my passion for  
 3 teaching. That's all I have. Thank you.  
 4 CHAIRMAN NEWTON: Thank you, Ms. Brundage.  
 5 Is there anyone else here to speak on your  
 6 behalf?  
 7 MS. BRUNDAGE: No.  
 8 CHAIRMAN NEWTON: Does the Department have  
 9 anything?  
 10 DR. PFEFFER: In these cases we don't get any  
 11 information except for just that there is a true  
 12 finding or not, which is why then the opportunity is  
 13 for you all to consider the additional issues and  
 14 determine whether or not you want to grant the  
 15 waiver.  
 16 CHAIRMAN NEWTON: Okay. All right. I will see  
 17 if anyone from the Board has questions.  
 18 Dr. Moore?  
 19 DR. MOORE: I don't have any questions, but I  
 20 appreciate you coming here today. You have wonderful  
 21 recommendations from your former principal. And so I  
 22 hope to vote to allow you to return to the classroom  
 23 soon. Thank you.  
 24 CHAIRMAN NEWTON: Ms. McFetridge?  
 25 MS. McFETRIDGE: No questions.

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1 CHAIRMAN NEWTON: Okay. Dr. Rankin?  
 2 DR. RANKIN: I just want to echo Dr. Moore. I  
 3 appreciate your courage by coming here today and the  
 4 fact that I feel like the past nine years of your  
 5 life speak to redemption. And I look forward to  
 6 voting in a minute, hopefully, to allow that waiver.  
 7 CHAIRMAN NEWTON: All right. Ms. Woods?  
 8 MS. WOODS: I echo their sentiments. I think  
 9 this is exactly the type of case that we have the  
 10 power to grant a waiver for.  
 11 And I did want to just ask you though, have you  
 12 been able to apply for your name removal from the  
 13 Child Maltreatment? You may need to come up here and  
 14 talk so that we capture you. I didn't know if you  
 15 knew that was an option, and so that's why I wanted  
 16 to ask.  
 17 MS. BRUNDAGE: I have started the process but I  
 18 couldn't -- the State Police background check had  
 19 gotten kicked back. That's why I avoided that.  
 20 MS. WOODS: Okay.  
 21 MS. BRUNDAGE: The license that I have, I had a  
 22 federal background check, but --  
 23 MS. WOODS: Okay. But you have started that  
 24 process? You did know that was an option?  
 25 MS. BRUNDAGE: I did know --

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1 MS. WOODS: Okay.  
 2 MS. BRUNDAGE: -- that was an option. Yeah. I  
 3 just didn't think it was going to work out.  
 4 MS. WOODS: Yeah. I appreciate that.  
 5 CHAIRMAN NEWTON: Mr. Sutton?  
 6 MR. SUTTON: You know, these true findings with  
 7 the DHS, I continue to have a problem with the lack  
 8 of information. I understand that they have their  
 9 process, et cetera. But the fact that the PLSB board  
 10 or DESE doesn't have access to any background on the  
 11 true finding makes it extremely difficult,  
 12 particularly when you've got so much distance  
 13 between, you know, the alleged true finding and where  
 14 we are today. So, you know, I can only go on what we  
 15 see before us and I'm inclined to grant the waiver as  
 16 well. Anyway, that's my comment.  
 17 CHAIRMAN NEWTON: Okay. Ms. Dean?  
 18 MS. DEAN: Can y'all hear me?  
 19 CHAIRMAN NEWTON: Yes.  
 20 MS. DEAN: Okay, awesome. I had to switch to my  
 21 phone.  
 22 I just wanted to say thank you for coming here  
 23 today. And I understand the courage that it takes to  
 24 leave what life you knew and do what was best for you  
 25 and your children, and I congratulate you on being

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1 brave and taking that step of faith. And I'm so  
 2 happy that your life has taken this turn in such a  
 3 good direction, one that's good for you and one for  
 4 your children; that this person that they get to see  
 5 is bold and brave and taking chances and doing new  
 6 things and expanding your life and your horizons. I  
 7 think it's good for your children to see and I think  
 8 it will be great for your students in your classroom  
 9 to see as well. So I would be voting for you to  
 10 receive the waiver. But I just want to encourage you  
 11 to keep moving forward and keep doing what's best for  
 12 you and your family and just watch the horizons  
 13 expand. You accomplished so much since you made that  
 14 decision years ago and I think that you will continue  
 15 to do even greater things, so be encouraged and  
 16 continue to do great and go be great and be a great  
 17 teacher. I look forward to hearing the great  
 18 testimonies in the future.  
 19 CHAIRMAN NEWTON: Ms. Post?  
 20 MS. POST: Can everyone hear me okay?  
 21 CHAIRMAN NEWTON: Yes.  
 22 MS. POST: I just wanted to say to her that my  
 23 husband is actually the pastor of a recovery ministry  
 24 in our church. And it was beautiful to hear your  
 25 story because I know that the final step in a

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1 recovery process is that you're giving back, and  
 2 that's what I heard today is that you have overcome  
 3 and that you have turned your life around and you're  
 4 now giving back. Congratulations on the awards.  
 5 I would also just like to say that the best  
 6 movies and the best stories have their highs and  
 7 lows; right? And I'm sure that this is not where you  
 8 wanted to be today, but it kind of makes for a more  
 9 interesting story that you'll be able to share  
 10 someday and talk about how you hit this low but then  
 11 you became this great educator. So just as the  
 12 Arkansas Teacher of the Year, I wanted to say that  
 13 you are okay, get back in that classroom, make great  
 14 things happen, and just let this be one chapter in  
 15 the book.  
 16 CHAIRMAN NEWTON: Yes, very well said. Thank  
 17 you.  
 18 I think we're ready for a motion then.  
 19 MS. WOODS: I would love to make the motion.  
 20 CHAIRMAN NEWTON: All right, Ms. Woods.  
 21 MS. WOODS: I move that we grant the waiver for  
 22 this teacher.  
 23 CHAIRMAN NEWTON: All right. Motion from Ms.  
 24 Woods to grant the waiver.  
 25 DR. MOORE: Second.

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1 CHAIRMAN NEWTON: Seconded by Dr. Moore.  
 2 All in favor?  
 3 (UNANIMOUS CHORUS OF AYES)  
 4 CHAIRMAN NEWTON: Any opposed?  
 5 Congratulations.  
 6 [APPLAUSE]  
 7 CHAIRMAN NEWTON: I think you can hear how proud  
 8 we are of you. Okay? We are just very proud and  
 9 thankful that you had the strength and help to  
 10 overcome and wish you the best. And please know  
 11 there are lots of jobs out there right now; go find  
 12 one and get in the classroom, because you're going to  
 13 be amazing. You're going to be amazing.  
 14 MS. BRUNDAGE: Thank you.  
 15 VI.4. STATE BOARD HEARING - REQUEST FOR WAIVER - LA21-008,  
 16 AMBER KIDWELL  
 17 CHAIRMAN NEWTON: All right. Our next hearing  
 18 is the Amber Kidwell case. Dr. Pfeffer.  
 19 DR. PFEFFER: Yes. So the Department received  
 20 information that the educator had a true finding, and  
 21 the educator is requesting a waiver. And the  
 22 educator is represented by an attorney here today.  
 23 CHAIRMAN NEWTON: Okay. All right. Is anyone  
 24 besides the attorney going to speak?  
 25 MR. ALAGOOD: This is the educator, Amber

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1 Tidwell. This is her principal, Dr. Lisa Geren --  
 2 CHAIRMAN NEWTON: Okay.  
 3 MR. ALAGOOD: -- who wants to explain to you  
 4 that if you don't give this waiver she's not going to  
 5 have a 3rd grade teacher come Monday morning. She's  
 6 traveled all the way from north central Arkansas to  
 7 address the Board today.  
 8 CHAIRMAN NEWTON: Okay.  
 9 MR. ALAGOOD: Now you've got a packet of --  
 10 CHAIRMAN NEWTON: Well, let me swear them both  
 11 in real quick. It won't take but a second, I  
 12 promise. Okay.  
 13 MR. ALAGOOD: I got ahead of myself.  
 14 CHAIRMAN NEWTON: Would you raise your right  
 15 hand please? Do you swear or affirm that the  
 16 testimony you're about to give shall be the truth,  
 17 the whole truth and nothing but the truth?  
 18 MS. TIDWELL: I do.  
 19 DR. GEREN: I do.  
 20 CHAIRMAN NEWTON: Thank you.  
 21 MR. ALAGOOD: You have the Department's packet  
 22 that they put together for you. I want to give to  
 23 you a copy of that portion of the Arkansas statute 6-  
 24 17-410 which sets out the factors that you ought to  
 25 take into consideration when you're making a decision

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1 as to whether or not you feel like it would be  
 2 appropriate to grant an educator a waiver from the  
 3 requirement that they would otherwise have their  
 4 teaching license revoked. And in this case the  
 5 disqualifying offense is that there's been a true  
 6 finding against her for maltreatment.  
 7 Now this is Amber Kidwell. She's been an  
 8 Arkansas educator for 10 years now. She spent five  
 9 years with Alpena actually employed by Ozark  
 10 Opportunities, which is a Head Start program. She  
 11 has spent the last five years with the Berryville  
 12 School District.  
 13 Now here's what happened: She's a single  
 14 parent. Two years ago, she got into a scuffle in her  
 15 home with her then-16 year old son and he got a  
 16 little cut on the inside of his lip. Okay.  
 17 Unfortunately, he found it necessary to bring that to  
 18 the attention of a well-intentioned mandated reporter  
 19 at school and DHS got involved. DHS should have  
 20 never been involved in this case. They should never  
 21 have made a true finding. Amber made it clear to her  
 22 friend and colleague, Dr. Geren, exactly what  
 23 happened. She's known exactly what happened, as has  
 24 the superintendent. In fact, the last two pages of  
 25 your exhibit packet from the Department are a letter

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1 from Dr. Geren and a letter from the superintendent  
 2 of the Berryville School District fervently asking  
 3 you to grant this young lady a waiver from revoking  
 4 her teaching license because she is on -- her name  
 5 appears on the Child Maltreatment Registry.  
 6 Now there is a process by which you can get your  
 7 name removed. This incident happened back in May of  
 8 2019; it was almost two-and-a-half years ago. But  
 9 DHS was operating at a glacial pace during the  
 10 pandemic, and so it was only recently that her matter  
 11 was actually addressed by them. I'm astonished that  
 12 the true finding was upheld. Be that as it may,  
 13 thank goodness the legislature saw fit to give you  
 14 the authority to grant a waiver from that. And as  
 15 you can see, the overarching concern and  
 16 consideration always is is this person going to pose  
 17 a risk to the safety or the health of school children  
 18 or school personnel, and the answer in this question  
 19 is a resounding no.  
 20 Now Amber has come down here this morning from  
 21 Berryville because this is her livelihood. It means  
 22 everything to her and she wishes to address you.  
 23 Thank you so much.  
 24 CHAIRMAN NEWTON: All right.  
 25 MS. KIDWELL: I just want to start with letting

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1 you know that I wrote this down so I could use our  
 2 time today effectively. Even though my words are  
 3 written down and planned, it doesn't take away from  
 4 the sincerity of them. Everything is truly from my  
 5 heart.  
 6 I appreciate all of you here on the Board and I  
 7 admire you for your dedicating your time and  
 8 knowledge to education.  
 9 It is unfortunate that my name got placed on the  
 10 Child Maltreatment list, however, I am going to  
 11 continue to work diligently to get it removed. It  
 12 was a result of a situation in my home two years ago,  
 13 in 2019, with my 16-year old. Neither of my two  
 14 children were ever removed from my home and we have  
 15 healthy relationships with all of them. It didn't  
 16 have anything to do with my professionalism as an  
 17 educator. I have been teaching for 10 years, I've  
 18 loved every minute of every year. I confidently and  
 19 happily show up, do my job. I go above and beyond  
 20 and help my coworkers do their jobs. They're my  
 21 families at school. I cannot express enough how  
 22 important it is to me. It's more than a job, it's a  
 23 relationship. I'm extremely motivated to inspire all  
 24 children. I can't imagine being anywhere besides in  
 25 the classroom.

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1 I just come to you today in humility, you know,  
 2 begging for a waiver in order to keep my license so I  
 3 can continue to be in the school district. When I  
 4 think about my district losing me two days before  
 5 school starts it's kind of heart-wrenching. I don't  
 6 want to be the cause of that for my students,  
 7 families, or my district. I am honest when I say I  
 8 do not pose as a threat to the health or safety of  
 9 the school children or personnel. And just please  
 10 find it in your hearts to grant me the waiver so I  
 11 can continue to make a difference in children's  
 12 lives.  
 13 Thank you for this opportunity and your passion  
 14 for education.  
 15 MR. ALAGOOD: Thank you.  
 16 Dr. Geren.  
 17 DR. GEREN: Good morning. I've been an educator  
 18 for 31 years, 22 of which have been in  
 19 administration. I would not put my reputation on the  
 20 line if I didn't truly believe this is the right  
 21 thing to do. And I would be remiss if I didn't come  
 22 down here and tell you personally that Amber is  
 23 absolutely not a threat to our students or our  
 24 faculty. And as a matter of fact, she's just the  
 25 opposite. She is an inspiration to us, we love her

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1 dearly. Her work is very heartfelt and personal and  
 2 she's a successful teacher. I've had her for five  
 3 years. I know her and I know that what transpired in  
 4 her home that night has nothing to do with school, it  
 5 has nothing to do with our children. I have children  
 6 in the school district, I have grandchildren, and I  
 7 would gladly have any one of them be in her  
 8 classroom. But I humbly ask you to consider her  
 9 waiver.  
 10 MR. ALAGOOD: Thank you, Dr. Geren.  
 11 Questions?  
 12 CHAIRMAN NEWTON: All right. We'll start with  
 13 you, Dr. Rankin.  
 14 DR. RANKIN: I just want to say how much I  
 15 appreciate Dr. Geren coming down and serving as a  
 16 character witness for her. And I appreciate your  
 17 courage that you've come today to ask for this  
 18 waiver. And I just personally look forward to in a  
 19 moment voting for you to have that waiver.  
 20 CHAIRMAN NEWTON: Thank you.  
 21 Ms. McFetridge?  
 22 MS. McFETRIDGE: What grade did you say you are  
 23 teaching?  
 24 MS. KIDWELL: Third grade.  
 25 MS. McFETRIDGE: Third grade. Have you been a

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1 third grade these five years?  
 2 CHAIRMAN NEWTON: Can you come to the microphone  
 3 please?  
 4 MS. McFETRIDGE: Oh, sorry.  
 5 MS. KIDWELL: Yes, I've been in third grade all  
 6 five years.  
 7 MS. McFETRIDGE: Okay. Thank you.  
 8 CHAIRMAN NEWTON: Dr. Moore?  
 9 DR. MOORE: No questions. Thank you.  
 10 CHAIRMAN NEWTON: Ms. Woods?  
 11 MS. WOODS: I do just want to commend you as a  
 12 character witness; that speaks a lot to her. So I  
 13 just wanted to --  
 14 DR. GEREN: Thank you. My pleasure.  
 15 CHAIRMAN NEWTON: Mr. Sutton?  
 16 MR. SUTTON: No questions.  
 17 CHAIRMAN NEWTON: Ms. Dean?  
 18 (MOMENT OF SILENCE)  
 19 CHAIRMAN NEWTON: Ms. Post?  
 20 MS. POST: I just wanted to express my  
 21 appreciation to your administrator. I've said before  
 22 in the meetings that that support for a teacher is  
 23 everything. So thank you for showing up for your  
 24 teacher today.  
 25 DR. GEREN: My pleasure, my pleasure.

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1 CHAIRMAN NEWTON: There you are, Ms. Dean.  
 2 MS. DEAN: I just wanted to echo what Ms. Post  
 3 just said. It looks as if your community and the  
 4 building level leaders believe in you as an asset to  
 5 your school and to your students. So your  
 6 recommendation letters, your letters of character,  
 7 and the fact that your building leader is there today  
 8 to speak on your behalf speaks to your value there  
 9 and for those children. So when the time comes I  
 10 will be happy to vote for you to receive the waiver.  
 11 MS. KIDWELL: Thank you.  
 12 CHAIRMAN NEWTON: Okay. All right. If there's  
 13 no more discussion, I think we're ready for a motion.  
 14 DR. RANKIN: I would like to make that motion  
 15 for Amber Kidwell to be granted the waiver.  
 16 CHAIRMAN NEWTON: Okay. We have a motion by Dr.  
 17 Rankin.  
 18 Do we have a second?  
 19 MS. DEAN: Second.  
 20 CHAIRMAN NEWTON: Second --  
 21 MS. DEAN: Second.  
 22 CHAIRMAN NEWTON: Okay. Seconded by Ms. Dean.  
 23 All right. All in favor?  
 24 (UNANIMOUS CHORUS OF AYES)  
 25 CHAIRMAN NEWTON: Any opposed?

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1 Congratulations. Your third graders are going  
 2 to be happy to see you Monday morning.  
 3 MS. KIDWELL: Thank you, guys, so much.  
 4 CHAIRMAN NEWTON: All right.  
 5 MR. ALAGOOD: Thank you. May we be excused?  
 6 CHAIRMAN NEWTON: You may be excused.  
 7 MR. ALAGOOD: Thank you. Have a good day.  
 8 CHAIRMAN NEWTON: Thank you for being here.  
 9 DR. GEREN: I would like to thank Dr. Key for  
 10 speaking to us at the PLC meeting yesterday in  
 11 Searcy. It was much appreciated. Thank you.  
 12 CHAIRMAN NEWTON: All right. Thank you.  
 13 VI.5. STATE BOARD HEARING - REQUEST FOR WAIVER - LA-22-001,  
 14 CANDICE LAWSON  
 15 CHAIRMAN NEWTON: All right. We have another  
 16 waiver hearing, for Candice Lawson.  
 17 DR. PFEFFER: Yes. And just like before, the --  
 18 we received the information that the educator has a  
 19 true finding for neglect in the Child Maltreatment  
 20 Central Registry. And the educator is here and is  
 21 requesting a waiver.  
 22 CHAIRMAN NEWTON: Okay. Ms. Lawson, come  
 23 forward.  
 24 MS. LAWSON: Good morning.  
 25 CHAIRMAN NEWTON: We'll get you sworn in real

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1 quick. I need my little sheet. Here it is.  
 2 Could you raise your right hand, please? Do you  
 3 swear or affirm that the testimony you're about to  
 4 give shall be the truth, the whole truth and nothing  
 5 but the truth?  
 6 MS. LAWSON: I do.  
 7 CHAIRMAN NEWTON: All right. Thank you. Go  
 8 ahead.  
 9 MS. LAWSON: Good morning, guys. Thank you.  
 10 Thank you for seeing me.  
 11 This has been a long process for me. Back in  
 12 2000, I owned a gymnastics center and gym in North  
 13 Little Rock. It had been my lifelong goal to have  
 14 the gymnastics center and gym. Since 8th grade I  
 15 knew I wanted to be an educator. So I opened my gym  
 16 in 1998, and in 2000 I had grown my business to about  
 17 14 employees. So the day that this occurred one of  
 18 my employees, Claudine Stubbs, had her own class  
 19 going -- and, you know, with gymnastics you've got  
 20 your own kids. I do believe she had about eight  
 21 students with her in her class. I was in the back  
 22 also teaching my own group of kids. And the process  
 23 was to when the classes were over for her to take the  
 24 kids to the front; we give them to their parents. If  
 25 their parents are not there, they are -- usually what

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1 I told them to do was just bring them back, you know,  
 2 to the back, and then the parents always poked their  
 3 heads in and said, "Hey, I'm here." Well, one of the  
 4 students walked out of the front door, went down the  
 5 street -- it was a cul-de-sac, so it was really down  
 6 to the stop sign -- and dad pulls up and sees the  
 7 child. I was mortified. I didn't even know that it  
 8 had occurred until two days later when a DHS person  
 9 showed up. Well, being the owner of the business I  
 10 gave my statement. DHS told me that I needed to  
 11 terminate the employee; I did. But then I didn't get  
 12 anything else; nothing was done. Well, in the  
 13 meantime I did close my gym down and I moved back  
 14 home to Texas. I got my Texas teaching license  
 15 because I knew my lifelong goal was to be an  
 16 educator, and I was teaching in Texas, science --  
 17 middle school science. And then I moved to Little  
 18 Rock in 2007, I moved back. I got a job at Pulaski  
 19 Academy. I've been there for 15 years. And in 2008,  
 20 I'd already been working there for a year and was in  
 21 several different roles -- high school, middle  
 22 school, coaching, in charge of lots of kids -- and my  
 23 administration called me up the hill and said, "Hey,  
 24 did you know you've got this true finding?" And I  
 25 was like, "What are you talking about?" I had no

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1 idea, had not signed anything. I did not know. But  
 2 my name was put on there, along with Claudine Stubbs,  
 3 because I was the owner of the business. And so in  
 4 2008, being a private school they said this could  
 5 happen to anybody; so I've been working there for 15  
 6 years. Well, in 2008, I did get an attorney. I was  
 7 told that it was going to be handled, and obviously  
 8 it wasn't.  
 9 So this year I had a job opportunity at Harmony  
 10 Grove and I decided to take it. Well, I was going  
 11 from private to public school and this comes up  
 12 again. I didn't know that it was going to be on  
 13 there again. So I do have an appointment with DHS on  
 14 August 27th to have my name removed, and I do have a  
 15 lawyer again, so it's been lots of money. But I have  
 16 been an educator for 18 years and it's my way of  
 17 life. I can't imagine not -- doing anything else.  
 18 CHAIRMAN NEWTON: Okay.  
 19 MS. LAWSON: So I'm asking humbly for a waiver  
 20 so that I can continue my life work.  
 21 CHAIRMAN NEWTON: Okay. All right. Thank you.  
 22 MS. LAWSON: Thank you.  
 23 CHAIRMAN NEWTON: Thank you.  
 24 MS. LAWSON: And I have included my references,  
 25 so you will see that from Pulaski Academy.

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1 CHAIRMAN NEWTON: Yes, we received that. Yes.  
 2 MS. LAWSON: Thank you.  
 3 CHAIRMAN NEWTON: Thank you. All right.  
 4 So, Ms. Post?  
 5 MS. POST: I don't really have any questions. I  
 6 just -- I wanted to clarify something from the last  
 7 board meeting. Was it true that if they do request  
 8 to have their name removed that there wasn't a  
 9 timeline necessarily on that?  
 10 MS. LAWSON: There -- well, yes, but I never  
 11 received anything. I didn't even know that I was on  
 12 it till 2008, because I never had received anything.  
 13 And of course my -- P.A. had already hired me and I  
 14 was already working in Texas. I got my Texas  
 15 license, teaching license, and I didn't even know I  
 16 was on it until DHS sent Pulaski Academy a letter  
 17 saying that I have a true finding. At that point I  
 18 did get a lawyer and I'm still trying to fight it.  
 19 Like how can I be on it and not even know I'm on it?  
 20 SECRETARY KEY: Ms. Post, I think to your  
 21 question, specifically the DHS procedures and the  
 22 timeline there, we are not aware of any timeline.  
 23 I'm looking at Amy to confirm.  
 24 MS. DOUGLAS: (Nodding head up and down.)  
 25 SECRETARY KEY: Okay. Yeah, there's no timeline

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1 that we're aware of that they have to work through  
 2 these requests.  
 3 MS. POST: Okay. Thank you.  
 4 CHAIRMAN NEWTON: Ms. Dean?  
 5 MS. DEAN: No questions at this time.  
 6 CHAIRMAN NEWTON: Okay. Ms. Woods?  
 7 MS. WOODS: No questions.  
 8 CHAIRMAN NEWTON: Mr. Sutton?  
 9 MR. SUTTON: No, ma'am.  
 10 CHAIRMAN NEWTON: Dr. Moore?  
 11 DR. MOORE: No questions.  
 12 CHAIRMAN NEWTON: Ms. McFetridge?  
 13 MS. McFETRIDGE: No. Thank you.  
 14 CHAIRMAN NEWTON: Dr. Rankin?  
 15 DR. RANKIN: No questions.  
 16 CHAIRMAN NEWTON: Okay. I think then we would  
 17 be ready for a motion.  
 18 DR. MOORE: I make the motion to -- I forget  
 19 what the motion is for -- for the approval. I'll  
 20 make a motion to approve the waiver. You have great  
 21 recommendations from your prior employer.  
 22 MS. LAWSON: Thank you.  
 23 CHAIRMAN NEWTON: We have a motion by Dr. Moore  
 24 to grant the waiver.  
 25 Do we have a second?

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1 MS. McFETRIDGE: I'll second that.  
 2 CHAIRMAN NEWTON: Second by Ms. McFetridge.  
 3 All in favor?  
 4 (UNANIMOUS CHORUS OF AYES)  
 5 CHAIRMAN NEWTON: Any opposed?  
 6 All right. Congratulations. Harmony Grove is  
 7 going to be lucky to have you.  
 8 MS. LAWSON: Thank you so much.  
 9 CHAIRMAN NEWTON: All right. So we --  
 10 Okay. Mr. Sutton?  
 11 MR. SUTTON: I would like -- can I go back to  
 12 something on the consent agenda that sort of got by  
 13 me? Is that okay?  
 14 CHAIRMAN NEWTON: I would have to ask Ms. Freno.  
 15 SECRETARY KEY: The question is do you want to  
 16 make just a comment on it?  
 17 MR. SUTTON: Yeah, I really just want to make a  
 18 comment.  
 19 CHAIRMAN NEWTON: Okay. All right.  
 20 SECRETARY KEY: Yeah, I think that's fine.  
 21 (OFF THE RECORD FOR CONSENT AGENDA ITEM DISCUSSION)  
 22 (BACK ON THE RECORD)  
 23 VI.6. SCHOOL CHOICE APPEAL - GORDON FAMILY  
 24 CHAIRMAN NEWTON: So we are to the school choice  
 25 appeals. Who is going to be handling those for us

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1 this morning?  
 2 SECRETARY KEY: Lori.  
 3 CHAIRMAN NEWTON: Lori, okay.  
 4 Okay. All right. Ms. Freno.  
 5 Is everyone doing okay? I always said that when  
 6 -- if I ever got to here I would make sure I'd ask  
 7 about breaks. Does anybody need a break?  
 8 Okay. All right. Go ahead. All right.  
 9 MS. FRENO: Good morning again. Lori Freno,  
 10 Arkansas Department of Education.  
 11 This is the school choice appeal in which the  
 12 Gordon family appeals the denial of their school  
 13 choice application. The Gordon's' resident district  
 14 is the Midland School District, and here representing  
 15 Midland is Superintendent Bruce Bryant. The  
 16 nonresident district is Bald Knob; on Zoom  
 17 representing the nonresident district is  
 18 Superintendent Gipson.  
 19 And Midland's reason for denying the school  
 20 choice application was two-fold: first, because it  
 21 had reached its 3% cap; and also because Midland  
 22 noted that it did not receive the application until  
 23 mid-July, when the deadline for receiving  
 24 applications for school choice is May 1st.  
 25 Now this case is kind of different than others

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1 that we've had here before because the Board in this  
 2 case is going to have to make a factual determination  
 3 from the outset. Before you consider the actual  
 4 appeal, the question is -- I mean, as I said, the law  
 5 requires that school choice applications -- that  
 6 parents submit them to school districts by May 1st.  
 7 If they are not submitted by May 1st, they cannot be  
 8 considered; they're considered late and that's  
 9 something that cannot be appealed.  
 10 Now Midland said it did not receive the school  
 11 choice appeal. The Bald Knob School District says  
 12 that they faxed the school choice appeal to Midland  
 13 prior to the May 1st deadline.  
 14 So in this case your first step is to make the  
 15 factual determination as to whether or not Midland  
 16 School District received the school choice  
 17 application on or before May 1st. And I recommend at  
 18 this point we do not go into the entire appeal  
 19 because if you determine that Midland did not receive  
 20 it on or before May 1st the appeal must be denied.  
 21 But if you do decide that Midland did receive it,  
 22 then the school choice appeal can go forward.  
 23 And so what I would recommend is at this point  
 24 the Chair would put anyone who's going to be  
 25 testifying on this point under oath.

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1 CHAIRMAN NEWTON: Okay.  
 2 MS. FRENO: And then just start with the  
 3 nonresident district, followed by the resident  
 4 district and the parent, and just let everyone  
 5 explain what happened and ask any questions you might  
 6 have that will help you make this factual  
 7 determination as to whether Midland received that  
 8 application.  
 9 CHAIRMAN NEWTON: Okay. So all we are  
 10 discussing at this point is the application and the  
 11 date that the districts received the application?  
 12 MS. FRENO: That is correct.  
 13 CHAIRMAN NEWTON: Okay. All right. So anyone  
 14 that's going to testify on the application and  
 15 timeline, would you stand and raise your right hand  
 16 please? And if you're doing it by Zoom I guess do  
 17 the same thing. All right. Do you swear or affirm  
 18 that the testimony you're about to give shall be the  
 19 truth, the whole truth, and nothing but the truth?  
 20 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)  
 21 CHAIRMAN NEWTON: Okay. Do we have someone from  
 22 the nonresident district going to discuss? And that  
 23 is Bald Knob. Is there anyone on Zoom from Bald  
 24 Knob?  
 25 SUPT. GIPSON: Yes, ma'am.

