

In The Matter Of:
ARKANSAS STATE BOARD OF EDUCATION

December 15, 2023

Sharon Hill Court Reporting
501-680-0888

ARKANSAS STATE BOARD OF EDUCATION

DECEMBER 15, 2023 9:00 a.m.

A P P E A R A N C E S

PANEL MEMBERS:

- DR. SARAH MOORE, Chair
MS. KATHY ROLLINS, Vice Chair
MS. ADRIENNE WOODS
MR. STEVE SUTTON
MR. RANDY HENDERSON
MS. LISA HUNTER
MR. JEFF WOOD
MS. LEIGH KEENER
MR. KEN BRAGG

NON-VOTING PANEL MEMBERS:

- JACOB OLIVA, Secretary of Education
MS. CAPRI BELL SALAAM, Arkansas Teacher of the Year

ADE LEGAL COUNSEL:

- MR. ANDRES RHODES, Chief Legal Counsel
MR. STEPHEN REYNOLDS, Legal Counsel

LOCATION:

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

PROCEEDINGS

1) CONSIDERATION OF THE REQUEST FROM COSSATOT RIVER SCHOOL DISTRICT

CHAIRMAN MOORE: We will start with the Consideration of the Request from the Cossatot River School District. I believe we have Andres to come share the proceedings with us.

MR. RHODES: Good morning, Chair and Members of the Board. Before you is a petition by the Cossatot School District to close the Umpire campus, an isolated school within the district. An isolated school can be closed when their local school board either votes unanimously to close the campus or a majority of the school board votes to close the campus and the decision is affirmed by the State Board of Education when the school board's vote was not unanimous. In this matter, a majority of the Cossatot school board voted in favor of closing the Umpire school campus by a vote of four-to-two. However, since the vote was not unanimous it is now before you.

A school board seeking to file a petition must do so within 30 days prior to a State Board meeting where the petition will be heard. The Cossatot school board submitted this petition on November 13,

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ACTION AGENDA:

1) Cossatot River School District 3
2) 1-Year Standards of Accreditation
a) Augusta Public School District 121
b) Cossatot River School District 124
c) Earle Public School District 129
3) Marvell-Elaine School District - Waiver 132
4) Public Comment: Literacy/High-Impact Tutoring . . 148
5) Emergency Rules: Literacy/High-Impact Tutoring . . 166
6) Public Comment: Professional Development 167
Court Reporter's Certificate 170

2023.
The State Board may do one of the following in reviewing the petition:
a) It may grant the petition, leading to the closure of the isolated school;
b) It may deny the petition, leading to the isolated school remaining open as it currently exists; and
c) It may table a decision for a future meeting of the State Board.
The closure must be in the best interest of all students in the district as a whole and the closure cannot impact desegregation efforts in the district or otherwise violate a court order.
As for procedure, anyone seeking to testify must take an oath administered by the Chair. The petitioner will have 15 minutes to present a petition to the Board. That will be the school district. A spokesperson for the individuals opposing the petition will also get 15 minutes to present their position. Then, the petitioner of the school board will then get 5 minutes to provide closing remarks. The Board may ask questions at any time and the Board can take public comment up to 3 minutes from anyone it can choose. The State Board will then deliberate

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1 and move to grant, deny, or table the petition.
 2 CHAIRMAN MOORE: Thank you.
 3 So at this point we'll start by swearing in --
 4 MR. RHODES: That's correct.
 5 CHAIRMAN MOORE: -- any of the school district
 6 officials?
 7 MR. RHODES: So, anyone that's going to be
 8 testifying. Generally, that's the Superintendent --
 9 or if they have counsel, the counsel will be
 10 providing that testimony.
 11 CHAIRMAN MOORE: Okay. So anyone, if you would
 12 stand please. Do you swear to tell the truth, the
 13 whole truth, and nothing but the truth?
 14 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)
 15 CHAIRMAN MOORE: Thank you.
 16 And we'll start with Dr. Broyles.
 17 SUPT. BROYLES: All right. Thank you.
 18 CHAIRMAN MOORE: Thank you.
 19 SUPT. BROYLES: Well, good morning. Thank you
 20 all for having us this morning.
 21 I'm sure everyone read the --
 22 Thank you, Mr. Rhodes.
 23 I'm sure everyone read the presentation that we
 24 submitted with our petition, so I will spare everyone
 25 going through all the details of that. I can hit

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1 some high points, if the presentation is on the
 2 screen. If not, I can talk freely a little bit.
 3 I do have our finance consultant here, Mr.
 4 Norman Hill.
 5 I'm going to set my timer so I do not go over my
 6 time, if you'll give me one moment.
 7 I want to acknowledge a few things at the
 8 outset. I'm sure we all know this is not a pleasant
 9 matter to have to address. It's a very challenging
 10 matter. It's one that is very emotional, and I
 11 understand that. And my job as Superintendent is
 12 very tough sometimes. I'm blessed to do what I do,
 13 but in my role I have to look out for the best
 14 interest of all students in the school district as a
 15 whole. And that standard in the statute is a
 16 balancing test. And as we know, we have to consider
 17 a lot of different variables in that, and there will
 18 be people that are not happy and we just have to
 19 reach the best decision.
 20 And I also want to acknowledge that this has
 21 never been, for me, Cossatot River versus Umpire. It
 22 may seem that way. There may be some that perceive
 23 it that way. I can assure you, it's not. This is
 24 not a we versus them. We value our Umpire community
 25 and our school, very proud of it. I was born and

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1 raised K-12 next door, very familiar with how strong
 2 that community is. Umpire is our home and our family
 3 and it's our community, just like all of our campuses
 4 are. So this is not a we versus them; this is us.
 5 But, unfortunately, I had to make a recommendation on
 6 the best interest of the whole district and my school
 7 board had to make a gut-wrenching decision. They are
 8 the constitutionally elected officials by the people
 9 in those counties and those areas to make these tough
 10 decisions. You know, as we heard in the opening by
 11 Ms. Fite, we're honoring those folks for that tough
 12 job -- and they had to make that tough decision. And
 13 I want to acknowledge that as we go into talking
 14 about -- this is also not just about finances. We're
 15 going to talk a little bit about finances today, but
 16 this is about finance, this is about educational
 17 opportunity, and what is in the best interest of our
 18 district as a whole.
 19 And as I go into that, I want to talk about
 20 academic integrity -- and let me acknowledge at the
 21 very outset we have great teachers at Umpire, we have
 22 great students at Umpire. That's not in question.
 23 What makes a school great is not the walls of an
 24 institution, of course. It's the individuals, it's
 25 the students, it's the teachers. And that will

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1 continue, no matter where these individuals end up.
 2 And it is my school board's position that these are
 3 Cossatot River students, and we respect where they
 4 choose to go. Dierks is 12 miles away. We know it's
 5 very likely they will choose that. But that's not
 6 our intention; we are not writing off our Umpire
 7 community. They -- we are welcome and we will do our
 8 very best to serve them and the teachers as well,
 9 because I'm not doing a reduction in force. We're in
 10 a position to where, by acting early, I'm able to
 11 offer those staff members contracts at Cossatot River
 12 School District next year, should they choose to be
 13 there.
 14 But if we look at our academic integrity -- if
 15 you're not familiar with Umpire, it's a very strong
 16 community. I will say it's not -- there's not a
 17 whole lot there; it's kind of a small but robust
 18 community. It's just a tightknit community. And all
 19 students, after this -- if this is finalized, if they
 20 come to Cossatot River School District they're going
 21 to have more opportunities for collaboration; they're
 22 going to have more opportunities for
 23 extracurriculars, more educational opportunity
 24 overall, and that's what I have to consider beyond
 25 finances. And I'm confident Cossatot River School

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1 District can serve that, if they choose to attend
 2 here. And I -- again, I respect the right to choose.
 3 I have two kids of my own and I value the right to
 4 choose where they go to school. And we'll respect
 5 that decision if they choose to go elsewhere, but
 6 they are absolutely our students and we will serve
 7 them at Cossatot River.
 8 If we focus a little more on the elementary --
 9 right now, our elementary does a great job. We're
 10 very efficient there right now. We have tightened
 11 the belt there a lot in the past three years and not
 12 hired staff and gotten it more efficient. Right now,
 13 our 1st and 2nd grade is in a classroom, 3rd and 4th
 14 grade is in a classroom, and 5th and 6th are in a
 15 classroom. And those teachers are champions for
 16 doing that. I don't know, with all due respect, that
 17 that's in the best interest of our elementary kids.
 18 The whole model is based on accountability at the
 19 grade level. Professional development is based on
 20 the grade level. And as champions as they are, I
 21 have to consider that and consider if that's in the
 22 best interest of those kids, being in a combined
 23 classroom like that. Without that, if they're in a
 24 normal standard model, the teachers can channel their
 25 professional development to a single grade level and

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1 kids can focus on a single grade level.
 2 Our elementary students, they do great there,
 3 but they'll have more opportunity at our elementary
 4 school or any elementary school they choose for other
 5 extracurriculars. And the other campuses -- our
 6 other campuses in the district will benefit from
 7 those wonderful students and those wonderful teachers
 8 if they choose to join the Cossatot River School
 9 District.
 10 And as I stated earlier, the recommendation is
 11 not based on poor academics at Umpire. The primary
 12 consideration is the best interest of the students in
 13 the district as a whole. And my board, when they
 14 considered this, they were aware of everything.
 15 They're aware of the emotion, they're aware of
 16 isolated funding, buses. They're aware of
 17 everything, but they made that decision of what they
 18 felt was the best interest of the students, as gut-
 19 wrenching as it was.
 20 I have a list of things you've probably seen,
 21 some additional opportunities that would be available
 22 if they choose to stay at Cossatot River School
 23 District, which we hope they do. We have about 35
 24 concurrent credit hours that are taught in-person at
 25 Cossatot River High School by teachers there that

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1 they would have access to, except for college algebra
 2 and trig. We don't have that person on staff. But
 3 the other hours are offered there in-person.
 4 We'll talk about fiscal integrity. Mr. Hill
 5 will talk about that in my remaining time, as I check
 6 my timer. But, briefly, we have about -- over the
 7 past three years about a \$735,000 cost above revenue
 8 balance there. ADM, that's at about -- ADM of about
 9 90 last year, \$250,000. At 99 students, which is
 10 what we estimated it, it was around a \$200,000 gap.
 11 By acting now, the reason that we did it at this time
 12 is Umpire will be offered positions at the other
 13 campuses. Any staff overage will be addressed
 14 through attrition. We lose about 14 staff members a
 15 year, and my position was prolonging the action would
 16 unfortunately probably result in me standing in front
 17 of you here again. I can talk about opportunities
 18 and other options that we've explored, if you have
 19 that question. But cost is about \$18,000 per student
 20 at Umpire, compared to about \$11,000 at our other
 21 campuses.
 22 I put a picture here of ADM for you to show the
 23 decline. That's in your packet, as well, as I go
 24 through this. But since 2021, we've lost about 23
 25 students to other districts, mainly Dierks and Kirby,

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1 and we've lost about 28 to home-school.
 2 And I want to close here and talk a little bit
 3 about promotion efforts. I can talk more about that
 4 if you have questions. Bunyard Broadcasting, so
 5 we've partnered with, advertise, radio ads, social
 6 media, visits -- all sorts of things we've tried to
 7 do to promote, and it did help a little bit. The
 8 families are just choosing other schools is the
 9 unfortunate truth.
 10 We've done things -- you'll see our former
 11 principal there and one of our great teachers that
 12 went to the radio station for a visit. We've done
 13 video. We've recognized our students at the school
 14 board with our Cossatot River PRIDE Award, much like
 15 we did here this morning. We've done a lot of things
 16 to try to promote the campus.
 17 Funding matrix is a concern. As you can see
 18 there, the highest enrollment we have is 10 students
 19 in one grade. And as you know, funding matrix
 20 becomes a concern there. We have a capacity to serve
 21 about 231 students there, but we have about 90 right
 22 now.
 23 And forgive me as I go through -- I can talk
 24 more about transportation. We have two buses right
 25 now, consideration of adding a third one, if we need

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1 to; WiFi hotspots, iPads, whatever we can do to keep
 2 those kids engaged on the bus.
 3 We have some challenges to overcome. But by
 4 acting now we can implement some solutions -- invite
 5 students to the campus, invite parents to the campus,
 6 and try to make that transition much easier for them.
 7 I want to conclude by saying that it's a very
 8 exciting time in Arkansas.
 9 I'm going to turn it over to Mr. Hill.
 10 We're doing what we can. I have a vision for my
 11 district. I'm doing what I can to make my district
 12 the best choice for the people in my area, and
 13 sometimes that means tough decisions. And I put that
 14 to my board -- and being aware of all the
 15 circumstances, they made that decision, and it was a
 16 very tough one.
 17 And with that, I will turn it over to Mr. Norman
 18 Hill to talk about finances for you, unless you have
 19 questions, of course.
 20 CHAIRMAN MOORE: We'll let him go, and then do
 21 questions for both of you.
 22 SUPT. BROYLES: Okay. Thanks.
 23 CHAIRMAN MOORE: Thank you.
 24 MR. HILL: Thank y'all. I'm Norman Hill, a
 25 financial consultant. For the past 18 years, I've

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1 owned a financial consulting business that works
 2 primarily with Arkansas public schools, to work in
 3 school finances. And all of those schools that I
 4 work with have one thing primarily in common: they're
 5 losing enrollment and having to make major
 6 adjustments in their budgets and organizations,
 7 staffing, transportation, to be able to continue to
 8 exist financially. Prior to the 18 years, I spent
 9 two years as a co-op director over 22 school
 10 districts, Southeast Arkansas. Prior to that, I
 11 spent 30 years as Superintendent of Schools in Drew
 12 Central and Monticello School Districts. And I spent
 13 eight years as a teacher/principal/coach in doing
 14 that.
 15 Last spring, Dr. Broyles called me and wanted me
 16 to come to Cossatot and look at their school district
 17 and give him a financial analysis of where they would
 18 be. He told me they were a consolidated school
 19 district that were made up of three former schools --
 20 Wickes, Cove, and Umpire -- and that over the past
 21 two years they have been losing students at a steady
 22 decline in that. And when I came in and looked at
 23 the district I noticed that they were constantly
 24 declining in enrollment district-wide. And even --
 25 and on the Umpire campus they were declining quicker

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1 than they were district-wide in doing that, and
 2 Umpire had got down to where there were 90-something
 3 students in that.
 4 And I looked at the overall financials at the
 5 current time. And the Cossatot River School District
 6 is not in financial straits, but they are, if you
 7 look at the past two years, heading that way because
 8 they've constantly been spending money on a day-to-
 9 day operation that's not coming back to them through
 10 the state, local, federal funds and so-forth. And
 11 you say, where is it coming from. They have started
 12 reaching in and spending a big amount of their debt
 13 service millage that the patrons voted for buildings,
 14 bond issues -- and the main thing, buildings -- on
 15 day-to-day operations. And there's nothing illegal
 16 about that. The two major problems with that is --
 17 one is that's not a guaranteed source of funding that
 18 will continue forever; it goes away when the bond
 19 issue that it's attached to is paid off. Another is
 20 that the district has needs to upgrade their
 21 buildings or to build new campuses. If they've got
 22 the money voted for that tied up in the day-to-day
 23 operations, they cannot do that.
 24 When I looked at the overall district -- you'll
 25 notice in the FY23 they had less money to operate

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1 than they did in '20. With the loss of students --
 2 they had lost somewhere in the neighborhood of \$1.2
 3 million in the last five years in foundation funds,
 4 which the biggest portion of those foundation funds
 5 goes for salaries and fringe and do that. Then,
 6 also, if we -- when looking at it, I noticed that
 7 they had cut expenditures in that time, but the cut
 8 of expenditures was just about a third of what they
 9 had lost overall in those five years. And how did
 10 they do that third cut? They did that by combining
 11 the Wickes and Cove elementary schools that were
 12 separate into a pre-K/2 school, a 3/6 school, putting
 13 those students all together, which was within the
 14 authority of the local school board and
 15 administration to do that.
 16 In looking at Umpire, they had lost a tremendous
 17 number of their student body, but it was not within
 18 the power of the local board to do anything about
 19 that, other than appeal to the State Board to give
 20 them some relief on that.
 21 In looking at a three-year history of Umpire, it
 22 looks like it's a district that in the three years
 23 has spent somewhere in the neighborhood of 735,000
 24 more dollars on Umpire, which is a quarter-of-a-
 25 million per year, pretty well average, and that's

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1 more money than they get on a daily basis. And,
 2 again, where did that extra money come from? It came
 3 out of their debt service millage money that they use
 4 to do that, and we know that the district can do that
 5 legally. But also one of the things that the
 6 district has wanted to do in the future is to build a
 7 new school to house all pre-K through 6 students from
 8 the three school districts, which was Wickes, Cove,
 9 and Umpire, and bring them all in. Right now, the
 10 Wickes/Cove 7-12 is in a fairly new building that was
 11 built after consolidation in doing that. So what the
 12 board is -- I recommended to the board was that they
 13 oppose the Umpire School District and merge all your
 14 students in, to be fair to the students throughout
 15 the Cossatot River School District -- Wickes, Cove,
 16 and Umpire. You don't need to take funds away from
 17 one part of the district to supplement others, in my
 18 opinion -- and that is my opinion that they close
 19 that campus and do that. Also, I recommended if you
 20 close that campus to keep all personnel; do not
 21 dismiss any personnel. Because they lose quite a few
 22 personnel each year, and through attrition you could
 23 bring your staffing back in. Right now, if you look
 24 at your staffing on your campuses for the Wickes/Cove
 25 School District you'll see teachers maxed out.

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1 You'll see a lot of classes maxed out in doing that.
 2 And by bringing in the Umpire, which is not maxed
 3 out, you could relieve some of those teachers and do
 4 a better job overall for all your students in doing
 5 that.
 6 So, in reality, Cossatot School District is
 7 caught in a dilemma that they cannot solve on their
 8 own. Number one is they're losing students; number
 9 two is they have an isolated campus that is not
 10 producing enough money to support itself, due to the
 11 loss of students; number three is they're operating
 12 under a financial formula that's based upon 500
 13 students per campus -- Umpire has got 92; and number
 14 four is they're operating under a standards procedure
 15 for the State of Arkansas that demands you have so
 16 many personnel. I'll just use one example: Umpire
 17 has to have a .5 principal. Through the matrix
 18 there's less than 20% of that salary funded, because
 19 you have to have 500 students to fund a fulltime
 20 principal in doing that. The other problem with a
 21 halftime principal, it's hard to go out there and
 22 find you a principal that will work half the time.
 23 You know, normally you're going to have to hire them
 24 fulltime.
 25 So my recommendation was based upon my

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1 experience, based upon what is better not for Umpire
 2 campus or the Cossatot campus, but the Cossatot River
 3 School District as a whole. Thank y'all.
 4 CHAIRMAN MOORE: Thank you.
 5 At this point in time we'll go ahead and do
 6 board member questions.
 7 SECRETARY OLIVA: Chair, before we do questions,
 8 I want to make sure the Board is -- has some
 9 background knowledge and context of what are the
 10 steps that we've been taking that have led up to this
 11 point, if that's okay.
 12 So I want to just commend Dr. Broyles for the
 13 generosity of time that he's been giving us, and his
 14 staff. When we kind of first knew that they were
 15 considering this item going to their board, which
 16 didn't get a unanimous vote at the local level and
 17 then it was going to come to us, we immediately began
 18 working on going through all the data, all the facts,
 19 and --
 20 MR. SUTTON: Can't hear you.
 21 SECRETARY OLIVA: -- what does that process look
 22 like, to make sure that when this action item comes
 23 in front of the Board that it's an informed decision
 24 and an informed recommendation. So we immediately
 25 started having conversations, visited the campus a

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1 couple of times. In fact, some of the board members
 2 on this board here was able to participate in a
 3 little bit of a roundtable discussion; the Governor
 4 came. And we met with community members to hear some
 5 of their concerns and hear what some of their
 6 questions were that we want to make sure that we can
 7 address. And I think one of the challenges that we
 8 face when we're looking at this is, geographically,
 9 when you look at the school as a K-12 site it's in an
 10 isolated part of the state. And we're not talking
 11 about a failing school; we're talking about a high-
 12 performing school that has found a way to meet the
 13 needs of the students and families in a small
 14 community. And they've had to be innovative over the
 15 last several years to be able to do that, because
 16 they have been, as we've been hearing, facing
 17 declining enrollment. And we all know that
 18 enrollment is one of the foundations that are built
 19 on the dollars that are generated for the school
 20 district.
 21 So when we met with the Superintendent and their
 22 team, the first thing we wanted to do is make sure
 23 that everybody agreed on the finances. And there was
 24 some questions about how do you come up with some
 25 accurate numbers when you're saying that the dollars