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1 CHAIRMAN NEWTON: Okay.  
 2 SUPT. GIPSON: My name is Melissa Gipson and I  
 3 am the superintendent.  
 4 We received the application in April and it was  
 5 faxed to Midland Schools by Christy Thomason, our  
 6 bookkeeper who collects the school choice paperwork.  
 7 When she called Midland -- I guess they had some  
 8 office renovations going on, and so when she was  
 9 calling to verify their receipt they told her that  
 10 they had been in transition in their offices and the  
 11 fax did not come through. We did not have knowledge  
 12 of that until we took official action and sent our  
 13 letter at the beginning of July, which is typical for  
 14 the districts in our area to do, once all school  
 15 choice paperwork is finalized.  
 16 CHAIRMAN NEWTON: Okay. All right. From the  
 17 resident district, Midland, could you identify  
 18 yourself please?  
 19 SUPT. BRYANT: Good morning. I'm Dr. Bruce  
 20 Bryant; I'm the superintendent at Midland School  
 21 District. Thank you for the opportunity to appear  
 22 today.  
 23 We did not receive any notification about this  
 24 school choice petition until July 12th when I  
 25 received a letter from the superintendent from Bald

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1 Knob that notified me that that student had been  
 2 allowed into her district. So I began to look for  
 3 paperwork and I was not in receipt of any of that  
 4 paperwork. So I corresponded with who I assume is  
 5 her administrative assistant, Mrs. Sole, and she then  
 6 emailed me a copy of the application for school  
 7 choice.  
 8 I might bring your attention to the copy of the  
 9 application for school choice, and at the bottom of  
 10 page 1 there is a notation there that says Faxed to  
 11 Midland. It appears that it says some date in April;  
 12 I can't really see what the date is because it's cut  
 13 off in the scan. One point that I would argue is  
 14 that according to the rules -- 2.3.02 I think is the  
 15 rule -- this application should have had a date and  
 16 time stamp from Bald Knob showing the date and the  
 17 exact time that it was received. Now it is noted on  
 18 the application when it was received, but that's not  
 19 the standard of the rule. The standard of the rule  
 20 is that it has a date and time stamp, and we're  
 21 talking about a mechanical stamp, and that does not  
 22 appear on the application. So I don't know whether  
 23 this was back-dated -- and I'm not making any  
 24 accusation against anyone in relation to this. But  
 25 as the superintendent of the resident district I

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1 don't know when this was actually received. I know  
 2 when I received it which was on July 12th via email.  
 3 To speak to Superintendent Gipson's remark about  
 4 our transition, we were in transition at the time  
 5 moving from one office to another. I really don't  
 6 know whether our fax was received or not. I would  
 7 ask her to try to proffer to us some proof or  
 8 document that it was. When we fax things we print  
 9 that facsimile copy that says we faxed something to  
 10 you and we have proof of that. I don't know if  
 11 that's a possibility. So we're simply making that as  
 12 a point of our argument in relation to this appeal  
 13 and we would respect whatever decision you make in  
 14 regard to that. Thank you.  
 15 CHAIRMAN NEWTON: Thank you.  
 16 Do the parents have something you would like to  
 17 add?  
 18 MRS. GORDON: Sure. I'm Meredith. This is  
 19 Brad.  
 20 MR. GORDON: I'm Brad.  
 21 MRS. GORDON: We're Naomi's parents. I'm sorry;  
 22 I wasn't going to be nervous, but I'm so nervous.  
 23 On the original paperwork that we presented a  
 24 copy of you'll see that I put April 21st which is  
 25 when I went to Bald Knob and filled it out. And when

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1 I gave them the paperwork, I said, "Is there anything  
 2 else I need to do? Do I need to call anyone?" And  
 3 they said at this point they'd take care of it. So I  
 4 almost feel like we're being penalized for something  
 5 that was out of our control at that point. I didn't  
 6 falsify any documents. This was the day that I went  
 7 up there and signed the paperwork, which was before  
 8 the May 1st deadline.  
 9 CHAIRMAN NEWTON: Okay. All right. Okay.  
 10 Thank you.  
 11 We'll see if anyone from the Board has questions  
 12 now.  
 13 Ms. Woods?  
 14 MS. WOODS: Here's my struggle with this, the  
 15 rules are really clear that the onus is on the  
 16 parent. And I know, logistically speaking, a lot of  
 17 times stuff goes between the districts.  
 18 (COURT REPORTER'S NOTE: Ms. Woods turns on her  
 19 microphone.)  
 20 MS. WOODS: Sorry. But my reading of the rule  
 21 says the parents have to follow-up -- not follow-up,  
 22 but make sure that both districts receive it. And I  
 23 guess my frustration or heartburn over this is if  
 24 we're not going to apply the rules in this situation  
 25 then what good are the rules. There are just some

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1 things that are black and white. We deal with a lot  
 2 of gray; that is one thing I have come to find in  
 3 this role. But this is -- for me is kind of black  
 4 and white. So if the only thing before us is whether  
 5 or not we should even be hearing it based on the  
 6 rules, then I would -- I would say, to my reading,  
 7 it's no. But that's my comment.  
 8 CHAIRMAN NEWTON: Okay. All right.  
 9 Mr. Sutton?  
 10 MR. SUTTON: No questions.  
 11 CHAIRMAN NEWTON: Ms. Dean?  
 12 MS. DEAN: No questions. Thank you.  
 13 CHAIRMAN NEWTON: Ms. Post?  
 14 MS. POST: No questions.  
 15 CHAIRMAN NEWTON: Dr. Moore?  
 16 DR. MOORE: Yes, I just want to clarify. So do  
 17 we have any documentation of the application received  
 18 on the 21st of April?  
 19 SUPT. GIPSON: We use a hand-stamp; we write the  
 20 date it's received. So we do not have a stamp with  
 21 ink, but it could be just as far as just he's  
 22 implying that it can be when it's handwritten. We  
 23 received this document on April 21st.  
 24 And just to speak to Ms. Woods with all the  
 25 respect in the world, I just want to say that I am a

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1 very black-and-white person and I very much believe  
 2 in rules and policies. In this situation I would  
 3 think it would be a shame to hold a child in the  
 4 whims of that. This family did the right thing; we  
 5 did the right thing. In the future we're going to  
 6 change our processes to insure that the receiving  
 7 district receives the document. But we've always  
 8 been able to work in the best interest of students,  
 9 and in this case the best interest of this student is  
 10 for their parents to be able to choose where the  
 11 child goes to school.  
 12 DR. MOORE: But from that, why didn't Bald Knob  
 13 -- why didn't you all send the letter to Midland  
 14 until July, if that makes sense, if it was originally  
 15 submitted in April?  
 16 SUPT. GIPSON: We acted on our school choice  
 17 papers in June and our bookkeeper always sends them  
 18 out at the beginning of July. That's a standard  
 19 practice. We also received the same type of letters  
 20 from other districts in July, after we sent ours out.  
 21 DR. MOORE: Okay. So that -- you send them all  
 22 out at that time; this is not a unique one --  
 23 SUPT. GIPSON: Yes, ma'am.  
 24 DR. MOORE: -- in that instance? Okay. So that  
 25 triggered the resident school district to ask you

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1 what was going on?  
 2 SUPT. GIPSON: Yes.  
 3 DR. MOORE: Okay. But we don't have any -- I  
 4 guess I'm -- what I'm looking at, the application,  
 5 there is no date here. Oh, I see it where the parent  
 6 signed. Okay. April 21st, '21. Okay. Okay.  
 7 And y'all kept that application on file and then  
 8 faxed it on the 12th. Is that correct?  
 9 SUPT. GIPSON: Yes, ma'am.  
 10 DR. MOORE: Okay. Thank you.  
 11 SUPT. BRYANT: I'm not sure that's completely  
 12 accurate. May I speak?  
 13 CHAIRMAN NEWTON: Yes.  
 14 SUPT. BRYANT: I think that there was an attempt  
 15 to fax it. I'm just clarifying. There was perhaps  
 16 an attempt to fax it on maybe the 29th of April.  
 17 Okay. But we didn't actually receive it via email  
 18 until July 12th.  
 19 DR. MOORE: Okay. And that --  
 20 SUPT. BRYANT: Does that help clarify?  
 21 DR. MOORE: Yeah. It says received on July  
 22 12th.  
 23 SUPT. BRYANT: Yes.  
 24 DR. MOORE: Yeah.  
 25 SUPT. BRYANT: So, and that's -- that is the

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1 allegation or the claim there. I'm just not sure  
 2 whether or not it was actually sent or not.  
 3 DR. MOORE: Okay.  
 4 SUPT. BRYANT: So, thank you.  
 5 DR. MOORE: Thank you.  
 6 One more question for the Department. In this  
 7 -- I guess I should know this, but I don't -- so when  
 8 this occurs a parent goes to the nonresident school  
 9 district to file the application. Does the law say  
 10 that a parent also has to go, or is it always both  
 11 places --  
 12 SECRETARY KEY: So, you know, before the last  
 13 revision -- and, Lori, I think we revised this in  
 14 2019 -- the -- it was to be -- there was confusion  
 15 over to whom it was to be filed. We clarified that  
 16 in the 2019 session so that it was very clear that  
 17 the nonresident and the resident district -- it had  
 18 to be filed by the parent with both districts --  
 19 DR. MOORE: So the parent --  
 20 SECRETARY KEY: -- by the May 1 deadline.  
 21 DR. MOORE: So the parent has to go physically  
 22 to both districts to do that?  
 23 SECRETARY KEY: Yeah, I'm not sure about  
 24 physically.  
 25 DR. MOORE: But is it typical that it's faxed or

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1 what does that kind of look like?  
 2 MS. FRENO: Dr. Moore, I mean the parent doesn't  
 3 have to go physically though, but they have to  
 4 provide a copy by some means to both of the school  
 5 districts.  
 6 DR. MOORE: Okay.  
 7 MS. FRENO: So that is the parent's  
 8 responsibility to make sure that both of the  
 9 districts receive a copy of the school choice  
 10 application.  
 11 DR. MOORE: Okay.  
 12 MS. FRENO: And it's not as though one district  
 13 receives it and then another -- they forward it on.  
 14 It's the parent's responsibility to get it to both.  
 15 DR. MOORE: So it's not usually faxed by that  
 16 school district?  
 17 MS. FRENO: No. I mean some school districts  
 18 might. I don't know. But that is not what is  
 19 contemplated in the law or rules.  
 20 SECRETARY KEY: I think for convenience we have  
 21 seen instances where one school district or the other  
 22 would just, again, for convenience fax it to the  
 23 other district, which is helpful. But there are  
 24 other methods of delivering it, either in person --  
 25 mail, Lori, I think is an -- U.S. mail. I mean, I

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1 think there -- whatever mode of --  
 2 MS. FRENO: Yes.  
 3 SECRETARY KEY: -- conveyance that they choose  
 4 to make sure that it gets there.  
 5 MS. FRENO: That is correct. It does not have  
 6 to be hand-delivered at all.  
 7 DR. MOORE: Okay. And where does it say -- does  
 8 it say on the application that you have to -- you as  
 9 the parent need to send it to both?  
 10 MS. FRENO: I don't know if it's on the  
 11 application, but it is in the law and in the rules.  
 12 DR. MOORE: I guess I'm kind of just thinking as  
 13 a parent where would I go to learn this information?  
 14 Is it I'm going to the Department of Ed.'s website  
 15 and it's telling me I need to send both?  
 16 MS. FRENO: Yes. The Department of Ed. website,  
 17 we have a school choice page on our website of FAQ's  
 18 and also with a copy of the rules.  
 19 DR. MOORE: Okay.  
 20 MS. FRENO: Uh-huh. And a copy of the  
 21 application, as well.  
 22 DR. MOORE: Okay.  
 23 CHAIRMAN NEWTON: Okay. You can come forward.  
 24 MRS. GORDON: I guess just to speak on that,  
 25 when I went to the school district that's what I was

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1 trying to find out. You know, I had the paperwork  
 2 but it doesn't say on that now I need to go over to  
 3 the other school and give it to them, which is why I  
 4 kept reiterating, "What else do I need to do? When  
 5 am I going to hear about that?" And she said, "As  
 6 soon as we fax it we should be good to go." And so I  
 7 left that day thinking I've done everything I needed.  
 8 CHAIRMAN NEWTON: Okay. Any other questions,  
 9 Dr. Moore?  
 10 DR. MOORE: No. But I will -- I'll make a  
 11 comment. I am looking at the application and I do  
 12 think that maybe potentially we need to talk about  
 13 how we can make it more clear. Because just someone  
 14 that knows a little more about this, I'm still a  
 15 little bit confused. But I see on the application  
 16 where it says it must be sent to the resident and  
 17 nonresident school district. But I feel -- I could  
 18 see how -- I feel like we've had similar incidents  
 19 like this before where something has happened. So  
 20 that's all my questions now.  
 21 MS. WOODS: I do think they have clarified it  
 22 legally -- correct, Commissioner -- for this coming  
 23 year? Or are you talking about making it clear on  
 24 the application?  
 25 DR. MOORE: On the application

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1 MS. WOODS: Oh, okay.  
 2 SECRETARY KEY: I'll let -- yeah.  
 3 DR. MOORE: Just to give parental information.  
 4 SECRETARY KEY: Well, and I'm checking. I know  
 5 applications -- really the challenges we have is that  
 6 old versions of applications float around for a long  
 7 time. So I mean I can't speak to whether -- we can  
 8 find out quickly if the current version is clear; but  
 9 if it's not, certainly that's something we need to  
 10 address.  
 11 MS. FRENO: If I may --  
 12 CHAIRMAN NEWTON: Ms. Freno.  
 13 MS. FRENO: And I just think, just to kind of  
 14 show the whole context, also we get many, many, many,  
 15 many school choice calls and we guide people to our  
 16 website all the time. I mean there's lots of  
 17 guidance we provide to families who are interested in  
 18 school choice.  
 19 CHAIRMAN NEWTON: Yes.  
 20 DR. MOORE: Thank you.  
 21 CHAIRMAN NEWTON: Ms. McFetridge?  
 22 MS. McFETRIDGE: I tend to side with the parents  
 23 in that Bald Knob did tell her that she had done  
 24 everything she needed to do. So I think there was  
 25 definitely some confusion on the parents' side. And

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1 sometimes when we do paperwork it is confusing and we  
 2 don't always have experience doing paperwork or  
 3 asking for requests. But I would tend to think if I  
 4 asked a question and somebody had told me I've done  
 5 everything I need to do I would put it out of my mind  
 6 and go on with my day. So --  
 7 CHAIRMAN NEWTON: Okay.  
 8 MS. McFETRIDGE: -- I had to comment.  
 9 CHAIRMAN NEWTON: Dr. Rankin?  
 10 DR. RANKIN: I will just say that to me sending  
 11 a fax and not having some type of verification for  
 12 that is very risky for something this substantial. I  
 13 mean this is impacting the lives of these families,  
 14 the lives of the resident district, the nonresident  
 15 district.  
 16 I would just be curious to hear from Ms. Gipson.  
 17 You mentioned you are going to consider changing your  
 18 policies. What does that look like for you in the  
 19 future? Because this is concerning that a fax just  
 20 got sent out and there wasn't a phone call, a  
 21 verification email, some type of verification, proof  
 22 that that fax was indeed received by the other side  
 23 when you did have parents waiting for that answer and  
 24 needing that.  
 25 SUPT. GIPSON: Well, so we always try to be

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1 customer service oriented with our parents, and so we  
 2 have always taken that step and faxed those documents  
 3 ourselves. But in the future we will advise them to  
 4 deliver a hand-copy, in addition to our typical  
 5 practice which is to fax the applications. It's also  
 6 how we receive those from other districts. I would  
 7 say that we could send them via email but -- with a  
 8 read receipt, but you know that someone can decline a  
 9 read receipt. So the only other step would be a  
 10 certified copy being sent.  
 11 I do know that Ms. Christy Thomason said there  
 12 -- has verified what the parent said. But she did  
 13 advise the parent, because she advises every parent,  
 14 that we take the application then and we fax them.  
 15 This is the only application of many that was not  
 16 received and that we have run into an issue with this  
 17 year or in the last five years that I've served as  
 18 superintendent.  
 19 SECRETARY KEY: I'd just confirm that the form  
 20 that is currently on the website does say that it  
 21 should be sent -- must be sent to both districts,  
 22 resident and nonresident. And again that's not  
 23 really placing the fault on anyone. As I said, there  
 24 are old versions of our forms that live forever in  
 25 some cases out there with people who've made copies

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1 or taken screenshots or pdf's and, you know -- but  
 2 just so you know that it is current.  
 3 DR. MOORE: Yes. It looks to me like the one  
 4 that they used is not the most current application.  
 5 SECRETARY KEY: That's right.  
 6 DR. MOORE: Okay.  
 7 SUPT. GIPSON: And we have [audio distortion]  
 8 about the new form.  
 9 CHAIRMAN NEWTON: Say that again, Ms. Gipson.  
 10 SUPT. GIPSON: I apologize. I'm not sure when  
 11 I'm supposed to speak. We have printed off the new  
 12 form to avoid this issue in the future.  
 13 CHAIRMAN NEWTON: Thank you.  
 14 DR. MOORE: And I'd like to ask the Department a  
 15 question further. When a parent does this they --  
 16 when they submit the application, I mean to some  
 17 extent it's first-come first-serve because you're  
 18 placed on a list in order of application received.  
 19 Is the list for an entering nonresident school  
 20 district accepting students, is that list based on  
 21 when that nonresident district receives the  
 22 application or when the resident district receives  
 23 the application?  
 24 SECRETARY KEY: In the case of the 3%, it would  
 25 be the resident district because they are the

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1 district -- the losing district, for lack of a better  
 2 word.  
 3 DR. MOORE: Okay.  
 4 SECRETARY KEY: And so the order in which  
 5 they're received would be important to the resident  
 6 district in that case.  
 7 DR. MOORE: Okay. Yeah, because I think I  
 8 recall an instance where the nonresident district  
 9 faxed everyone too late to the resident district.  
 10 So, yes, I guess -- so I guess from this it needs to  
 11 be made very clear that the parent needs to as soon  
 12 as possible submit it with both, because both matter  
 13 for timing purposes.  
 14 SECRETARY KEY: Both matter. And in the purpose  
 15 of capacity, which this is not capacity but we'll  
 16 have another one that is, it would be important to  
 17 the nonresident district as far as, you know, the  
 18 timing of when they were received.  
 19 DR. MOORE: This is not the time for this  
 20 conversation, but have we ever thought about a  
 21 digital portal where just all goes or do we want to  
 22 leave this to the local districts?  
 23 SECRETARY KEY: Agree. I don't know that we have  
 24 considered a digital portal for this.  
 25 DR. MOORE: Okay.

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1 MS. WOODS: I have a question for the resident  
 2 district. Did y'all receive other faxes from other  
 3 schools, since -- I know the ultimate argument is  
 4 your 3% capacity.  
 5 SUPT. BRYANT: Correct.  
 6 MS. WOODS: Have y'all received other faxes?  
 7 SUPT. BRYANT: We receive these applications in  
 8 a variety of ways, by fax, by email, by First Class  
 9 mail, by hand delivery. So we receive them in a  
 10 variety of ways.  
 11 MS. WOODS: I mean as I read the rules here, you  
 12 know, it talks about sending it postmark. I mean  
 13 obviously the rules intended for a physical piece of  
 14 paper to be postmarked to a nonresident district.  
 15 But I know times have all -- I mean legal still uses  
 16 fax, one of the only industries to do that. So I get  
 17 it. But I was just kind of curious since the issue  
 18 is did it get faxed or did it not, did you receive  
 19 fax receipts from other places --  
 20 SUPT. BRYANT: We --  
 21 MS. WOODS: -- during this timeframe?  
 22 SUPT. BRYANT: And we did.  
 23 MS. WOODS: Okay.  
 24 SUPT. BRYANT: And when we're on the other side  
 25 of this, we tend to follow-up with the other district

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1 to make sure that they're in receipt of whatever we  
 2 send to them. Our practice is to scan and email. We  
 3 scan the document, email it directly to the  
 4 superintendent or to whoever that identified person  
 5 is, and then we ask them to reply back to that.  
 6 That's one method that we use as our protocol.  
 7 MR. SUTTON: That's when you're in the non-  
 8 district position?  
 9 SUPT. BRYANT: Yeah, when we're on the other  
 10 side of the --  
 11 MR. SUTTON: Yeah.  
 12 SUPT. BRYANT: -- of this issue.  
 13 CHAIRMAN NEWTON: Okay. I had a question for  
 14 Ms. Gipson. It's been awhile since I've sent a fax,  
 15 but I -- seems like I remember when you send a fax it  
 16 spits out something that has a date and a time stamp  
 17 on it. Do you have any kind of documentation like  
 18 that?  
 19 SUPT. GIPSON: No. That is not something that  
 20 we've done in the past. We haven't kept it. We've  
 21 always written the date and when it was sent on the  
 22 actual application; so again, that's a fault in our  
 23 process.  
 24 And just, you know, in response to Midland, we  
 25 did -- we never received phone calls or emails from

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1 them for verification on school choice.  
 2 CHAIRMAN NEWTON: Okay. All right. So you  
 3 don't have any documentation?  
 4 SUPT. BRYANT: I'm not sure we --  
 5 CHAIRMAN NEWTON: You'll have to come to the  
 6 microphone. I'm sorry.  
 7 SUPT. BRYANT: I don't want to be argumentative.  
 8 I'm not sure that we've been on the other side of  
 9 this coin with Bald Knob. Maybe with one student;  
 10 I'm not sure. But usually we're not on the other  
 11 side of this coin with them, so --  
 12 CHAIRMAN NEWTON: Okay. All right. Thank you.  
 13 All right. Any other questions or comments from  
 14 the Board?  
 15 So we're only considering the timeline right  
 16 now, and Ms. Freno gave me some help as far as what  
 17 an appropriate motion would be. So I'm going to let  
 18 you know those now. One motion could be "I move that  
 19 the appeal be dismissed and the Midland" -- "I move  
 20 that the appeal be dismissed; the Midland School  
 21 District did not receive the school choice  
 22 application by May 1." The other one is, "I move  
 23 that we consider the appeal because the Midland  
 24 School District did receive the school choice  
 25 application by May 1." So those are your two motions

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1 that would be appropriate.  
 2 Do you want more discussion?  
 3 MR. SUTTON: Yeah, obviously for me. Is there a  
 4 third option?  
 5 CHAIRMAN NEWTON: No, that's the only two she  
 6 gave me, so --  
 7 SECRETARY KEY: Well, let me -- I think because  
 8 she explained you have to find the fact, there's --  
 9 the fact can only be they did receive it or they  
 10 didn't receive it. And I think that's why Ms.  
 11 Freno's motion was -- or the options that Ms. Newton  
 12 lined out were presented by Ms. Freno.  
 13 CHAIRMAN NEWTON: Yes. In the video she said we  
 14 had to make a determination of fact.  
 15 And, Ms. Woods, you'll help me to make sure I'm  
 16 saying this correctly.  
 17 MS. WOODS: No, I was just going to offer --  
 18 CHAIRMAN NEWTON: Okay.  
 19 MS. WOODS: -- because I know we get caught up  
 20 -- one of my very first lawyers that I worked for, he  
 21 told me -- and it has been a very good piece of  
 22 advice -- he goes, "Facts don't care about your  
 23 feelings." And we get very caught up in our feelings  
 24 and emotions and what should be right. And I just  
 25 wanted to -- it's hard because there's real people on

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1 the other side of this.  
 2 So if our question is did they receive it or did  
 3 they not, that is a fact and it doesn't matter how we  
 4 feel about this situation. So I guess if that's it,  
 5 I'll make the hard call and I'll motion that we do  
 6 not proceed -- how should I say that, the one --  
 7 CHAIRMAN NEWTON: The appeal will be dismissed.  
 8 MS. WOODS: -- that the appeal be dismissed.  
 9 DR. MOORE: May I ask a question? And we are  
 10 further -- we're talking did they receive it; "they"  
 11 is both resident and nonresident school district?  
 12 CHAIRMAN NEWTON: No, only the Midland.  
 13 MS. WOODS: The nonresident.  
 14 DR. MOORE: Oh, so we only care about --  
 15 CHAIRMAN NEWTON: Midland.  
 16 DR. MOORE: Why do we only care about Midland?  
 17 I mean why is it only Midland?  
 18 MS. WOODS: Because the rules require both of  
 19 them to receive a copy by May 1.  
 20 DR. MOORE: Okay.  
 21 MS. WOODS: And if that's the fact, then I would  
 22 say that we dismiss the appeal. That's my motion.  
 23 CHAIRMAN NEWTON: Okay. We have a motion by Ms.  
 24 Woods that the appeal be dismissed because the  
 25 Midland School District did not receive the school

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1 choice application by May 1.  
 2 Do we have a second?  
 3 DR. MOORE: Can we have further discussion?  
 4 SECRETARY KEY: After the second.  
 5 CHAIRMAN NEWTON: Okay. I think we have to  
 6 wait.  
 7 SECRETARY KEY: After the second.  
 8 DR. MOORE: Okay.  
 9 CHAIRMAN NEWTON: Do we have a second?  
 10 (A FEW MOMENTS OF SILENCE)  
 11 SECRETARY KEY: It dies for lack of a second and  
 12 you can continue the conversation.  
 13 CHAIRMAN NEWTON: Okay. So now we can continue  
 14 the conversation, I guess.  
 15 SECRETARY KEY: You have -- you need to rule  
 16 that it dies.  
 17 CHAIRMAN NEWTON: Okay. The motion dies because  
 18 -- for a lack of a second. Thank you.  
 19 MR. SUTTON: My comment, Ms. Newton, is that you  
 20 can perhaps prove that it was sent but I don't think  
 21 we can prove that it was received, and that's what  
 22 made it difficult on those two options. Because it  
 23 was -- if you chose -- whichever option you chose you  
 24 were saying somebody was not telling the truth. You  
 25 can send it, and it may have been -- it may have

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1 landed there and somebody may have picked it up with  
 2 some other papers and they were shredded and -- so  
 3 that's the difficulty I have.  
 4 CHAIRMAN NEWTON: There's no proof.  
 5 MR. SUTTON: I don't think anybody would've had  
 6 an ulterior motive to do that. Mistakes happen. And  
 7 I think somebody else has already said, you know,  
 8 this is a technicality here that unfortunately could  
 9 affect, you know, what this family is looking to do.  
 10 So that's where I'm wrestling about whether or not it  
 11 truly is a black-and-white or white situation.  
 12 MS. WOODS: And --  
 13 DR. MOORE: Well, I will add --  
 14 MS. WOODS: No, you go ahead.  
 15 DR. MOORE: Well, you're the attorney. I will  
 16 -- I do want to ask either the parents or the  
 17 resident school district -- nonresident school  
 18 district. From my understanding this student has  
 19 already attended Bald Knob, which is now the  
 20 nonresident school district. Has that district --  
 21 have you looked at doing a board-to-board transfer?  
 22 That would be another way to transfer a student.  
 23 MRS. GORDON: So, a legal transfer?  
 24 DR. MOORE: Yes.  
 25 MS. WOODS: Are we allowed to get into that?

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1 CHAIRMAN NEWTON: I don't think so. I don't  
 2 think --  
 3 DR. MOORE: I'm not changing my -- well, okay.  
 4 So we could talk about that after --  
 5 MS. WOODS: If we decide to hear the appeal,  
 6 then I think we get into --  
 7 CHAIRMAN NEWTON: Yeah.  
 8 MS. WOODS: -- the transfer situation --  
 9 DR. MOORE: Okay.  
 10 MS. WOODS: -- on the merit.  
 11 CHAIRMAN NEWTON: Yeah, I think we have to stick  
 12 with --  
 13 DR. MOORE: We have to stick with --  
 14 CHAIRMAN NEWTON: Yeah, stick with --  
 15 DR. MOORE: Okay.  
 16 CHAIRMAN NEWTON: -- either the appeal is going  
 17 to be considered or the appeal is going to be  
 18 dismissed. And the reason would be either Midland  
 19 did receive the school choice application by May 1 or  
 20 Midland did not receive the school choice application  
 21 by May 1. And that's the only thing that --  
 22 DR. MOORE: And that is the only thing --  
 23 CHAIRMAN NEWTON: -- that we can consider right  
 24 now. Yes.  
 25 DR. MOORE: Okay.

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1 DR. RANKIN: I do have --  
 2 DR. MOORE: So -- go ahead.  
 3 DR. RANKIN: -- a question regarding the sending  
 4 of the fax. I see where the parent signed the  
 5 application on April 21st. What is the date that  
 6 you're saying, Ms. Gipson, that you actually faxed it  
 7 over? What is that date?  
 8 SUPT. GIPSON: We sent it on the 21st.  
 9 MS. THOMASON: (inaudible, not at the Zoom  
 10 microphone)  
 11 SUPT. GIPSON: I'm sorry; that's Ms. Christy  
 12 Thomason. It has the date and time. I can't get my  
 13 fingers on a copy, and I apologize. I didn't realize  
 14 I would be answering this many questions, just  
 15 because of my lack of experience. But we send it the  
 16 day that it's received.  
 17 DR. RANKIN: Okay. And that date, just so y'all  
 18 know, on our scanned copy of it it's a little cut-  
 19 off. So that's why I asked.  
 20 CHAIRMAN NEWTON: Any other questions or  
 21 comments from the Board?  
 22 Ms. Dean or Ms. Post?  
 23 MS. DEAN: I do have a question for Midland.  
 24 CHAIRMAN NEWTON: Okay.  
 25 MS. DEAN: Ms. Gipson -- they said that at the

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1 time that they faxed it you all were going through  
 2 transition there at the office. You verified that,  
 3 which means there probably was a lot of moving, a lot  
 4 of shuffling. To Mr. Sutton's point, is there a  
 5 possibility that you received it but perhaps it may  
 6 have been misplaced during the office transition?  
 7 SUPT. BRYANT: Ms. Dean, I'm not sure that I can  
 8 confirm or deny that. I think it would be much more  
 9 likely, however, that it failed to transmit  
 10 electronically; that our machine was actually out of  
 11 commission. Our copy machine may have been in the  
 12 process of being moved during this time period and so  
 13 the fax transmission would have actually failed  
 14 during this time period. Rather than it was printed  
 15 and lost or shredded or misplaced, it was more likely  
 16 that it did not complete its transmission.  
 17 Can I address the -- Dr. Rankin's question?  
 18 Even though that appears to be cut off, will we  
 19 agree that that does not look like a 4-21 that  
 20 follows that, but perhaps a 4/28 or 29? I'm just  
 21 pulling that out that -- I agree it's cut off, and  
 22 I'm not sure -- I'm assuming that Bald Knob is in  
 23 possession of the original document. But this is all  
 24 I've ever received was the document that's been cut  
 25 off and it appears to be 4/28 or 29 that it was

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1 faxed. Thank you.  
 2 CHAIRMAN NEWTON: Ms. Gipson, do y'all still  
 3 have the original?  
 4 SUPT. GIPSON: Yes, ma'am. I just didn't have  
 5 it in my hands at that moment. It was on 4/29.  
 6 CHAIRMAN NEWTON: Okay. Thank you.  
 7 SUPT. GIPSON: You're welcome.  
 8 SECRETARY KEY: And --  
 9 CHAIRMAN NEWTON: Go ahead.  
 10 SECRETARY KEY: Yeah. Just for the Board's --  
 11 to make sure we understand, the -- you can ask him  
 12 all the questions you want to know. Dr. Bryant would  
 13 be willing to answer whatever questions. Just a  
 14 reminder though that the burden of proof is on the  
 15 appealing party. So, you know, as we're asking those  
 16 questions we just want to make sure we keep that in  
 17 mind.  
 18 CHAIRMAN NEWTON: Right. Okay. So we may have  
 19 to get Dan involved in this. But when you send a fax  
 20 and it doesn't go through do you get some sort of  
 21 notification that it didn't go through?  
 22 MR. DAN DAVIS: Yes, ma'am. It's a --  
 23 SECRETARY KEY: Come to the microphone, Dan.  
 24 CHAIRMAN NEWTON: Man, and I may need to swear  
 25 him in.

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1 MS. WOODS: I know -- I know that he can tell  
 2 you, but I can tell you having done a ton of faxes  
 3 before you do get a printout that basically says  
 4 transmission error and that you need to re-send.  
 5 CHAIRMAN NEWTON: Okay.  
 6 MS. WOODS: And it comes across your fax screen  
 7 and you also get a paper printout.  
 8 CHAIRMAN NEWTON: Okay.  
 9 SECRETARY KEY: Yeah. And I'm messing with Dan  
 10 --  
 11 CHAIRMAN NEWTON: I know. I wanted to get him  
 12 to this microphone.  
 13 SECRETARY KEY: -- because he does that to us.  
 14 But I will just say too that I think it depends on  
 15 your fax machine settings.  
 16 CHAIRMAN NEWTON: Oh, okay.  
 17 SECRETARY KEY: Because I don't know that it's  
 18 going to be automatic. And I don't think we need to  
 19 assume one way or the other --  
 20 CHAIRMAN NEWTON: Okay.  
 21 SECRETARY KEY: -- of how those -- how somebody  
 22 has got their fax machine set up.  
 23 CHAIRMAN NEWTON: Ms. Woods, I never thought we  
 24 would have a discussion of fax machines.  
 25 SECRETARY KEY: Nor did I.

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1 MS. WOODS: I was about to say in 2021 why are  
 2 we talking about that.  
 3 CHAIRMAN NEWTON: Okay. So, Ms. Dean, you had a  
 4 comment or question?  
 5 MS. DEAN: No. I was just saying what Ms. Woods  
 6 said was helpful and what Mr. Key -- Commissioner Key  
 7 said. Because I have not done a fax in so long, so I  
 8 wasn't really clear on transmission, things of that  
 9 sort.  
 10 CHAIRMAN NEWTON: Okay.  
 11 MS. WOODS: I will say it makes me feel better  
 12 to know that the legal system is not the only one  
 13 that still uses fax machines.  
 14 CHAIRMAN NEWTON: All right. So we'll go back  
 15 to our beginning and this is a Finding of Fact.  
 16 Okay. And it says I move the appeal be dismissed or  
 17 that we consider the appeal. And in both cases it's  
 18 whether or not the school choice application was  
 19 received by the Midland School District.  
 20 MS. WOODS: I just have one more question.  
 21 CHAIRMAN NEWTON: All right.  
 22 MS. WOODS: And, Ms. Freno, it's you. Is the  
 23 burden of proof here preponderance of the evidence?  
 24 Is it 51% or --  
 25 MS. FRENO: Yes. In administrative procedure

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1 actions it would be the preponderance of the  
 2 evidence.  
 3 MS. WOODS: So we're talking 51/49?  
 4 MS. FRENO: Yes. Yes. And then as the  
 5 Secretary pointed out, the burden of proof on this  
 6 factual question is on the parent because the law  
 7 does require the parent to submit to both districts.  
 8 MS. WOODS: So 51% did they or did they not is  
 9 really our question.  
 10 CHAIRMAN NEWTON: Right.  
 11 MS. WOODS: And that's so hard.  
 12 CHAIRMAN NEWTON: Did they or did they not  
 13 receive the school choice application by May 1st.  
 14 MS. WOODS: Yeah. So did Midland receive it,  
 15 based -- if we're going strictly by the rule, from  
 16 the parent. And I understand that the parent was  
 17 told something and she relied on that information.  
 18 But that's where we're at, did they receive it or did  
 19 they not.  
 20 CHAIRMAN NEWTON: All right. Okay. So we are  
 21 ready for a motion.  
 22 MR. SUTTON: I'm going to make a motion that we  
 23 hear the appeal.  
 24 CHAIRMAN NEWTON: Based on?  
 25 MR. SUTTON: Based on --

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1 MS. WOODS: Feelings?  
 2 MR. SUTTON: No.  
 3 CHAIRMAN NEWTON: Okay.  
 4 MR. SUTTON: I think based on lack of evidence  
 5 that it was in fact received by Midland.  
 6 MS. WOODS: So that means that we shouldn't hear  
 7 it --  
 8 MR. SUTTON: No.  
 9 DR. MOORE: Because of lack of evidence.  
 10 CHAIRMAN NEWTON: Yeah.  
 11 MS. WOODS: If Midland didn't receive it, we  
 12 can't hear the appeal.  
 13 MR. SUTTON: A lack of evidence that they did  
 14 not --  
 15 CHAIRMAN NEWTON: Okay.  
 16 MR. SUTTON: -- is what I'm saying.  
 17 CHAIRMAN NEWTON: Okay. All right. Do we have  
 18 a second?  
 19 MS. McFETRIDGE: I'll second it.  
 20 CHAIRMAN NEWTON: All right. We have a second  
 21 by Ms. McFetridge.  
 22 Do we need to do a roll-call?  
 23 SECRETARY KEY: I think so.  
 24 CHAIRMAN NEWTON: Okay. Can we discuss now?  
 25 DR. MOORE: Yeah. Can we discuss?