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1 are not being offset by the dollars that are being
 2 generated -- first, the expenses. If this was easy
 3 to figure out and calculate, we could all sit here
 4 really closely and figure out how to calculate it.
 5 But when you're looking at the complicated nuances of
 6 school funding, weighted funding, general revenue,
 7 millage rates, how does -- you know, how does each
 8 student, depending on the programs they need,
 9 generate the funding that that dollar would qualify.
 10 It takes time. And one of the things that we
 11 expressed when we were with the community is -- that
 12 we heard pretty clearly from the community is that
 13 they want some resonance of a solution for a school
 14 in their community. And I don't want to speak on
 15 their behalf, because I'm imaging some folks may have
 16 signed up for public comment. But what we had said
 17 at that is that we need time to go through the
 18 finances to make sure that we can have a clear
 19 number.
 20 And one of the things that I think is just even
 21 more special about this region of the state is the
 22 neighboring districts have a vested interest and
 23 value in seeing success in the students. They don't
 24 look at it as our school district versus that school
 25 district or this campus versus that campus; this is

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1 our community, this is our region of the state, and
 2 we all take care of each other.
 3 So one of the things -- as we're having these
 4 conversations and you're asking questions, we had our
 5 finance folks go through and kind of make their own
 6 cost and revenue analysis of the state of Cossatot
 7 schools and Umpire, which really kind of mirrors some
 8 of the recommendations from the financial consultant,
 9 but then talk about are there options. Because what
 10 we had heard from the community is are there other
 11 options to explore, and I think there are some other
 12 options that -- we've had conversations with the
 13 districts and neighboring districts to explore how we
 14 move forward with seeing the feasibility. Because I
 15 think when you go back to the initial question, are
 16 we providing high -- access to high-quality education
 17 for all the students in that district, and are we
 18 able to do it in a financially responsible and
 19 sustainable manner, as we go and look through those
 20 options we have to look at it through those lenses
 21 and then make sure that we can bring a finalized
 22 decision to this board.
 23 But I can tell you where one of the challenges
 24 is. Some of you got to visit the school and you all
 25 know firsthand from your experience you have

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1 dedicated staff, teachers, and leaders that go above
 2 and beyond to meet the needs of the students in that
 3 community. And it's not necessarily in a traditional
 4 approach that you would typically see in most
 5 schools, because they don't have the staffing to make
 6 things happen. And those are some of the things that
 7 we were looking at as we went through, that lens, and
 8 had our team make that analysis.
 9 So I want to make sure our board knew that we
 10 immediately began having immediate dialogue to make
 11 sure that when this comes before you we'd be able to
 12 answer questions, not only with the district but also
 13 through our folks as well.
 14 CHAIRMAN MOORE: Thank you.
 15 Should we move forward with questions for the
 16 district, and then Dr. Saunders is going to present?
 17 Okay. So let's do that. Let's go ahead and do
 18 questions for the district right now, and then we'll
 19 have another chance to go back. We'll start here.
 20 Ms. McFetridge -- Ms. Rollins, questions?
 21 MS. ROLLINS: When we're looking at
 22 transportation, can you tell us -- talk to us about
 23 how far away --
 24 SUPT. BROYLES: Sure. Sure.
 25 MS. ROLLINS: -- the school is versus Cossatot?

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1 And what does that look like for students on the
 2 school buses and transportation?
 3 SUPT. BROYLES: Absolutely. Very good
 4 consideration. Transportation is one of those
 5 variables I talk about that we have to balance. I
 6 have two kids of my own. We don't want our kids on a
 7 bus any minute, if we can avoid it. That was one of
 8 the first things I considered when I looked at this.
 9 I called my neighboring superintendents, even some in
 10 neighboring counties, and asked about what their bus
 11 rides were. All of them told me they had several
 12 routes that were two hours one-way; some of them had
 13 longer, some of them had shorter. In the research
 14 that we did, if all of our students at Umpire chose
 15 to choose one of our other campuses, it's looking at
 16 -- I think the farthest, in talking with my
 17 Transportation Director and looking at the routes
 18 myself, just under two hours, which is not ideal. I
 19 don't want that either, but one of those variables
 20 that we have to consider. What I did find was, as
 21 unideal as that is, it's within the norm of what our
 22 neighboring districts do. And it's not what they're
 23 used to, of course, but it's within that norm and it
 24 falls kind of within the norm of what we've seen
 25 districts come before you in the past and research

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1 I've done. It looks like 40 miles being kind of the
 2 cutoff. We're 18 miles from building to building,
 3 from our Umpire campus to our elementary campus, and
 4 24 miles from our Umpire campus to our high school
 5 campus. Of course, there are families that are on
 6 some side roads and so-forth. But our estimations
 7 and talking with my folks was just under two hours,
 8 somewhat within the norm of what our other districts
 9 do. And we hope that of course they choose Cossatot
 10 River School District. I've been told by the
 11 community there that that won't happen, that they
 12 want to be severed from Cossatot River and they will
 13 choose another school, and I respect that. If they
 14 do that, what makes this unique, Ms. Rollins, is that
 15 Dierks is just right up the road, 12 miles. And 20
 16 years ago, when they consolidated they chose Cossatot
 17 River because they had three choices -- Kirby,
 18 Cossatot, or Wickes -- at the time. Kirby was no --
 19 and this was in an article from the Arkansas Times;
 20 Dierks was, We'll take you but we'll close the
 21 building; and then Wickes said, We'll take you and
 22 keep you open as long as you're financially feasible.
 23 So actually the community had no choice; they chose
 24 to keep their buildings open, like anybody would.
 25 And they chose Wickes at the time, a whole different

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1 county, in Polk County, versus Dierks which is right
 2 next-door to Umpire where the families have been
 3 choosing to send their kids for so many years, just
 4 12 miles up the road.
 5 So, Ms. Rollins, in truth, I hope this doesn't
 6 happen. It likely will. They will most likely
 7 choose Dierks and you're looking at bus rides of 15
 8 minutes, an hour most, if they choose Dierks. But at
 9 Cossatot River you're looking at, our estimation of a
 10 bus ride, just under two hours.
 11 MS. ROLLINS: Thank you.
 12 CHAIRMAN MOORE: Ms. Hunter?
 13 MS. HUNTER: I'm not sure how I want to pose
 14 this question. But you went through a little history
 15 with us there --
 16 SUPT. BROYLES: Correct.
 17 MS. HUNTER: -- and explained the choice that
 18 Umpire had several years ago. Has there been any
 19 renewed conversations with Dierks, and is their
 20 position the same? I mean, like has -- do we only
 21 have two choices here: for Umpire to stay open or
 22 closed and still part of the Cossatot River School
 23 District or could Umpire, you know, kind of carve
 24 themselves out of the school district and join
 25 another school district? I'm not even sure if that's

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1 legal. But if that an option? Has it been
 2 discussed?
 3 SUPT. BROYLES: It has been --
 4 MS. HUNTER: Is it legal?
 5 SUPT. BROYLES: Yeah.
 6 MS. HUNTER: Is it legal?
 7 SUPT. BROYLES: It has been discussed some. Mr.
 8 Oliva can testify to some of that. At our roundtable
 9 meeting we brought -- they were very conscientious
 10 and brought Dierks and Kirby superintendents to the
 11 table. Obviously, I can't speak for what their
 12 boards will do. In speaking with Mr. Hill, when I
 13 talked to him about that, the premise is if it's
 14 unsustainable for Cossatot River, a district twice
 15 the size, about, of Kirby and Dierks each, then one
 16 can reason that it's going to be unsustainable for
 17 Dierks and Kirby as well. So if they were to take
 18 Dierks and Kirby, one, Ms. Hunter, my understanding
 19 is both districts have to agree to that. I have Ms.
 20 Street here to testify to that. I will say I can't
 21 speak to what my board would do. But in history I
 22 don't know of a district that has agreed to that.
 23 Right? Understandably. Because that's -- mills and
 24 everything are tied up into that and part of the
 25 choice of consolidating was to become part of

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1 Cossatot River. Will my board consider that? I'm
 2 sure they would consider that. But there's not a lot
 3 of precedent for that.
 4 But, no, that is not the only option. And I can
 5 go into more details, Ms. Hunter, and explain some of
 6 the options. But my opinion, you know, Dierks or
 7 Kirby taking them under the same model we have them,
 8 if it's not sustainable for us, it won't be
 9 sustainable for them. And we've heard comments from
 10 those superintendents that it does depend on
 11 financial sustainability; that was the comments they
 12 made. But they also said, of course, it depends on
 13 their board. So we'd have to speculate would their
 14 board want to take it under the same model as we are
 15 and end up possibly being before you on this same
 16 matter.
 17 But I'm happy to talk about other solutions that
 18 don't involve Dierks or Kirby, if it's the will of
 19 the board for me to ask -- to talk about that.
 20 SECRETARY OLIVA: And I'll jump in. And I think
 21 the question that you pose is a good question. The
 22 short answer is yes.
 23 SUPT. BROYLES: Yes.
 24 SECRETARY OLIVA: Are they complicated options?
 25 Yes. And so I think Superintendent did a pretty good

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1 job explaining that if they were to join a
 2 neighboring district, the neighboring district
 3 obviously has to want to receive them, how that looks
 4 for the board to -- is Cossatot really in a place to
 5 require them to come into a mutual agreement. We've
 6 had initial conversations around that, but we haven't
 7 gone into in-depth conversations yet with those
 8 superintendents and the districts to even consider
 9 that option for them to take to their board. Because
 10 we've been -- in the last couple of weeks, since the
 11 roundtable discussion, is kind of making sure we all
 12 agree on what does the projected revenue look like
 13 versus the expenses, so that if we were to pose that
 14 to a neighboring district they have a clear picture
 15 and understanding of what they would be taking on.
 16 SUPT. BROYLES: Correct.
 17 MS. HUNTER: Thank you.
 18 MR. SUTTON: Jacob, most of us online are having
 19 difficulty hearing you.
 20 SECRETARY OLIVA: Okay. I'll try to speak a
 21 little louder or maybe a different mic. Is this one
 22 better?
 23 MR. SUTTON: Yes, sir.
 24 SECRETARY OLIVA: Okay. I'll switch
 25 microphones.

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1 CHAIRMAN MOORE: Okay. We'll continue with
 2 questions. Questions?
 3 MR. BRAGG: On -- well, I'm confused about some
 4 of the numbers too. I'm looking at a different set
 5 of numbers. On the annual statistical report it has
 6 a different set of income and expenses.
 7 MR. SUTTON: We can't hear any of that.
 8 MR. BRAGG: I'm looking at the annual
 9 statistical report for Cossatot River School District
 10 and I'm seeing different numbers for income and
 11 expenses.
 12 SUPT. BROYLES: Sure. I can speak to some of
 13 that. And I know one of the things we did, Mr.
 14 Bragg, in the past few weeks was try to get some
 15 finality on the numbers, because it is very
 16 complicated. You have -- it's not just a checkbook
 17 for Umpire and a checkbook for Cossatot River; there
 18 are certain lenses, some estimations. Mr. -- Dr.
 19 Saunders can talk about that too. What we were able
 20 to do, when I came up to Little Rock Wednesday and
 21 met with Deputy Commissioner Smith and Dr. Saunders,
 22 was get to some finality on the numbers that Dr.
 23 Saunders had run. And those numbers show, as Mr.
 24 Hill talked about -- I gave him an updated one --
 25 what we were able to agree to in working with Dr.

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1 Saunders was cost above the revenue, about \$735,000
 2 in three years. How that breaks down is about --
 3 around \$200,000 in fiscal year '23; around \$80,000,
 4 '22; and around 500-and-something thousand in fiscal
 5 year '21. Why the variance? Because each year we
 6 buy two buses with isolated transportation funding,
 7 because that's what we have to do, and how those
 8 invoices come in make a difference. Some of those
 9 isolated transportation and funding expenses can be
 10 spent on things like a part of the transportation
 11 director, maybe diesel fuel. But in the years that
 12 we've been open our fiscal agent with First Security
 13 has always told us no districts with isolated
 14 campuses buy buses. That's where the lion's share of
 15 the money has to go. We don't need that many, but we
 16 do that. And then our neighboring districts love us
 17 because they end up buying all of our buses when
 18 they're just a few years old. Those expenses are in
 19 there as well. But those numbers, Mr. Bragg, we were
 20 able to come to with Dr. Saunders, and he can speak
 21 to some of that. It is cost above revenue and
 22 there's some -- you know, there's some -- it's
 23 complex; there's some comments there. But I think
 24 that will help. I haven't seen that report you're
 25 seeing, but Mr. Hill can speak to it as well, and so

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1 can Dr. Saunders.
 2 MR. BRAGG: Thank you.
 3 SECRETARY OLIVA: And this may be a good time --
 4 because one of the things that we also heard from the
 5 community, when we visited, is that they wanted us to
 6 confirm the dollar amounts as well. So I think it
 7 would be -- there would be value in having Dr.
 8 Saunders come up and kind of present a little
 9 overview on some of the dollars that we've come to
 10 consensus on this week, so that it's clear for
 11 neighboring districts, it's clear for the community,
 12 and it's clear that everybody -- I think we all have
 13 an agreeance that we're working off the same document
 14 now.
 15 CHAIRMAN MOORE: Dr. Saunders, do you want to
 16 come up now? And then we will hold, continue
 17 questions of the district after you share a little
 18 bit more.
 19 DR. SAUNDERS: All right. I can do that.
 20 Good morning, Board. Eric Saunders, Associate
 21 Deputy Commissioner with District Operations.
 22 So coming back, just a little bit of history
 23 that's been talked about, some of the first initial
 24 financial reports that we received, in trying to
 25 verify, we observed some discrepancies and worked

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1 with the contractor and had those corrected to come
 2 back to some other numbers. So the numbers that I'm
 3 going to share with you are numbers I've met with the
 4 district on that we do agree on and have agreed with.
 5 So I have that in this slideshow, if we could -- all
 6 right, yeah. I will try not to get into all the
 7 details, but I'll hopefully be able to answer any
 8 questions that you have. So, because, as you know,
 9 it can be very nuanced on school finance.

10 But just to give you an idea, these are the
 11 revenue numbers for the last three years for the
 12 entire district. You can see the district numbers
 13 and you can see the Umpire numbers, and that is just
 14 revenue.

15 And I'm going to move on to the next slide, and
 16 then the next slide would be expenditures. You can
 17 see some funds broken down. This is -- this does not
 18 include everything, because you could have a whole
 19 lot more other funds. But this is the bulk of
 20 revenue and expenditures, so I think it's part of the
 21 discussion. So those are similar expenditures, and
 22 did break out some of the isolated transportation and
 23 specialized fundings. The isolated transportation I
 24 think is worthy of discussion and I will cover that
 25 here in just a moment, so --

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1 So going past this slide to the next one, this
 2 is just using the same figures that you would've seen
 3 in the previous graph. So this is looking at the
 4 last three years, Umpire only on the campus. You can
 5 see essentially what the revenue would have been and
 6 what the expenditures would have been. This does not
 7 factor in any of the debt service or anything like
 8 that on the revenue side, as was discussed earlier.
 9 So if you're looking say in 20-21, you could say a
 10 \$517,000 deficit as far as there were more
 11 expenditures than revenue. The next year, \$57,000.
 12 And the last year, which we really focused on because
 13 our initial numbers that we started focusing on was
 14 22-23 all by itself. We did go back after talking
 15 with the district and pulled additional years.
 16 That's -- yeah, three years. So just focusing for a
 17 moment here on the 22-23, you can see the deficit of
 18 \$159,553 when you're looking at these revenues and
 19 expenditures.

20 The asterisk I think is the point of contention
 21 with the isolated transportation funds, because with
 22 those funds you do have to use those for
 23 transportation. And so there were expenditures that
 24 are shown there, in that 1.775 million number, for
 25 school buses -- roughly, \$230,000. And because I

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1 would view those buses as being a benefit to the
 2 entire district, even though the expenditure is just
 3 assigned to Umpire, it's an asset that the whole
 4 district benefits from. So, you know, however you
 5 would want to pro-rate those expenses, if you did it
 6 on student enrollment or however you did it, there
 7 are lots of ways to do it. I think just looking at
 8 the 22-23 school year by itself, considering that
 9 those districts -- or those buses are a benefit to
 10 the district as a whole, that I would say it was cost
 11 neutral. And so you can see the expenditures of
 12 \$231,000 of that were simply the buses.

13 So, next slide is showing just the isolated
 14 transportation funds. And, you know, it's also very
 15 difficult just looking at a single year, but you can
 16 see how some of those expenditures have been. And
 17 I'm sure you realize, for example, in 21-22, that the
 18 expenditures -- so the buses and the transportation
 19 expenditures that are paid for with these funds. The
 20 low amount of expenditures I would assume in 21-22 is
 21 probably supply chain issues. I know that school
 22 buses had a very long lead time to get. And so
 23 during 22-23, I believe it was two school bus
 24 purchases. And 20-21, I believe there were three
 25 school bus purchases. Also, you would see within --

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1 there are additional expenditures on top of that.
 2 But just with that said I could estimate that's what
 3 that would have been.

4 So options, ideas, things shared with the
 5 district -- as they mentioned, we did meet as recent
 6 as this Wednesday. I had a long meeting, talked
 7 about, you know, are there other options that would
 8 be available; if finance is the hangup, what about
 9 different grade configurations, such as K-6, K-8,
 10 what would staffing configurations look like; would
 11 you have efficiencies if you had a satellite campus
 12 there as part of the entire district. We also talked
 13 about student opportunity expansions, which I believe
 14 they covered in their presentation about students at
 15 one campus being able to participate in all the
 16 activities that are offered at the other campus.

17 Also, ideas shared with the district Secretary
 18 Oliva referenced earlier, such as neighboring
 19 districts and servicing their Umpire school or
 20 exploring charter school network options.

21 So that's kind of a summary, I think, of the
 22 finances.

23 CHAIRMAN MOORE: Thank you.
 24 DR. SAUNDERS: Yes.
 25 CHAIRMAN MOORE: We'll continue on. Mr. Bragg,

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1 questions?
 2 MR. BRAGG: Yeah. Thank you.
 3 Well, the difference in the 21-22
 4 transportation, the surplus there, does that carry
 5 over to the next year?
 6 DR. SAUNDERS: Yes, it does.
 7 MR. BRAGG: Okay.
 8 DR. SAUNDERS: Just -- I think to give you just
 9 a little bit of reference in regards to that is they
 10 closed out the 22-23 school year I believe with about
 11 \$380,000 in the isolated transportation fund, is
 12 where that's sitting.
 13 MR. BRAGG: Okay. Thank you.
 14 DR. SAUNDERS: Yes.
 15 CHAIRMAN MOORE: Mr. Wood, questions?
 16 MR. WOOD: Yeah. Thank you.
 17 So how are we supposed to view, you know, this
 18 isolated transportation slide that you showed us?
 19 DR. SAUNDERS: Yeah.
 20 MR. WOOD: You know, in the whole 190,000 one
 21 year, plus 220 in the next year, minus 26 --
 22 DR. SAUNDERS: Yeah.
 23 MR. WOOD: -- how are we supposed to process the
 24 drastic variance in those numbers? What is --
 25 DR. SAUNDERS: Yeah.

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1 MR. WOOD: What can we fairly assume is an
 2 annual --
 3 DR. SAUNDERS: Yeah. It's really tough when
 4 you're trying to look at that because you really have
 5 to go back and look at over so many years --
 6 MR. WOOD: Yeah.
 7 DR. SAUNDERS: -- and then to look --
 8 personally, I think that a better representation is
 9 the previous slide because it does include those
 10 numbers in that as well.
 11 MR. WOOD: But even that slide is difficult.
 12 DR. SAUNDERS: Yeah.
 13 MR. WOOD: I mean half-a-million in the hole, 57
 14 in the hole --
 15 DR. SAUNDERS: Yeah.
 16 MR. WOOD: -- and then 60 in the hole. That's
 17 -- those are drastic --
 18 DR. SAUNDERS: Yeah. And I -- but I think when
 19 you use that in combination with the information from
 20 the other slides you realize that the larger -- I
 21 guess you would say the larger deficits are during
 22 years that they're purchasing more buses. The buses
 23 are causing those expenditures because of -- the
 24 purchase of the bus is solely coded to the Umpire
 25 campus, but yet it's a --

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1 MR. WOOD: Yes.
 2 DR. SAUNDERS: -- it's a -- so it's kind of hard
 3 to just nail down, to quantify to say that. Yeah,
 4 you have to look at it.
 5 MR. WOOD: So they receive additional funding
 6 for the isolated campus that -- I don't know what the
 7 exact word is. But a significant portion of that
 8 funding must be spent on transportation, but it
 9 doesn't necessarily have to be the purchase of a
 10 school bus. Is that what I'm picking up on? They
 11 can -- fuel would, I suspect --
 12 DR. SAUNDERS: Yeah.
 13 MR. WOOD: -- qualify for that or --
 14 DR. SAUNDERS: It has to be used for
 15 transportation expenses. It's very restricted in
 16 that sense, so --
 17 MR. WOOD: Yeah. Not necessarily \$150,000
 18 school bus?
 19 DR. SAUNDERS: Right. Correct. That's my
 20 understanding.
 21 MR. WOOD: At some point Umpire is going to have
 22 enough school buses. I mean, you can only buy three
 23 a year and --
 24 DR. SAUNDERS: Yeah.
 25 MR. WOOD: -- at some point you don't need to