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1 CHAIRMAN NEWTON: Yes, we can discuss. Okay,  
 2 Dr. Moore.  
 3 SECRETARY KEY: Before we get in discussion,  
 4 Madam Chair, can I -- can you restate the motion?  
 5 MR. SUTTON: Are you trying to trick me?  
 6 SECRETARY KEY: No, sir, I'm not. I'm just  
 7 trying to get it.  
 8 MR. SUTTON: I make the motion that we hear the  
 9 appeal -- yeah, that we, yes, hear the appeal of the  
 10 denial.  
 11 CHAIRMAN NEWTON: Based on?  
 12 MR. SUTTON: Well, do I have to put a based on  
 13 that?  
 14 CHAIRMAN NEWTON: We have to have a Finding of  
 15 Fact I think with this one because this was a -- this  
 16 was --  
 17 MR. SUTTON: Well --  
 18 SECRETARY KEY: And let me --  
 19 MS. WOODS: This one is different.  
 20 SECRETARY KEY: And, Mr. Sutton, for the benefit  
 21 of the Board, I mean that is the recommendation by  
 22 your Counsel in this case of making sure that we  
 23 follow this right and that there is a Finding of  
 24 Fact. So I think, Mr. Sutton, to your point and, you  
 25 know, to Ms. Woods' there you have to find one way or

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1 the other -- I mean that's the recommendation that we  
 2 have from Counsel. And we strongly urge that, just  
 3 so that we're following the legal proceedings  
 4 correctly, administrative procedures correctly, that  
 5 somehow your motion would have to address that issue.  
 6 MR. SUTTON: Well, within those constraints I  
 7 would have to say based on the fact of a lack of  
 8 proof of receipt by Midland. That's a fact. A lack  
 9 of proof of -- did I say that right? Lack of proof  
 10 of -- that it was received -- that the fax was  
 11 received by the resident district.  
 12 CHAIRMAN NEWTON: Then that would be the  
 13 opposite of what you want.  
 14 DR. MOORE: Right.  
 15 MS. WOODS: So --  
 16 MR. SUTTON: All right.  
 17 MS. WOODS: Can I help you out? So we talked  
 18 about -- let me -- you're basing it on legal, so let  
 19 me lay the facts. The issue -- I'm sorry, that was  
 20 probably not -- the issue that we have is did Midland  
 21 receive it. That's the fact, that's the question; so  
 22 yes or no is kind of on our timeline. So in the yes  
 23 category, what evidence do we have that they received  
 24 it? None, because we have testimony that they have  
 25 not received it. We don't have any proof that they

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1 received it in the form of like a fax transmission or  
 2 an email or anything else, or a phone call. We have  
 3 no records of that. Did Midland receive it? No. We  
 4 have testimony that they did not receive it, and we  
 5 don't have any proof that they received it. Based on  
 6 that outcome, our rules, our laws tell us that we're  
 7 not permitted to hear this appeal. That's the  
 8 Finding of Fact -- yes or no, did they receive it or  
 9 did they not. I'm not saying it's fair; I'm just  
 10 saying that that's the rule.  
 11 MS. DEAN: Madam Chair, may I say something?  
 12 CHAIRMAN NEWTON: Yes.  
 13 MS. DEAN: It's unfortunate, but I have to agree  
 14 with Ms. Woods if we're going to abide by the rules  
 15 and the law; it states very clearly, and  
 16 unfortunately our hands are bound by that. I think  
 17 it is an opportunity to learn on -- to learn how to  
 18 follow-up better and to make sure that due-diligence  
 19 is done. But it's unfortunate that -- because the  
 20 burden of proof is on the parent, and unfortunately  
 21 she does not have proof to show that it was received,  
 22 Midland has testified that they did not receive it, I  
 23 don't see where we have a choice in this matter and I  
 24 have to agree with Ms. Woods on the finding. That  
 25 is how we have to do it according to the rules and

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1 the law. The findings show that they have not  
 2 provided the burden of proof to show that they --  
 3 that both of the districts received the application.  
 4 I do have a question though.  
 5 CHAIRMAN NEWTON: Okay.  
 6 MS. DEAN: I want -- I know previously even if  
 7 there -- well, I guess this is the question: even if  
 8 the application was received later is there a way for  
 9 this family to be put on the waiting list for next  
 10 year?  
 11 CHAIRMAN NEWTON: I think the law says May 1.  
 12 We've had some come before --  
 13 MS. DEAN: Okay.  
 14 CHAIRMAN NEWTON: -- after May 1 and we did not  
 15 even address them at all, because the law  
 16 specifically says May 1st.  
 17 Ms. Freno, is that correct?  
 18 MS. FRENO: Yes, Ms. Newton, that's correct. Of  
 19 course, the child could apply in the next cycle for  
 20 the 22-23 school year.  
 21 CHAIRMAN NEWTON: Right.  
 22 MS. DEAN: Okay.  
 23 CHAIRMAN NEWTON: Right.  
 24 MS. DEAN: All right. Thank you. I just wanted  
 25 clarification on that.

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1 It is unfortunate and it hurts my heart because  
 2 this is why it's so important for us to be -- and  
 3 mistakes happen; I mean it's part of human nature.  
 4 But sometimes there are consequences because of  
 5 mistakes and lack of knowledge; I'll just say it that  
 6 way. But I have to agree with Ms. Woods on this  
 7 situation.  
 8 CHAIRMAN NEWTON: So I'm not sure what we do  
 9 here. We had kind-of sort-of a motion and a second,  
 10 but I'm not sure we ever got a clear motion through.  
 11 So, Ms. Freno --  
 12 MS. FRENO: Well, there is a motion on the floor  
 13 and a second. So I mean Mr. Sutton and whoever  
 14 seconded -- Ms. McFetridge could -- they could  
 15 withdraw the motion. That is one option. Or you all  
 16 could just, if you choose, go forward and vote on  
 17 that motion.  
 18 CHAIRMAN NEWTON: Okay. All right.  
 19 MR. SUTTON: I'm not going to withdraw. I will  
 20 not withdraw the motion.  
 21 CHAIRMAN NEWTON: Okay.  
 22 DR. MOORE: May I ask a question?  
 23 CHAIRMAN NEWTON: Yes.  
 24 DR. MOORE: So the rules state that the  
 25 student's parent shall submit an application to the

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1 nonresident district with a copy to the resident  
 2 district on the form post-marked no later than May  
 3 1st of the year in which the student seeks to begin  
 4 the fall semester. So we have proof that the  
 5 application was provided to the nonresident school  
 6 district before May 1?  
 7 MS. FRENO: Correct.  
 8 DR. MOORE: We don't have proof of a copy going  
 9 before May 1 and that -- right, there is no -- and  
 10 you're saying there's no waiver around the copy?  
 11 MS. FRENO: No. What the law reads -- and I  
 12 believe it's the exact same rule --  
 13 DR. MOORE: It's the rule.  
 14 MS. FRENO: -- is that the student's parent  
 15 shall -- the student's parent shall submit an  
 16 application to the nonresident district, with a copy  
 17 to the student's resident district. That's all  
 18 referring to the parent. So when they say a "copy,"  
 19 I mean perhaps that's just an artful legislative  
 20 drafting. It's just one -- I mean it -- clearly,  
 21 what the General Assembly intended with that one was  
 22 a copy to the nonresident -- a document to the  
 23 nonresident district, a document --  
 24 DR. MOORE: Right.  
 25 MS. FRENO: -- to the resident district.

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1 DR. MOORE: Right. But in my head, a copy is  
 2 that district Xeroxes the application. But what the  
 3 intent is is that the parent has to fill out two  
 4 applications and mail them both in or take them both  
 5 in?  
 6 MS. FRENO: They don't have to fill out two.  
 7 They don't have to fill out two by hand.  
 8 DR. MOORE: Or they just make their own Xerox  
 9 copy. Yeah.  
 10 MS. FRENO: They could write one up, make a  
 11 copy, deliver the original to one and a copy to the  
 12 other; deliver a copy to either; they can email them  
 13 both.  
 14 DR. MOORE: Okay.  
 15 MS. FRENO: It's just a matter of -- it's the  
 16 notice component. I mean that's what it all comes  
 17 down to is both the resident district has to know and  
 18 -- the resident district and nonresident district,  
 19 they have to receive it so that both of them know  
 20 this application is out there and it has been filed  
 21 by the parent.  
 22 DR. MOORE: Okay. I just wanted to know that in  
 23 the event that maybe there was some leeway, but you  
 24 are the attorney here. Okay.  
 25 MS. McFETRIDGE: I guess the issue I'm going

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1 back to is the parent had an old application and on  
 2 that application it says "must be submitted to the  
 3 nonresident district." It doesn't say submit to  
 4 both.  
 5 MS. FRENO: That's correct, Ms. McFetridge. But  
 6 the law and the rules both provide that it has to be  
 7 sent to both. I mean if you look, as the Secretary  
 8 pointed out, on our website, we have the current  
 9 application that reads both the resident and  
 10 nonresident. The fact that the parent somehow got a-  
 11 hold of an old one, you know, perhaps from the school  
 12 district, you know, that doesn't change the law and  
 13 that doesn't change the rules. I understand your  
 14 concern that it might've misled the parent, but I  
 15 mean -- you know, and I don't want to use the term --  
 16 I'm not even going to use the word -- the I word.  
 17 But, you know, you've got to know what the law is.  
 18 MS. McFETRIDGE: Right.  
 19 MS. FRENO: I mean ignorance of the law is no  
 20 excuse, but it's truly -- the law is the law, and  
 21 it's the law, it's in our rules, it's on our website.  
 22 We have a well-developed school choice website. We  
 23 have -- we provide, you know, information to parents  
 24 I mean several times a day on school choice. So --  
 25 MR. SUTTON: Ms. Freno, is the 3% cap law?

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1 MS. FRENO: The 3% cap is law. Yes, it is.  
 2 MR. SUTTON: We've gone around that several  
 3 times.  
 4 MS. FRENO: But that is because there are two  
 5 things that you -- that can be appealed from: one is  
 6 the 3% cap and one is capacity. Those are the only  
 7 two things that you can go around, as you -- your  
 8 term. This is a hard deadline and the reason is is  
 9 because, I mean, all school districts need to know  
 10 what's going on; they need to get those applications.  
 11 You know, it's unfair to the school districts -- I  
 12 mean they need to know what's going on by May 1st so  
 13 they can start making their determinations. And  
 14 that's what we've always done, always; that's always  
 15 been our interpretation and practice. And in the  
 16 last session we actually incorporated that into law  
 17 just to make absolutely clear that that has been this  
 18 Board's interpretation for years.  
 19 MR. SUTTON: Well, let me ask you this: if a  
 20 parent filled out an application and went to the  
 21 nonresident district, and the nonresident district  
 22 sent fax/email/scan, whatever to the resident  
 23 district, have they complied? Because they didn't do  
 24 it. It's in -- I think I heard you say it's  
 25 incumbent upon the parent to do it. If the

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1 nonresident did it and they didn't do it, did they  
 2 comply?  
 3 MS. FRENO: Technically, if you want to get way  
 4 down into the weeds --  
 5 MR. SUTTON: Well, we're playing technicality.  
 6 MS. FRENO: Okay. So if you want to get way  
 7 down into the weeds, no. I mean it says parent. It  
 8 says parent in here --  
 9 MR. SUTTON: Yeah.  
 10 MS. FRENO: -- that the parent has to do it.  
 11 MR. SUTTON: Yeah.  
 12 MS. FRENO: But because the school district --  
 13 and, trust me, there's discussion about this --  
 14 because the school district told them that they would  
 15 do it that was considered -- that could be considered  
 16 like a tacit filing of the document by the parent --  
 17 DR. MOORE: Okay.  
 18 MS. FRENO: -- a tacit approval. But I think  
 19 the thing to recognize is, as Ms. Woods points out,  
 20 there's just -- there's no proof that it ever got  
 21 there, and it's the parent's responsibility, in the  
 22 end, to file it with both. So perhaps it was the  
 23 parent -- the parent should have checked to, you  
 24 know, to make sure that it got there. You know, the  
 25 school district -- you know, Bald Knob, maybe they

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1 should have checked, but in law it's the parent's  
 2 responsibility to make sure that it gets to both  
 3 places.  
 4 MS. WOODS: And correct me if I'm wrong, I think  
 5 one of -- the heartburn that I know that we have with  
 6 this is there is no waiver option for the deadline.  
 7 DR. MOORE: Right.  
 8 MS. WOODS: Either they got it or they didn't,  
 9 period. We don't get to decide "they didn't but."  
 10 There is no "but." Correct?  
 11 MS. FRENO: That is correct. And it normally --  
 12 if we get -- like I got a couple of school choice  
 13 application copies last week. You know, we don't  
 14 even bring these to the Board. We don't bring the  
 15 appeals to the Board if that May 1st deadline is not  
 16 met. The reason this one is before you is because  
 17 there was this issue of fact and, you know, we wanted  
 18 to be cautious and allow this board to make the  
 19 determination on the issue of fact. We did not feel  
 20 it would be appropriate for us to make it ourselves.  
 21 DR. MOORE: I guess though we're -- it is  
 22 getting into does the law -- the law does not -- do  
 23 parents submit an application to the nonresident and  
 24 the resident district, based on the words of the  
 25 districts?

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1 MS. FRENO: Correct.  
 2 DR. MOORE: The law does not state that they  
 3 have to have the proof of it, does it? I mean if  
 4 we're really going in the weeds here, the law states  
 5 they have to submit the application to both  
 6 districts, and on their word they submitted an  
 7 application to both districts.  
 8 SECRETARY KEY: I think the law presupposes that  
 9 it's the completion of the act; otherwise, both  
 10 districts -- without receiving it both districts  
 11 can't proceed with the next steps of the law. So in  
 12 this case Midland, having not received it, they could  
 13 not then put that student in the order to determine  
 14 the 3%. I mean there are things that happen after  
 15 that that has to -- the completion of the submission  
 16 has to include the receipt by the district. And  
 17 that's how I would interpret it and ask Lori if  
 18 that's --  
 19 MS. FRENO: I think that's accurate. Yes.  
 20 SECRETARY KEY: Okay.  
 21 MS. FRENO: I mean the law doesn't say --  
 22 DR. MOORE: And I guess I'm putting the proof of  
 23 the burden on the parents. The parents say they have  
 24 proof that they submitted a copy to both.  
 25 MS. FRENO: The parents --

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1 DR. MOORE: They don't have evidence.  
 2 MS. FRENO: The proof -- I mean you have to  
 3 decide what the proof is. But the proof is that the  
 4 school district -- it sounds to me like the school  
 5 district said, Bald Knob, "we will fax a copy --"  
 6 DR. MOORE: Right.  
 7 MS. FRENO: "-- to the other district." So the  
 8 parents relied -- perhaps relied upon that statement,  
 9 but the parents -- I think they told you they don't  
 10 have proof --  
 11 DR. MOORE: Right.  
 12 MS. FRENO: -- that a copy of that ever went to  
 13 Midland.  
 14 DR. MOORE: Right.  
 15 MS. FRENO: And I will stand corrected if the  
 16 Gipsons -- or the parents --  
 17 DR. MOORE: No. But the vote we're taking is  
 18 did they receive the application, not was it sent.  
 19 MS. FRENO: And that's correct, yes.  
 20 DR. MOORE: Okay.  
 21 MS. FRENO: It is whether the Midland School  
 22 District received it, because both school districts  
 23 have to receive it. And there is no question that  
 24 Bald Knob received it; that's not even -- they  
 25 received it. The question is did Midland receive it.

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1 DR. MOORE: I know. And I'm getting -- we're  
 2 getting very technical, and I'm not a lawyer, but  
 3 that law says they have to submit it. So can we vote  
 4 that they submitted it without voting that they  
 5 received it? And I think at the end if we need to  
 6 vote this can be settled in other matters and --  
 7 SECRETARY KEY: Again, I mean I'm going to go  
 8 back to what I said. The submission process has to  
 9 include --  
 10 DR. MOORE: The receipt of it.  
 11 SECRETARY KEY: -- both ends; otherwise, you  
 12 can't follow through the next steps of the law.  
 13 MS. FRENO: Yes.  
 14 DR. MOORE: Okay. Okay.  
 15 MS. WOODS: And I would offer too that we have  
 16 to have proof of submission, and we don't.  
 17 DR. MOORE: And we have proof of submission to  
 18 one district, but not to the other.  
 19 MS. WOODS: Correct.  
 20 DR. MOORE: Okay.  
 21 CHAIRMAN NEWTON: Dr. Rankin?  
 22 DR. RANKIN: I do have a question for Meredith  
 23 Gordon. Where did you get this out-of-date  
 24 application?  
 25 MRS. GORDON: From Bald Knob.

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1 DR. RANKIN: From Bald Knob. So Bald Knob had  
 2 an out-of-date application?  
 3 MRS. GORDON: Yes. As soon as I knew we were  
 4 going to be leaving the district, I went up there  
 5 that day, asked for the paperwork, sat in the office,  
 6 filled it out, gave it back.  
 7 DR. RANKIN: And you were there on the 21st.  
 8 They say they faxed it on the 29th. We don't have  
 9 any confirmation of that, just a handwritten note.  
 10 And I went back and looked, May the 1st is a Saturday  
 11 this year, so they were cutting it very, very close  
 12 getting it to Midland. So I certainly hear the  
 13 frustration from Midland. And I do think -- I still  
 14 -- I still tend to come down to I want a parent to  
 15 have the choice to send their child where they want  
 16 to send them to school. Very frustrated that so many  
 17 of these mistakes were made in a row that have  
 18 complicated this. And I do feel very strongly that  
 19 in the future we clarify whatever language we need  
 20 to, however and whenever we can, to be sure that if  
 21 that burden is on the parent that the parent really  
 22 does understand that. No one can -- don't take  
 23 anyone's word for it.  
 24 MRS. GORDON: Yeah.  
 25 DR. RANKIN: If you need to get in your car and

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1 go somewhere, go. Because I sure hope we never see  
 2 this technicality in front of this board again.  
 3 MRS. GORDON: Can I say something? I don't know  
 4 if this is even the time to say it. But we also did  
 5 the legal transfer, so I'm not sure if this could be  
 6 an appeal for a legal transfer. I don't know how  
 7 that works, so --  
 8 CHAIRMAN NEWTON: We can only consider the time  
 9 issue right now.  
 10 MRS. GORDON: Okay.  
 11 CHAIRMAN NEWTON: Okay. All right.  
 12 SECRETARY KEY: Madam Chair, just for the  
 13 information for the Board, you know, our official way  
 14 of communicating to school districts updates to the  
 15 law and to make sure everyone is on -- has the  
 16 information they need is through our Commissioner's  
 17 Memo system. And we issued a Commissioner's Memo on  
 18 January 6th of this year, Commissioner's Memo CLM 21-  
 19 064, that included the correct form, included the  
 20 frequently asked questions. So, that is a part of  
 21 our -- in the rules, the final rules governing school  
 22 choice. So that is our official mechanism to make  
 23 sure the information gets out to all the school  
 24 districts in the state.  
 25 CHAIRMAN NEWTON: Ms. Woods, did you happen to

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1 have a comment?  
 2 MS. WOODS: I would just say back to Dr. Rankin,  
 3 I know we want to hear the merits of it and decide  
 4 the merits of the 3% cap. And I will just reiterate  
 5 again unfortunately we are the jury in this system  
 6 and we just have to decide the fact, whether we like  
 7 it or not, and the fact is did they receive it or did  
 8 they not. That's the only question. And then if we  
 9 say that yes, they did, based on the proof, then we  
 10 can decide whether or not they should be able to  
 11 school-choice.  
 12 CHAIRMAN NEWTON: Ms. Gipson, did you have  
 13 something else you wanted to add?  
 14 SUPT. GIPSON: Well, I was just going to say  
 15 that in -- I understand that Midland does not have  
 16 proof. But when we write on those applications that  
 17 is our proof that we faxed it. And we're going to  
 18 have a different process. But in this situation,  
 19 from Bald Knob's perspective, we do have proof and it  
 20 was faxed on the 29th, as written on the bottom of  
 21 the application -- faxed and signed -- unless, of  
 22 course, we're calling our employee a liar, which is  
 23 not the case.  
 24 DR. MOORE: May I ask y'all a question? Do you  
 25 have other applications that were sent to Bald -- to

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1 Midland on that day?  
 2 SUPT. GIPSON: Ms. Thomason says she doesn't  
 3 believe so. She thinks that's the only one for  
 4 Midland.  
 5 DR. MOORE: Okay. Well, were there other  
 6 applications sent to other school districts?  
 7 SUPT. GIPSON: She would have to check her  
 8 records, but we send every application via fax and we  
 9 have not run into this problem with anyone else.  
 10 She's looking at some of the other applications now  
 11 to see if they were on the 29th. But that is how we  
 12 send them to other districts.  
 13 CHAIRMAN NEWTON: Okay. I think we have a  
 14 motion on the floor, and I'm not sure what the motion  
 15 was. So could you --  
 16 SECRETARY KEY: Mr. Sutton moved to hear the  
 17 appeal based on lack of proof that the fax was  
 18 received by Midland, seconded by Ms. McFetridge.  
 19 CHAIRMAN NEWTON: Okay. So we have heard the  
 20 motion that we hear the appeal based on lack of proof  
 21 that Midland received the fax.  
 22 MS. McFETRIDGE: I'm going to pull my second. I  
 23 don't know if I want to second that.  
 24 CHAIRMAN NEWTON: Okay. All right.  
 25 MS. McFETRIDGE: I'm sorry.

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1 SECRETARY KEY: She can withdraw her second.  
 2 CHAIRMAN NEWTON: Okay. We've got a withdrawal  
 3 of the second. So does anyone want to second that?  
 4 DR. MOORE: Well, can -- oh, we can't discuss  
 5 it.  
 6 CHAIRMAN NEWTON: No, can't discuss it.  
 7 So it looks like that motion fails for a lack of  
 8 a second.  
 9 So now what -- we need another motion.  
 10 DR. MOORE: Can you repeat what legal -- Lori,  
 11 can you repeat what you all deem that we should be  
 12 voting on today?  
 13 MS. FRENO: Yes. The question at the center of  
 14 your factual inquiry is whether Midland received the  
 15 application, the school choice application. So the  
 16 two motions that we proposed to get to that factual  
 17 finding -- where did it go -- give me one second. I  
 18 had it all nice and highlighted. Oh, here we go. I  
 19 move that the appeal be dismissed because the Midland  
 20 School District did not receive the school choice  
 21 application by the May 1st deadline. And the second  
 22 is I move that we consider the appeal because the  
 23 Midland School District did receive the school choice  
 24 application by the May 1st deadline.  
 25 And while I'm up here, I didn't want to get up

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1 and say this but I heard the word "lie" used. No one  
 2 here is saying anybody is lying.  
 3 CHAIRMAN NEWTON: Right.  
 4 MS. FRENO: I think that's really important --  
 5 CHAIRMAN NEWTON: Right.  
 6 MS. FRENO: -- to understand.  
 7 DR. MOORE: Can the motion be that the parents  
 8 submitted an application both to the resident and the  
 9 -- to both districts postmarked by May 1st? That  
 10 does not get us anywhere though. It is all about the  
 11 receipt of it, not the sending of it.  
 12 MS. FRENO: Yes, it's -- it is the receipt of  
 13 the application by the May 1st deadline; that's  
 14 what's critical. In the end Midland received it, but  
 15 only in July, only long after it should've received  
 16 it, and it was only because -- I believe the  
 17 superintendent testified it got a notification from  
 18 Bald Knob that they have accepted the student.  
 19 DR. MOORE: Okay. And I'm not -- I do --  
 20 MS. FRENO: No.  
 21 DR. MOORE: But it was postmarked by May 1st, is  
 22 that correct, for one district? The receipt doesn't  
 23 have a date; it just says both the resident and  
 24 nonresident district shall upon receipt place a date  
 25 and time.

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1 SECRETARY KEY: Well, let me --  
 2 MS. WOODS: So --  
 3 SECRETARY KEY: Well, sorry.  
 4 MS. WOODS: All I was going to say is if you're  
 5 trying to figure out what was the intent of the  
 6 legislature --  
 7 DR. MOORE: Right.  
 8 MS. WOODS: -- at this point you can only look  
 9 at what else is in the document. And considering  
 10 they gave a line to say it has to be postmarked that  
 11 would indicate that the receipt is the important  
 12 part.  
 13 DR. MOORE: Okay. And this has never been  
 14 litigated; is that correct? There's never been any  
 15 litigation around this issue --  
 16 MS. FRENO: No.  
 17 DR. MOORE: -- or any legal ruling?  
 18 MS. FRENO: Not I mean around this specific  
 19 issue.  
 20 DR. MOORE: Around the date issue. Okay.  
 21 SECRETARY KEY: No. And my only statement was  
 22 going to be postmarked is -- has -- is a widely  
 23 accepted legal, you know --  
 24 DR. MOORE: Term that means received.  
 25 SECRETARY KEY: -- we accept that.

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1 DR. MOORE: Okay.  
 2 SECRETARY KEY: And that -- but that means  
 3 clearly postmarked by U.S. Postal Service. I can't  
 4 -- I don't -- we can't equate that to even a fax. It  
 5 doesn't have the same weight as a fax confirmation.  
 6 I mean that is a very specific term that's used, not  
 7 just here but in a number of places throughout the  
 8 statute.  
 9 DR. MOORE: So then that suggests that you have  
 10 to have it mailed in?  
 11 SECRETARY KEY: That is an option that the  
 12 postmark becomes the acceptable proof.  
 13 DR. MOORE: Okay.  
 14 SECRETARY KEY: Any other delivery that does not  
 15 -- I mean that goes away; the issue of postmark goes  
 16 away.  
 17 DR. MOORE: Okay.  
 18 CHAIRMAN NEWTON: Okay. We have a comment from  
 19 Ms. Gipson that says, "We sent two other applications  
 20 via fax on 4/29. Both were received." Ms. Gipson,  
 21 where did you send those two faxes to?  
 22 SUPT. GIPSON: Bradford School District.  
 23 CHAIRMAN NEWTON: Okay. So two faxes -- two  
 24 applications were sent on 4/29 to Bradford and both  
 25 were marked received.

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1 Okay. All right. We're still waiting for a  
 2 motion on this issue.  
 3 MS. WOODS: If no motion is made at all, does  
 4 the issue die?  
 5 MS. FRENO: (Nodding head up and down)  
 6 MR. SUTTON: Well, I want to make a motion.  
 7 CHAIRMAN NEWTON: Okay.  
 8 MS. FRENO: Yes, I have been communicating with  
 9 our parliamentarian and we both agree that, yes, it  
 10 would fail for lack of action. I mean the appeal --  
 11 if there is no motion in the end, the appeal is going  
 12 to fail for lack of action.  
 13 CHAIRMAN NEWTON: Okay. Mr. Sutton.  
 14 MR. SUTTON: I'm going to make a motion that we  
 15 hear the appeal based on the fact that Midland  
 16 received -- may not know it, but they received a --  
 17 the application via fax from Bald Knob.  
 18 CHAIRMAN NEWTON: Okay. We have a motion by Mr.  
 19 Sutton. Do we have a second?  
 20 MS. McFETRIDGE: I will second that.  
 21 CHAIRMAN NEWTON: Ms. McFetridge has seconded  
 22 that motion. And we're going to do a roll-call on  
 23 this one.  
 24 SECRETARY KEY: Ms. Dean.  
 25 MS. DEAN: No.

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1 SECRETARY KEY: Mr. Sutton.  
 2 MR. SUTTON: Yes.  
 3 SECRETARY KEY: Ms. McFetridge.  
 4 MS. McFETRIDGE: Yes.  
 5 SECRETARY KEY: Ms. Woods.  
 6 MS. WOODS: No.  
 7 SECRETARY KEY: Dr. Rankin.  
 8 DR. RANKIN: No.  
 9 SECRETARY KEY: Dr. Moore.  
 10 DR. MOORE: No.  
 11 SECRETARY KEY: Four no's, two yeses.  
 12 CHAIRMAN NEWTON: So if we don't grant the  
 13 appeal, does that automatically mean the appeal is  
 14 dismissed, or do we have to have a motion for that,  
 15 or does it die?  
 16 MS. WOODS: I don't think we can proceed. We  
 17 just voted not to review the appeal --  
 18 CHAIRMAN NEWTON: Right.  
 19 MS. WOODS: -- is what I understand.  
 20 CHAIRMAN NEWTON: Is that -- is that what -- so  
 21 we -- help me out, Ms. Freno.  
 22 MS. FRENO: Okay. So the motion has failed.  
 23 CHAIRMAN NEWTON: Yes.  
 24 MS. FRENO: So at this point the question would  
 25 be is there another motion.

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1 CHAIRMAN NEWTON: Okay. Is there another  
 2 motion?  
 3 Don't go far.  
 4 MS. FRENO: I will not. And I will keep my  
 5 phone with Mary Claire close by.  
 6 DR. MOORE: I don't have another motion at this  
 7 point in time, but I did want to ask a question of  
 8 the parents. Is that okay?  
 9 CHAIRMAN NEWTON: (Nodding head up and down)  
 10 DR. MOORE: Okay. So you said -- have you all  
 11 pursued a legal transfer between the two boards, and  
 12 what was the result of that?  
 13 CHAIRMAN NEWTON: I don't -- I don't think we  
 14 can --  
 15 DR. MOORE: We can't, but I just want to know.  
 16 CHAIRMAN NEWTON: Okay.  
 17 MRS. GORDON: So I guess they were received --  
 18 or the communication between the two schools happened  
 19 on July 12th. And then on July 15th I got a phone  
 20 call from Bald Knob saying, "Hey, there's been a  
 21 problem with your paperwork. We think there's a  
 22 letter in the mail from you -- for you from Midland  
 23 saying that they denied it." So I get home and there  
 24 was a letter in the mail. So I called Dr. Bryant  
 25 that day and I said, "Well, you can see on the

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1 application I put April 21st. That's when I was up  
 2 there, sent the paperwork." And he said, "Well, we  
 3 didn't get it that day." So everything y'all just  
 4 voted for -- I asked what is the appeal process and  
 5 he said, "You'll have to go back to your original  
 6 paperwork to look at that appeal" and that there's a  
 7 ticking time on it. I said, "Okay. I don't know --  
 8 I don't know what that means." And he said, "Well,  
 9 I'm just going to tell you there's a ticking clock on  
 10 that." So I started freaking out and I drove back to  
 11 Bald Knob, hoping that they could help me. And she  
 12 said, "Well, yeah, what he's telling you is you could  
 13 do a legal transfer," but it had to be by 5:00 that  
 14 night because that's when their board was meeting.  
 15 So I was like, "Well, can you help me with that?"  
 16 And she said, "Yes." So they helped me do the legal  
 17 transfer. It went to them that evening, and then it  
 18 got denied.  
 19 DR. MOORE: Okay.  
 20 MRS. GORDON: So that's when I contacted Taylor  
 21 Dugan and he was helping me with the appeal of both  
 22 of those --  
 23 DR. MOORE: Okay.  
 24 MRS. GORDON: -- decisions.  
 25 DR. MOORE: Okay. There's nothing that we can

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1 do on a legal transfer. But I will use my bully  
 2 pulpit to encourage, maybe if it can, that to be  
 3 considered again because this is a -- there's a lot  
 4 of legal technicalities in here. The student has  
 5 never attended that resident school district and I  
 6 think we're going -- we're going very far into the  
 7 legal weeds and this is a kid. So, again, I can't do  
 8 anything about it, but bully pulpit. That's my  
 9 stance.  
 10 CHAIRMAN NEWTON: All right. So do we have any  
 11 other motions?  
 12 So at this point, Ms. Freno, the -- we don't  
 13 hear the appeal and we move on. Is that correct?  
 14 MS. FRENO: That would be correct. If there is  
 15 no motion at this point, the matter -- I mean the  
 16 appeal fails for lack of a motion.  
 17 CHAIRMAN NEWTON: Okay. All right.  
 18 I'm sorry. You know, this was -- this was --  
 19 this is probably the most difficult case that we've  
 20 -- school choice is always difficult, and this is  
 21 probably one of the most difficult that we have ever  
 22 faced when we see a parent wanting to do what they  
 23 can for a child. But unfortunately our hands were  
 24 tied, and so I hope you understand that. And we wish  
 25 you all the best and just keep advocating for your

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1 child and maybe work out -- do what Dr. Moore said;  
 2 try to work out something between the districts and  
 3 --  
 4 MRS. GORDON: Can I just say one thing?  
 5 CHAIRMAN NEWTON: Yes. Come to the microphone,  
 6 if you don't mind.  
 7 MRS. GORDON: I do appreciate y'all, you know,  
 8 debating it. And I teach at ASU-Beebe. I know the  
 9 policies/procedures; like I know we like follow that  
 10 as well. But the learning cost for a school district  
 11 on how to do that well is at the expense of our  
 12 family. So I just hope that y'all can work on those  
 13 policies and procedures, because at this point I  
 14 don't know who's going to pick up my daughter on  
 15 Monday from school, and that's three days. So --  
 16 CHAIRMAN NEWTON: Okay. Thank you. Thank you  
 17 for advocating for your child.  
 18 VI.7. SCHOOL CHOICE - CUNNINGHAM FAMILY  
 19 CHAIRMAN NEWTON: I know lunch is here, but we  
 20 have another family that's here, don't we? Let's go  
 21 again and hear this one before we break -- the  
 22 Cunningham family.  
 23 MS. FRENO: Ms. Newton, Ms. Cunningham is on  
 24 Zoom. We have the superintendent here --  
 25 CHAIRMAN NEWTON: Okay.