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1 keep buying three a year.
 2 DR. SAUNDERS: Yeah. And I think the choice on
 3 doing that would be because buses are a single one-
 4 time purchase that you're coding and you may not have
 5 enough expenses in the other areas to spend those
 6 funds that you're getting. So it's a way to spend
 7 those funds, whether you should or not.
 8 MR. WOOD: And then that goes to why the buses
 9 are an asset to the whole district, because they're
 10 using Umpire special funds to purchase buses that
 11 will bus kids from Wickes to Vandervoort to whatever
 12 or -- I apologize. So that's why they're an asset to
 13 the whole district?
 14 DR. SAUNDERS: Right.
 15 MR. WOOD: Okay.
 16 SECRETARY OLIVA: If I could add to that too --
 17 MS. HUNTER: And -- I'm sorry.
 18 SECRETARY OLIVA: Oh, no, go ahead.
 19 MS. HUNTER: And then, you know, after so many
 20 years, then they sell these relatively new school --
 21 so it's just a constant cycle and -- which they end
 22 up net positive because of the sale of the buses? Is
 23 that how that works or -- I don't know what the
 24 depreciation of a new bus is.
 25 SUPT. BROYLES: I have some data with me here

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1 today. And just to clarify, we -- you know, the
 2 isolated transportation is a complicated thing. Each
 3 year, with our fiscal agent, with our auditors, we're
 4 spending it the way they tell us to spend it. And
 5 Mr. Hill can speak to some of that as well.
 6 Districts with isolated campuses usually buy buses
 7 and it is a district benefit. It's a district
 8 benefit we don't need. We will buy one bus every
 9 three to five years. If the campus had not been
 10 there, hypothetically, the last three years -- I
 11 don't like to put it in just finances, because it's
 12 not just about finances; I don't want to lose sight
 13 of that -- we'd be \$735,000 in the green and we'd buy
 14 one bus every three to five years. Some buy one bus
 15 every 10 years, like some of the research I've done.
 16 Even if we bought one a year we're still coming out
 17 ahead after you consider the net loss in three years.
 18 But to answer your question -- remind me
 19 specifically of your question, Mr. Wood.
 20 MR. WOOD: Well, I don't know. I think I was
 21 just starting to figure out how the buses --
 22 SUPT. BROYLES: Oh.
 23 MR. WOOD: -- were an asset to the whole
 24 district and --
 25 SUPT. BROYLES: Right.

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1 MR. WOOD: -- and why the drastic variance of
 2 the numbers and --
 3 SUPT. BROYLES: It was Ms. Hunter that asked the
 4 question. To answer your question, in three years
 5 we've bought six buses. The way they're invoiced, it
 6 comes in different years; that's why the drastic
 7 difference. In three years, we've sold seven buses.
 8 We've sold seven buses for a total of \$71,000, about
 9 \$10,000 per bus, as old as 2008, as new as 2014. And
 10 we would love a waiver to not have to spend isolated
 11 transportation funding on this. But my talks with
 12 Dr. Saunders and Deputy Commissioner Smith was that's
 13 probably not possible because of the nature of that
 14 expense. But you can see it as a benefit to the
 15 district in terms of a shiny new bus fleet. But we
 16 -- you know, with respect, we don't need that. We
 17 have a better bus fleet than many 7A schools. It's
 18 just we're handcuffed to do that. And we would
 19 resort to one every three to five years and come out
 20 way in the green. But, again, I can talk more about
 21 this; it's not just about the money. That wasn't
 22 just the basis of my recommendation, so I don't want
 23 to get hung-up on that.
 24 Does that answer you, Ms. Hunter?
 25 SECRETARY OLIVA: I want to add to kind of the

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1 nuance of this categorical. To the Superintendent's
 2 point where, this is where we're identifying
 3 opportunity that I think we can work with the
 4 Legislature. Because they receive funding due to the
 5 nature of the school, the funding has restrictions
 6 based on that categorical where it has to go towards
 7 transportation. So most school buses you can expect
 8 to get a million miles. If you maintain them well,
 9 you may get two million miles out of a school bus.
 10 They're put in a predicament as a school district --
 11 I think it's an unintended predicament -- that says
 12 we give you this category of money; if you don't use
 13 it to buy buses, whether you need them or not, you
 14 basically forfeit the money. So the district is
 15 taking advantage of that category. This is where I
 16 think there would be opportunities when we look at --
 17 for options to explore is could you get a waiver,
 18 could we request something to say that there's a
 19 checklist. Like if the district is able to fulfill
 20 all their transportation obligations, maintain a
 21 fleet to a certain level of inspection
 22 satisfactorily, then that category of dollars can be
 23 for other isolated school expenses, which would make
 24 sense.
 25 And then we even heard from Mr. Norman,

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1 consultant, talk about the things that are required
 2 in accreditation as far as staffing; are there things
 3 that are hindering the school district from making
 4 decisions, where they're forced to spend dollars that
 5 they may be able to use in a little bit more flexible
 6 manner (but there may be some rules or there may be
 7 some laws that prohibit them); how do we identify and
 8 then see if there's a way to get some relief from
 9 those categories that would offset some of the
 10 revenue and expenses, I think that the team has
 11 shared.
 12 MS. KEENER: Well --
 13 SUPT. BROYLES: Mr. Wood, we do -- oh, go ahead.
 14 MS. KEENER: But -- well, I was going to say
 15 that I applaud your ingenuity in turning those
 16 restricted funds into unrestricted through the sale
 17 of buses.
 18 SUPT. BROYLES: Yeah.
 19 MS. KEENER: So tell us where that money goes.
 20 Is that included in -- maybe the question for these
 21 numbers -- but is that included in the new numbers
 22 that we have that everybody has agreed upon?
 23 SUPT. BROYLES: Those funds go back into the
 24 district as a whole. There's not one -- it's not
 25 like a checkbook or a pot of money for our Umpire

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1 campus, a pot of money for our elementary campus.
 2 That's just not how it's set-up. If you look at the
 3 last three years of \$71,000, even if you attribute
 4 all of that back to you can knock off 71 off 735,000.
 5 But that all goes back into a district pot.
 6 And in my notes we do spend isolated funding
 7 also, Mr. Wood, on bus repairs. A lot of that goes
 8 to bus repairs at Umpire, throughout the district.
 9 We put some of that money back into our buses there.
 10 But, no, Ms. Keener, it just goes into a general
 11 fund. But that money, it may be spent at primary
 12 campus, elementary campus, or it may be spent at
 13 Umpire campus. I look at it conservatively; just
 14 give that 71,000 back and you're still 735,000 minus
 15 71. And I just stress that these are things that my
 16 board -- they're very experienced; they've dealt with
 17 it for 20 years. They're aware of these things and
 18 they're aware of the nuances, and they were fully
 19 aware of that as a local board when they made their
 20 decision, because they've dealt with it for many
 21 years.
 22 And Mr. Hill can explain, as well, the nature of
 23 isolated funding in more detail because he's dealt
 24 with it as -- some, if you'd like to hear from him.
 25 He may do a better job than I do. But good question.

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1 MR. SUTTON: Can I ask a question?
 2 CHAIRMAN MOORE: Yes, Mr. Sutton.
 3 MR. SUTTON: And, Jacob, who has the authority?
 4 What department has the authority to change the rules
 5 for an isolated district on giving more options to
 6 use funds that are supposed to be designated, like
 7 transportation?
 8 SECRETARY OLIVA: So that's where I go back to I
 9 want to do some research. My understanding now, that
 10 would be the Legislature; like we would have to
 11 change the law to make that categorical, look at some
 12 other options. That's not something that our board
 13 could waive. Some of the standards for accreditation
 14 that is in rule, as far as class size ratios or
 15 required staffing ratios, those are things that we
 16 may be able to consider into a waiver. But as we go
 17 through this process, these are things that we're
 18 identifying as future opportunities, because I think
 19 there's some unintended consequence to such as this.
 20 MS. KEENER: If I can --
 21 MR. SUTTON: Okay.
 22 CHAIRMAN MOORE: Ms. Keener, question.
 23 MR. SUTTON: Thank you.
 24 MS. KEENER: If I can ask a few questions I have
 25 about the timeline of your board meetings and the

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1 votes and things like that.
 2 It was October 12th that the board voted to
 3 close Umpire --
 4 SUPT. BROYLES: Correct.
 5 MS. KEENER: -- in a four-to-two vote. Correct?
 6 SUPT. BROYLES: Correct. Correct.
 7 MS. KEENER: So which board member wasn't
 8 present?
 9 SUPT. BROYLES: We had Alex Wade; he is a board
 10 member from Cove. The timing is -- it looks odd,
 11 because he had just gotten a job in Texas. He still
 12 lives in the community. His wife is a halftime
 13 counselor for us. His kids still go there. But now
 14 he has a remote job in Texas, a good opportunity for
 15 him. So he -- that had come before. He resigned.
 16 We consulted with ASBA, Arkansas School Boards
 17 Association, on how to handle that.
 18 (COURT REPORTER'S NOTE: UNRELATED COMMENTS WERE
 19 MADE BY AN UNKNOWN PERSON ON ZOOM.)
 20 CHAIRMAN MOORE: Someone on Zoom is not
 21 silenced. If you could silence, please, everyone on
 22 Zoom.
 23 (COURT REPORTER'S NOTE: UNRELATED COMMENTS WERE
 24 MADE BY UNKNOWN PERSONS ON ZOOM.)
 25 CHAIRMAN MOORE: Excuse me. Someone on Zoom is

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1 not on silence. Okay. Thank you. There we go.
 2 SUPT. BROYLES: Yeah. Ms. Keener, we consulted
 3 with ASBA on how to approach that and their counsel
 4 said, Proceed with it; you just need a majority,
 5 under the statute, and you got four-to-two. Even if
 6 the one had been there and voted no, you'd be four-
 7 to-three. That's how she consulted us to do that.
 8 We do have the new appointee now. And we had a
 9 board meeting last night and I put to them, With all
 10 the new information -- with the new appointee, With
 11 all the information we have do you all want me to go
 12 to the hearing or would you like me to pull it down
 13 and consider other options and bring something else
 14 back. And the consensus was, No, we'd like you to go
 15 to the hearing with this new data.
 16 MS. KEENER: So if I can keep going. So it
 17 looks to me that October 12th was the vote to close,
 18 and Alex Wade resigned following that, on October
 19 23rd. And so --
 20 MS. STREET: No.
 21 MS. KEENER: Well, according to the Cossatot
 22 River website -- the agenda is in the minutes -- that
 23 was the timeline. And you would agree to that?
 24 SUPT. BROYLES: Repeat that for me, please.
 25 MS. KEENER: Sure. So October 12th was the vote