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1 MS. FRENO: -- from the White Hall School  
 2 District. Would you like us to proceed with this?  
 3 CHAIRMAN NEWTON: Let's go ahead and do this one  
 4 before lunch and then we'll break after this and  
 5 break for lunch.  
 6 MS. FRENO: The Cunningham family appeals the  
 7 denial of their school choice application. The  
 8 resident district is the Pine Bluff School District.  
 9 The nonresident is the White Hall School District.  
 10 White Hall's reason for denying the application  
 11 is capacity, that it is beyond the cap.  
 12 Now Barbara Warren, who is the superintendent of  
 13 the Pine Bluff School District, is not here today.  
 14 But I communicated with her and she said they have no  
 15 objection to the transfer and that all the paperwork  
 16 was all received in an appropriate amount of time.  
 17 CHAIRMAN NEWTON: Okay. All right. So we will  
 18 hear from the nonresident district first, Mr. Dorris.  
 19 MS. FRENO: And I'm sorry I didn't read the  
 20 procedure, but basically it will be the nonresident  
 21 district; Barbara Warren would go next, but she is --  
 22 has no problem with the transfer; and then the parent  
 23 will have an opportunity to speak as well.  
 24 CHAIRMAN NEWTON: Okay. So we'll swear Mr.  
 25 Dorris in and then also the parent.

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1 Ms. Cunningham, are you -- I see you now. Yes.  
 2 Okay. Would you raise your right hand? Do you  
 3 swear or affirm that the testimony you're about to  
 4 give shall be the truth, the whole truth and nothing  
 5 but the truth?  
 6 SUPT. DORRIS: Yes, ma'am.  
 7 MS. CUNNINGHAM: I do.  
 8 CHAIRMAN NEWTON: All right. Mr. Dorris.  
 9 SUPT. DORRIS: Thank you. Our position on this  
 10 was the student applied under school choice. Pine  
 11 Bluff being a opportunity school put it at 95%;  
 12 still, the student applied. And we have already  
 13 reached our 95% cap by law that the school district  
 14 has to go by. The student was denied application on  
 15 the fact of being overcrowded. And as I spoke  
 16 before, parents have found ways or loopholes around  
 17 the system. And since the last time we talked to  
 18 y'all we've had 40 -- over 40 kids enroll by  
 19 falsifying information, and we know that but you  
 20 can't prove it unless you're out there at their house  
 21 every moment making sure when they're in. Now I  
 22 don't want to go in a whole lot of detail on that but  
 23 right now we have more kids than we've ever had. And  
 24 we have already started making plans that we're going  
 25 to have to start paying teachers extra to cover the

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1 students. We've hired two new teachers to take care  
 2 of elementaries. The secondary level, like I said  
 3 we've had to pay them to teach an extra period.  
 4 We've done everything we can but yet, we're still  
 5 pushing our-self over those numbers. And I'm asking  
 6 the Board to consider these facts. We try to go by  
 7 the rules and regulations that have been passed down  
 8 to us and right now, you know, I'm asking for help.  
 9 CHAIRMAN NEWTON: Thank you.  
 10 SUPT. DORRIS: Thank you.  
 11 CHAIRMAN NEWTON: Ms. Cunningham.  
 12 MS. CUNNINGHAM: Yes, ma'am.  
 13 CHAIRMAN NEWTON: Do you have anything that you  
 14 would like to share with the Board?  
 15 MS. CUNNINGHAM: Well, my daughter has attended  
 16 White Hall School District since she was in 2nd  
 17 grade, I believe. She has never attended the Pine  
 18 Bluff schools. She went to White -- I mean Dollarway  
 19 when she was in kindergarten and 1st and 2nd grade.  
 20 And during 2nd grade they wanted to move her up three  
 21 grade levels because she's advanced, and so in that I  
 22 moved her to White Hall because, you know, I didn't  
 23 want my very young child being put into a group where  
 24 she's with children that are much, much older than  
 25 she is. After that, my youngest daughter was also

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1 enrolled in White Hall. They have both went there  
 2 ever since 2015. So I mean they both go there;  
 3 they've always went there. My youngest daughter was  
 4 accepted by the school choice; my oldest daughter was  
 5 denied. And it's going to put a lot of burden on me  
 6 to have to go to two different school districts with  
 7 working a fulltime job and having a toddler to drop  
 8 off and pick up and to go to the different school  
 9 events and so-on. I mean it's a large stress. And  
 10 not to mention I mean my daughter is extremely shy;  
 11 she has a really, really hard time making friends  
 12 and, you know, she's been at White Hall for many  
 13 years now and she finally made friends. The only  
 14 reason I ever pulled her out of White Hall is because  
 15 their online courses didn't offer the pre-AP. And  
 16 her dad is high-risk for Covid; he has many, many,  
 17 many health issues, and so I pulled her and her  
 18 sister out so that they weren't going to be a risk  
 19 for him.  
 20 CHAIRMAN NEWTON: Okay. All right. We'll see  
 21 if we have any questions from the Board.  
 22 Dr. Rankin?  
 23 DR. RANKIN: No questions.  
 24 CHAIRMAN NEWTON: Ms. McFetridge?  
 25 MS. McFETRIDGE: (Shaking head from side to

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1 side)  
 2 CHAIRMAN NEWTON: Dr. Moore?  
 3 DR. MOORE: Yes, I have a question of the  
 4 Department. This is a transfer under Public School  
 5 Choice. Did the family apply for Opportunity School  
 6 Choice?  
 7 MS. FRENO: No, they did not.  
 8 DR. MOORE: If they were to apply for  
 9 Opportunity School Choice, isn't the cap for -- the  
 10 cap at 95% instead of 90%?  
 11 MS. FRENO: If they apply for -- had applied for  
 12 Opportunity School Choice, lack of capacity may be  
 13 claimed if the district reached maximum student-to-  
 14 teacher ratio allowed under federal law. State law  
 15 standards for accreditation, state rules are  
 16 applicable for the regulations. And we're dealing  
 17 with an 8th grade student; correct?  
 18 SUPT. DORRIS: That's right.  
 19 MS. FRENO: And in that situation it's a 30 --  
 20 maximum of 30 students per class, with the exception  
 21 of large group instruction under the standards for  
 22 accreditation class size rules.  
 23 DR. MOORE: Okay. And so if they were to apply  
 24 under Opportunity School Choice -- I guess this is  
 25 for the White Hall School District -- would they be

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1 able to enter the district?  
 2 SUPT. DORRIS: We have two school districts in  
 3 our county that fall in this category, in  
 4 Opportunity.  
 5 DR. MOORE: Right.  
 6 SUPT. DORRIS: So we just automatically would go  
 7 ahead and presume that they're going to be  
 8 Opportunity so we don't have this hassle of coming  
 9 back here. But we did hit the 95% of Dollarway and  
 10 Pine Bluff; they are both at 95%. We just  
 11 automatically go ahead and assume.  
 12 DR. MOORE: Okay. That's a good problem to have  
 13 for you to be busting at the seams, but I know it's  
 14 challenging. So you're saying in a -- and is that  
 15 95% -- how do -- is that deemed based on one subject  
 16 or --  
 17 SUPT. DORRIS: No, ma'am. It's on the average.  
 18 What we do, we take the kids and then we divide it  
 19 out and we come up with 95%.  
 20 DR. MOORE: Okay. And how many 8th grade  
 21 students do you have?  
 22 SUPT. DORRIS: I think there's 264 at this  
 23 point.  
 24 DR. MOORE: Okay. And what did you have in  
 25 previous years?

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1 SUPT. DORRIS: Somewhere in the neighborhood of  
 2 240, 245.  
 3 DR. MOORE: Okay. And now I'm going to throw a  
 4 wrench into these questions. Are you offering  
 5 virtual school?  
 6 SUPT. DORRIS: Yes, ma'am, we are.  
 7 DR. MOORE: And how does virtual school change  
 8 your capacity?  
 9 SUPT. DORRIS: This year we went with our K-6  
 10 going through our local co-op, Arkansas River Valley,  
 11 and so they'll have that opportunity to go there.  
 12 Then we're doing Virtual Arkansas for all of our  
 13 students, okay, from 7 through 12.  
 14 DR. MOORE: Okay, Virtual Arkansas. And Virtual  
 15 Arkansas has the teacher licensure waiver?  
 16 SUPT. DORRIS: Yes, ma'am.  
 17 DR. MOORE: So in that instance that becomes  
 18 murky waters for how you do that cap, in my opinion,  
 19 if you have a waiver for teacher class size.  
 20 SUPT. DORRIS: If they were to go virtual, then  
 21 that would be a whole different ballgame. But right  
 22 now they didn't apply for virtual. She withdrew her  
 23 child last year because she didn't like the way we  
 24 was doing the other part. But she withdrew the child  
 25 and according to the rules, it states when you

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1 withdraw then you have to reapply. And so that's --  
 2 DR. MOORE: And do you have any students opting  
 3 to do virtual for this next school year?  
 4 SUPT. DORRIS: Yes, ma'am. I think we have --  
 5 we had 14 elementary students the other day that was  
 6 going virtual. We decided to go with masks and so  
 7 that number dropped back down to 10. We have -- I  
 8 believe there was 40 students that are doing virtual  
 9 from 7 through 12.  
 10 DR. MOORE: Okay. Did you subtract those  
 11 students from the full number for 8th grade?  
 12 SUPT. DORRIS: When the policy was sent down to  
 13 us, we have to base the number on your current  
 14 students that you have on May 1st.  
 15 DR. MOORE: Okay.  
 16 SUPT. DORRIS: And so that's what we based our  
 17 numbers on.  
 18 DR. MOORE: Current in-person or in-person and  
 19 virtual students?  
 20 SUPT. DORRIS: It's what we had actually in  
 21 students at our school district.  
 22 DR. MOORE: Okay.  
 23 SUPT. DORRIS: And then what we do, we find that  
 24 number and we say, all right, I can add five 1st  
 25 graders, I can add ten 8th graders, whatever it might

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1 be. We know how many numbers we set. Then you come  
 2 over here and you make another column. All right,  
 3 now I've got to look at the other two school  
 4 districts in Pine Bluff -- Jefferson County, and then  
 5 I add that 95%. So now I go back and I start looking  
 6 to see where I can put those kids at.  
 7 DR. MOORE: Which is a good -- I mean you're a  
 8 great school district and students want to come to  
 9 you. So are the other districts. But I know here  
 10 parents are trying to find that best match for their  
 11 students.  
 12 SUPT. DORRIS: Right.  
 13 DR. MOORE: In the case that a student was  
 14 applying to do virtual through your district, would  
 15 they have been accepted?  
 16 SUPT. DORRIS: Well, no, because they have to be  
 17 accepted in the class first.  
 18 DR. MOORE: Okay. And this --  
 19 SUPT. DORRIS: But, you know, the thing I'd like  
 20 to bring up -- and I hope y'all don't think I'm being  
 21 a pain in y'all's rear lately. But the thing is we  
 22 went to our voters and voted the millage, and do you  
 23 know the biggest gripe we had? "What about all these  
 24 school choice kids coming in? They don't have to pay  
 25 taxes." I mean it was a battle. But, you know,

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1 people, they want to live in White Hall. They're  
 2 building houses all over the place to try to take  
 3 care of it. I don't know what we're going to do if  
 4 things keep going like it is. And I'm happy for  
 5 that, but at the same time I've got to be standing up  
 6 for White Hall School District, what's best for the  
 7 White Hall School District in using the state of  
 8 Arkansas' laws and regulations. And that's been my  
 9 gripe all year-long is I'm trying to do what's right  
 10 for White Hall.  
 11 DR. MOORE: Do you have any Class Size waivers  
 12 for your teachers?  
 13 SUPT. DORRIS: At this moment I do not. I'm  
 14 keeping up on Mr. Key because I know he's working on  
 15 some -- at least I feel like he's working on some  
 16 things because of things we're hearing --  
 17 DR. MOORE: Okay.  
 18 SUPT. DORRIS: -- on waivers.  
 19 DR. MOORE: Do y'all have any Act 1240 waivers  
 20 for your district?  
 21 SUPT. DORRIS: Not right now.  
 22 DR. MOORE: Okay. Have you ever?  
 23 SUPT. DORRIS: Yes, we applied some last year  
 24 during the Covid time --  
 25 DR. MOORE: Okay.

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1 SUPT. DORRIS: -- and we had some other  
 2 problems. We had to.  
 3 DR. MOORE: Okay. Thank you.  
 4 SUPT. DORRIS: Uh-huh.  
 5 CHAIRMAN NEWTON: Mr. Sutton?  
 6 MR. SUTTON: I feel for White Hall's position,  
 7 the strain that out-of-district students puts on the  
 8 district. And I served on a district that had the  
 9 same situation, and not only did we have people  
 10 attending that falsified information that created a  
 11 problem. And then of course we were -- the district  
 12 that I was at, it was on the receiving end of a lot  
 13 of school choice. So I hear you. I'm torn on that  
 14 because of where I came from, but also, you know,  
 15 just the whole matter of parents wanting to do what's  
 16 best for their children. I'm not sure how I'll go on  
 17 this, but that's my comment.  
 18 CHAIRMAN NEWTON: Ms. Woods?  
 19 MS. WOODS: Out of curiosity, how many students  
 20 do you have in the 8th grade?  
 21 (COURT REPORTER'S NOTE: Ms. Woods turns on her  
 22 microphone)  
 23 MS. WOODS: How many students do you have in 8th  
 24 grade? Sorry, it wasn't on.  
 25 SUPT. DORRIS: 264.

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1 MS. WOODS: 264. And how many teachers?  
 2 Because that's junior high.  
 3 CHAIRMAN NEWTON: Mr. Dorris, you're going to  
 4 have to come to the microphone. I'm sorry.  
 5 SUPT. DORRIS: I'm sorry. What we have, we have  
 6 10 sections at each grade level. And talking a  
 7 minute ago about the AP classes, well, they're  
 8 already exceeding their numbers.  
 9 CHAIRMAN NEWTON: Okay. Ms. Dean?  
 10 MS. DEAN: No questions. Thank you.  
 11 CHAIRMAN NEWTON: Ms. Post?  
 12 MS. POST: No questions.  
 13 CHAIRMAN NEWTON: Any other comments or  
 14 questions from the Board?  
 15 SECRETARY KEY: I have a question. Ms.  
 16 Cunningham, the sibling here that was accepted into  
 17 White Hall, was that for -- in this cycle or is that  
 18 some -- a previous application?  
 19 MS. CUNNINGHAM: No, that was this cycle. She's  
 20 going in the 6th grade at the middle school. They  
 21 actually would be both at the middle school; one is  
 22 in 6th grade, one is in 8th grade. I didn't do the  
 23 school opportunity act -- I just wanted to say that  
 24 real quick -- because I thought that that was for in  
 25 the same district, you know, going from different

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1 state elementaries. Like White Hall, for instance,  
 2 has Harden, it also has Moody, Gandy, and Taylor.  
 3 And I've used the opportunity act before to go from  
 4 Harden to Moody because of my work schedule. And the  
 5 district line moved for each of the elementaries one  
 6 year, so I had to use the Opportunity Act then. But  
 7 that's why I didn't use it this year, because I  
 8 didn't know that it was for any other school  
 9 district.  
 10 SECRETARY KEY: Okay. Thank you.  
 11 CHAIRMAN NEWTON: Okay. Any other discussion  
 12 from the Board?  
 13 DR. RANKIN: I guess I have a question regarding  
 14 the sibling. Is it standard practice to try to keep  
 15 those siblings in the same district if the parent is  
 16 requesting it?  
 17 SECRETARY KEY: Well, and I don't know about  
 18 standard practice. I know that in the past when it  
 19 came to the 3% cap there was -- the legislative  
 20 language factored them as a group. And then that  
 21 changed I think in 2019, Lori, or is that 2020?  
 22 MS. FRENO: They go as a group.  
 23 SECRETARY KEY: Okay. They still go as a group.  
 24 Okay.  
 25 CHAIRMAN NEWTON: Ms. Freno, could you find that

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1 law and maybe tell us about the group?  
 2 MS. FRENO: And, Ms. Newton, the law we're  
 3 talking about is -- has to do with 3% cap. But what  
 4 we're dealing with here is capacity, so that's  
 5 different. So any law that dealt with siblings then  
 6 -- and the 3% cap would not be applicable in this  
 7 situation because the school district is not saying  
 8 they didn't accept the child because of 3% cap.  
 9 They're saying they didn't accept the child because  
 10 of capacity.  
 11 CHAIRMAN NEWTON: Okay. So if it was a 3% cap  
 12 issue it would be okay. But because it's capacity  
 13 it's not.  
 14 MS. FRENO: Yes. If it was a 3% cap -- a 3% cap  
 15 issue, my understanding -- I think I'm right -- is  
 16 that families -- you know, if that 3% cuts off right  
 17 in the middle of a family group, the whole group gets  
 18 to transfer --  
 19 CHAIRMAN NEWTON: Okay.  
 20 MS. FRENO: -- and stay within that 3%. But  
 21 that's not what's at issue in this case.  
 22 CHAIRMAN NEWTON: Okay. All right. Yeah.  
 23 MS. WOODS: Are you going to -- Rule 2-2.03, are  
 24 you talking about the one that says they may enroll  
 25 in a nonresident district -- this is for siblings --

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1 if the nonresident district has the capacity to  
 2 accept the sibling without adding teachers, staff, or  
 3 classrooms, or exceeding regulations? Is that --  
 4 SECRETARY KEY: (Nodding head up and down)  
 5 MS. FRENO: Yeah. As far as capacity, under  
 6 Public School Choice it has to do with siblings. So  
 7 I think this is the law, but I think it's the same as  
 8 what you just cited in the rule: "The sibling of a  
 9 student who attends a nonresident district and  
 10 applies for school choice may enroll in the  
 11 nonresident district if the district has the capacity  
 12 to accept the sibling without adding teachers, staff,  
 13 or classrooms or exceeding the regulations, rules or  
 14 standards established by law."  
 15 CHAIRMAN NEWTON: And the district is saying  
 16 they don't have that capacity, and so that's why  
 17 there is the exception to this?  
 18 MS. FRENO: That is correct.  
 19 CHAIRMAN NEWTON: Okay. All right. You know,  
 20 it -- go ahead.  
 21 DR. MOORE: Go ahead.  
 22 CHAIRMAN NEWTON: But I just -- you know, I see  
 23 both sides of this. We've seen this side where the  
 24 school choice is -- where the district is over  
 25 capacity and doesn't have room, and then we've seen

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1 other districts that are -- you know, I think of Guy  
 2 Perkins that is fighting for every single student  
 3 that they can get, because that's putting them in  
 4 danger. And so we've got two total opposites of the  
 5 issue, but both are hurting the district, you know.  
 6 And -- but then we also need to consider the child.  
 7 And so I think that's what's kind of before us now is  
 8 thinking about that.  
 9 Any other comments or questions from any board  
 10 member?  
 11 Dr. Moore, did you have a comment you were  
 12 wanting to make?  
 13 DR. MOORE: No, I think we do take each case  
 14 uniquely, but I also think that we saw this exact --  
 15 I know we saw this exact instance previously where a  
 16 student had un-enrolled due to virtual school and  
 17 then wanting to re-enroll in their school of choice.  
 18 I would like to say -- and I don't -- obviously  
 19 I don't think the Department is in charge of this.  
 20 But I do hope that when students are looking to un-  
 21 enroll and have done school choice the districts are  
 22 communicating clearly with parents that they will  
 23 have to reapply if they choose to go back into that  
 24 nonresident district.  
 25 SECRETARY KEY: Dr. Moore, every year I think

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1 we've got this fixed and every year I learn that we  
 2 don't have it all fixed.  
 3 DR. MOORE: Yeah.  
 4 SECRETARY KEY: So we'll -- we make notes after  
 5 every case and then we go back and see how we fix  
 6 them in the next session.  
 7 CHAIRMAN NEWTON: Yeah.  
 8 SECRETARY KEY: Or with added communication, if  
 9 it's not a legislative case.  
 10 CHAIRMAN NEWTON: Yeah. Communication is a big  
 11 deal. I think that we've seen today in both issues  
 12 that more communication is needed.  
 13 Okay. So we're ready for a motion. The motion  
 14 would be to either grant the appeal or deny the  
 15 appeal based on the 3% cap -- not 3% cap -- based on  
 16 the capacity issue.  
 17 DR. MOORE: I will move to grant the appeal  
 18 based on the uniqueness of this school year with  
 19 virtual learning and where that goes.  
 20 CHAIRMAN NEWTON: Okay. We have a motion to  
 21 grant the appeal from Dr. Moore. Do we have a  
 22 second?  
 23 MR. DAN DAVIS: Did you see in the chat?  
 24 CHAIRMAN NEWTON: No, I did not. I'm bad about  
 25 not looking. Okay, I'm sorry. Ms. Cunningham.

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1 MS. CUNNINGHAM: Yes, ma'am. I just wanted to  
 2 say that she just said that un-enrolling your child  
 3 while you're in the school choice that you would have  
 4 to reapply. We weren't in the school choice whenever  
 5 I un-enrolled. We lived in the district. We just  
 6 recently bought a home that is outside of the  
 7 district.  
 8 CHAIRMAN NEWTON: Okay. Thank you for  
 9 clarifying that.  
 10 MS. CUNNINGHAM: Okay. Thank you.  
 11 CHAIRMAN NEWTON: All right. So we have a  
 12 motion to grant the appeal from -- does that  
 13 information change your motion, Dr. Moore?  
 14 DR. MOORE: (Shaking head from side to side)  
 15 CHAIRMAN NEWTON: Okay. We have a motion to  
 16 grant the appeal from Dr. Moore. Do we have a  
 17 second?  
 18 (A FEW MOMENTS OF SILENCE)  
 19 CHAIRMAN NEWTON: Okay. I don't think we have a  
 20 second, so motion dies.  
 21 Do we have any other motions?  
 22 (A FEW MOMENTS OF SILENCE)  
 23 CHAIRMAN NEWTON: So, Ms. Freno, we have no  
 24 other motions on the floor. So you'll have to help  
 25 us out here. You're earning your money today.

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1 MS. FRENO: No one has a motion. So if no one  
 2 has a motion, the appeal fails --  
 3 CHAIRMAN NEWTON: Okay.  
 4 MS. FRENO: -- for lack of a motion.  
 5 DR. MOORE: There is -- because I made a motion  
 6 and there was no second?  
 7 MS. FRENO: There was no second, so your motion  
 8 failed --  
 9 DR. MOORE: Okay.  
 10 MS. FRENO: -- because there was no second. And  
 11 now no one -- now the floor is open for an  
 12 alternative motion --  
 13 DR. MOORE: Okay.  
 14 MS. FRENO: -- for another motion. But no one  
 15 has made another motion.  
 16 DR. MOORE: If I will open up the floor for  
 17 discussion, I would make the point that we did  
 18 approve this in the exact same district and the exact  
 19 same scenario, and why here -- what our change in  
 20 thinking is now just so that -- and, again, I think  
 21 every case is unique but I want to hear what the  
 22 mitigating factors are here, I think, if board  
 23 members want to share.  
 24 MS. WOODS: This isn't the special education  
 25 case, right, that you're referring to? Is that --

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1 you said we approved this. I'm trying to remember.  
 2 DR. MOORE: There was a special ed., yeah.  
 3 MS. WOODS: Because from what I remember in that  
 4 case they denied it once they found out that they  
 5 were special ed. But had they not --  
 6 DR. MOORE: No, that wasn't this one.  
 7 MS. WOODS: That's not the case, okay.  
 8 DR. MOORE: No. But they might have.  
 9 MS. DEAN: Madam Chair?  
 10 CHAIRMAN NEWTON: Yes, Ms. Dean.  
 11 MS. DEAN: If I'm not mistaken, I think the  
 12 prior case that Dr. Moore was referring to is the  
 13 case of the -- it was a young man whose grandparents  
 14 were ill and they were --  
 15 DR. MOORE: Yes.  
 16 CHAIRMAN NEWTON: Yeah.  
 17 MS. DEAN: -- and his parents -- and then one of  
 18 the grandparents died.  
 19 DR. MOORE: Yes.  
 20 MS. DEAN: And so that was the reason why they  
 21 were removed.  
 22 CHAIRMAN NEWTON: Yeah.  
 23 MS. DEAN: And I think that was probably the  
 24 extenuating circumstances that we voted on in that  
 25 particular case -- one, that the grandparents were

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1 ill to begin with and they un-enrolled to prevent an  
 2 illness. And then on top of that, the grandparent  
 3 died, their lives were kind of turned upside-down,  
 4 has moved back in with the dad. So it was a lot of  
 5 different circumstances. I think that may be the one  
 6 that Dr. Moore -- is that the one you're referring  
 7 to?  
 8 DR. MOORE: I believe so. So, yes, that's  
 9 helpful. I just wanted to hear what others were  
 10 thinking on this as we move forward.  
 11 CHAIRMAN NEWTON: Thank you, Ms. Dean, for  
 12 clarifying that. That helped.  
 13 Any other discussion?  
 14 MR. SUTTON: When --  
 15 CHAIRMAN NEWTON: Mr. Sutton.  
 16 MR. SUTTON: When did they move out of White  
 17 Hall district?  
 18 CHAIRMAN NEWTON: Ms. Cunningham, when did you  
 19 move out of White Hall district?  
 20 MS. CUNNINGHAM: I'm sorry. We moved September  
 21 of 2020.  
 22 CHAIRMAN NEWTON: Okay. Thank you. All right.  
 23 MS. DEAN: And I would say for myself, I will  
 24 say this: my reasoning for voting the last time were  
 25 the reasons I just noted, all of those extenuating

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1 circumstances. In this particular case, the family  
 2 chose to move out of the district. And on top of  
 3 that, we've seen so many cases with transfers into --  
 4 or waivers to transfer into White Hall. I mean just  
 5 from the ones that I've seen that has to do with  
 6 their capacity is rising. This is a difficult  
 7 decision because, as Madam Chair has expressed, we  
 8 don't want to put the district in a comprising  
 9 position, because they have accepted so many  
 10 additional students. For me, I guess the hard part  
 11 is the siblings.  
 12 CHAIRMAN NEWTON: Yeah.  
 13 MS. DEAN: I do have a question. I don't know  
 14 if this goes to the parent or who it will go to. In  
 15 the case that this is not granted, there is one child  
 16 that will be in one district and one child in  
 17 another. Is there a possibility for those children  
 18 to go to the same -- go back to the same district  
 19 that they were in before so that there's not this  
 20 split transportation?  
 21 CHAIRMAN NEWTON: Ms. Cunningham?  
 22 MS. CUNNINGHAM: They were not in Pine Bluff  
 23 School District before.  
 24 MR. DEAN: They were doing virtual?  
 25 MS. CUNNINGHAM: We were doing Arkansas

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1 Connections online. Like I said, it was all due to a  
 2 safety concern for their dad. He has congestive  
 3 heart failure, along with lupus, and he's got many  
 4 other issues on top of those. You know, we're  
 5 divorced. We've been divorced for a long time, but  
 6 we do have joint custody. They are with him one week  
 7 and with me one week. And --  
 8 MS. DEAN: Okay.  
 9 MS. CUNNINGHAM: However, with that being said,  
 10 I still take them to school everyday, I still pick  
 11 them up. He does not do that due to his health.  
 12 MS. DEAN: Okay.  
 13 MS. CUNNINGHAM: Because he cannot guarantee,  
 14 you know, that there's not something that's going to  
 15 happen throughout the day with his health and he's  
 16 going to be able to be there to pick them up.  
 17 MS. DEAN: So, and what you're saying is that it  
 18 would be an extra burden on you being the primary  
 19 parent who is taking care of transportation?  
 20 MS. CUNNINGHAM: Yes, ma'am. But I mean at the  
 21 end of the day it's not about the transportation all  
 22 together for me. Yes, that is a burden, a great  
 23 burden. Like I said, I have a fulltime job and  
 24 already have to leave early every day as it is to be  
 25 able to pick them up from school. Because they do

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1 not ride the bus, they never have, even when we lived  
 2 in the school district. They haven't rode the bus  
 3 since 2015. But my oldest daughter, like I said,  
 4 she's advanced in a lot of her classes and she has a  
 5 really, really hard time fitting in. And I feel like  
 6 if I was to have to move her to Pine Bluff that it  
 7 would be detrimental to their emotional and their  
 8 mental health.  
 9 MS. DEAN: Okay.  
 10 CHAIRMAN NEWTON: Okay. All right. Thank you,  
 11 Ms. Cunningham.  
 12 Ms. Dean, do you have any other questions?  
 13 MS. DEAN: I do not. Thank you.  
 14 CHAIRMAN NEWTON: Okay. Any other board  
 15 members?  
 16 DR. MOORE: I just wanted to make --  
 17 DR. RANKIN: I guess I'm still going back to the  
 18 sibling issue. I mean that does give me some angst  
 19 that these siblings will not have the opportunity to  
 20 be at the same place. I know that simplifies for  
 21 families. I guess I'm still going back to it says  
 22 "during this we moved. I filled out the school  
 23 choice forms the first week that open enrollment  
 24 began for her and her sister. Her sister was  
 25 accepted, but Felicity was rejected." So I guess I'm

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1 still trying to figure out how can you -- if the  
 2 application was at the same time, what does that  
 3 process -- I mean that was just the luck of the draw,  
 4 she hit on the -- that cap, one sibling got in and  
 5 one sibling --  
 6 SUPT. DORRIS: As I talked about a minute ago,  
 7 we make a list in early April of how many students  
 8 that we can accept in each grade level. And as we go  
 9 through that list, we fill those -- the ones that --  
 10 in order, the way they came in. Now we've always  
 11 been led to believe if a kid applied they move up to  
 12 the top of the list and bumping that first kid down,  
 13 and that's what we do. We always do the whole  
 14 process. And then we pick out the number and we say,  
 15 yes, we're going to be able to accept this many.  
 16 We've even went before and went through the list and,  
 17 all of a sudden, some child comes in and fills out a  
 18 school choice paper that applied last year. Well,  
 19 they just bumped that kid that applied on that first  
 20 night. Because we do it three or four different  
 21 ways: we have it being sent to us by email, which is  
 22 time-stamped and dated, parents get a receipt. I do  
 23 pay attention, y'all. They get a date and time stamp  
 24 sent back in that night. Then if they come in -- I  
 25 can show you one here where they come in, we date

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1 them -- they hand it to us and we date it, we stamp  
 2 it, and so there's no doubt what time it came in.  
 3 And that's the way we go through that order. And our  
 4 list, our master list it has the date, the time and  
 5 everything on it. So we try to do it -- we try to do  
 6 it legal so we don't have all these headaches.  
 7 CHAIRMAN NEWTON: Thank you for that.  
 8 SUPT. DORRIS: Yeah.  
 9 CHAIRMAN NEWTON: Mr. Dorris, I just did have  
 10 one question, and I don't know if this is even a  
 11 possibility or not. Since you are going to offer  
 12 virtual this year, if the 8th grader were to go  
 13 virtual -- could she enroll in White Hall if she were  
 14 to go virtual or is that not even a possibility?  
 15 SUPT. DORRIS: That would be a decision that I'd  
 16 leave up to y'all. But, yes, ma'am, we could put her  
 17 in virtual school. But if -- next year, if we still  
 18 don't have room for her, then we'd have to put her  
 19 back in virtual. Because, you know, at least we can  
 20 plan ahead. I don't have a problem with letting her  
 21 go to virtual. You know, if y'all say, yes, the only  
 22 way she can come back to White Hall is if she goes to  
 23 virtual, I don't have a problem with that.  
 24 CHAIRMAN NEWTON: Okay. All right. And if any  
 25 room came open during the year could she move -- I

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1 know a lot of districts in the nine weeks you could  
 2 move from virtual to the classroom. Could that be a  
 3 possibility?  
 4 SUPT. DORRIS: We do allow them to change at  
 5 semester. With Virtual Arkansas you have to pay a  
 6 semester at a time. And so once we pay that X-amount  
 7 of money --  
 8 CHAIRMAN NEWTON: I understand.  
 9 SUPT. DORRIS: -- out to them --  
 10 CHAIRMAN NEWTON: Sure.  
 11 SUPT. DORRIS: -- I don't want to lose that  
 12 money.  
 13 CHAIRMAN NEWTON: Right. So if at the end of  
 14 semester you had room, would that be a possibility?  
 15 SUPT. DORRIS: That would be a possibility, but  
 16 I could not guarantee her the AP classes and things  
 17 like this.  
 18 CHAIRMAN NEWTON: Right. Right.  
 19 Ms. Cunningham, is that anything you would be  
 20 interested in?  
 21 MS. CUNNINGHAM: Yes, ma'am.  
 22 CHAIRMAN NEWTON: Okay.  
 23 MS. CUNNINGHAM: Because even if she doesn't get  
 24 into White Hall, I'm still not sending her to Pine  
 25 Bluff school simply for -- you know, she cannot get

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1 in -- I mean she cannot be moved up in grade level  
 2 like that. I can't allow it. And so I would put her  
 3 back into the Arkansas Connections Academy, and I  
 4 really don't want to do that. But if she could be  
 5 virtual at White Hall and have a chance of getting in  
 6 next semester or next year, then I'm okay with that.  
 7 Like that is perfectly okay.  
 8 SUPT. DORRIS: I don't have a problem with that.  
 9 CHAIRMAN NEWTON: Okay.  
 10 DR. MOORE: I wouldn't imagine you would because  
 11 then you're getting the per-pupil funding for that  
 12 student and you're not educating them.  
 13 SUPT. DORRIS: Yes, ma'am.  
 14 CHAIRMAN NEWTON: Yeah.  
 15 DR. MOORE: And that's where I think -- and  
 16 that's not on you; that is a state decision that  
 17 we're going to have to make later on. If we are  
 18 allowing virtual -- every district to have a virtual  
 19 school, then we have to change what capacity looks  
 20 like because, you know, that student will now be  
 21 educated by Arkansas Virtual but you're still getting  
 22 that full funding for them. But that's not you;  
 23 that's a state policy discussion that we need to  
 24 have.  
 25 I do want to ask Lori a question. This is a