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1 to close Umpire, with Alex Wade not present. And
 2 October 23rd was the vote to -- or, excuse me -- was
 3 when Alex Wade's resignation was presented to the
 4 board. Correct? After the vote?
 5 SUPT. BROYLES: Can my -- can our --
 6 MS. KEENER: Yeah.
 7 SUPT. BROYLES: -- attorney speak to that?
 8 MS. KEENER: Did you -- do we need to swear --
 9 SUPT. BROYLES: Do you swear --
 10 MS. KEENER: Make sure I'm --
 11 CHAIRMAN MOORE: With the attorney, I don't
 12 believe --
 13 MS. SALAS-FORD: You don't have to swear in an
 14 attorney.
 15 CHAIRMAN MOORE: Yeah.
 16 MS. KEENER: Oh, okay.
 17 CHAIRMAN MOORE: Yeah. Yes, Ms. Street. Okay.
 18 If you could come to the microphone and introduce
 19 yourself, that would be great. Thank you.
 20 MS. STREET: Sorry. I have a bum knee; it has
 21 to get started.
 22 Under the Arkansas law, a vacancy occurs on a
 23 school board when the school member resigns. There
 24 is no requirement that the board accept his
 25 resignation or do anything else about his

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1 resignation. When he resigns, that board member is
 2 no longer on the board and, therefore, you have six
 3 board members as opposed to seven board members. And
 4 then the next meeting after his resignation was the
 5 one where they voted on the closure of the school.
 6 And then you have to go through a process to appoint
 7 a new board member, and that's what was presented on
 8 the 23rd.
 9 And a lot of school boards think they have to
 10 approve resignations, and they do some. If you have
 11 a contract, for example, with a teacher and she
 12 resigns, that contract has obligations, and so she's
 13 not truly gone until the school board accepts that
 14 resignation -- and sometimes they don't and they
 15 argue whether or not she has to fulfill her contract.
 16 But school districts don't have that kind of contract
 17 with superintendents -- I mean with board members.
 18 There's no contract to be with the board, so that's
 19 not required. So when a school board member resigns
 20 and he states a date of his resignation, that's when
 21 he's no longer on the board and the school district
 22 has to move forward from there.
 23 MS. KEENER: Okay.
 24 MS. STREET: So I looked at this. I have no
 25 problem with it. I think it -- I think it's

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1 unfortunate for the school district because it raises
 2 that question, but I totally believe what they've
 3 done is legally like they should've done.
 4 MS. KEENER: Did you have documentation on when
 5 the resignation took place --
 6 MS. STREET: Yes.
 7 MS. KEENER: -- or -- was it an email or is it
 8 dated or --
 9 MS. STREET: What I have is a picture of the
 10 letter.
 11 MS. KEENER: Okay. Well, and then, you know,
 12 assuming -- assuming that that shows that he resigned
 13 prior to the October 12th meeting, we're still left
 14 with an empty seat, meaning you're not voting with a
 15 full board, which the statute requires.
 16 MS. STREET: Well, actually you are because the
 17 board has only six members after his resignation.
 18 MS. KEENER: But there was an empty seat.
 19 Correct?
 20 MS. STREET: Well, an empty chair where he used
 21 to sit, yes.
 22 MS. KEENER: Well, and it looks like then --
 23 MS. STREET: Do what?
 24 MS. KEENER: It looks like since then John
 25 McClain, I think, is the new board member?

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1 MS. STREET: He was appointed --
 2 SUPT. BROYLES: October 23rd, I believe.
 3 MS. KEENER: So at that point that was an empty
 4 seat and it, in my opinion, was not a full board.
 5 Correct?
 6 MS. STREET: It was a full board because there
 7 was no -- it's still a legal full board when someone
 8 resigns from it. It's just a six-member board
 9 instead of a seven-member board. It becomes a seven-
 10 member board when they appoint someone. So, yes,
 11 there's an empty slot.
 12 MS. KEENER: Can we --
 13 MS. STREET: But all the people that could vote
 14 after his resignation were the people that still
 15 remained on the board.
 16 MS. KEENER: So --
 17 MS. STREET: And we don't mind to brief that for
 18 you.
 19 MS. KEENER: Yeah. I'm just -- I'm struggling
 20 with that single word, full board. I have a lot of
 21 concerns that this was brought to us prematurely;
 22 that if this resignation was prior to this vote and
 23 there was an empty seat, then someone in your
 24 district was not represented in that vote -- some
 25 students, some families, some taxpayers. And if the

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1 resignation, regardless of this letter, if it was
 2 accepted or not, if it wasn't presented and approved
 3 for the board until the 23rd, again, we're looking at
 4 not a full board. And so --
 5 MS. STREET: Well, I understand your argument
 6 and I have a different legal position on that.
 7 MS. KEENER: Okay.
 8 CHAIRMAN MOORE: Ms. Keener, do you have more
 9 questions --
 10 MS. KEENER: No, not -- as far as the timeline
 11 --
 12 CHAIRMAN MOORE: -- for the Agency or for the
 13 district?
 14 MS. KEENER: Well, that's what I was wondering.
 15 I was wondering if I can hear from the Agency an
 16 opinion on this.
 17 MR. RHODES: I'm going to try to make the best
 18 use of this podium currently.
 19 So this is an issue that we flagged for the
 20 district when we received the petition on November
 21 13th. For what it's worth, the statute really hasn't
 22 been interpreted, and so you do have that language
 23 that says the full board. Generally speaking, when
 24 you think about vacancies broadly in other bodies, if
 25 there is a vacancy the full board is the remaining

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1 body because there is a legitimate vacancy. I will
 2 say I have the statute for school board vacancies in
 3 front of me. That's Arkansas Code Annotated 6-13-611
 4 and it does set out in that, in which somebody can
 5 resign from a school board, and one of them is just
 6 simply resigning from the school board of directors.
 7 So it's pretty broad. If you continue on the
 8 statute, it does go into -- and I'm looking at (b)(3)
 9 and (b)(4) of that statute. (b)(4) says, A vacancy
 10 under the subdivisions of (a)(1)(3) -- (a)(1) to
 11 (a)(3) of this section, which I'll read in just a
 12 minute -- does not exist until an affirmative vote
 13 has taken place under the subdivision (b)(3)(c) of
 14 this section, which means it would be an affirmative
 15 vote of the school board.
 16 If you go to (3) right above it, which is the
 17 (b)(3)(c) that's been referenced, it says, At a
 18 hearing held under the subdivision (b)(1)(c) --
 19 (b)(1)(b) of this section, a majority of the members
 20 of the school district board of directors, excluding
 21 the board member whose eligibility is challenged,
 22 shall be presented with written or oral evidence act
 23 as the finder of fact to determine whether or not the
 24 vacancy exists and vote whether or not a vacancy
 25 exists based on the evidence at the conclusion of the

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1 hearing.
 2 So while vacancies generally exists when
 3 somebody tenders a resignation, there is language
 4 within the statute that speaks specifically as to
 5 when the vacancy formally occurs and there's a
 6 question as to whether it occurs when the school
 7 board itself determines there's a vacancy.
 8 At the time when we received the application we
 9 flagged the issue of, Hey, I'm looking at this; I see
 10 a vote of four-to-two, which is six members. School
 11 boards generally have more than six members, right,
 12 whether it's -- it's that number regardless to have a
 13 tie-breaker but you can have seven or, you know --
 14 and I asked, What is the nature of the six votes as
 15 opposed to seven, and I was informed of this vacancy.
 16 And I believe you got the letter from Counsel, and it
 17 is dated October 7th, which is in advance of the
 18 meeting. Again, if Counsel wants to speak to this
 19 section that speaks specifically as to the board
 20 itself recognizing the vacancy, then they can see
 21 what occurs at the meeting itself. Right?
 22 MR. WOOD: Can I ask a follow-up though? What
 23 is the effective of vacancy? I think that might be
 24 the most fundamental question here is --
 25 MR. RHODES: Right.

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1 MR. WOOD: If there is a vacancy, can six people
 2 show up and be considered a full board?
 3 MR. RHODES: So, again, this specific statute
 4 has not been interpreted to answer that question. I
 5 want to say, generally speaking, when you have
 6 vacancies -- even for this board, for example.
 7 Right? Now, our statutes for the Board of Education
 8 don't say "the full board." It generally goes to a
 9 quorum of the members. Right? But, generally, if
 10 you have a vacancy it's still a full board if it
 11 doesn't have the full composition.
 12 Again, the question is somewhat when did the
 13 vacancy occur. What we recommended to the district
 14 is, You now have a member in that seat. Have you
 15 considered re-taking a vote? I know I had some
 16 questions about doing that -- and, obviously, it's
 17 their decision to bring this item before you; I'm
 18 here simply for process. But, yeah, that is a
 19 question that we raised from the onset.
 20 MS. KEENER: This may be a question for the
 21 district. But that seat that was filled by Alex Wade
 22 and is now filled by John McClain, who does that
 23 represent, which piece of the -- yeah.
 24 SUPT. BROYLES: That vote represents the Cove
 25 School District. And if I may, Ms. Keener, just

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1 clarify, we -- as this came up, when we submitted the
 2 petition, we were -- we were not told to re-vote; we
 3 were told the statute says a majority of the full
 4 board, which it's four because the full board is
 5 seven. We need a majority. So we were advised a
 6 majority means the majority of a full board. The
 7 full board is seven, that being four. And we weren't
 8 told to re-vote; we were put on the agenda, which
 9 implied to us that we had met the statutory
 10 procedure, because my attorney and Mr. Rhodes had
 11 been conversing. He raised the issue; it was placed
 12 on the agenda. So we -- it was our belief that we
 13 had complied, based on the statute. But Ms. Street
 14 can say something.
 15 MS. STREET: I want to respond to one thing --
 16 CHAIRMAN MOORE: If you don't mind coming to the
 17 microphone. I'm sorry to make you do that. Come to
 18 the microphone, please. We have to have it on the
 19 record. Thank you.
 20 MS. STREET: And then I'll give you a copy of
 21 the statute when I get through.
 22 MS. KEENER: Thank you.
 23 MS. STREET: The provisions of the vacancy law,
 24 you only have a hearing on the vacancy -- or just --
 25 because some of the reasons for the vacancy are: if a

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1 board member fails to attend so many meetings, that
 2 may create a vacancy; if he's convicted of a felony;
 3 illness. There are other reasons that you can -- a
 4 vacancy can be declared. But there are fact-finding
 5 -- there's fact-finding that goes behind that.
 6 There's no fact-finding that goes behind a
 7 resignation if you have a resignation letter.
 8 So all the provisions in that statute that deal
 9 with the board having to make a decision about
 10 whether or not a vacancy occurs relate to those other
 11 decisions. But I'd be glad to give you my copy.
 12 MS. KEENER: That's okay. Well, so just -- did
 13 you want to -- you had stood up; did you -- Mr.
 14 Rhodes, did you want to --
 15 MS. STREET: That's what I -- that's just what I
 16 -- oh.
 17 MS. KEENER: Sorry. Thank you.
 18 MR. RHODES: No. I was making myself available.
 19 As the Superintendent mentioned us having some go-
 20 ahead -- again, they've put forth a petition for your
 21 consideration. The statute merely says that they've
 22 put forth a petition. Because they're on the agenda
 23 does not necessarily mean that they meet the
 24 statutory. The burden is on them to prove that they
 25 are properly before you. And so they're getting that