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1 very legal technicality. But in the rules it states  
 2 that if a transferred student returns to his or her  
 3 resident district or enrolls in a private or home  
 4 school, the transfer is voided. It does not talk  
 5 about if you go to a charter school or not go to your  
 6 resident district. But was there a state  
 7 interpretation that this has -- who made that  
 8 interpretation that those students have to reapply?  
 9 MS. FRENO: Well, in this situation did I not  
 10 hear that the students did not choice into White Hall  
 11 ever?  
 12 DR. MOORE: Because they were --  
 13 MS. FRENO: They lived --  
 14 DR. MOORE: Okay.  
 15 MS. FRENO: They resided in White Hall. So that  
 16 --  
 17 DR. MOORE: That would be that -- okay. Okay.  
 18 Thank you.  
 19 CHAIRMAN NEWTON: Okay. So we had a motion that  
 20 died on the floor, and we did not have another  
 21 motion. I'll give you a second chance at any motions  
 22 that you would like to make.  
 23 MS. WOODS: Can we motion with the caveat for  
 24 virtual? Or is it we have to motion that she gets  
 25 accepted and then we hope that every -- all the

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1 parties --  
 2 CHAIRMAN NEWTON: Ms. Freno.  
 3 MS. FRENO: We've never had this happen before.  
 4 MS. WOODS: And I know virtual has created a  
 5 whole new bucket, so --  
 6 MS. FRENO: Uh-huh.  
 7 CHAIRMAN NEWTON: If both parties agreed on it.  
 8 SECRETARY KEY: Well, as -- but as the resident  
 9 -- if you don't, then we are back to a situation  
 10 where this family lives in the Pine Bluff School  
 11 District and for them to be able to transfer, then it  
 12 would require a legal transfer, even if it's virtual.  
 13 Because then they would be a student registered with  
 14 the White Hall School District not living in the  
 15 White Hall School District. So there has to be some  
 16 action by this -- even if they've agreed to do that.  
 17 Or, I think White Hall would have to withdraw their  
 18 rejection with the understanding that this student  
 19 would be in virtual of White Hall.  
 20 MS. FRENO: Yes. Or I was --  
 21 SECRETARY KEY: But I think the cleanest is for  
 22 y'all to go ahead and take action, but --  
 23 MS. FRENO: Yeah. I was thinking -- I mean my  
 24 quandary is just this has never come up before. But  
 25 I was trying to think through the school choice law

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1 at a hundred miles an hour, and I don't see why there  
 2 couldn't be a conditional -- a conditional action.  
 3 But I think you would need to make really clear in  
 4 the motion exactly what the action of the Board would  
 5 be.  
 6 MS. WOODS: Okay. Because as I'm thinking  
 7 through it if we had to say we move to grant the  
 8 waiver to White Hall, other than everybody's word  
 9 that she would be enrolled in virtual, she could show  
 10 up Monday, you know, "I've changed my mind" and  
 11 there's nothing we can do about it.  
 12 DR. MOORE: Right.  
 13 SECRETARY KEY: But let me add to this because  
 14 -- and this is where Taylor did a really good job of  
 15 -- there are a number of these appeals that never  
 16 came to this board --  
 17 DR. MOORE: Right.  
 18 SECRETARY KEY: -- because Taylor was working  
 19 with both districts -- or with the appellant and the  
 20 district and there -- you know, so if -- like if Mr.  
 21 Dorris had told this family earlier, "You know what,  
 22 we've got this virtual option; if you want to  
 23 continue virtually with our district, then we have  
 24 capacity for that," the capacity limitation would not  
 25 apply, that appeal never would've been resolved

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1 before it got here. All right?  
 2 DR. MOORE: Right.  
 3 SECRETARY KEY: So I guess -- and, Lori, correct  
 4 me if I'm wrong -- but if he's agreeing to that now,  
 5 then it would have the same effect as it would have  
 6 if Taylor had worked with them and addressed it  
 7 before it got here.  
 8 MS. FRENO: Yes. I mean he -- the children were  
 9 not virtual with Pine Bluff; they were virtual with  
 10 Arkansas Connections Academy.  
 11 CHAIRMAN NEWTON: Yes.  
 12 MS. FRENO: But, yes, it could've --  
 13 SECRETARY KEY: Right.  
 14 MS. FRENO: I mean yes, this is something  
 15 definitely that could've been worked out ahead of  
 16 time if there would've been more discussion. I mean  
 17 it's up to the superintendent and, you know, Mrs.  
 18 Warren. You know, Ms. Warren, who's the  
 19 superintendent of Pine Bluff, already has said that,  
 20 you know, she's happy to work with -- you know,  
 21 whatever is best for the child.  
 22 CHAIRMAN NEWTON: Mr. Dorris, I can see you're  
 23 wanting to talk.  
 24 SUPT. DORRIS: Yeah. We do things different in  
 25 Jefferson County. Our co-op, we all bring our

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1 paperwork in and we make sure everybody has got it.  
 2 Now Pine Bluff has already reached their 3% cap. Now  
 3 we're going to jump off into another area. Pine  
 4 Bluff already received their 3% cap -- Dollarway,  
 5 Watson Chapel -- because we'd already taken them.  
 6 They either went to Rison or something like that.  
 7 They reached their 3% cap and that's the reason -- I  
 8 can tell y'all got up here and look at y'all's eyes,  
 9 you know, it turns to a different story. But, you  
 10 know, I'm willing to work with them -- but at the  
 11 same time, y'all are going to have to deal with Pine  
 12 Bluff to get Pine Bluff to agree to waive their 3%  
 13 cap.  
 14 CHAIRMAN NEWTON: I think we already have.  
 15 SECRETARY KEY: I think we're good. I think  
 16 we're good there, Mr. Dorris.  
 17 SUPT. DORRIS: Okay.  
 18 SECRETARY KEY: Yeah. I don't think Mrs. Warren  
 19 is going to have an issue with that.  
 20 SUPT. DORRIS: I don't either, but I don't want  
 21 to be the dirty dog in this thing.  
 22 CHAIRMAN NEWTON: Right.  
 23 SECRETARY KEY: No, you --  
 24 CHAIRMAN NEWTON: So, but you are agreeing that  
 25 if she -- you would take her if she agreed to enroll

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1 in virtual?  
 2 SUPT. DORRIS: Yes, ma'am.  
 3 CHAIRMAN NEWTON: Okay. So do -- I guess, Ms.  
 4 Freno, do we -- because I know we made a motion one  
 5 time that a student would enroll at a particular  
 6 elementary school. And so this would be the same  
 7 sort of thing; the district would accept them if they  
 8 enrolled at a particular elementary?  
 9 MS. FRENO: It sounds to me like they are going  
 10 to work it out amongst themselves. But I think there  
 11 does have to be some kind of official legal action by  
 12 the Board --  
 13 CHAIRMAN NEWTON: Okay.  
 14 MS. FRENO: -- to make the student properly be  
 15 in that school district.  
 16 CHAIRMAN NEWTON: Okay.  
 17 MS. FRENO: So --  
 18 MS. WOODS: So if I made a motion that said move  
 19 to approve the waiver on the condition that the  
 20 student is enrolled at White Hall in their virtual  
 21 program, is that sufficient?  
 22 MS. FRENO: I would think that is sufficient.  
 23 Yes, I would.  
 24 Secretary, I'm just asking because of your  
 25 expertise --

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1 SECRETARY KEY: Well, we're in uncharted waters,  
 2 so --  
 3 MS. FRENO: Yeah.  
 4 SECRETARY KEY: -- I don't -- I can't think of  
 5 anything that would be a problem there, other than  
 6 precedent.  
 7 MS. FRENO: Other than --  
 8 DR. MOORE: Yeah.  
 9 SECRETARY KEY: Precedent.  
 10 DR. MOORE: And I -- to me, it's tricky because  
 11 we have now approved most districts to have a virtual  
 12 school, but they don't have a school; they don't have  
 13 a separate LEA for it, so it's just virtual  
 14 programming. And then what happens if that -- if  
 15 White Hall next week they don't have as many 8th  
 16 graders show up, would they have to come back up to  
 17 us to say, "Hey, we want to go in-person now" and  
 18 they have staff, or could they work that out on their  
 19 own?  
 20 MS. FRENO: Well, and I think with regard to  
 21 precedence it -- the -- I mean the superintendent has  
 22 agreed to this.  
 23 DR. MOORE: Okay.  
 24 MS. FRENO: So there's buy-in from everyone on  
 25 this.

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1 DR. MOORE: Okay.  
 2 MS. FRENO: So it's not like we're opening up a  
 3 new frontier of redefining capacity.  
 4 SECRETARY KEY: Since Mr. Dorris has agreed to  
 5 this in, you know, in open meeting, it -- I mean it  
 6 could also be that this board -- the action this  
 7 board would take would be to table this item, and if  
 8 something happens like you just mentioned -- you  
 9 know, there's some thing that pops up -- you know,  
 10 the Board could bring that item back in a future  
 11 meeting; otherwise, if they -- if it all worked out  
 12 fine, then it's tabled and dispensed with.  
 13 DR. MOORE: Well, I think of the precedent. I  
 14 mean if I live in Hamburg and I say I want to enroll  
 15 my kid in Bentonville virtual, we now have a  
 16 precedent that you could -- you could potentially do  
 17 that and say, "Hey, I want to do -- be in" -- which I  
 18 know you can do if you're in Fayetteville charter,  
 19 you could -- you know, they have a charter, they can  
 20 attract students from anywhere in the state. But are  
 21 we --  
 22 SECRETARY KEY: That's already --  
 23 DR. MOORE: -- putting conditions on things --  
 24 SECRETARY KEY: But that's already happening.  
 25 And that -- what -- your example is --

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1 DR. MOORE: Even though Bentonville doesn't have  
 2 a charter school you can -- you could say --  
 3 SECRETARY KEY: Through school choice that has  
 4 actually happened. You know, the school choice took  
 5 place, didn't get appealed because there wasn't any  
 6 disagreement on it.  
 7 DR. MOORE: And they're going to be enrolled in  
 8 the district as a virtual student even if that  
 9 district doesn't have a virtual school, they have  
 10 virtual offerings?  
 11 SECRETARY KEY: This would be the -- this would  
 12 be the virtual school, because it's a transfer to the  
 13 district. It's not a -- it's not a school choice  
 14 into a school; it's a school choice --  
 15 DR. MOORE: Into a district.  
 16 SECRETARY KEY: Yeah. So the district has an  
 17 LEA that is a virtual LEA. That's happening now.  
 18 DR. MOORE: Oh, yeah. But it -- but in this  
 19 case y'all don't have a virtual LEA. So this student  
 20 will be enrolled as an -- would be enrolled as an 8th  
 21 grader in White Hall; they're just --  
 22 SECRETARY KEY: Yeah. I don't think -- I don't  
 23 -- Mr. Dorris, I don't think White Hall has a virtual  
 24 --  
 25 SUPT. DORRIS: No.

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1 SECRETARY KEY: -- LEA, a charter or any --  
 2 okay. It is just a program.  
 3 DR. MOORE: I guess I was just -- I was  
 4 advocating for an unconditional because of the  
 5 precedent we might set. But I also understand our  
 6 perspective here, so --  
 7 MS. WOODS: Would it be easier, for efficiencies  
 8 sake, to make the motion here as opposed to tabling  
 9 it for them to work out? I just know like school  
 10 starts for many like Monday, so --  
 11 SECRETARY KEY: Well --  
 12 MS. FRENO: Well, I think --  
 13 SECRETARY KEY: Go ahead. Sorry.  
 14 MS. FRENO: No, I was going to say I think what  
 15 we could do, we could table it. School is going to  
 16 start soon. The superintendent can start working  
 17 with the family as soon as he leaves here. And if  
 18 need be, we can call a special meeting and un-table  
 19 it.  
 20 SECRETARY KEY: We have a tentatively scheduled  
 21 special meeting already.  
 22 MS. FRENO: Yeah.  
 23 CHAIRMAN NEWTON: Tuesday.  
 24 SECRETARY KEY: Oh, next week?  
 25 CHAIRMAN NEWTON: Right.

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1 MS. FRENO: And it is -- I mean -- and, you  
 2 know, granted, a lot of these are worked out and,  
 3 hey, if they can be worked out --  
 4 MS. WOODS: I'm just trying to take something  
 5 else off the district. So at this point I think it's  
 6 easier for us just to render a decision. I mean if  
 7 it's easier for us to render a decision that they're  
 8 going to ultimately come to I'm fine with that too in  
 9 this case.  
 10 MS. FRENO: Yeah. I don't think it would  
 11 necessarily be easier for the district if you render  
 12 a decision. And I'm turning to the superintendent to  
 13 see if he is in agreement.  
 14 I mean is this something that you can visit with  
 15 the family about?  
 16 SUPT. DORRIS: As soon as I get back to the  
 17 office, or she can call me.  
 18 CHAIRMAN NEWTON: So, Mr. Dorris, do you have a  
 19 preference?  
 20 SUPT. DORRIS: I'm always fighting with y'all.  
 21 I'm sorry. Which preference do you want me to take?  
 22 SECRETARY KEY: I think the preference was, you  
 23 know, the reason he came --  
 24 CHAIRMAN NEWTON: Yeah.  
 25 SECRETARY KEY: -- I mean, I think --

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1 CHAIRMAN NEWTON: I know that.  
 2 SECRETARY KEY: -- from the district standpoint.  
 3 So I would hate to put him on the spot --  
 4 CHAIRMAN NEWTON: Okay.  
 5 SECRETARY KEY: -- at this point --  
 6 CHAIRMAN NEWTON: All right.  
 7 SECRETARY KEY: -- to answer that.  
 8 CHAIRMAN NEWTON: Okay. I'm sorry.  
 9 SECRETARY KEY: No. I mean, this conversation  
 10 has gone a lot of different ways and I mean  
 11 ultimately, as I said, if -- you know, there have  
 12 been a lot of different ways of solving these  
 13 problems that Mr. Dugan was able to work together  
 14 before -- work out between the parties before it got  
 15 here. I think what we're saying -- what I'm  
 16 suggesting is that it goes back to that stance. If  
 17 this is tabled --  
 18 CHAIRMAN NEWTON: Then they work it out.  
 19 SECRETARY KEY: -- then -- and they're still  
 20 working it out, and then it's like it never comes to  
 21 us if they work it out.  
 22 CHAIRMAN NEWTON: Okay. All right.  
 23 MS. FRENO: But if it doesn't work out, then it  
 24 would come back at the special board meeting.  
 25 CHAIRMAN NEWTON: Okay. That sounds good if

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1 that -- I didn't want to speak for the Board. I just  
 2 said something I shouldn't have.  
 3 Okay. All right. So we need a motion then to  
 4 table the issue.  
 5 MS. WOODS: I'll move to table it.  
 6 MS. DEAN: I move to table the issue.  
 7 MS. WOODS: Or I'll second it.  
 8 CHAIRMAN NEWTON: Okay. All right. Ms. Dean  
 9 moved to table and Ms. Woods seconded.  
 10 All in favor?  
 11 (UNANIMOUS CHORUS OF AYES)  
 12 CHAIRMAN NEWTON: Okay. MS. Cunningham, do you  
 13 understand what we just went through, that we have  
 14 tabled the issue and you and the district are going  
 15 to sit down and try to work this out between you.  
 16 But because it's tabled, if it doesn't work out then  
 17 you can come back to us and we tentatively have a  
 18 meeting scheduled for Tuesday. But you can work that  
 19 out with Ms. Freno if the need arises.  
 20 MS. CUNNINGHAM: Yes, ma'am.  
 21 CHAIRMAN NEWTON: Okay. Mr. Dorris, are you  
 22 okay with that now?  
 23 SUPT. DORRIS: Yes, ma'am.  
 24 CHAIRMAN NEWTON: Okay. All right. Thank you  
 25 for sitting and -- I hope maybe we're learning and

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1 we're going to get better.  
 2 SUPT. DORRIS: Thank you. I appreciate y'all's  
 3 time. I know y'all have a lot of things on your  
 4 plate. Thank you.  
 5 CHAIRMAN NEWTON: Thank you.  
 6 All right. So it is 1:30 and you haven't had a  
 7 break and you haven't had lunch. So how about either  
 8 one of those? How about 2:15? Would that be enough  
 9 time?  
 10 Okay. We'll be back at 2:15.  
 11 (LUNCH BREAK - 1:31 P.M. - 2:18 P.M.)  
 12 CHAIRMAN NEWTON: All right. I hope everybody  
 13 enjoyed their lunch, and we are ready to proceed.  
 14 [BANGING GAVEL]  
 15 CHAIRMAN NEWTON: All right. We are ready to  
 16 proceed, and thank you for joining us again.  
 17 VI.8. EMBEDDED COURSES  
 18 CHAIRMAN NEWTON: And we are going to move on to  
 19 the embedded courses. Thank you, Dr. Pride and Ms.  
 20 Horn, for waiting and letting us go have a bite of  
 21 lunch before moving on. So --  
 22 MS. HORN: Good afternoon. Rachel Horn,  
 23 Director of Curriculum and Assessment, Office of  
 24 Learning Services.  
 25 As you know, Arkansas Code Annotated 6-15-202

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1 allows for curriculum frameworks for two different  
 2 courses to be embedded into a single course. Three  
 3 school districts have made the application for  
 4 approval of combined or embedded courses, and these  
 5 districts have assured in writing that the academic  
 6 standards for both courses will be fully taught in  
 7 this combined or embedded course.  
 8 The Division of Elementary and Secondary  
 9 Education respectfully requests that the State Board  
 10 of Education approve these embedded courses for these  
 11 districts, with the understanding that when the  
 12 academic standards for one of the courses are revised  
 13 that a new course approval request must be submitted  
 14 and State Board approval once again granted.  
 15 CHAIRMAN NEWTON: We'll go on this side. Does  
 16 anyone on this side have any questions?  
 17 Okay. Over here?  
 18 Online, Ms. Dean or Ms. Post, any questions?  
 19 MS. DEAN: (Shaking head from side to side)  
 20 MS. POST: No. Thank you.  
 21 CHAIRMAN NEWTON: All right. So if we don't  
 22 have any questions or discussion, we're ready for a  
 23 motion.  
 24 DR. MOORE: I'll move to approve.  
 25 CHAIRMAN NEWTON: Okay. We have a motion to

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1 approve by Dr. Moore.  
 2 Do we have a second?  
 3 MS. McFETRIDGE: Second.  
 4 CHAIRMAN NEWTON: Seconded by Ms. McFetridge.  
 5 All in favor?  
 6 (UNANIMOUS CHORUS OF AYES)  
 7 CHAIRMAN NEWTON: Any opposed?  
 8 Okay. Congratulations.  
 9 MS. HORN: Thank you.  
 10 CHAIRMAN NEWTON: Thank you.  
 11 All right. Now we're going to move on to our  
 12 action agenda for the afternoon, and we are looking  
 13 at 1240 requests. Ms. Hyatt.  
 14 MS. HYATT: Good afternoon. Nice to see all of  
 15 your faces here. I think that the -- I let everybody  
 16 know you're coming back at 2:15, but I'm not sure if  
 17 I see Ms. Buckley here. So if you are on the Zoom,  
 18 Bridget, will you let me know?  
 19 VII.1. MENA SCHOOL DISTRICT - ACT 1240 REQUEST  
 20 MS. HYATT: The first waiver request is for the  
 21 Mena School District.  
 22 Oh, she raised her hand. Okay, great. Thank  
 23 you.  
 24 The Mena School District requests an extension  
 25 of its Act 1240 waiver related to Instructional Time

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1 for the Mena High School alternative education  
 2 students only. The extension request is for five  
 3 years. And Ms. Buckley is here from the district.  
 4 CHAIRMAN NEWTON: Okay. Welcome, Ms. Buckley.  
 5 We will see if we have any questions from the  
 6 Board.  
 7 Ms. Woods?  
 8 MS. WOODS: No.  
 9 CHAIRMAN NEWTON: Mr. Sutton?  
 10 MR. SUTTON: No, ma'am.  
 11 CHAIRMAN NEWTON: Dr. Moore?  
 12 DR. MOORE: No.  
 13 CHAIRMAN NEWTON: Ms. McFetridge?  
 14 MS. McFETRIDGE: No.  
 15 CHAIRMAN NEWTON: Dr. Rankin?  
 16 DR. RANKIN: No questions.  
 17 CHAIRMAN NEWTON: Ms. Dean?  
 18 MS. DEAN: (Shaking head from side to side)  
 19 CHAIRMAN NEWTON: Ms. Post?  
 20 MS. POST: (Shaking head from side to side)  
 21 CHAIRMAN NEWTON: Okay. I don't see any  
 22 questions.  
 23 I just wanted to thank them that they actually  
 24 put in some good data in their request. That helps  
 25 making these decisions much easier when we've got

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1 data to back-up this particular waiver was working.  
 2 So I really appreciated that.  
 3 Does anyone from the district want to comment?  
 4 Okay. All right. Then we are ready for a  
 5 motion.  
 6 MS. McFETRIDGE: I'll make the motion to approve  
 7 the waiver for the Mena School District.  
 8 CHAIRMAN NEWTON: Okay. We have a motion to  
 9 approve for Mena from Ms. McFetridge.  
 10 Do we have a second?  
 11 DR. MOORE: Second.  
 12 CHAIRMAN NEWTON: Seconded by Dr. Moore.  
 13 All in favor?  
 14 (UNANIMOUS CHORUS OF AYES)  
 15 CHAIRMAN NEWTON: Any opposed?  
 16 Motion passes.  
 17 VII.2. WESTERN YELL COUNTY SCHOOL DISTRICT - ACT 1240 REQUEST  
 18 CHAIRMAN NEWTON: Okay. Go ahead.  
 19 MS. HYATT: The next 1240 waiver is for Western  
 20 Yell County School District. I believe Ms. Klaus is  
 21 here or should be here on the Zoom. The request is  
 22 for K-6 Physical Education Teacher Licensure for  
 23 three years. I'm not sure if I see her. Oh, I think  
 24 I just can't see everyone.  
 25 MR. DAN DAVIS: She raised her hand.

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1 MS. HYATT: Okay.  
 2 MR. DAN DAVIS: All we're getting is just the  
 3 names. They don't have their camera actually  
 4 activated.  
 5 MS. HYATT: Okay. So Ms. Klaus is here from  
 6 Western Yell County School District. They did not  
 7 submit a presentation, so I don't think they have  
 8 one.  
 9 CHAIRMAN NEWTON: Okay.  
 10 MS. HYATT: And again it is for K-6 Physical  
 11 Education Teacher Licensure for three years.  
 12 CHAIRMAN NEWTON: Okay. All right. We'll see  
 13 if anyone from the Board then has a question.  
 14 Dr. Moore?  
 15 DR. MOORE: No questions.  
 16 CHAIRMAN NEWTON: Ms. McFetridge?  
 17 MS. McFETRIDGE: No.  
 18 CHAIRMAN NEWTON: Dr. Rankin?  
 19 DR. RANKIN: No questions.  
 20 CHAIRMAN NEWTON: Ms. Woods?  
 21 MS. WOODS: No.  
 22 CHAIRMAN NEWTON: Mr. Sutton?  
 23 MR. SUTTON: No questions.  
 24 CHAIRMAN NEWTON: Ms. Dean?  
 25 MS. DEAN: (Shaking head from side to side)

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1 CHAIRMAN NEWTON: Ms. Post?  
 2 MS. POST: (Shaking head from side to side)  
 3 CHAIRMAN NEWTON: Okay. We have no questions.  
 4 Are we ready for a motion?  
 5 MR. SUTTON: Motion to approve.  
 6 CHAIRMAN NEWTON: We have a motion to approve  
 7 from Mr. Sutton.  
 8 A second?  
 9 DR. RANKIN: I'll second that.  
 10 CHAIRMAN NEWTON: Seconded by Dr. Rankin.  
 11 All in favor?  
 12 (UNANIMOUS CHORUS OF AYES)  
 13 CHAIRMAN NEWTON: Any opposed?  
 14 Thank you.  
 15 VII.3. OSCEOLA SCHOOL DISTRICT - ACT 1240 REQUEST  
 16 CHAIRMAN NEWTON: All right. Osceola.  
 17 MS. HYATT: Yes. And I believe we have Dr.  
 18 Green on and I do see him on the Zoom.  
 19 Osceola School District is requesting a waiver  
 20 of Class Size, Teaching Load, and Teacher Licensure  
 21 to participate in the Opportunity Culture Program.  
 22 The request is for three years. And they do have a  
 23 presentation. I believe Dan has it.  
 24 CHAIRMAN NEWTON: Okay.  
 25 MS. HYATT: And if you will swear Dr. Green in

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1 before you begin the presentation. And he'll have 20  
 2 minutes.  
 3 CHAIRMAN NEWTON: Okay. Welcome, Dr. Green.  
 4 SUPT. GREEN: Welcome. Thank you for having me.  
 5 CHAIRMAN NEWTON: All right. We're going to  
 6 swear you in before you begin your presentation, if  
 7 that's okay.  
 8 SUPT. GREEN: Yes, ma'am.  
 9 CHAIRMAN NEWTON: Do you swear or affirm that  
 10 the testimony you're about to give shall be the  
 11 truth, the whole truth, and nothing but the truth?  
 12 SUPT. GREEN: I do.  
 13 CHAIRMAN NEWTON: Okay. You may begin.  
 14 SUPT. GREEN: All right. I come to you humbly  
 15 to request a waiver for Class Size and Teaching Load,  
 16 as well as Teacher Licensure.  
 17 In the Delta finding qualified teachers has been  
 18 a -- quite of a challenge or we end up competing with  
 19 some of your larger school districts due to salaries  
 20 in Jonesboro, like West Memphis and Marion. This  
 21 Opportunity Culture allows us to utilize some of our  
 22 really great teachers that we have in the district to  
 23 enhance or pay to help keep them around a lot longer  
 24 by allowing those teachers who have shown the ability  
 25 to grow students, the ability to be in front of those

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1 students, and use of some of the paraprofessionals  
 2 who have shown great classroom management, as well as  
 3 great rapport with students, to tap into their  
 4 resources as well to help build student capacity.  
 5 We recognize that a classroom teacher is the  
 6 single most important thing to make sure that  
 7 students are growing on a day-in, day-out basis. And  
 8 this waiver will allow us to put the proper checks  
 9 and balances in place with our multi-classroom  
 10 leaders who are -- a lot of times when we talk to  
 11 those teachers they don't want to leave the  
 12 classroom, they still have that passion that burns  
 13 deep inside, but they see other opportunities for  
 14 more monetary gain. So this allows us to use some of  
 15 the federal funding that we get to help fund that as  
 16 well as insure that our students are getting the very  
 17 best teachers on a day-in and day-out basis and we  
 18 don't just have to put a body in there that hasn't  
 19 shown or doesn't have a track record of being able  
 20 to, you know, grow students.  
 21 KIPP uses a very similar waiver and we want to  
 22 use it in all of our schools, North Elementary,  
 23 Carroll Smith, Osceola Middle School, as well as  
 24 Osceola High School. And this falls under Section  
 25 1(a)(s) of the DESE rules governing the Standards of

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1 Accreditation for Class Size and Teaching Load.  
 2 Again, what the model looks like is, again, a  
 3 certified teacher who has, again, shown their ability  
 4 to be able to grow students on a year-in and year-out  
 5 basis. We go through a very rigorous application  
 6 process. We work in conjunction with the Office of  
 7 Educator Support which is led by Kelly McLaughlin and  
 8 Opportunity Culture out of North Carolina to insure  
 9 that our students are getting rigorous -- getting the  
 10 rigor that they need in order to be able to show  
 11 growth and to demonstrate an understanding of what  
 12 the state is requiring that they learn on a day-in,  
 13 day-out basis. Then to reach teachers, again, a lot  
 14 of times they are paraprofessionals or they're a  
 15 teacher in training, almost, where they need a chance  
 16 to work with a veteran teacher before they're just  
 17 kind of put into the fire of working in the Delta,  
 18 which can sometimes be challenging for us due to the  
 19 way that they grew up. And so that multi-classroom  
 20 leader, they share resources, they help facilitate,  
 21 and they would become, again, an advocate for the  
 22 work that is done in a day-in day-out basis. This is  
 23 supported by DESE through site visits, interviews,  
 24 and DESE will follow-up with a report.  
 25 The paras with MCL, they work hand-in-hand. So,

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1 again, we have another leader in that capacity and  
 2 they'll be evaluated using a rubric that talks  
 3 specifically about, you know, their leadership  
 4 skills, their ability to grow students, their ability  
 5 to work with their colleagues in order to help  
 6 students maximize the learning time that they have  
 7 when they're with us.  
 8 The second request is for Teacher Licensure.  
 9 Finding a certified teacher, again, has been quite of  
 10 a challenge but we have been able to find quite a few  
 11 jewels in our backyard. A lot of our  
 12 paraprofessionals over the last few years, we've  
 13 encouraged them to go back to college. And we have  
 14 -- we will have four teachers who were either a  
 15 former paraprofessional or they were a secretary who  
 16 would be actually leading classrooms. So they've  
 17 been in there, they've been able to show the impact  
 18 of how they can work with kids. And we feel with the  
 19 appropriate balance of observation feedback and job  
 20 embedded professional development that we can grow  
 21 those -- grow them into a -- grow them to be able to  
 22 give the quality Tier 1 instruction that our students  
 23 need and deserve on a day-in and day-out basis.  
 24 We're willing to submit an annual report to DESE  
 25 as part of our recruitment and retention plan.

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1 Again, we feel this is very important. It's  
 2 unfortunate, because we've had tons of retirement due  
 3 to age and a declining in population growth in our  
 4 area, that we have to use the waiver. But, again,  
 5 we've had some really good waiver teachers that have  
 6 come through. This is actually an extension for us  
 7 on this waiver. And a lot of -- some of those  
 8 teachers have become quality classroom leaders, they  
 9 are department chairs. And, again, they've shown the  
 10 ability to, again, maximize what they do on a day-in  
 11 and a day-out basis and they're very influential  
 12 because a lot of them have come either through the  
 13 ranks from a paraprofessional, from a secretary.  
 14 They have very valuable insight that they give to us  
 15 on a day-in and day-out basis that assists with the  
 16 academic growth.  
 17 Our adequacy and assurances, regular background  
 18 checks, using the TESS framework; we were recently --  
 19 got into a new cohort of the Arkansas Rural Educator  
 20 Network, so to create that network of other  
 21 professionals that are in very similar situations  
 22 that gives us enhanced instructional coaches --  
 23 leaders and coaches. And we do that through  
 24 strengths-based opportunities where we see where our  
 25 strengths are and really fine-tune those and get

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1 really good at those again to improve their Tier 1  
 2 instruction.  
 3 Professional development, job embedding -- job  
 4 embedded through professional learning teams with  
 5 vertical and horizontal alignment, content at grade  
 6 level alignment; and then we've already started in  
 7 July and during this first week -- second week of in-  
 8 service we'll be doing professional development with  
 9 those new teachers, aligning the building blocks to  
 10 become a successful teacher.  
 11 And then we're also reaching out -- we work with  
 12 the Crowley's Ridge Co-op as well as DESE to  
 13 collaborate, to find the proper pathway for licensure  
 14 for those teachers, so they can help navigate that.  
 15 We are a very agricultural town or industrial.  
 16 We have Big River Steel, DENSO, so a lot -- it's not  
 17 a lot of candidates that go into the education field  
 18 and a lot of -- we have difficulty passing the  
 19 Praxis. We have quite a few that have been testing;  
 20 we had about 60% of them that have tested and we have  
 21 about 40% that is -- who've met the standard  
 22 deviation. So that's why we've been working with  
 23 DESE to make sure that we put them in a situation  
 24 where we can get them over the hump to become an  
 25 actual certified teacher. So our goal is to do that

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1 with each one of those candidates within two to three  
 2 years. So, again, it may not only give them-self  
 3 more career options but, again, we keep them in front  
 4 of our students and they have a certified teacher.  
 5 And when we (Zoom audio distortion) we're talking to  
 6 parents, that we know there's a certified teacher in  
 7 there, not somebody that's working on that.  
 8 Potential outcomes of unmitigated teacher  
 9 shortages, limited course offerings. Of course, we  
 10 want to give all of our students an opportunity to be  
 11 able to take the course with the best of the best.  
 12 But if we don't have personnel to be able to do it,  
 13 it limits what we can offer; we have to offer the  
 14 bare minimum.  
 15 Audit findings for compliance -- we never want  
 16 to be caught out of compliance for not having the  
 17 proper courses for our students.  
 18 And low student achievement, which has been a  
 19 barrier for us over the last few years.  
 20 Our efforts -- nontraditional, we reach out to  
 21 the co-op and APPLE and the state. They share  
 22 applicants. Teach for America, Arkansas Teacher  
 23 Corp, we use them sometimes. And job fairs, we  
 24 attend them regularly. Due to Covid, you know, of  
 25 course that hurt a little bit, but we've attended a

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1 couple of them virtually. We got a couple of good  
 2 candidates. And we advertise on AAEA, Crowley's  
 3 Ridge website, social media, newspaper. And we have  
 4 sign-on and retention bonuses. And some of those  
 5 have helped; hadn't been a magic bullet, but the  
 6 sign-on and retention bonus have definitely helped,  
 7 again, because we're a lower-paying district because  
 8 of our size. This is -- we work in conjunction with  
 9 Crowley's Ridge.  
 10 Back in 2018 we were granted this waiver and we  
 11 would just like to utilize it to keep filling  
 12 positions and creating those mastery pathways for  
 13 teachers and create mentorships for experienced  
 14 teachers. A lot of those teachers that come through,  
 15 they're more than willing to give the help; you know,  
 16 they encourage the other ones. That is something  
 17 that if I can do it, you can do it as well. And so  
 18 they've been a valuable resource for some of those  
 19 teachers that have decided to make that jump into  
 20 becoming a teacher of record.  
 21 We're asking -- we're requesting that the  
 22 Arkansas State Board grant us a three-year waiver for  
 23 the listed licensure requirements.  
 24 CHAIRMAN NEWTON: Thank you, Dr. Green.  
 25 SUPT. GREEN: Thank you.

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1 CHAIRMAN NEWTON: All right. We'll see if any  
 2 of the board members have questions for you now.  
 3 Dr. Rankin?  
 4 DR. RANKIN: I do not have any questions. I  
 5 just want to thank you for that presentation. That  
 6 was very informative and helpful.  
 7 SUPT. GREEN: Thank you.  
 8 CHAIRMAN NEWTON: Ms. McFetridge?  
 9 MS. McFETRIDGE: Dr. Green, I wonder if you  
 10 could talk to us a little bit about your teaching  
 11 load. It wasn't real clear to me. Are you planning  
 12 on going over the 150 limit?  
 13 SUPT. GREEN: We're not planning on -- we're not  
 14 planning on it, but it's a possibility that it could  
 15 happen because in the Opportunity Culture model the  
 16 teacher-of-record would have more than possibly 150  
 17 students. In our situation it doesn't get that way  
 18 because of, again, our declining enrollment. So our  
 19 average grade level size is about 70 to 78 students.  
 20 And so Opportunity Culture -- just applying for this  
 21 waiver allows us the opportunity that if we cannot  
 22 find a certified teacher, if we have a Direct REACH  
 23 Associate or a paraprofessional that could fill that  
 24 role momentarily while our teacher goes to another  
 25 classroom, with the great classroom management, that

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1 that teacher -- that those students could still have  
 2 the opportunity to have that same quality Tier 1  
 3 instruction that that certified teacher gives us.  
 4 MS. McFETRIDGE: Okay. And then, what support  
 5 would you give your teacher that would have to go  
 6 over that amount?  
 7 SUPT. GREEN: Supports that we give, there's a  
 8 bonus that comes with that. But, again, there's  
 9 regular observations -- regular observations from the  
 10 principal, assistant principal, myself, and assistant  
 11 superintendent, as well as they attend regular  
 12 meetings with the Opportunity Culture through the  
 13 grant that we have; that they get additional coaching  
 14 and additional supports on a monthly basis to help  
 15 support them in their efforts. And we also get those  
 16 same supports on how to better support them through  
 17 the process.  
 18 MS. McFETRIDGE: Okay. Thank you for that.  
 19 SUPT. GREEN: No problem. Thank you.  
 20 CHAIRMAN NEWTON: Dr. Moore?  
 21 DR. MOORE: No, I don't have any questions.  
 22 CHAIRMAN NEWTON: Okay. Ms. Woods?  
 23 MS. WOODS: No.  
 24 CHAIRMAN NEWTON: Mr. Sutton?  
 25 MR. SUTTON: No, ma'am.

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1 CHAIRMAN NEWTON: Ms. Dean?  
 2 MS. DEAN: No questions.  
 3 CHAIRMAN NEWTON: Ms. Post?  
 4 MS. POST: I just want to applaud the efforts  
 5 that you are going to to recruit the  
 6 paraprofessionals with other classified staff and to  
 7 bring them on up to the teaching experience.  
 8 I'm trying to picture what you're saying. So is  
 9 there, for lack of a better word, like a mentor  
 10 teacher -- right --  
 11 SUPT. GREEN: Yes.  
 12 MS. POST: -- over a para? Is that mentor  
 13 teacher over multiple paras or is that mentor teacher  
 14 also operating his or her own classroom while  
 15 overseeing the para's classroom? Does that make  
 16 sense?  
 17 SUPT. GREEN: Yes, it does. So the mentor  
 18 teacher oversees their classroom, but that REACH  
 19 Associate comes into that classroom as part of their  
 20 team when they need to go out and work with another  
 21 classroom.  
 22 MS. POST: And is the para -- is that who you're  
 23 calling the REACH Associate?  
 24 SUPT. GREEN: Yes, ma'am.  
 25 MS. POST: Okay. Is that person part of the PLC

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1 process?  
 2 SUPT. GREEN: Yes, ma'am, they are.  
 3 MS. POST: And so they are --  
 4 SUPT. GREEN: They're learning the techniques,  
 5 they're learning the pedagogy. And a lot of them we  
 6 have -- again, we've encouraged a lot of them to go  
 7 back to school. So they're not only learning the  
 8 process side-by-side with their mentor teacher, but  
 9 they're also receiving pedagogy while in their  
 10 undergraduate studies.  
 11 MS. POST: And they're benefitting from those  
 12 common formative assessments already being in place?  
 13 SUPT. GREEN: Yes, ma'am.  
 14 MS. POST: Great.  
 15 CHAIRMAN NEWTON: Ms. Post, I think there are  
 16 several schools in the state that are -- have  
 17 implemented the Opportunity Culture environment, and  
 18 I think that would be something that if -- as Teacher  
 19 of the Year that you might want to put on your list  
 20 to visit some. I know North Little Rock --  
 21 Dr. Pfeffer, you might could help me out with  
 22 the districts.  
 23 But there are several districts around the state  
 24 that have implemented this.  
 25 Is this the second or third year?

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1 DR. PFEFFER: So I know it really began with  
 2 North Little Rock, and it's probably been about three  
 3 or four years ago. And since then the Educator  
 4 Effectiveness team -- and they'll probably be texting  
 5 me and my phone is back there -- they've worked with  
 6 several different schools providing grant funds to  
 7 them to get the training and kind of support for what  
 8 a model would look like. I know Forrest City was  
 9 recognized; Lincoln School District was recognized  
 10 recently for -- that was part of the onsite review  
 11 that they're, you know, really implementing those  
 12 practices. So I don't know exactly what year; it was  
 13 kind of a phase-in.  
 14 CHAIRMAN NEWTON: Yeah.  
 15 DR. PFEFFER: But it's starting to kind of get  
 16 ramped up and going.  
 17 CHAIRMAN NEWTON: Yeah. But I know there's  
 18 several districts, so that might be something you  
 19 might want to put on your list to visit and then come  
 20 back and tell us about in your monthly report.  
 21 DR. PFEFFER: Yeah. The team --  
 22 MS. POST: That is a great idea.  
 23 DR. PFEFFER: Yeah. The team will get you  
 24 connected, Suzanna.  
 25 MS. POST: Dr. Green, I would love to come visit

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1 you as well.  
 2 SUPT. GREEN: All rightee, come on to Osceola.  
 3 We're always down for the Teacher of the Year, to  
 4 learn something from you as well.  
 5 CHAIRMAN NEWTON: All right. Okay. Any other  
 6 questions or comments from the Board?  
 7 Okay. I think we're ready for a motion then.  
 8 DR. MOORE: I move to approve.  
 9 CHAIRMAN NEWTON: Okay. Motion from Dr. Moore  
 10 to approve.  
 11 MS. McFETRIDGE: Second.  
 12 CHAIRMAN NEWTON: Seconded by Ms. McFetridge.  
 13 All in favor?  
 14 (UNANIMOUS CHORUS OF AYES)  
 15 CHAIRMAN NEWTON: Any opposed?  
 16 Congratulations, Dr. Green, and good luck on a  
 17 great school year this year.  
 18 SUPT. GREEN: Thank you.  
 19 VII.4. PINE BLUFF SCHOOL DISTRICT - ACT 1240 EXTENSION REQUEST  
 20 CHAIRMAN NEWTON: All right. We're ready for  
 21 Pine Bluff.  
 22 MS. HYATT: Yes. And I believe Ms. McMurray is  
 23 here. I see her.  
 24 The Pine Bluff School District is requesting an  
 25 extension of their Teacher Licensure waiver. The

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1 request is for three years. Ms. McMurray is here.  
 2 And one of the pieces that was not on the agenda was  
 3 just about their stakeholder involvement, so they did  
 4 submit that and we have that; Dan has a copy of that.  
 5 And I believe Ms. McMurray is -- does have a bit of a  
 6 presentation, so you'll want to swear her in.  
 7 CHAIRMAN NEWTON: Okay. All right.  
 8 All right, Ms. McMurray, if you will raise your  
 9 right hand. Do you swear or affirm that the  
 10 testimony you're about to give shall be the truth,  
 11 the whole truth, and nothing but the truth?  
 12 MS. McMURRAY: I do.  
 13 CHAIRMAN NEWTON: Okay. Go ahead.  
 14 MS. McMURRAY: We too at the Pine Bluff School  
 15 District are requesting an extension to our 1240  
 16 waiver with the same times as it was initially  
 17 written. Since the year 2016, we had a total of 69  
 18 teachers on waivers -- I'm sorry -- there were [Zoom  
 19 sound cuts out] required provisional, 12 were  
 20 enrolled in the APPLE program, four have moved on to  
 21 other districts. And we will currently begin the 21-  
 22 22 school year with 24 applicants on waivers.  
 23 One of the things that we did over the years, we  
 24 included questions to our stakeholders just to kind  
 25 of give them information about the waivers, helping

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1 them to better understand and communicate why the  
 2 waiver was needed and what it actually entails. In  
 3 the last survey that was done, it was created since  
 4 my coming back to the district in July 1 -- on July  
 5 1, and we created a Google Forms survey and  
 6 communicated this survey and asked if our partners  
 7 would help us to distribute this survey. And so the  
 8 responses that we got basically showed us how much  
 9 our community really understand and know about the  
 10 waiver. So we're going to take this information and  
 11 we're going to have some discussions with those team  
 12 members and we're going to create a plan of action to  
 13 communicate more effective ways in each entity that  
 14 we partner with, trying to reach down a little deeper  
 15 so that we can expand this information and knowledge  
 16 a little deeper across our community. And if you  
 17 noticed in the graph, based on each question -- there  
 18 were five questions written. And if you notice -- I  
 19 can't see the full screen before me, but in each of  
 20 the five questions it shows overwhelmingly that there  
 21 is a common understanding about the nature of the  
 22 waivers. And what we want to do is to basically push  
 23 that information [Zoom sound distortion] little bit  
 24 deeper for others who may not be aware of what the  
 25 waiver really does for us.

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1 CHAIRMAN NEWTON: Okay. Thank you, Ms.  
 2 McMurray. Do you have anything else you'd like to  
 3 add?  
 4 MS. McMURRAY: No, I don't.  
 5 CHAIRMAN NEWTON: Okay. All right. Thank you.  
 6 All right. We'll see if we have any questions  
 7 from any members of the Board.  
 8 Ms. Dean?  
 9 MS. DEAN: No questions. Thank you.  
 10 CHAIRMAN NEWTON: Ms. Post?  
 11 MS. POST: No questions. Thank you.  
 12 CHAIRMAN NEWTON: Okay. Dr. Rankin?  
 13 DR. RANKIN: No questions.  
 14 CHAIRMAN NEWTON: Ms. McFetridge?  
 15 MS. McFETRIDGE: I don't have a question, but I  
 16 would like to commend you on hiring a recruitment and  
 17 retention coordinator for this school year. I didn't  
 18 know if you wanted to comment about that?  
 19 (A MOMENT OF SILENCE)  
 20 CHAIRMAN NEWTON: She may not have heard -- pull  
 21 your microphone a little closer. I don't think --  
 22 MS. McMURRAY: Was that question for me?  
 23 MS. McFETRIDGE: Yes. I was just commenting on  
 24 your recruitment and retention coordinator that the  
 25 district has hired for the coming school year. I

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1 didn't know if you had a comment about that?  
 2 MS. McMURRAY: Yes, ma'am. Thanks for asking.  
 3 When Ms. Warren and I had a conversation about  
 4 some of the challenges around getting certified  
 5 teachers into classrooms across the district, this  
 6 was a position that overwhelmingly amongst the  
 7 leadership team and our Go Forward, Pine Bluff  
 8 alliance team -- this was a position that everyone  
 9 decided that was needed because there were many  
 10 challenges. And, you know, when you consider the six  
 11 different pathways to traditional licensure the gap  
 12 that was really seen or shown in that process was  
 13 that there was no one to, you know, really address  
 14 those issues with teachers who are coming into the  
 15 profession, not having that educational background  
 16 and having the coaching and support to understand the  
 17 pathways. So with that being said, you would have  
 18 teachers who would, you know, eventually be lost  
 19 along the way because they would not know what was  
 20 really needed in order to reach the standard  
 21 certification or to even declare a pathway  
 22 [inaudible] coming in under the 1240 waiver. So this  
 23 position actually does that and we'll commit  
 24 resources to each group of teachers that are getting  
 25 that traditional certification through the 1240

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1 waiver process.  
 2 MS. McFETRIDGE: Thank you.  
 3 CHAIRMAN NEWTON: And congratulations on your  
 4 new position too, then.  
 5 MS. McMURRAY: Thank you.  
 6 CHAIRMAN NEWTON: All right. Dr. Moore?  
 7 DR. MOORE: No.  
 8 CHAIRMAN NEWTON: I don't remember if I've asked  
 9 y'all or not.  
 10 Okay. Dr. Hill, did you have any questions?  
 11 DR. HILL: No.  
 12 CHAIRMAN NEWTON: Any other questions or  
 13 comments from the Board?  
 14 All right. We're ready for a motion then.  
 15 MS. McFETRIDGE: I make a motion to approve the  
 16 Pine Bluff waivers.  
 17 CHAIRMAN NEWTON: Okay. We have a motion from  
 18 Ms. McFetridge to approve. Do we have a second?  
 19 DR. RANKIN: I'll second that.  
 20 CHAIRMAN NEWTON: Seconded by Dr. Rankin.  
 21 All in favor?  
 22 (UNANIMOUS CHORUS OF AYES)  
 23 CHAIRMAN NEWTON: Any opposed?  
 24 Okay. Congratulations, Ms. McMurray. I know  
 25 you've got a hard job but we appreciate your hard

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1 work.  
 2 MS. McMURRAY: Thank you.  
 3 VII.5. CLARENDON SCHOOL DISTRICT - ACT 1240 EXTENSION REQUEST  
 4 CHAIRMAN NEWTON: All right. Ms. Hyatt, we're  
 5 ready for Clarendon, I believe.  
 6 MS. HYATT: Clarendon has actually rescinded  
 7 their 1240 request and it was just after the agenda  
 8 had been published --  
 9 CHAIRMAN NEWTON: Okay.  
 10 MS. HYATT: -- so it's still on there. But we  
 11 can move past it.  
 12 VII.6. CONSIDERATION OF CHARTER AMENDMENTS  
 13 a) FRIENDSHIP ASPIRE ACADEMY PINE BLUFF  
 14 CHAIRMAN NEWTON: Okay. So we're down to the  
 15 charter amendments. Mr. Johnston.  
 16 MR. JOHNSTON: Yes, ma'am. Good afternoon. Tim  
 17 Johnston, DESE Charter Unit.  
 18 The first amendment was for Friendship Aspire  
 19 Academy of Pine Bluff. They've submitted an  
 20 amendment to add an additional campus, increase the  
 21 enrollment cap, and add additional waivers. The  
 22 charter was originally granted in 2017. It serves  
 23 students in grades K-3 with an enrollment cap of 240.  
 24 The charter has been approved to expand to grade 6  
 25 and increase the enrollment cap to 880 by the 2023-24

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1 school year. And their charter expires in 2023.  
 2 CHAIRMAN NEWTON: Okay. Do we have anyone here  
 3 from Friendship?  
 4 MR. JOHNSTON: There should be.  
 5 SUPT. TRAN: Yes, we're here.  
 6 MR. JOHNSTON: Okay. Yes, I see Ms. Pinkerton.  
 7 CHAIRMAN NEWTON: Okay. All right. We'll see  
 8 if we have any questions for you.  
 9 Ms. Woods?  
 10 MS. WOODS: No.  
 11 CHAIRMAN NEWTON: Mr. Sutton?  
 12 MR. SUTTON: No, ma'am.  
 13 CHAIRMAN NEWTON: Dr. Moore?  
 14 DR. MOORE: No.  
 15 CHAIRMAN NEWTON: Ms. McFetridge?  
 16 MS. McFETRIDGE: No questions.  
 17 CHAIRMAN NEWTON: Okay. Dr. Rankin?  
 18 DR. RANKIN: No questions.  
 19 CHAIRMAN NEWTON: Dr. Hill?  
 20 DR. HILL: NO.  
 21 CHAIRMAN NEWTON: Ms. Dean?  
 22 MS. DEAN: No questions.  
 23 CHAIRMAN NEWTON: Ms. Post?  
 24 MS. POST: No questions.  
 25 CHAIRMAN NEWTON: Okay. So are we ready for a

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1 motion?  
 2 DR. MOORE: I move to approve.  
 3 CHAIRMAN NEWTON: Okay. A motion by Dr. Moore  
 4 to approve. Do we have a second?  
 5 MR. SUTTON: Second.  
 6 CHAIRMAN NEWTON: Second by Dr. -- Mr. Sutton.  
 7 Dr. Sutton.  
 8 All in favor?  
 9 (UNANIMOUS CHORUS OF AYES)  
 10 CHAIRMAN NEWTON: Any opposed?  
 11 Motion passes. Congratulations.  
 12 SUPT. TRAN: Thank you so much. Thank you all.  
 13 VII.7. CONSIDERATION OF CHARTER DIGITAL LEARNING PROGRAMS AND  
 14 CHARTER AMENDMENTS  
 15 a) BAUXITE MINER ACADEMY  
 16 CHAIRMAN NEWTON: All right.  
 17 MR. JOHNSTON: Next is Bauxite Miner Academy.  
 18 Bauxite Miner Academy submitted an amendment request  
 19 for digital learning program to increase the  
 20 enrollment cap from 250 to 300 and the addition of  
 21 grades K-5 to their charter. The school will offer  
 22 instruction in both asynchronous and synchronous  
 23 formats, with grades K-6 being offered virtually and  
 24 grades 7-12 in a blended model. Their charter  
 25 expires in 2023. And I was just reminded to remind

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1 the Board that you are voting to -- whether or not to  
 2 --  
 3 CHAIRMAN NEWTON: Yes.  
 4 MR. JOHNSTON: -- review or not review.  
 5 CHAIRMAN NEWTON: Review or not review. Yeah.  
 6 Sorry, that was my fault.  
 7 MR. JOHNSTON: And I apologize, Leanne Pinkerton  
 8 is on the Zoom from Bauxite School District.  
 9 CHAIRMAN NEWTON: Okay. Welcome, Ms. Pinkerton.  
 10 MS. PINKERTON: Thank you.  
 11 CHAIRMAN NEWTON: Do you have any comments that  
 12 you'd like to make?  
 13 MS. PINKERTON: No. We just appreciate you  
 14 listening to us again today. We hope that you don't  
 15 review.  
 16 CHAIRMAN NEWTON: Okay. All right. Okay. And  
 17 we will definitely take that into consideration.  
 18 MS. PINKERTON: Thank you.  
 19 CHAIRMAN NEWTON: All right. We'll see if any  
 20 of the Board has any questions.  
 21 Ms. Dean?  
 22 MS. DEAN: No questions. Thank you.  
 23 CHAIRMAN NEWTON: Ms. Post?  
 24 MS. POST: (Shaking head from side to side)  
 25 CHAIRMAN NEWTON: Mr. Sutton?

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1 MR. SUTTON: No questions.  
 2 CHAIRMAN NEWTON: Ms. Woods?  
 3 MS. WOODS: No.  
 4 CHAIRMAN NEWTON: Anyone over here have  
 5 questions?  
 6 No. Okay. No questions.  
 7 We're ready for a motion then. And I think you  
 8 heard what the district would like, so you know the  
 9 motion.  
 10 MS. WOODS: I move to not review.  
 11 CHAIRMAN NEWTON: Okay. We have a motion by Ms.  
 12 Woods not to review.  
 13 Do we have a second?  
 14 DR. MOORE: Second.  
 15 CHAIRMAN NEWTON: Second by Dr. Moore.  
 16 All in favor?  
 17 (UNANIMOUS CHORUS OF AYES)  
 18 CHAIRMAN NEWTON: Any opposed?  
 19 Okay. All right.  
 20 b) CABOT ACADEMIC CENTER FOR EXCELLENCE (ACE)  
 21 CHAIRMAN NEWTON: So we can move on to Cabot.  
 22 MR. JOHNSTON: Yes, ma'am. The next item that  
 23 you'll be deciding whether to review or not review is  
 24 the amendment for Cabot Academic Center for  
 25 Excellence. The Cabot Academic Center for Excellence

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1 submitted an amendment for digital learning program  
 2 in grades 7-12. The school will offer asynchronous  
 3 and synchronous instruction with virtual and blended  
 4 options through the use of an approved digital  
 5 provider. The application was reviewed by the DESE  
 6 team. And the Cabot Academic Center for Excellence  
 7 has also requested an amendment to relocate their  
 8 existing campus and increase the enrollment cap to  
 9 2500. Their charter expires in 2022. And Aaron  
 10 Randolph, the Executive Director of the Cabot -- of  
 11 the program at the Cabot School District, is here in  
 12 person if you have any questions.  
 13 CHAIRMAN NEWTON: Okay. All right. Do you want  
 14 to come forward? That way, we can put a face with a  
 15 name -- almost a face with a name, I guess. Okay.  
 16 Welcome. Thank you for being here.  
 17 MR. RANDOLPH: Yes, ma'am.  
 18 CHAIRMAN NEWTON: Do you have anything that  
 19 you'd like to say or --  
 20 MR. RANDOLPH: No, ma'am.  
 21 CHAIRMAN NEWTON: Okay.  
 22 MR. RANDOLPH: I would ask that we don't review  
 23 this and so that we can open up and get ready to roll  
 24 next week.  
 25 CHAIRMAN NEWTON: Okay. All right. So we'll

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1 see if any of the board members have any questions.  
 2 Any questions over here on this side?  
 3 Any questions over here?  
 4 MS. McFETRIDGE: I have a comment.  
 5 CHAIRMAN NEWTON: Okay. All right.  
 6 MS. McFETRIDGE: Comments are always good, I  
 7 think.  
 8 MR. RANDOLPH: Yes, ma'am.  
 9 CHAIRMAN NEWTON: Yes.  
 10 MS. McFETRIDGE: I thought it was a really good  
 11 plan. And I did like the part of the plan that  
 12 you've talked about is your students fall below the  
 13 70% and your plan to move them forward. I thought  
 14 that was pretty extensive and I appreciate all the  
 15 explanation that went into that.  
 16 MR. RANDOLPH: Thank you.  
 17 MS. McFETRIDGE: I didn't know if you wanted to  
 18 comment on that or --  
 19 MR. RANDOLPH: Well, I would say, Ms.  
 20 McFetridge, we learned a lot last year with digital  
 21 learning. And so that was one of the things I think  
 22 when you talk to educators across the state that was  
 23 a struggle, is trying to find those students and keep  
 24 them plugged in. And so the ability to kind of move  
 25 that into our charter and have a little bit more

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1 accountability and have people on staff that can  
 2 support them and have that time and location is  
 3 pretty important for us.  
 4 MS. McFETRIDGE: Good. Thank you.  
 5 MR. RANDOLPH: Yes, ma'am.  
 6 MS. McFETRIDGE: Thank you for being here today,  
 7 too.  
 8 CHAIRMAN NEWTON: Yes. Thank you.  
 9 Any questions or comments online, Ms. Post or  
 10 Ms. Dean?  
 11 MS. POST: No questions.  
 12 MS. DEAN: No, ma'am.  
 13 CHAIRMAN NEWTON: Okay. All right. So we are  
 14 ready for a motion to review or not review.  
 15 MS. McFETRIDGE: I'll make the motion not to  
 16 review the Cabot Academic Center for Excellence.  
 17 CHAIRMAN NEWTON: Okay. We have a motion by Ms.  
 18 McFetridge.  
 19 MS. DEAN: Second.  
 20 CHAIRMAN NEWTON: Seconded by Ms. Dean.  
 21 All in favor?  
 22 (UNANIMOUS CHORUS OF AYES)  
 23 CHAIRMAN NEWTON: Any opposed?  
 24 Okay. Congratulations. Thank you for being  
 25 here.

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1 VII.8. CONSIDERATION OF CHARTER AMENDMENTS FOR DIGITAL  
 2 LEARNING PLANS  
 3 a) ARKANSAS ARTS ACADEMY  
 4 CHAIRMAN NEWTON: Arkansas Arts Academy.  
 5 MR. JOHNSTON: I'm sorry.  
 6 CHAIRMAN NEWTON: Am I on the wrong one? Did I  
 7 skip one?  
 8 MR. JOHNSTON: You didn't. That's it.  
 9 CHAIRMAN NEWTON: Okay.  
 10 MR. JOHNSTON: Arkansas Arts Academy, they  
 11 submitted an amendment request for digital learning  
 12 program at the Arkansas Arts Academy Elementary,  
 13 grades K-6, and Arkansas Arts Academy High School,  
 14 grades 7-12. The elementary will offer both  
 15 asynchronous and synchronous instruction in a virtual  
 16 environment through a learning management system.  
 17 Arkansas Arts Academy High School will offer  
 18 asynchronous instruction virtually through an LMS.  
 19 The Charter expires in June of 2028. The Charter  
 20 Authorizing Panel approved the digital learning  
 21 programs for three years. And I don't know if Mary  
 22 Ley is online or not. I did not hear back from her.  
 23 CHAIRMAN NEWTON: Do we have anyone online from  
 24 Arkansas Arts Academy?  
 25 (MOMENT OF SILENCE)

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1 CHAIRMAN NEWTON: Okay. So does anyone have a  
 2 question maybe for Mr. Johnston and he could pass it  
 3 on if they're not online?  
 4 MS. McFETRIDGE: I have a question about their  
 5 Class Size waiver. It looks like or it appears to  
 6 look like that their kindergarten is 25-to-1, and 1st  
 7 through 3rd is 30-to-1, 4 through 6 is 35-to-1; but  
 8 their high school students is 30-to-1. So it just  
 9 seemed odd to me that they would have less students  
 10 in a high school class than an elementary class size  
 11 and I was hoping they could talk about that.  
 12 MS. HYATT: I do think that Dr. Roberts, who is  
 13 the new superintendent, is on the Zoom.  
 14 MS. McFETRIDGE: Okay.  
 15 MS. HYATT: So I bet she can answer that for  
 16 you.  
 17 CHAIRMAN NEWTON: Dr. Roberts, welcome.  
 18 SUPT. ROBERTS: Thank you.  
 19 CHAIRMAN NEWTON: Did you hear the question?  
 20 SUPT. ROBERTS: I did. So your concern is the  
 21 class size for the high school?  
 22 MS. McFETRIDGE: Actually, the elementary, K-6,  
 23 the teacher to student ratio seemed higher than it  
 24 did at the high school level.  
 25 SUPT. ROBERTS: The current ratio for our

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1 digital enrollment is really -- we're at 20 students  
 2 K-6 right now. So we don't anticipate needing that  
 3 Class Size per grade level. The class sizes  
 4 themselves are -- physically they're at about 22 or  
 5 23.  
 6 MS. McFETRIDGE: Okay. But that isn't what your  
 7 waiver request was -- or am I wrong?  
 8 SUPT. ROBERTS: I think the waiver request is to  
 9 go up to that number per grade level digitally if we  
 10 reach that. Currently, we're not -- we're not close.  
 11 MS. McFETRIDGE: How would you support that if  
 12 you did go up to those numbers? Because that seems  
 13 really high to me.  
 14 SUPT. ROBERTS: We have a digital teacher, so  
 15 it's going to be managed by a digital teacher. And  
 16 we also our classroom teachers are doing their  
 17 asynchronous instructions through the Google Beats  
 18 and using Google Drive to upload their videos, and  
 19 then they're reaching out to the students if needed.  
 20 But we have a digital teacher that manages the online  
 21 learning.  
 22 MS. McFETRIDGE: Okay. Thank you.  
 23 CHAIRMAN NEWTON: Any other questions from the  
 24 Board?  
 25 What about Ms. Dean or Ms. Post?

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1 MS. DEAN: No questions. Thank you.  
 2 MS. POST: No questions.  
 3 CHAIRMAN NEWTON: All right. So our motion  
 4 would be to review or not review for Arkansas Arts  
 5 Academy.  
 6 DR. MOORE: I move not to review.  
 7 CHAIRMAN NEWTON: Motion --  
 8 MR. SUTTON: Second. Second.  
 9 CHAIRMAN NEWTON: Motion by Dr. Moore, seconded  
 10 by Mr. Sutton.  
 11 All in favor?  
 12 (UNANIMOUS CHORUS OF AYES)  
 13 CHAIRMAN NEWTON: Any opposed?  
 14 Okay.  
 15 Okay. Batesville.  
 16 CHAIRMAN NEWTON: Congratulations, Dr. Roberts.  
 17 I'm sorry. Thank you for joining us.  
 18 SUPT. ROBERTS: Thank you.  
 19 b) BATESVILLE HIGH SCHOOL CHARTER  
 20 MR. JOHNSTON: Batesville High School Charter  
 21 submitted an amendment for digital learning program  
 22 in grades 9-12. The school will offer asynchronous  
 23 and synchronous instruction with virtual and blended  
 24 options through the use of an approved digital  
 25 provider. The application was reviewed by the DESE

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1 team. Their charter expires in June of 2026. And  
 2 the Charter Authorizing Panel approved the digital  
 3 learning plan as submitted for three years.  
 4 CHAIRMAN NEWTON: Okay.  
 5 MR. JOHNSTON: I'm not sure -- Dr. Hester, I did  
 6 not hear back from him, the superintendent of  
 7 Batesville. So I'm not sure who is --  
 8 CHAIRMAN NEWTON: Is there someone online from  
 9 Batesville?  
 10 (MOMENT OF SILENCE)  
 11 CHAIRMAN NEWTON: Okay. I don't see anyone. If  
 12 the Board has a question, maybe we can pass that on.  
 13 Any questions on this side on the Batesville plan?  
 14 Over here? Online, Ms. Post, Ms. Dean?  
 15 MS. DEAN: No questions.  
 16 CHAIRMAN NEWTON: Dr. Moore, I didn't mean to  
 17 skip over you. I'm sorry.  
 18 DR. MOORE: No, no, no. If they were here, I  
 19 would ask a little bit more further about their  
 20 asynchronous learning plans at the high school. But  
 21 I'm okay.  
 22 CHAIRMAN NEWTON: Do you want to see if --  
 23 DR. MOORE: I won't hold it up, so --  
 24 CHAIRMAN NEWTON: Okay. All right.  
 25 MR. JOHNSTON: I can try to get someone online

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1 if you would prefer.  
 2 CHAIRMAN NEWTON: Do you want to just -- we come  
 3 back to this one later?  
 4 Let's come back to this one and we'll try to get  
 5 somebody online.  
 6 MR. JOHNSTON: I know several districts had  
 7 meetings --  
 8 CHAIRMAN NEWTON: Sure.  
 9 MR. JOHNSTON: -- scheduled today, and I had a  
 10 list of six that I had to call or text --  
 11 CHAIRMAN NEWTON: Right.  
 12 MR. JOHNSTON: -- to get them agenda updates.  
 13 CHAIRMAN NEWTON: Right.  
 14 MR. JOHNSTON: So maybe --  
 15 CHAIRMAN NEWTON: We understand that this is the  
 16 middle of PD, teacher back-to-school, and so we  
 17 understand. So we'll just put Batesville on hold for  
 18 a little bit and we'll come back to them --  
 19 MR. JOHNSTON: Okay.  
 20 CHAIRMAN NEWTON: -- when they -- when you let  
 21 us know that they're online. Okay. And we'll mark  
 22 that one to come back.  
 23 c) CAVE CITY MIDDLE AND HIGH SCHOOL CAREER AND  
 24 COLLEGIATE PREP  
 25 MR. JOHNSTON: Next one is Cave City.

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1 CHAIRMAN NEWTON: Okay.  
 2 MR. JOHNSTON: Are you ready for that one?  
 3 CHAIRMAN NEWTON: Yes.  
 4 MR. JOHNSTON: Okay. They submitted two -- or  
 5 both campuses submitted on the same digital learning  
 6 program application. So they submitted an amendment  
 7 for Cave City Middle School Career and Collegiate  
 8 Preparatory, which are grades 6-8, and Cave City High  
 9 School Career and Collegiate Preparatory, which are  
 10 grades 9-12. Both campuses will offer synchronous  
 11 instruction virtually through a learning management  
 12 system utilizing licensed district staff. The  
 13 application was reviewed by the DESE team. Both  
 14 charters expire in June of 2026. And the Charter  
 15 Authorizing Panel approved both digital learning  
 16 programs for three years. And Dr. Cheryl Bell is on  
 17 the Zoom if you have any questions.  
 18 CHAIRMAN NEWTON: Welcome, Dr. Bell.  
 19 SUPT. BELL: Thank you.  
 20 CHAIRMAN NEWTON: Do you have anything --  
 21 SUPT. BELL: Thanks for your time. Yeah, I was  
 22 just going to say thank you for your time today. We  
 23 appreciate you guys looking through these and giving  
 24 us feedback. And we just ask for your approval  
 25 today.