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1 opportunity to do so now.
 2 Again, we had conversations from the onset
 3 about, Hey, I have some questions about the fact that
 4 there is a six-member board, the vote is four-to-two,
 5 and tell me some background about that, why was there
 6 a vacancy, a missing board member. Again, having
 7 vacancies is pretty routine and the statute does give
 8 them 30 days to fill them; I mean the statute does
 9 not require that they fill them at the first meeting
 10 of the school board. So they did fill that vacancy
 11 within the 30 days, if you count the day of
 12 resignation. And if you were to count a future date,
 13 because the board had to make some determination,
 14 they would have additional time to meet that
 15 requirement.
 16 So, again, we don't -- we didn't discuss, you
 17 know, the merits of their petition or whether they
 18 met that statutory burden. The onus is on them to do
 19 that before you and you get to make the determination
 20 of whether they did so or not.
 21 MS. KEENER: So seeing -- understanding our
 22 three options -- to grant, deny, or table --
 23 personally, I'm leaning towards tabling so that a re-
 24 vote could happen where all of the families, the
 25 students can all be represented in that vote of

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1 seven. That's just part of the discussion.
 2 CHAIRMAN MOORE: Questions? Let's go down here
 3 and we'll come back to you all. Mr. Henderson?
 4 Y'all have been patient. Thank you.
 5 MR. HENDERSON: Yeah. I have a question
 6 directed to the Superintendent. First, I appreciate
 7 your comments and you did a good job of explaining
 8 the bus route projections as far as the under two
 9 hours.
 10 SUPT. BROYLES: Right.
 11 MR. HENDERSON: One thing that I didn't hear is
 12 -- you know, when you think about -- let's say
 13 variables as far as cost and expenditures, have you
 14 guys considered or do you have a breakdown on the
 15 variables? Let's say the decision is made to
 16 consolidate the Cossatot River schools, and let's say
 17 -- explain to me a little bit about -- have you
 18 factored in stuff like staffing? You know, obviously
 19 with extra travel there's going to be maintenance,
 20 fuel, and things like that. Do you mind speaking on
 21 that some --
 22 SUPT. BROYLES: Sure.
 23 MR. HENDERSON: -- or do you have some
 24 information?
 25 SUPT. BROYLES: Sure. I don't have an exact

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1 breakdown of fuel and maintenance and things like
 2 that. It's hard to predict that. Obviously, there
 3 will be some. But we run two buses in the Umpire
 4 community now. They will be going a little farther.
 5 We're 25 miles from there, so there will be some
 6 expenses in the fuel and the maintenance. I think
 7 based on what we spend now -- I don't know that exact
 8 number. It's going to be miniscule when you're
 9 looking at the total deficit balance over the last
 10 three years. And, again, I stress this point: we
 11 want all of our students at Umpire to come to
 12 Cossatot River. The community has said they will not
 13 come to Cossatot River. We have to accept that and
 14 we respect that.

15 So, Mr. Henderson, in theory, we want them all
 16 and we're ready to serve them all. But, in
 17 practicality, that they will probably choose
 18 somewhere else and we probably will not be running
 19 that much when you consider there's only 90 kids
 20 there. Even if half of them choose, you're looking
 21 at 50 kids on a bus. Most of them, sadly, may choose
 22 to go to Dierks or Kirby. So, in theory, we probably
 23 would not be running those lengthy routes.

24 Staffing, to your question, one of the reasons
 25 why I acted on this now is because we are in a

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1 position to where we can accept the staff from our
 2 Umpire campus and offer them a job next year. It
 3 will be -- we'll accept some financial -- a financial
 4 bulge there. But attrition will take its course
 5 based on history in my district within a year. And
 6 we lose about 14 a year, the theory being we'll let
 7 attrition take its course. That way, nobody has to
 8 lose their job with a reduction-in-force, if they
 9 choose to come over to Cossatot River.

10 MR. HENDERSON: Thank you. Obviously, there's
 11 no crystal ball to predict this. But, you know, just
 12 thinking about, you know, it's not impractical to
 13 obviously have a bus going two hours for -- to fill
 14 one-third of a bus or a quarter of a bus?

15 SUPT. BROYLES: Correct.

16 MR. HENDERSON: Yeah.

17 SUPT. BROYLES: Yeah. And we'll do what we have
 18 to on that. I mean, it would not be practical. But
 19 to serve those kids, if we have to we'll do that or
 20 we'll have a van or something like that. We'll come
 21 up with some solution if they are in that -- if they
 22 are in that quantity. Thank you for that question.

23 MS. WOODS: Can you talk just for a second about
 24 what some of your other considerations were for
 25 closing? We talked a lot about finances --

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1 SUPT. BROYLES: Sure.

2 MS. WOODS: -- and we talked a lot about buses.

3 SUPT. BROYLES: Right.

4 MS. WOODS: But considering it's actually -- I
 5 mean, it's a great school.

6 SUPT. BROYLES: Right. Correct.

7 MS. WOODS: What all did you all have to
 8 consider in that?

9 SUPT. BROYLES: One of the things we considered
 10 was looking at a K-6 option. And some districts
 11 previously have looked -- have done that model;
 12 they've closed a high school and then kept a K-6 --
 13 and that's what Dr. Saunders and Ms. Smith and I
 14 talked about on Wednesday. I did not recommend that
 15 to my board, after speaking to my consultant, because
 16 of funding matrix concerns. We have 52 kids there,
 17 K-6. I have a report that says of those 52 there are
 18 11 families who would have a high school kid and an
 19 elementary kid next year. Of that 11 families, there
 20 are 32 kids that are affected. So you're looking at
 21 if the families did not want to have a high school
 22 kid at Dierks or Kirby and an elementary kid at
 23 Umpire, potentially you could lose 15 to 20 kids
 24 because they don't want to split their kids. Running
 25 the campus down to 30 or 35 kids brings in funding

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1 matrix concerns for feasibility for our elementary
 2 for 15 -- or, you know, 30 kids or so. And it's hard
 3 to project what that number will be for an elementary
 4 -- Dr. Saunders, I think, is working on that for me
 5 -- but it would still be infeasible there on the
 6 finance side. But, again, it's more about finances
 7 to me. Then we go to the best interest of the kids
 8 and the combined classrooms.

9 But to answer your question, we did consider a
 10 K-6. We're one LEA right now, K-12. That's easy
 11 enough to overcome. We're not an elementary and then
 12 a high school, but we could overcome that. But
 13 that's why I didn't recommend a K-6 over there, just
 14 because, long story short, I believe it could be
 15 kicking the can down the road and I fear we would be
 16 standing here again because of an infeasible
 17 elementary in the future. And, of course, the other
 18 options, Ms. Woods, of Dierks and Kirby taking them
 19 on.

20 MS. WOODS: Uh-huh. Okay.

21 CHAIRMAN MOORE: More questions, Ms. Salaam?

22 MS. SALAAM: So I know we've talked about the
 23 buses a lot. Do you have a number -- how many of the
 24 students ride the bus? You say you have two buses.

25 SUPT. BROYLES: Yeah, we have two buses. Yeah.

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1 About -- I would say about 50%, in talking with my
 2 Transportation Director, ride buses, maybe a little
 3 more. It varies sometimes from day to day, year to
 4 year. Estimated around 50%. So we're looking at 50
 5 kids on a bus right now in that community, but it's
 6 hard to say exactly.
 7 MS. SALAAM: All right. Thank you.
 8 SUPT. BROYLES: You bet.
 9 CHAIRMAN MOORE: Mr. Sutton, do you have any
 10 questions at this point?
 11 MR. SUTTON: No, not really any questions. My
 12 comment would just be that I would hope that the
 13 potential options could really be explored. You
 14 know, I'm a big supporter of trying to keep these
 15 schools in these smaller districts open. This is a
 16 tough one, being that it's so isolated. But that's
 17 my only comment right now.
 18 SUPT. BROYLES: Thank you.
 19 CHAIRMAN MOORE: Thank you. I know we have more
 20 questions down here. Mr. Wood?
 21 MR. WOOD: What was the overall district fund
 22 balance at the end of last year?
 23 SUPT. BROYLES: Fund balance was 1.65 million --
 24 MR. WOOD: Okay.
 25 SUPT. BROYLES: -- at the end of last year. I'd

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1 have to consult my reports, but around 1.65 million.
 2 MR. WOOD: Okay. Has Cossatot River considered
 3 the financial impact to the district if the Umpire
 4 community were to detach from the district and join a
 5 neighboring school district?
 6 SUPT. BROYLES: We've looked at that a little
 7 bit. And I've talked to Ray Beardsley; he's with
 8 First Security here in Little Rock. He's our fiscal
 9 agent, and he is the fiscal agent for Dierks, Kirby,
 10 and us; so that's convenient. He can speak to -- and
 11 I didn't bring him here, but he could speak to that.
 12 It's about \$300,000 a year in tax-base revenue if we
 13 -- if my board were to agree to send that to Dierks
 14 or Kirby. There's confusion. People disagree on
 15 that because they look at the total assessment. But
 16 the amount that comes to the district -- I think Dr.
 17 Saunders -- I think he would agree with that -- it's
 18 around \$300,000 a year. And when I talked to Mr.
 19 Hill, it's around \$300,000 a year that comes to the
 20 district in tax -- those -- that land tax base.
 21 MR. WOOD: Yeah. Well, that's pretty
 22 significant.
 23 SUPT. BROYLES: Yeah. And I will say that's a
 24 good question, Mr. Wood, there. But my board would
 25 have to decide that. But the advice from our folks

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1 is that there's no precedent for that. Once you're a
 2 part of a district, you're part of a district, and
 3 that's been I think maybe addressed in litigation in
 4 the past. And most districts, naturally, aren't
 5 going to agree to that because of the nature of the
 6 mills being tied up in it. Now what my board would
 7 do on that, I can't speak to that. But --
 8 MR. WOOD: Well, and I could be -- you know, I
 9 could be speaking from just an ounce of ignorance,
 10 but I also think that I'm speaking from an ounce of
 11 experience with that. While there may not be a lot
 12 of precedent to it, I'm not sure it's not -- there's
 13 no authority for it --
 14 SUPT. BROYLES: Correct.
 15 MR. WOOD: -- in statute. So while people can
 16 talk about precedent, we also have to consider what
 17 are the rights of the community that feels like
 18 they've been --
 19 SUPT. BROYLES: Right.
 20 MR. WOOD: -- you know, jerked around a bit.
 21 SUPT. BROYLES: Yeah.
 22 MR. WOOD: I'm curious, just in thinking about
 23 the politics of the area, with Umpire consolidated
 24 with Wickes and Cove roughly 12 years ago -- is that
 25 right?