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1 CHAIRMAN NEWTON: Okay. All right. We'll see  
 2 if we have any questions from the Board.  
 3 Anyone on this side?  
 4 Okay. Over here?  
 5 DR. MOORE: Yes, I do -- which a lot of them  
 6 today are requiring teachers to play that dual role  
 7 of in-person and online. Will this be done --  
 8 SUPT. BELL: Yes.  
 9 DR. MOORE: -- during the same class period?  
 10 And --  
 11 SUPT. BELL: We're -- yes.  
 12 DR. MOORE: -- is this like y'all did last year?  
 13 SUPT. BELL: Yes. Last year we did not have it  
 14 synced for the teachers, so they may have had an  
 15 online or virtual student in a class period every  
 16 period of the day. But this year we -- we did learn  
 17 from that, because that was really tough on the  
 18 teachers. So we're doing our best to -- and right  
 19 now we have it lined up this way, but the virtual  
 20 students would be in one class period so the teachers  
 21 only have to do a Google meet or a Zoom one hour a  
 22 day instead of multiple hours per day. So we're  
 23 working really hard to keep that intact for our  
 24 teachers as support for them coming up on this year.  
 25 It may not work out that way, given our numbers;

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1 they're increasing right now. But as of today, we  
 2 have it set up that way for our teachers.  
 3 DR. MOORE: That's great then. I know that was  
 4 hard last year and I hope that y'all can take those  
 5 lessons learned and work that this year.  
 6 SUPT. BELL: Absolutely. Yes, absolutely.  
 7 CHAIRMAN NEWTON: Okay. Ms. Dean?  
 8 MS. DEAN: No questions at this time. Thanks.  
 9 CHAIRMAN NEWTON: And Ms. Post?  
 10 MS. POST: Yes. I was wondering about the  
 11 virtual tutoring that was offered at the end of the  
 12 day.  
 13 SUPT. BELL: Yeah.  
 14 MS. POST: Did that happen last year as well?  
 15 And if so, how was the participation?  
 16 SUPT. BELL: Yes. We did offer that last year  
 17 and I would say it was fairly successful. We would  
 18 have five or six students each day that logged in for  
 19 that. And sometimes it was students who actually  
 20 were on campus but they rode a bus and so they  
 21 couldn't stay for in-person tutoring, so they would  
 22 get online when they got home. We also had some of  
 23 our athletes that were on campus but they had  
 24 practice after school, so they actually -- it  
 25 benefitted more than just our virtual students, so

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1 our numbers were higher than what we expected for  
 2 that virtual tutoring. But some of that included  
 3 students who were actually on campus that took  
 4 advantage of that tutoring option that we had in  
 5 place. So we are continuing that this year and we'll  
 6 encourage students -- all students to participate;  
 7 it's available for all of our students, not just  
 8 virtual.  
 9 MS. POST: I was just happy to see that that was  
 10 available for students in that later part of the day  
 11 when they're finished with their regular day.  
 12 SUPT. BELL: Yes. Yes. Yes.  
 13 CHAIRMAN NEWTON: That sounds like --  
 14 SUPT. BELL: Thank you for that question.  
 15 CHAIRMAN NEWTON: Yes. I'm glad you asked that  
 16 question, Ms. Post, because that sounds like a  
 17 success story that came out of all the stress of the  
 18 pandemic that we need to share that the possibility  
 19 for virtual tutoring afterschool is not just for  
 20 virtual kids, but it's for all kids.  
 21 SUPT. BELL: Right.  
 22 CHAIRMAN NEWTON: I think that's -- you know,  
 23 one of the things we want to do is try to close the  
 24 gap and close learning loss --  
 25 SUPT. BELL: Right.

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1 CHAIRMAN NEWTON: -- and that would be a great  
 2 way to address some of those concerns. So thank you  
 3 for sharing that.  
 4 Any other questions or comments?  
 5 Okay. Our motion is to review or not to review  
 6 Cave City.  
 7 MR. SUTTON: Motion not to review.  
 8 CHAIRMAN NEWTON: Motion by Mr. Sutton.  
 9 MS. McFETRIDGE: Second.  
 10 CHAIRMAN NEWTON: Second by Ms. McFetridge.  
 11 All in favor?  
 12 (UNANIMOUS CHORUS OF AYES)  
 13 CHAIRMAN NEWTON: Any opposed?  
 14 Okay. Congratulations, Ms. Bell.  
 15 SUPT. BELL: Thank you so much.  
 16 b) BATESVILLE HIGH SCHOOL CHARTER  
 17 CHAIRMAN NEWTON: Batesville is on now?  
 18 MR. JOHNSTON: Yes.  
 19 CHAIRMAN NEWTON: Okay. So we're going to move  
 20 back to Batesville.  
 21 MR. JOHNSTON: Yes. I was -- that's what I was  
 22 going to say, Madam Chair. I just saw Dr. Hester is  
 23 online now.  
 24 CHAIRMAN NEWTON: Okay. Welcome, Dr. Hester.  
 25 SUPT. HESTER: Great to be with y'all. I

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1 also have my assistant superintendent for  
 2 instruction, Mrs. Jennifer Douglas, here as well. So  
 3 she's over here to my left. So I'll put her on  
 4 camera if you need, but you'll hear her speak as  
 5 well.  
 6 CHAIRMAN NEWTON: Okay. So we thank you for  
 7 making the time for us. I know it's a very busy time  
 8 of the year with teachers and getting ready to open  
 9 school on Monday. But we do have one question for  
 10 you on your plan.  
 11 Dr. Moore.  
 12 DR. MOORE: Yes. I noticed that 9-12 there are  
 13 three different models, with asynchronous being one  
 14 of them.  
 15 (COURT REPORTER'S NOTE: Dr. Moore turned on her  
 16 microphone.)  
 17 DR. MOORE: I'm sorry. I noticed on -- for your  
 18 high school there are three different models, with  
 19 asynchronous being one of them. Will students opt  
 20 into these models? And how much interaction will  
 21 students have with -- or the ability to interact with  
 22 teachers in that asynchronous route?  
 23 MS. DOUGLAS: So, yes, they opt into those  
 24 models. We have a sign-up form where they converse  
 25 with the counselors. And all of our students are

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1 assigned a mentor. So the mentor as well as our PDA  
 2 director check in on those students regularly with  
 3 the complete asynchronous model. More than once, you  
 4 know, a week they check with them several times  
 5 throughout the week to make sure they're making  
 6 progress and to arrange tutoring when needed for our  
 7 students with two completely asynchronous modes. The  
 8 vast majority of our students choose the remote  
 9 option so that they can actually have a high school  
 10 schedule and they actually receive instruction from  
 11 their teachers daily.  
 12 DR. MOORE: And is this how y'all did it this  
 13 past year?  
 14 MS. DOUGLAS: Yes, ma'am, it is. This is just a  
 15 replica of how we did it last year, but we did  
 16 increase the parameters. Last year, we tried to be  
 17 really flexible with Covid and allow parents to move  
 18 back and forth, you know, weekly or daily. This  
 19 coming year we have set parameters so that they can  
 20 only change at nine weeks or semester. I think that  
 21 was our teachers' request, that it was just too  
 22 difficult to have kids in and out; and so we listened  
 23 to our faculty. And we still want to offer that  
 24 flexibility for Covid, but we do want to make it  
 25 easier on our teachers so students can only

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1 transition from in-person to virtual every nine  
 2 weeks.  
 3 DR. MOORE: Okay. Okay. Thank you.  
 4 MS. DOUGLAS: Yes, ma'am.  
 5 CHAIRMAN NEWTON: I had a quick question on the  
 6 remote. How many students and how many teachers are  
 7 doing remote? Because I'm assuming that involves  
 8 simultaneously having a classroom in person and then  
 9 having that student, or students, remote.  
 10 MS. DOUGLAS: Last year it was almost half of  
 11 our high school, so roughly about 450 out of 900  
 12 students. This year it's significantly less than  
 13 that; I don't have the exact numbers in front of me.  
 14 But I know K-5 went from about 200 last year to 29  
 15 this year, and I know my 6-12 numbers are  
 16 significantly lower. I can look those up and email  
 17 them to you. But all of our teachers may have some  
 18 remote students. We just don't have the faculty to  
 19 support having 100% remote teachers versus 100%  
 20 onsite. But our teachers were all onboard with this  
 21 so it gives those students flexibility to log in from  
 22 home and not have loss of learning, when they can.  
 23 SUPT. HESTER: And I might add this is our  
 24 fourth year that we've had Chromebooks in our  
 25 secondary 6-12. We've had 365 days a year, seven

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1 days a week, 24 hours a day that we've had Google  
 2 Classroom using the Google Suite. So Google  
 3 Classroom, this is not an anomaly for us to start.  
 4 We were ready day-one that it was announced to go  
 5 because we've had three years of practice of using  
 6 Google Classroom, all those remote tools. And so for  
 7 us it was -- it basically just put anybody who  
 8 doubted that these tools were important -- it just  
 9 brought everybody onboard to how important it was.  
 10 So for our staff we even paid for Google  
 11 certifications and we've got over 100 staff people  
 12 Google certified, and so our staff -- I mean we just  
 13 love this. So this was not just put on us and all of  
 14 a sudden we're kind of trying to figure this out;  
 15 this actually made us all look real smart with our  
 16 Chromebook initiative and all these things that we've  
 17 been doing for the last three years that we were able  
 18 to transition pretty quick.  
 19 CHAIRMAN NEWTON: Thank you. Thank you.  
 20 MS. DOUGLAS: And I would add -- I double-  
 21 checked our numbers -- our remote numbers right now  
 22 are 83 out of approximately 930 students --  
 23 CHAIRMAN NEWTON: Okay.  
 24 MS. DOUGLAS: -- that will be accessing  
 25 remotely.

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1 CHAIRMAN NEWTON: Okay. All right. Thank you.  
 2 Any other questions from the Board?  
 3 Dr. Rankin.  
 4 DR. RANKIN: I did. Since I have you all  
 5 online, I was just curious -- on page 15 of your  
 6 application you were talking about monitoring and  
 7 evaluation. And I love the richness of this with  
 8 summative assessments and growth assessments,  
 9 comparative evaluations and data coming in with  
 10 student achievement. Are you also considering -- and  
 11 it may be in here somewhere else, but I didn't see it  
 12 -- are you also considering surveys to the parents,  
 13 the teachers, and the students for that quick  
 14 feedback on how this is going in the midst of  
 15 operation?  
 16 MS. DOUGLAS: Yes, ma'am. We do, and we have.  
 17 We implemented with a model here, so we have a pretty  
 18 robust stakeholder team. And we do comprehensive  
 19 needs assessments and surveys annually and our  
 20 community schools model coordinator helps coordinate  
 21 that, as well as Dr. Hester. I guess last year or  
 22 maybe even annually we've done a climate survey with  
 23 the staff. And so we try to survey our --  
 24 DR. HESTER: And our community.  
 25 MS. DOUGLAS: Yes, staff and community, all of

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1 our stakeholders, we do try to survey and get  
 2 feedback regularly. Whether it's from our virtual  
 3 academy or other components of our charter or things  
 4 that our district is implementing we try to get  
 5 feedback from community, parents, and students, and  
 6 staff.  
 7 CHAIRMAN NEWTON: Okay. Thank you.  
 8 Any other questions from the Board?  
 9 Okay. I think then we're ready for a motion on  
 10 Batesville to either review or not review.  
 11 DR. RANKIN: I'll make a motion not to review.  
 12 CHAIRMAN NEWTON: Okay. I have a motion from  
 13 Dr. Rankin not to review. Do we have a second?  
 14 DR. MOORE: Second.  
 15 CHAIRMAN NEWTON: Seconded by Dr. Moore.  
 16 All in favor?  
 17 (UNANIMOUS CHORUS OF AYES)  
 18 CHAIRMAN NEWTON: Any opposed?  
 19 Thank you, Dr. Hester. Thank y'all for joining  
 20 us.  
 21 SUPT. HESTER: Thank you.  
 22 MS. DOUGLAS: Thank you.  
 23 d) CROSS COUNTY ELEMENTARY TECHNOLOGY ACADEMY  
 24 CHAIRMAN NEWTON: So are we at Cross County?  
 25 MR. JOHNSTON: Yes, ma'am.

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1 Cross County Elementary submitted an amendment  
 2 for digital learning program in grades 3-6. The  
 3 school will offer asynchronous and synchronous  
 4 instruction virtually through the use of an approved  
 5 digital provider. The application was reviewed by  
 6 the DESE team. The charter expires in June of 2022.  
 7 I believe Nathan Morris should be on. No?  
 8 MS. STACY: Jessica Stacy from Cross County  
 9 Elementary. I'm here to represent us.  
 10 CHAIRMAN NEWTON: Okay. All right. And do you  
 11 have anything that you'd like to share?  
 12 MS. STACY: No, ma'am.  
 13 CHAIRMAN NEWTON: Okay. Then we'll see if we  
 14 have any questions from the Board.  
 15 Any questions over here?  
 16 MS. WOODS: So this is just for one year? Am I  
 17 reading that right?  
 18 MS. STACY: Yes, ma'am.  
 19 MR. JOHNSTON: Yes, ma'am.  
 20 MS. WOODS: Just for one year. Okay.  
 21 CHAIRMAN NEWTON: Okay. Over here?  
 22 Online, Ms. Dean or Ms. Post?  
 23 MS. POST: No questions.  
 24 MS. DEAN: No, ma'am.  
 25 CHAIRMAN NEWTON: All right. With no questions,

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1 we are ready for a motion.  
 2 MS. McFETRIDGE: I make a motion not to review.  
 3 CHAIRMAN NEWTON: Okay. We have a motion not to  
 4 review Cross County.  
 5 MS. WOODS: Second.  
 6 CHAIRMAN NEWTON: Second -- motion by Ms.  
 7 McFetridge, seconded by Ms. Woods.  
 8 All in favor?  
 9 (UNANIMOUS CHORUS OF AYES)  
 10 CHAIRMAN NEWTON: Any opposed?  
 11 Okay. Thank you for joining us.  
 12 MS. STACY: Thank you.  
 13 e) CROSS COUNTY HIGH SCHOOL A NEW TECH SCHOOL  
 14 CHAIRMAN NEWTON: We have another Cross County.  
 15 I guess we should --  
 16 MR. JOHNSTON: Yes.  
 17 CHAIRMAN NEWTON: Okay.  
 18 MR. JOHNSTON: Yes. Theirs were submitted on  
 19 separate applications.  
 20 CHAIRMAN NEWTON: Okay.  
 21 MR. JOHNSTON: The next is Cross County High  
 22 School submitted an amendment for digital learning  
 23 program in grades 7-12. The school will offer  
 24 asynchronous and synchronous instruction virtually  
 25 through the use of approved digital provider.

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1 Application was reviewed by the DESE team. Their  
 2 charter expires in June of 2026. So the Charter  
 3 Authorizing Panel approved the digital learning  
 4 program for three years.  
 5 CHAIRMAN NEWTON: Okay. Is there some --  
 6 MR. JOHNSTON: Yes. And Mr. Prince is on.  
 7 MR. PRINCE: Yes, I'm here.  
 8 CHAIRMAN NEWTON: Okay.  
 9 MR. PRINCE: Stephen Prince, High School  
 10 Principal.  
 11 CHAIRMAN NEWTON: All right. Welcome, Mr.  
 12 Prince. Do you have anything that you'd like to  
 13 share?  
 14 MR. PRINCE: No, ma'am.  
 15 CHAIRMAN NEWTON: Okay. We'll see if we have  
 16 questions from the Board.  
 17 Online, Ms. Dean or Ms. Post?  
 18 MS. POST: I do. I'm super curious -- Mr.  
 19 Prince, is that correct?  
 20 MR. PRINCE: Yes, ma'am.  
 21 MS. POST: I'm an expert facilitator for the New  
 22 Tech Network, in a former life -- I can't do that  
 23 now. How are you facilitating project-based learning  
 24 with online students?  
 25 MR. PRINCE: Yeah. So we are actually using

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1 Virtual Arkansas as our provider, so it will be their  
 2 curriculum and their teachers. And we actually only  
 3 have three students who have signed an agreement this  
 4 week for virtual learning, so the rest of our  
 5 students will be in person.  
 6 CHAIRMAN NEWTON: Okay. Thank you.  
 7 All right. Over here, any questions?  
 8 Over here?  
 9 Okay. Not seeing any more questions, are we  
 10 ready for a motion?  
 11 MS. McFETRIDGE: Move not -- I make a motion to  
 12 not review Cross County High School.  
 13 CHAIRMAN NEWTON: Okay. We have a motion to not  
 14 review by Ms. McFetridge for Cross County High  
 15 School. Do we have a second?  
 16 MR. SUTTON: Second.  
 17 CHAIRMAN NEWTON: Okay. Seconded by Mr. Sutton.  
 18 All in favor?  
 19 (UNANIMOUS CHORUS OF AYES)  
 20 CHAIRMAN NEWTON: Any opposed?  
 21 Okay. Motion passes. Congratulations, Mr.  
 22 Prince.  
 23 MR. PRINCE: Thank you.  
 24 f) FRIENDSHIP ASPIRE PINE BLUFF  
 25 CHAIRMAN NEWTON: All right. Friendship Aspire.

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1 MR. JOHNSTON: Yes, ma'am. Next is Friendship  
 2 Aspire Pine Bluff. They submitted an amendment for  
 3 digital learning program grades K-5. The school will  
 4 offer asynchronous and synchronous instruction  
 5 virtually through the use of an approved digital  
 6 provider and licensed district staff. The  
 7 application was reviewed by the DESE team. And their  
 8 charter expires in 2023. And their superintendent,  
 9 Mr. Tran, is on the call.  
 10 CHAIRMAN NEWTON: Welcome, Mr. Tran. Do you  
 11 have anything you would like to share?  
 12 SUPT. TRAN: No, ma'am.  
 13 CHAIRMAN NEWTON: Okay. All right.  
 14 Any questions over here? Either side?  
 15 Okay, Ms. McFetridge.  
 16 MS. McFETRIDGE: I noticed you have teachers  
 17 that will be in a dual role, teaching both virtually  
 18 and in person at the same time. Can you talk to us  
 19 about that?  
 20 SUPT. TRAN: Sure. So we have -- we have a  
 21 camera in the classroom that allows synchronous  
 22 learning so while the teacher is teaching to the  
 23 class as well so the students at home can actually  
 24 see what's going on in the classroom. But at the  
 25 same time we're going to have a paraprofessional

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1 that's going to be sitting by the computer to answer  
 2 any questions that they may have as well.  
 3 MS. McFETRIDGE: Okay. And then you're also  
 4 asking for teacher load not to exceed 150 students.  
 5 Can you also talk to us about that? And your class  
 6 size really is what I'm asking about.  
 7 SUPT. TRAN: Okay, yeah. I mean --  
 8 MS. McFETRIDGE: How are you going to support  
 9 your teachers?  
 10 SUPT. TRAN: That -- we're not going to get 150  
 11 or so students. That was the -- I think the maximum  
 12 that was allowed. You know, I think the classroom --  
 13 we'll be like -- at this moment in time we'll have  
 14 about 20 kids per teacher anyway. And especially  
 15 coming up this year we haven't had any -- very  
 16 minimal numbers of students selecting the virtual  
 17 option.  
 18 MS. McFETRIDGE: Do you know what your numbers  
 19 are today?  
 20 SUPT. TRAN: Off the -- I mean I haven't heard  
 21 recently from our principals. But the last time I  
 22 was told I think it was -- in Pine Bluff -- again, I  
 23 could be mistaken about -- between four to eight  
 24 students.  
 25 MS. McFETRIDGE: Okay. Okay. All right. Thank

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1 you.  
 2 SUPT. TRAN: Thank you.  
 3 CHAIRMAN NEWTON: Any questions online?  
 4 MS. DEAN: No, ma'am.  
 5 CHAIRMAN NEWTON: Okay. All right. So we are  
 6 ready for a motion to review or not review.  
 7 MS. McFETRIDGE: I'll make the motion not to  
 8 review.  
 9 CHAIRMAN NEWTON: Okay. We have a motion by Ms.  
 10 McFetridge to not review. Do we have a second?  
 11 MR. SUTTON: Second.  
 12 MS. DEAN: Second.  
 13 CHAIRMAN NEWTON: Okay. I heard Mr. Sutton  
 14 first -- a second by Mr. Sutton.  
 15 All in favor?  
 16 (UNANIMOUS CHORUS OF AYES)  
 17 CHAIRMAN NEWTON: Any opposed?  
 18 Okay. Thank you, Mr. Tran, for joining us.  
 19 SUPT. TRAN: Thank you.  
 20 g) HOT SPRINGS WORLD CLASS HIGH SCHOOL AND JUNIOR  
 21 ACADEMY  
 22 CHAIRMAN NEWTON: Okay. Hot Springs.  
 23 MR. JOHNSTON: Yes. Hot Springs World Class  
 24 High School and Junior Academy submitted an amendment  
 25 request. Hot Springs High -- Hot Springs World Class

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1 High School is grades K-12, and Hot Springs Junior  
 2 Academy are grades 7-8. Both campuses will offer  
 3 asynchronous instruction virtually through an  
 4 approved digital provider and licensed district  
 5 staff. The application was reviewed by the DESE  
 6 team. Hot Springs World Class High School charter  
 7 expires in June of 2026, and the Hot Springs Junior  
 8 Academy charter expires in June of 2022. So the  
 9 Charter Authorizing Panel approved the digital  
 10 learning program for Hot Springs Junior Academy until  
 11 the charter expires in one year. And then the  
 12 Charter Authorizing Panel approved Hot Springs World  
 13 Class High School for three years. And Taryn Echols  
 14 is on the Zoom from the district if you have any  
 15 questions.  
 16 CHAIRMAN NEWTON: Welcome, Ms. Echols. Do you  
 17 have something that you would like to share?  
 18 MS. ECHOLS: No, ma'am, I don't have anything I  
 19 would like to share.  
 20 CHAIRMAN NEWTON: Okay. We'll see if we have  
 21 someone that wants to ask a question.  
 22 MS. ECHOLS: Yes, ma'am.  
 23 CHAIRMAN NEWTON: Over here on this side?  
 24 MS. McFETRIDGE: I do.  
 25 CHAIRMAN NEWTON: Okay. Go ahead.

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1 MS. McFETRIDGE: I noticed you have bi-monthly  
 2 check-ins. Can you talk to us about that? To me  
 3 that seems awfully far -- a long time to go without  
 4 really checking in on a student.  
 5 MS. ECHOLS: Well, the check-in -- the check-  
 6 ins, we have one-minute check-ins that our counselors  
 7 are going to do, and then the bi-monthly check-ins  
 8 are just with our coordinator. So they actually will  
 9 have access and check-ins with their teachers daily.  
 10 That bi-monthly check-in is with the Trojan Virtual  
 11 Academy coordinator. And then our school counselor,  
 12 we have one per building that is going to be  
 13 responsible for our virtual students. At the time  
 14 when we did our first kind of roll-out of virtual we  
 15 only had 19 students that were accepted into the  
 16 program. We reopened that up as the cases started to  
 17 increase because we started getting some feedback  
 18 from our families. And so right now, as of today I  
 19 have 60 7-12 grade who have been approved for virtual  
 20 learning for the fall. So those check-ins will be  
 21 daily; just with the coordinator and the teacher and  
 22 the family, those are bi-monthly. So we have a  
 23 coordinator who works with me at the district level  
 24 and then our building principal, our school  
 25 counselors, and then the teachers that have those

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1 blocks in their schedule with no in-person students  
 2 are just for their check-ins for their virtual  
 3 students.  
 4 MS. McFETRIDGE: Okay.  
 5 MS. ECHOLS: So we schedule teachers' time with  
 6 no students in-person to make sure that they weren't  
 7 doing a dual role.  
 8 MS. McFETRIDGE: All right. Thank you. That  
 9 sounds great. I appreciate it.  
 10 MS. ECHOLS: Yes, ma'am.  
 11 CHAIRMAN NEWTON: Any other questions on this  
 12 side?  
 13 Over here?  
 14 MR. SUTTON: What are you doing with the 9th  
 15 graders? It's grades 7 and 8 and 10 and 12.  
 16 MS. ECHOLS: Our Junior Academy is grades 7, 8,  
 17 and 9.  
 18 MR. SUTTON: Okay.  
 19 MR. JOHNSTON: Okay. So we'll get that  
 20 corrected.  
 21 CHAIRMAN NEWTON: Okay. So this amendment will  
 22 be -- cover 9th grade then, also?  
 23 MR. JOHNSTON: Yes, ma'am.  
 24 CHAIRMAN NEWTON: Okay. All right.  
 25 Ms. Dean or Ms. Post, either one of you have a

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1 question?  
 2 MS. DEAN: No questions. Thank you.  
 3 MS. POST: No questions. I just appreciated  
 4 that you have the counselors checking in with your  
 5 students.  
 6 MS. ECHOLS: Yes, ma'am. That's very important  
 7 to us that we have the right ones doing this role.  
 8 CHAIRMAN NEWTON: All right. Yeah. Okay. It  
 9 sounds like we're ready for a motion to either review  
 10 or not review.  
 11 MR. SUTTON: Motion not to review.  
 12 CHAIRMAN NEWTON: Okay. We have a motion by Mr.  
 13 Sutton to not review.  
 14 DR. HILL: Second.  
 15 CHAIRMAN NEWTON: Seconded by Dr. Hill.  
 16 All in favor?  
 17 (UNANIMOUS CHORUS OF AYES)  
 18 CHAIRMAN NEWTON: Any opposed?  
 19 Thank you, Ms. Echols.  
 20 MS. ECHOLS: Sorry, my phone is ringing. Yes,  
 21 ma'am. Thank you all. Have a great day.  
 22 CHAIRMAN NEWTON: You too.  
 23 h) NORTH LITTLE ROCK CENTER OF EXCELLENCE  
 24 CHAIRMAN NEWTON: All right. North Little Rock.  
 25 MR. JOHNSTON: And North Little Rock Center of

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1 Excellence submitted an amendment for digital  
 2 learning program for grades 9-12. The school will  
 3 offer asynchronous and synchronous instruction  
 4 delivered virtually through the use of an approved  
 5 digital provider and licensed district staff. The  
 6 application was reviewed by the DESE staff. And the  
 7 charter expires in June of 2022. And I'm not sure  
 8 who's on. I'm not sure I see everyone on the --  
 9 everyone that's on the call.  
 10 CHAIRMAN NEWTON: Is there someone on the call  
 11 from North Little Rock?  
 12 MR. JOHNSTON: I thought Dr. Pilewski was going  
 13 to be on, but --  
 14 CHAIRMAN NEWTON: Okay. We'll see if we have  
 15 any questions about North Little Rock.  
 16 MR. JOHNSTON: Okay.  
 17 CHAIRMAN NEWTON: And if we do, we'll pull it  
 18 and do it later.  
 19 Any questions over here for North Little Rock?  
 20 Okay. Over here?  
 21 Online, Ms. Dean or Ms. Post?  
 22 MS. DEAN: No, ma'am.  
 23 MS. POST: I'm a little curious when they are  
 24 requesting waivers on Time and students are able to  
 25 show mastery in a shortened amount of time like how

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1 that's happening.  
 2 CHAIRMAN NEWTON: Okay. So why don't we save  
 3 North Little Rock until we can get someone online.  
 4 MR. JOHNSTON: Somebody to come online.  
 5 CHAIRMAN NEWTON: And then we'll come back to  
 6 this one in a few minutes.  
 7 i) NORTHWEST ARKANSAS CLASSICAL ACADEMY  
 8 CHAIRMAN NEWTON: Okay. So we'll move on to  
 9 Northwest Arkansas Classical Academy.  
 10 MR. JOHNSTON: Okay. Northwest Arkansas  
 11 Classical Academy submitted an amendment for digital  
 12 learning program for the Northwest Arkansas Classical  
 13 Academy High and West Little Rock Classical campuses.  
 14 Both campuses are 7-12. The schools will offer  
 15 asynchronous instruction in a virtual format through  
 16 an approved digital provider and licensed district  
 17 staff. The application was reviewed by the DESE  
 18 team. The charter expires in June of 2028. And the  
 19 Charter Authorizing Panel approved the digital  
 20 learning program for three years. On the Zoom you  
 21 have Susan Provenza, Curtis Shack, and Steve Gast.  
 22 CHAIRMAN NEWTON: Welcome, everyone. Do you  
 23 have anything that you would like to share?  
 24 MS. PROVENZA: No, not at this time. Thank you.  
 25 CHAIRMAN NEWTON: Okay. All right. We'll see

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1 if we have questions.  
 2 Northwest Arkansas Classical Academy -- any  
 3 questions, Mr. Sutton?  
 4 MR. SUTTON: No, ma'am.  
 5 CHAIRMAN NEWTON: Okay. Ms. Woods?  
 6 MS. WOODS: No.  
 7 CHAIRMAN NEWTON: Okay. Over here, any  
 8 questions?  
 9 Online, Ms. Dean or Ms. Post?  
 10 MS. DEAN: No questions.  
 11 CHAIRMAN NEWTON: Okay. All right. So it  
 12 sounds like we're ready for a motion to review or not  
 13 review Northwest Arkansas Classical Academy.  
 14 DR. RANKIN: I move not to review.  
 15 CHAIRMAN NEWTON: Motion by Dr. Rankin.  
 16 MS. WOODS: I'll second.  
 17 CHAIRMAN NEWTON: Seconded by Ms. Woods.  
 18 All in favor?  
 19 (UNANIMOUS CHORUS OF AYES)  
 20 CHAIRMAN NEWTON: Any opposed?  
 21 Okay. Congratulations. Thank you for joining  
 22 us.  
 23 MS. PROVENZA: Thank you.  
 24 CHAIRMAN NEWTON: Have a good day.  
 25 MS. PROVENZA: Thank you so much.

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1 j) PRAIRIE GROVE CHARTER HIGH SCHOOL  
 2 CHAIRMAN NEWTON: All right. Prairie Grove.  
 3 MR. JOHNSTON: Prairie Grove Charter High School  
 4 submitted an amendment for digital learning program  
 5 for grades 9-12. The school will offer asynchronous  
 6 instruction virtually through an approved digital  
 7 provider and licensed district staff. Application  
 8 was reviewed by the DESE team and their charter  
 9 expires in June of 2022. Pete Joenks should be on  
 10 the call. He was one of the districts that had  
 11 meetings all day, and I sent him a text.  
 12 CHAIRMAN NEWTON: Is there someone from Prairie  
 13 Grove on?  
 14 MR. JOHNSTON: There's Pete Joenks, but he's  
 15 muted. He is online. He may not be listening.  
 16 CHAIRMAN NEWTON: Okay. Well, my husband mutes  
 17 me quite often.  
 18 All right. Let's see if we have any questions.  
 19 All right. Over here, any questions?  
 20 Over here?  
 21 Online, Ms. Dean or Ms. Post?  
 22 MS. DEAN: No, ma'am.  
 23 MS. POST: No.  
 24 CHAIRMAN NEWTON: All right. We don't have any  
 25 questions. So this is Prairie Grove to review or not

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1 review.  
 2 MS. McFETRIDGE: I'll make the motion not to  
 3 review.  
 4 CHAIRMAN NEWTON: I have a motion by Ms.  
 5 McFetridge not to review. Do we have a second?  
 6 MR. SUTTON: Second.  
 7 CHAIRMAN NEWTON: Seconded by Mr. Sutton.  
 8 All in favor?  
 9 (UNANIMOUS CHORUS OF AYES)  
 10 CHAIRMAN NEWTON: Any opposed?  
 11 MR. JOHNSTON: There he is.  
 12 CHAIRMAN NEWTON: There he is. Congratulations,  
 13 Mr. Joenks. Thank you for joining us.  
 14 k) PREMIER HIGH SCHOOL LITTLE ROCK  
 15 CHAIRMAN NEWTON: All right. Premier High  
 16 School. And then we have -- there's two; there's a  
 17 Premier High School Little Rock and then the next one  
 18 is Premier High School North Little Rock.  
 19 MR. JOHNSTON: Yes. So Premier High School  
 20 Little Rock submitted an amendment for digital  
 21 learning program in grades 9-12. The school will  
 22 offer asynchronous instruction virtually through the  
 23 use of approved digital provider and licensed  
 24 district staff. The application was reviewed by the  
 25 DESE team. Their charter expires in June of 2023.

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1 And Premier Little Rock, we should have Dennis  
 2 Felton, Curtis Shack, and Steve Gast online.  
 3 CHAIRMAN NEWTON: Do we have someone from  
 4 Premier Little Rock on?  
 5 We'll see if we have questions, then we'll see  
 6 what we need to do.  
 7 Questions online, Ms. Dean or Ms. Post?  
 8 MS. DEAN: No questions.  
 9 MS. POST: No questions.  
 10 CHAIRMAN NEWTON: Over here, any questions?  
 11 Okay. Then we are ready for a motion for  
 12 Premier High School Little Rock.  
 13 MS. WOODS: Move not to review.  
 14 CHAIRMAN NEWTON: Okay. We have a motion by Ms.  
 15 Woods not to review.  
 16 DR. HILL: Second.  
 17 CHAIRMAN NEWTON: Seconded by Dr. Hill.  
 18 All in favor?  
 19 (UNANIMOUS CHORUS OF AYES)  
 20 CHAIRMAN NEWTON: Any opposed?  
 21 Okay.  
 22 l) PREMIER HIGH SCHOOL OF NORTH LITTLE ROCK  
 23 CHAIRMAN NEWTON: Then we'll move on to Premier  
 24 North Little Rock.  
 25 MR. JOHNSTON: Premier North Little Rock

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1 submitted an amendment for digital learning program,  
 2 grades 9-12. The school will offer asynchronous  
 3 instruction virtually through the use of an approved  
 4 digital provider. The application was reviewed by  
 5 the DESE team. Their charter expires in June of  
 6 2024.  
 7 And this should be the same people online.  
 8 CHAIRMAN NEWTON: Okay. We'll see if we have  
 9 questions.  
 10 Premier North Little Rock -- online, Ms. Dean or  
 11 Ms. Post, either one of you have questions?  
 12 MS. POST: No questions.  
 13 MS. DEAN: No questions.  
 14 CHAIRMAN NEWTON: Okay. Over here, anyone have  
 15 questions?  
 16 Okay. Then we're ready for a motion.  
 17 MS. WOODS: I move to not review.  
 18 CHAIRMAN NEWTON: Okay. A motion by Ms. Woods  
 19 not to review.  
 20 MR. SUTTON: Second.  
 21 CHAIRMAN NEWTON: Second by Mr. Sutton.  
 22 All in favor?  
 23 (UNANIMOUS CHORUS OF AYES)  
 24 CHAIRMAN NEWTON: Any opposed?  
 25 Okay.

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1 j) PRAIRIE GROVE CHARTER HIGH SCHOOL (cont.)  
 2 CHAIRMAN NEWTON: Mr. Joenks, I don't know if  
 3 you heard us a while ago, but we approved your  
 4 digital learning program for Prairie Grove. So if  
 5 you've got other things that you need to do, just  
 6 feel free. Congratulations.  
 7 MR. JOENKS: That means everything. Thank you  
 8 very much. Sorry to be -- not to be there at the  
 9 right time. I apologize.  
 10 CHAIRMAN NEWTON: No problem. We appreciate  
 11 your hard work.  
 12 MR. JOENKS: Well, thank you for all you do as  
 13 well. Have a good day.  
 14 CHAIRMAN NEWTON: You too.  
 15 m) SCHOLARMADE ACHIEVEMENT PLACE OF ARKANSAS  
 16 CHAIRMAN NEWTON: All right. ScholarMade  
 17 Achievement Place.  
 18 MR. JOHNSTON: Yes. ScholarMade Achievement  
 19 Place of Arkansas submitted an amendment for digital  
 20 learning program grades K-9 for all campuses. The  
 21 school will offer asynchronous and synchronous  
 22 instruction in a blended format through the use of an  
 23 approved digital provider. The application was  
 24 reviewed by the DESE team. Their charter expires in  
 25 2023. And Brad Burl is online if you have any

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1 questions.  
 2 CHAIRMAN NEWTON: Welcome, Mr. Burl. Do you  
 3 have anything you'd like to share?  
 4 MR. BURL: Good afternoon, everyone. No, ma'am,  
 5 not at this time.  
 6 CHAIRMAN NEWTON: All right. We'll see if we  
 7 have questions for you.  
 8 Questions over here?  
 9 Other side?  
 10 Online, Ms. Dean or Ms. Post?  
 11 MS. DEAN: No questions.  
 12 MS. POST: No questions. I just applaud that  
 13 you are giving your teachers some support with all of  
 14 this.  
 15 MR. BURL: Oh, yes, ma'am. Yes, ma'am. Covid  
 16 taught us a lot and, you know, it's important that we  
 17 stay flexible and viable so that we can meet  
 18 everybody's needs because there's still a lot of  
 19 stress out there with families. And just to ease the  
 20 stress for families and for teachers, it just helps  
 21 the whole learning community and it helps all of us  
 22 grow together.  
 23 MS. POST: Yeah, providing paraprofessional  
 24 support is great.  
 25 MR. BURL: Yes, ma'am. We pride ourselves on

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1 providing a ton of additional training and support  
 2 for everybody.  
 3 CHAIRMAN NEWTON: Absolutely. That is -- any  
 4 support you can give teachers is wonderful.  
 5 MR. BURL: Yes.  
 6 CHAIRMAN NEWTON: All right. So it sounds like  
 7 we are ready for a motion for ScholarMade Achievement  
 8 Place.  
 9 MS. McFETRIDGE: I move to not review.  
 10 CHAIRMAN NEWTON: Okay. We have a motion not to  
 11 review by Ms. McFetridge. Do we have a second?  
 12 MR. SUTTON: Second.  
 13 CHAIRMAN NEWTON: Second by Mr. Sutton.  
 14 All in favor?  
 15 (UNANIMOUS CHORUS OF AYES)  
 16 CHAIRMAN NEWTON: Any opposed?  
 17 Okay.  
 18 And we had -- said we were going to come back to  
 19 North Little Rock. Is there someone online from  
 20 North Little Rock?  
 21 I'm sorry, Mr. Burl. Thank you for joining us  
 22 and congratulations.  
 23 MR. BURL: All right. Thank you, all. Have a  
 24 wonderful day.  
 25 CHAIRMAN NEWTON: You too. I get in too big a

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1 hurry.

2 h) NORTH LITTLE ROCK CENTER OF EXCELLENCE

3 CHAIRMAN NEWTON: All right. North Little Rock,

4 is there someone online now from North Little Rock?

5 Okay. I think that's the last charter. Why

6 don't we -- we're going to take a break anyway, and

7 we'll see when we come back from break if they are on

8 the line now.

9 MR. JOHNSTON: I'll try to get in touch with

10 them.

11 CHAIRMAN NEWTON: Yeah. We're going to take a

12 -- let's -- do you want a 10- or 15-minute break,

13 move around a little bit?

14 Okay. All right. Does that sound good?

15 Okay. So it's -- how about at 10-till. Okay,

16 10-till-4 we'll be back online.

17 MR. JOHNSTON: Thank you.

18 (BREAK: 3:35 P.M. - 3:51 P.M.)

19 CHAIRMAN NEWTON: We're back and getting ready

20 to start, because I think we've got a district that

21 has a board meeting at 4:00. So I want to try to

22 give them -- try to get them in and out, if we can.

23 h) NORTH LITTLE ROCK CENTER OF EXCELLENCE

24 CHAIRMAN NEWTON: I don't think we're able to

25 get anyone from North Little Rock on the line. So I

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1 think we'll either decide to review or not review at

2 this point on North Little Rock because I think they

3 need an answer because school starts Monday.

4 MS. POST: And that's fine. That was more of a

5 generic question for me.

6 CHAIRMAN NEWTON: Okay.

7 MS. POST: So it's perfectly fine.

8 CHAIRMAN NEWTON: Okay. All right. So we're

9 back to North Little Rock charter, a motion to either

10 review or not review.

11 MR. SUTTON: Motion not to review.

12 CHAIRMAN NEWTON: We have a motion by Mr. Sutton

13 to not review.

14 MS. DEAN: Second.

15 CHAIRMAN NEWTON: Seconded by Ms. Dean.

16 All in favor?

17 (UNANIMOUS CHORUS OF AYES)

18 CHAIRMAN NEWTON: Any opposed?

19 Okay. So we've approved North Little Rock.

20 And that was the last of our charters, so now

21 we're going to move on.

22 VII.9. DIGITAL LEARNING APPLICATIONS AND WAIVERS

23 a) BEARDEN AMENDMENT

24 b) BISMARCK REVISED PLAN

25 c) CLINTON REVISED PLAN

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1 d) SOUTH CONWAY COUNTY REVISED PLAN

2 e) BRINKLEY SCHOOL DISTRICT

3 f) BENTON SCHOOL DISTRICT

4 g) ROSE BUD SCHOOL DISTRICT

5 CHAIRMAN NEWTON: Ms. Coffman has got the

6 Digital Learning Plans.

7 MS. COFFMAN: Thank you. We have Act 1240

8 Digital Learning Applications and Waivers. I present

9 to you in batch four amendments and three new digital

10 learning plans.

11 Are there any that you want to pull out?

12 CHAIRMAN NEWTON: Those are Bearden, Bismarck,

13 Clinton, South Conway, Brinkley, and I thought there

14 was Benton and Rosebud.

15 MS. COFFMAN: Yes, ma'am.

16 CHAIRMAN NEWTON: Okay.

17 Any of those that you would like to pull out?

18 Doesn't sound like it.

19 MS. COFFMAN: We'll accept a motion to approve.

20 CHAIRMAN NEWTON: Okay. Do we have a motion to

21 approve those digital learning plans?

22 DR. RANKIN: I make that motion to approve.

23 CHAIRMAN NEWTON: Okay. We have a motion by Dr.

24 Rankin. Do we have a second?

25 MR. SUTTON: Second.

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1 CHAIRMAN NEWTON: Seconded by Mr. Sutton.

2 All in favor?

3 (UNANIMOUS CHORUS OF AYES)

4 CHAIRMAN NEWTON: Any opposed?

5 We are expediting.

6 MS. COFFMAN: Thank you so much.

7 CHAIRMAN NEWTON: All right.

8 SUPT. KISSIRE: Thank you all so much.

9 CHAIRMAN NEWTON: All right. Thank you for

10 joining us.

11 SUPT. KISSIRE: Thank you.

12 VII.10: DIGITAL LEARNING CONTINGENCY PLANS

13 CHAIRMAN NEWTON: All right. Now we have the

14 Digital Learning Contingency Plans.

15 MS. HYATT: You guys have reviewed a lot of

16 digital learning plans, but we also have lots of

17 schools who didn't submit for K-12, maybe they just

18 submitted for 9-12 or K-8. Then we also had schools

19 who originally did not submit a digital learning plan

20 who because of the rising amount of cases now would

21 like to submit a plan. Because those plans can't be

22 reviewed before the first day of school, which is

23 Monday, we are trying to do this digital learning

24 contingency plan which would involve the Board

25 granting waivers of Physical Attendance to allow a

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1 virtual program, Clock Hours for 9-12 only to allow  
 2 for asynchronous learning, and Recess for elementary  
 3 students. All of these school districts would have  
 4 to follow mandated Class Size/Teaching Load and  
 5 Instructional Time and have signed a form that says  
 6 they agree to submit a full digital learning plan to  
 7 the Department by September 1st. And if they do not  
 8 submit the plan by September 1st, the waivers will  
 9 automatically expire. If they do, the waivers will  
 10 continue until such time that you review their  
 11 digital learning plan.

12 In addition to the ones that are on the agenda,  
 13 there were four schools that submitted a form after  
 14 the agenda was published. Those schools are Marvell-  
 15 Elaine, Alma, Beebe, and Lakeside in Chicot County,  
 16 if you would consider those too. I have copies of  
 17 the forms if you need to see them, but they're the  
 18 same as the forms that are on the -- actually on the  
 19 agenda.

20 So we can hear them all together. They're  
 21 uploaded all together. Y'all have approved so many  
 22 of them. And if you have any questions I'm happy to  
 23 answer.

24 CHAIRMAN NEWTON: All right.  
 25 SECRETARY KEY: Yeah.

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1 CHAIRMAN NEWTON: Go ahead.  
 2 SECRETARY KEY: I'd like to add to what Mary  
 3 Claire was saying just as a reminder -- and not for  
 4 y'all because y'all lived it. But really, you know,  
 5 we have a lot of people that listen to these meetings  
 6 and they may wonder, you know, a little more --  
 7 wonder about having more context about these. And if  
 8 y'all will remember, we started talking about what  
 9 digital learning needed to look like back in January.  
 10 Then thinking about what happened between January and  
 11 May, we saw continued decline in the number of cases;  
 12 we saw the cases, hospitalizations, everything  
 13 getting to that point where everyone was more  
 14 relaxed. And then thinking about their current year  
 15 and what digital would look like there for their  
 16 students, they really felt -- they felt strongly that  
 17 they did not want to have digital -- you know,  
 18 digital programs going into the 21-22 school year.  
 19 Then thinking of the timing of when things started  
 20 ramping up and, you know, even as recent as we  
 21 completed the review of all the original digital  
 22 learning plans that have been submitted, it was even  
 23 a couple of weeks after that where districts really  
 24 didn't think they were going to need anything. As  
 25 the cases started going up, more parents started --

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1 who didn't think they were going to need digital  
 2 learning started demanding digital learning. Right?  
 3 So that's the context for this. And I know this  
 4 is a big ask, but I'm very -- I'm proud of our team  
 5 because they looked at this and they determined,  
 6 okay, what are the basics that a district would need  
 7 or a school might need to get something going for the  
 8 beginning of the school year to meet the demand and  
 9 not compromise on the standards. I think what you  
 10 see here today is a great reflection of that work, a  
 11 reflection of what you all have been asking over the  
 12 last several months when you have reviewed and  
 13 questioned the digital learning plans. So you see  
 14 there are certain things we stayed away from.  
 15 Districts understand that. I think at this point  
 16 those that have submitted are happy to have this  
 17 opportunity -- a second chance, if you will -- to  
 18 come back and be able to meet the needs of parents  
 19 and students in a -- what has become a very untenable  
 20 situation in many of our communities.

21 So your consideration is appreciated. And,  
 22 again, I wanted to say that and again brag on all of  
 23 our team that had a hand in putting this together.

24 CHAIRMAN NEWTON: Yes. They have worked above  
 25 and beyond these last few months getting the original

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1 digital learning plans, but then just even think  
 2 about where we started with the digital learning  
 3 plans and what they looked like when we started  
 4 getting through, but the plans just got better as we  
 5 read them. So we appreciate their work and diligence  
 6 in that.

7 So I guess we are ready for a motion -- oh,  
 8 well, I didn't give you a chance to discuss. I'm  
 9 sorry. So let's give you a chance to do that.

10 Dr. Moore?  
 11 DR. MOORE: Yes, I do have a few questions.  
 12 So when we're looking at these waivers  
 13 specifically are we talking there's two types of ways  
 14 we're going to be virtual, is that you might sign up  
 15 to be virtual for a semester or a school year or when  
 16 a district has to pivot because of Covid cases and do  
 17 the AMI. Do these deal with that pivoting at all or  
 18 are these just for the fulltime virtual students that  
 19 you would have?

20 DR. PFEFFER: So these waivers are intended to  
 21 be for those that are going to participate in a  
 22 fulltime --  
 23 DR. MOORE: Okay.  
 24 DR. PFEFFER: -- learning option. And I say  
 25 fulltime, but, you know, that's the -- they're making

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1 that -- the parents and students are making that  
 2 decision to be a fulltime virtual student for at  
 3 least a long period of time.  
 4 DR. MOORE: Okay. One of my main concerns last  
 5 year was districts that decreased -- instead of doing  
 6 five days, they were three days in person or four  
 7 days in person. Is this going -- are we giving  
 8 waivers that will allow that this year?  
 9 DR. PFEFFER: No, not under this process here.  
 10 This process here is strictly around a digital  
 11 learning program --  
 12 DR. MOORE: Okay.  
 13 DR. PFEFFER: -- that is a -- you know, an  
 14 instructional option for students. Currently,  
 15 there's really not a mechanism to enact the same  
 16 waivers that were in place last year.  
 17 DR. MOORE: Okay.  
 18 DR. PFEFFER: You know, there aren't just the  
 19 blanket-wide waivers for the school day. And I  
 20 remember this time last year when we came and asked  
 21 you all to support kind of that broad list of waivers  
 22 for all districts, and it was hard. I remember Ms.  
 23 Woods, it was probably her first meeting and first  
 24 impression of me, and, you know, it was -- she had a  
 25 lot of concerns. And, you know, all of your concerns

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1 we heard them and we did work a lot with districts  
 2 through the course of the year. It was, you know,  
 3 the stresses that were on teachers who were doing,  
 4 you know, two types of jobs at the same time; those  
 5 were the reasons why we knew that we did have to  
 6 allow as much flexibility as possible for schools.  
 7 And so some of them did choose to do the shortened  
 8 days, whether it might be an early out or a virtual  
 9 day. And I think that's why Secretary Key started  
 10 out at the end of the year -- that's why a lot of  
 11 districts didn't immediately jump onboard with let's  
 12 have a digital learning option, because they felt  
 13 like it was not best for all students. And I think  
 14 they're still saying it's not best for all students,  
 15 which is why we want these narrowly tailored  
 16 programs.  
 17 But to address your concerns, what we're asking  
 18 for here, this is not the process that would be in  
 19 place for all schools.  
 20 DR. MOORE: Okay.  
 21 DR. PFEFFER: By law, school districts have a  
 22 six-hour instructional day. Our standards for  
 23 accreditation require 178 days of teacher/student  
 24 interaction. And we all realize that in many cases  
 25 last year in order to try to address things we lost

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1 learning time and we're trying to put -- set some  
 2 things to minimize that this year. So, if a school  
 3 district cannot be onsite or if a school within a  
 4 district cannot be onsite for the majority of their  
 5 teachers and students it would be an alternate method  
 6 of instruction day, which is also allowed by law. So  
 7 everything, you know, we're putting in place are  
 8 structures that are allowed in law.  
 9 Districts also have to have five make-up days  
 10 built into their calendar. And if we get into a  
 11 situation where we have a significant number of  
 12 districts or schools that are having to use their AMI  
 13 days and their make-up days, we may have to come back  
 14 and, you know, problem-solve and figure out what  
 15 happens next. But I think we all realize that last  
 16 year's flexibility took a toll on learning in our  
 17 state. And I'm very proud of the work that was done,  
 18 but, you know, we don't want to just give up right  
 19 now and say that -- you know, that that's the way  
 20 it's going to be -- continue to be.  
 21 CHAIRMAN NEWTON: Dr. Pfeffer, can you explain  
 22 to me the difference on AMI? Because to me, in my  
 23 mind AMI is going to be a whole school or whole  
 24 district goes home. But so many times last year we  
 25 had a classroom that would go home or a section. How

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1 would that be worked out at the school level and  
 2 district level?  
 3 DR. PFEFFER: So, and we actually have a  
 4 presentation to share with you and we actually have  
 5 it on the report agenda for tomorrow.  
 6 CHAIRMAN NEWTON: Okay.  
 7 DR. PFEFFER: But -- and we'll go into more  
 8 detail. But the way we're working it out is that if  
 9 it's a classroom or, you know, four or five  
 10 classrooms within a school, maybe a grade level,  
 11 schools -- that's a more limited response that a  
 12 school would make. And so in a sense, they're still  
 13 having onsite instruction for the majority of their  
 14 students. So we're looking at that as a limited  
 15 response to positive Covid cases within the school.  
 16 If it extends out to where the entire school is  
 17 affected and has to be closed to onsite instruction,  
 18 that's when that school would have to use an AMI day.  
 19 CHAIRMAN NEWTON: Okay.  
 20 DR. PFEFFER: Or if it affected the whole  
 21 district, you know, depending on the size of the  
 22 district and the sharing of resources then the  
 23 district -- then all of the buildings in the district  
 24 would be using an AMI day.  
 25 CHAIRMAN NEWTON: So there is the potential to

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1 pivot just a few classrooms or --  
 2 DR. PFEFFER: Yes.  
 3 CHAIRMAN NEWTON: -- whatever, and not have to  
 4 use an AMI day for that?  
 5 DR. PFEFFER: Yes. And we're hoping that that  
 6 is the -- that there's enough flexibility within the  
 7 school itself for, you know, a few classrooms, that  
 8 the responses can stay targeted and limited. You  
 9 know, we don't know how it's going to be, how it's  
 10 going to play out in schools. But that -- you know,  
 11 that would be the best case scenario.  
 12 So I think, again, that's where the  
 13 encouragement for all eligible people to be  
 14 vaccinated, you know, first and foremost, and then  
 15 all of the other mitigation strategies, those are so  
 16 important. And they're so important because doing  
 17 those things are what are going to keep our kids in  
 18 school.  
 19 CHAIRMAN NEWTON: Yes.  
 20 DR. PFEFFER: And if kids are not in school we  
 21 lose learning time and, you know, we just -- we've  
 22 got to do all we can to limit the impact.  
 23 MS. WOODS: I was going to ask, just because of  
 24 the timing of everything, is September 1st a  
 25 reasonable date for these districts to have their

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1 plans in? Or would it make sense to give them like  
 2 till the 15th of September? I'm just thinking  
 3 they're all trying to get ready for school and we're  
 4 just --  
 5 DR. PFEFFER: So they initially submitted their  
 6 intent to have a plan on the 1st of August. And I  
 7 know the team has been connecting with co-ops, and I  
 8 know yesterday Stacy was actually at a co-op talking  
 9 them through what would be expected to be in those  
 10 plans, kind of what those options are. So I may need  
 11 some of our team that have had a little more direct  
 12 interaction to let you know if they're hearing from  
 13 districts that the deadline is not doable. So --  
 14 SECRETARY KEY: Well, I think the beauty of it  
 15 is that they have a lot of the districts --  
 16 CHAIRMAN NEWTON: Yeah.  
 17 SECRETARY KEY: -- within the co-ops to --  
 18 CHAIRMAN NEWTON: Yes, sir. Yeah.  
 19 SECRETARY KEY: -- model after. And so they --  
 20 that should help expedite this group of schools that  
 21 could be looking --  
 22 DR. PFEFFER: And they've been watching you all.  
 23 And I have had conversations with a few that have  
 24 quoted you to say I know so-and-so wants to -- you  
 25 know, and so they've been paying attention.

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1 CHAIRMAN NEWTON: Well, yeah, I know districts  
 2 are good at borrowing what other districts are doing,  
 3 so -- and teachers have always been good at that too.  
 4 So I can see that happening.  
 5 DR. PFEFFER: Yeah.  
 6 DR. RANKIN: I do have a quick question. How  
 7 many AMI days is a district allowed?  
 8 DR. PFEFFER: By law, the Commissioner of  
 9 Education can grant up to 10. And so districts are  
 10 submitting now their AMI plans and our team has been  
 11 reviewing those. I'm not sure if we have a status  
 12 update on how many of those --  
 13 MS. TALLY HARP: We have about five districts  
 14 that haven't turned one in and about nine charters  
 15 that haven't.  
 16 DR. PFEFFER: Okay. So this group back here,  
 17 they've been -- in addition to the digital learning  
 18 they're now going through the AMI plans. So it  
 19 sounds like we're getting almost everybody. And that  
 20 deadline to submit AMI plans --  
 21 MS. HARP: Monday.  
 22 DR. PFEFFER: It's Monday, okay, for AMI days.  
 23 So we'll be reaching out -- I think they're  
 24 already reaching out to those individuals.  
 25 MS. HARP: (Nodding head up and down.)

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1 DR. PFEFFER: Yes. They're making phone calls  
 2 to just say, "Hey, do you know that your plan is not  
 3 in." So --  
 4 DR. MOORE: I can see from going throughout that  
 5 we've talked about concerns with that dual role for  
 6 teachers. But I'm worried that these districts are  
 7 having to reshuffle things right now, right before  
 8 school starts and they're in a place where they were  
 9 -- hopefully not exactly like they were a year ago  
 10 where they're having to reshuffle quickly, but to  
 11 some extent they are because they weren't planning on  
 12 doing it this year.  
 13 Are you all helping districts strategize? Are  
 14 they reaching out -- you know, are a lot of these  
 15 going to be doing already existing programs or are  
 16 these going to be using their own teachers?  
 17 DR. PFEFFER: And so I can't speak for the  
 18 majority of them. But the ones that I have talked  
 19 to, they are rearranging, re- -- you know,  
 20 reassigning, doing everything that they can to, if  
 21 they're going to implement a program, to dedicate  
 22 staff to that. So I've talked to some that are  
 23 hiring some additional folks; I've talked to some who  
 24 actually, as they were making decisions early on are  
 25 looking at some of their more veteran staff to be

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1 kind of helping with that and using their federal  
 2 funds in order to have some additional people to help  
 3 dedicate to that time. And also you've got the co-  
 4 ops. The co-ops are really doing all they can to  
 5 expand the support that they were already planning to  
 6 provide.  
 7 DR. MOORE: Have teachers been able to share --  
 8 was there time this summer where they had time to  
 9 share ideas, such as afterschool tutoring virtually,  
 10 things like that where they've been able to learn  
 11 lessons from each other?  
 12 DR. PFEFFER: So I know that through the -- and  
 13 I was just looking at it a while ago -- the  
 14 professional learning network that has been set up,  
 15 they actually had the schedule calendar. I know that  
 16 there have been grade level -- our statewide guiding  
 17 coalition has led grade level meetings and they've  
 18 been sharing best practices. To what degree there's  
 19 been a lot of communication about that, I can't  
 20 honestly say. And Secretary Key may have to help me  
 21 out. I want to say that there have been at different  
 22 places that different ones have talked about  
 23 successful strategies.  
 24 DR. MOORE: Yeah. I would hope that can occur,  
 25 not just from you-all but from the districts as well.

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1 I also think we've said this a few times, but I do  
 2 think that if you all continue to think about what an  
 3 evaluation looks like so in one year and in three  
 4 years we know a lot more about virtual education,  
 5 what's working and what isn't.  
 6 DR. PFEFFER: So with our Team Digital -- and  
 7 we'll be sharing information with you soon -- we --  
 8 what we did is kind of reshaped the structure of Team  
 9 Digital. They are now working directly with our --  
 10 Don Benton's team and we hired a role of a digital  
 11 learning coordinator, a state coordinator position,  
 12 and it's Kirsten Wilson. And Kirsten is working with  
 13 her team to do just what you're saying, to build out  
 14 that, you know, very explicit structure piece of it,  
 15 that everyone really does understand what -- you  
 16 know, what a true blended model could be. And, you  
 17 know, we've talked about the whole spectrum from  
 18 fully onsite to fully virtual and what that looks  
 19 like along a continuum. And also looking at what are  
 20 those success measures, what are -- how do we know  
 21 we're being effective with that.  
 22 So I agree, I think building out that evaluation  
 23 so that we really do know in the future how well  
 24 we're doing.  
 25 SECRETARY KEY: And that change came about from

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1 the observations --  
 2 DR. PFEFFER: Yes.  
 3 SECRETARY KEY: -- over the last year. You  
 4 know, we saw where the support needs --  
 5 DR. PFEFFER: Yeah.  
 6 SECRETARY KEY: -- were. And, you know, Don  
 7 created a -- is looking at creating a different model  
 8 -- not a different model, but really it's a better  
 9 coordinated model.  
 10 DR. PFEFFER: We had pockets of support --  
 11 SECRETARY KEY: Yeah.  
 12 DR. PFEFFER: -- in a lot of different places  
 13 that -- when you have pockets of support you're  
 14 either lacking or you're duplicating or -- you know,  
 15 so this is really helping us to expand it out so it  
 16 is very coordinated.  
 17 DR. MOORE: Thank you.  
 18 CHAIRMAN NEWTON: Any other questions?  
 19 Ms. Dean? Ms. Post?  
 20 MS. POST: No questions.  
 21 MS. DEAN: No questions.  
 22 CHAIRMAN NEWTON: I did have one question, Dr.  
 23 Pfeffer. I know a lot of the contingency plans are  
 24 probably going to maybe rely on co-op or some sort of  
 25 existing plan that's already in place and just kind

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1 of piggyback along those. And one of the concerns  
 2 that I had when we were doing the co-ops was some of  
 3 the class size numbers and the student/teacher ratios  
 4 being fairly high already. Do you know at co-op  
 5 levels if they are working to maybe hire additional  
 6 staff? How are they handling the influx?  
 7 DR. PFEFFER: I don't have details on that. I  
 8 know they, like districts, right now would struggle  
 9 to hire a significantly larger number of staff.  
 10 I do -- one piece we've not talked about, and we  
 11 can probably get some additional information and even  
 12 before tomorrow when we talk a little bit more about  
 13 all of these pieces together, is the online teaching  
 14 academy that we sponsored through our ESSER funds  
 15 this summer. I know that those numbers were maxed  
 16 out, and so we've got quite a few teachers who were  
 17 able to go through that online academy. And that may  
 18 be something that we can also continue so that if --  
 19 you know, if districts are not able to hire more  
 20 people, then they could at least know that their  
 21 staff is getting the training and the skills built to  
 22 really understand how teaching in a virtual  
 23 environment can be different.  
 24 I do know also that just our schools last year  
 25 who have been part of the PLC pilot they were able to

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1 adjust and flex much more easily when they came into  
 2 situations where there were those interruptions and  
 3 keep things moving more seamlessly. And so one of  
 4 the things we get to talk about tomorrow is the  
 5 expansion of the PLC project with a regional network,  
 6 and those will be things that those networks will get  
 7 to talk about. So I think those are -- we'll just  
 8 have to keep going.  
 9 But we can check on the co-ops and kind of --  
 10 and how much flexing they're --  
 11 CHAIRMAN NEWTON: Right.  
 12 DR. PFEFFER: -- able to do right now.  
 13 CHAIRMAN NEWTON: Yeah. I guess if a co-op or a  
 14 district had in their plan a certain ratio that they  
 15 were going to abide by, then they would either not  
 16 accept students over that amount or they would hire  
 17 another staff member, I guess, if that was already in  
 18 the plan.  
 19 DR. PFEFFER: They would. And if they needed to  
 20 adjust their plans because of the limits that they  
 21 had started with, you know, that's something they  
 22 would bring back.  
 23 CHAIRMAN NEWTON: Yeah.  
 24 DR. PFEFFER: With the districts, with these  
 25 contingency waivers -- now I do know that we have

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1 talked to a few districts where the co-ops are not  
 2 able to expand. And so the district is looking at  
 3 something that they're going to do a little bit  
 4 different locally for the students who -- you know,  
 5 they may have students in the co-op program, but they  
 6 realize that they're going to have to use their own  
 7 teachers in some ways.  
 8 CHAIRMAN NEWTON: Yeah. And I don't know which  
 9 would be better, to let the co-op expand because  
 10 they're already set-up or have a district --  
 11 DR. PFEFFER: Yeah.  
 12 CHAIRMAN NEWTON: -- try to do something on  
 13 their own.  
 14 DR. PFEFFER: And I think it will depend -- and,  
 15 you know, we certainly can visit with the co-ops to  
 16 see, you know, what their plans are, if they're going  
 17 to be changing much.  
 18 CHAIRMAN NEWTON: Yeah.  
 19 DR. PFEFFER: I do know that there are the  
 20 resources out there to help provide high-quality  
 21 content to classroom teachers; so that maybe they  
 22 have learning technology, but they're not having to  
 23 create the appropriate content to really use well  
 24 with technology. And so some of the adjustments that  
 25 a district might make would be -- for example, I know

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1 the tri co-op consortia, they were using their  
 2 teachers to -- and they were writing their own  
 3 content, but they maybe could share the content with  
 4 the districts to use with other staff members.  
 5 CHAIRMAN NEWTON: Right. Okay.  
 6 DR. PFEFFER: So those are some of the things  
 7 that I've been talking about.  
 8 CHAIRMAN NEWTON: Okay. All right. And we're  
 9 going to have more on this tomorrow?  
 10 DR. PFEFFER: Yes. Yes, ma'am.  
 11 CHAIRMAN NEWTON: Okay.  
 12 DR. PFEFFER: And I think the presentation got  
 13 uploaded underneath Secretary's report.  
 14 CHAIRMAN NEWTON: Okay.  
 15 DR. PFEFFER: So there's a couple of  
 16 presentations there. And we may upload a couple more  
 17 things tomorrow to share.  
 18 CHAIRMAN NEWTON: Okay. Good. Thank you.  
 19 Any other questions or comments?  
 20 Okay. So we are talking about the digital  
 21 learning contingency plans. And if there are no more  
 22 questions or comments, I think we're ready for a  
 23 motion on these contingency plans.  
 24 MR. SUTTON: Motion to approve.  
 25 CHAIRMAN NEWTON: Okay. We have a motion from

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1 Mr. Sutton to approve.  
 2 MS. McFETRIDGE: Second.  
 3 CHAIRMAN NEWTON: A second from Ms. McFetridge.  
 4 Do we have -- I'm tired.  
 5 All in favor?  
 6 (UNANIMOUS CHORUS OF AYES)  
 7 CHAIRMAN NEWTON: Any opposed?  
 8 All right. Motion passes.  
 9 ADJOURNMENT  
 10 CHAIRMAN NEWTON: Okay. Any new business?  
 11 Any public comments?  
 12 No public comments.  
 13 Would anyone like to adjourn?  
 14 MR. SUTTON: Motion to adjourn.  
 15 CHAIRMAN NEWTON: Mr. Sutton said a motion.  
 16 Anybody want to second that?  
 17 MS. WOODS: Second.  
 18 CHAIRMAN NEWTON: All right. Let's go home, I  
 19 guess.  
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 22 (The Action Agenda was concluded at 4:17 p.m.)  
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24 A-3: WAIVER REQUEST - JESSICA BRUNDAGE  
25 EXHIBIT OE (1)

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C E R T I F I C A T E

STATE OF ARKANSAS     )  
                                  ) ss.  
COUNTY OF SALINE     )

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing proceedings was taken, do hereby certify that the same is a true and correct transcription before the Arkansas State Board of Education, in Little Rock, Arkansas, on August 12, 2021, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

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

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: August 22, 2021.

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

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24 A-4: WAIVER REQUEST - AMBER KIDWELL  
25 EXHIBIT ONE (1)

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