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1 SUPT. BROYLES: It was around 20 years ago.
 2 MR. WOOD: 20, okay.
 3 SUPT. BROYLES: July 1, 2004.
 4 MR. WOOD: And when was the high school built
 5 and --
 6 SUPT. BROYLES: About -- oh, go ahead.
 7 MR. WOOD: -- well, in the school district?
 8 SUPT. BROYLES: Yeah. So, about 20 years ago
 9 Umpire consolidated with Wickes School District. And
 10 about 12 years ago Wickes School District
 11 consolidated with Cove School District, to build
 12 Cossatot River School District.
 13 MR. WOOD: Okay.
 14 SUPT. BROYLES: Cove High School was sold,
 15 Wickes High School was torn down, and we built a
 16 brand-new Cossatot River High School I believe around
 17 12 years ago.
 18 MR. WOOD: 12 years ago. So --
 19 SUPT. BROYLES: Correct.
 20 MR. WOOD: -- I'm curious as to why you chose to
 21 build it in Vandervoort, instead of in Wickes?
 22 SUPT. BROYLES: I really can't speak to that.
 23 That was a long time before me. That was a plot of
 24 land that my understanding wasn't zoned as a
 25 municipality to Wickes or Cove. It's closer to Cove

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1 in Vandervoort, but it's in the middle. You have
 2 Wickes here, that's seven miles from our high school.
 3 And then you have the high school, that's a little
 4 closer but about five miles to Cove.
 5 MR. WOOD: Yeah.
 6 SUPT. BROYLES: So I think the thinking back
 7 then was split the difference for the two
 8 communities. But it is closer to that Vandervoort/
 9 Cove area.
 10 MR. WOOD: Yeah.
 11 SUPT. BROYLES: But geographically it's kind of
 12 halfway between where our district is.
 13 MR. WOOD: Now I understand that and, you know,
 14 looking on a map it looks to be roughly halfway
 15 between those two communities.
 16 SUPT. BROYLES: Yeah.
 17 MR. WOOD: But it does seem to be a little more
 18 burdensome on the Umpire community.
 19 SUPT. BROYLES: Yes.
 20 MR. WOOD: That if Wickes had been chosen it
 21 would've been far more central for --
 22 SUPT. BROYLES: Right.
 23 MR. WOOD: -- for everyone involved. And so
 24 when we're talking about, you know, the distance
 25 nature and the burden that that community has, Wickes

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1 and Cove knew that Umpire was a partner community --
 2 SUPT. BROYLES: Yes.
 3 MR. WOOD: -- in their school district when the
 4 decisions were made to locate the high school where
 5 they chose to build it. Now you're talking about,
 6 you know, maybe in the near future, a new elementary
 7 school for the district. You know, it seems -- I
 8 hesitate to say self-serving, because I understand
 9 the hard decisions that are made on local school
 10 boards; I've been on one of them. Okay?
 11 SUPT. BROYLES: Right.
 12 MR. WOOD: I respect that. But nonetheless, it
 13 seems to isolate Umpire even more when you continue,
 14 you know, to favor Wickes and Cove.
 15 SUPT. BROYLES: Right.
 16 MR. WOOD: It's hard -- it's hard for me to
 17 consider. It sounds like you said in your opening
 18 statement that, you know, essentially promises were
 19 made to Umpire when they joined Wickes 20 years ago,
 20 that as long as it was feasible we would leave the
 21 Umpire schools open. And it seems -- financially
 22 speaking, based on the numbers we see today, it
 23 doesn't seem that much of a burden on the district to
 24 operate the Umpire buildings. And they're pretty
 25 successful academically --

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1 SUPT. BROYLES: Yes.
 2 MR. WOOD: -- in their own right. And so while
 3 I can appreciate the things you're talking about --
 4 academics and offerings, and extracurriculars even,
 5 the Umpire community isn't asking for something new
 6 from Wickes and Cove. Umpire is just asking for the
 7 agreement that they had 20 years ago.
 8 SUPT. BROYLES: Right.
 9 MR. WOOD: And financially it's feasible.
 10 Academically, they're strong. They don't want to be
 11 kicked out or have to leave. It's hard for me to see
 12 how it's no longer feasible to support Umpire. So I
 13 think, as I sit here now -- and I reserve the right
 14 to change my mind -- and I will say this, I did not
 15 wear blue today on purpose. No. I apologize for the
 16 bias that that might imply. I walked into the room
 17 and realized I had made a poor, poor judgment; so I
 18 apologize.
 19 SUPT. BROYLES: Yes.
 20 MR. WOOD: But I think that I would come down on
 21 the side of denying the petition at this point, so --
 22 SUPT. BROYLES: And just to speak to the land
 23 again, I don't know what they -- land availability is
 24 an issue, all sorts of variables there. That was
 25 long before I got there; I can't speak to it. I

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1 would just respectfully disagree, Mr. Wood. We're
 2 \$735,000 the last three years. That's the advice of
 3 our fiscal agent, that's the advice of our
 4 consultant. We've heard Mr. Saunders present that.
 5 There is some good points about the buses. We buy
 6 those because we have to. My board was aware of all
 7 of these things, and being aware of all of these
 8 things they voted locally to make that decision --
 9 and I think that's a factual determination for them
 10 and they considered that. But I do respect where
 11 you're coming from on that, absolutely. But I wish I
 12 could speak more about the land. I just don't know
 13 the history of that; I'm speculating.
 14 MR. WOOD: That's fine. I think, you know, the
 15 map speaks for itself.
 16 SUPT. BROYLES: Yes.
 17 MR. WOOD: I did want to ask this: why -- what
 18 consideration has been made to use transportation
 19 funds to take teachers from the location closer to
 20 Cove and Wickes to transport them to Umpire?
 21 SUPT. BROYLES: To take teachers?
 22 MR. WOOD: Yes. Like load a school bus up and
 23 use transportation funds to spend on fuel to
 24 transport teachers and coaches to Umpire?
 25 SUPT. BROYLES: I don't know. We haven't -- we

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1 haven't looked at that. That's a unique question I
 2 hadn't considered. You mean sending teachers from
 3 Cossatot River main campuses to Umpire or --
 4 MR. WOOD: Yes.
 5 SUPT. BROYLES: Right now we send our dyslexia
 6 specialist, we send our GT specialist, we send our --
 7 we have a special education person with the co-op.
 8 We send several different district people over there.
 9 And, of course, our child nutrition director,
 10 maintenance director, and technology -- because they
 11 go there. We also have a halftime librarian at the
 12 primary school that's also a halftime librarian at
 13 Umpire, and she goes there from time to time. We
 14 have a halftime counselor at the elementary school
 15 that's also the halftime counselor at the high
 16 school. So we do send some of those staff members
 17 over there. How it's financed, I don't know how -- I
 18 think they drive their personal vehicles.
 19 MR. WOOD: Yeah.
 20 SUPT. BROYLES: Yeah.
 21 MR. WOOD: Well, they might appreciate the
 22 district --
 23 SUPT. BROYLES: Sure.
 24 MR. WOOD: -- spending some of those
 25 transportation funds transporting them. But I think

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1 you should look at content, you know --
 2 SUPT. BROYLES: Right.
 3 MR. WOOD: -- core content teachers, providing
 4 transportation for them over to the Umpire campus.
 5 I'm not telling you you have to.
 6 SUPT. BROYLES: And I don't know how we would do
 7 that because our core content teachers there, they're
 8 maxed out in their classes. They don't have it in
 9 their master schedule to be able to go and teach
 10 Umpire classes. So I'm open to anything. But our
 11 content teachers -- like, for example, in high
 12 school, 7th grade, you know, maxed out at almost 29
 13 students. There's no -- there's no room in their
 14 schedule to go to Umpire and teach students over
 15 there. I don't know how we would facilitate that.
 16 They're maxed out in their own schedule. There's
 17 definitely some master schedule concerns in there.
 18 And then asking them to do that, I believe, you know,
 19 to go over there when they already have their
 20 schedules full, I'm going to lose good people.
 21 MR. WOOD: One last question. When -- we've
 22 talked about the timeline of October. When was this
 23 first in front of the board? When was the first
 24 consideration?
 25 SUPT. BROYLES: We -- for -- when I first came

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1 here three years ago, we had a board meeting and it
 2 was more informational. That was when I -- that was
 3 when the enrollment had started to drop. So we just
 4 had a meeting for the public. There was a Zoom
 5 meeting before that with staff and we just explained
 6 to them, you know, this is the status of the campus,
 7 this is where we are, we need y'all to go out, try to
 8 get some kids back. There's not a lot they can do,
 9 because if the kids are choosing home-school or other
 10 schools they can't go and harass them to come back.
 11 But we just communicated the urgency to them back in
 12 '21, of what it's looking like, what the numbers look
 13 like, what the enrollment looks like, and just
 14 empowered some solutions there.
 15 The next year we had a small discussion at a
 16 meeting about the numbers. And then this year at our
 17 board training with Mr. Beardsley we informed the
 18 board -- you know, Mr. Hill came. And then the next
 19 day, on October 12th -- the next few days, we --
 20 Norman Hill presented his report to my board and the
 21 community where that was my recommendation, on
 22 October 12th, I believe.
 23 MR. WOOD: Okay. Well, even if I vote against
 24 what you've asked today, I appreciate you being here
 25 --

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1 SUPT. BROYLES: Of course.
 2 MR. WOOD: -- and your demeanor, your soft
 3 approach to it.
 4 SUPT. BROYLES: Absolutely.
 5 MR. WOOD: It's a hard issue.
 6 SUPT. BROYLES: It is. Thank you, Mr. Wood.
 7 CHAIRMAN MOORE: Board Members, questions?
 8 I do have a few, if you don't mind --
 9 SUPT. BROYLES: Sure.
 10 CHAIRMAN MOORE: -- to comment.
 11 When we're looking at academics-wise, can you
 12 speak a little bit further about what you're able to
 13 offer at Cossatot versus Umpire --
 14 SUPT. BROYLES: Sure.
 15 CHAIRMAN MOORE: -- particularly in college
 16 readiness and CTE for students?
 17 SUPT. BROYLES: Right. So I alluded to it just
 18 a little bit in my presentation -- and I can do it
 19 from memory, but it's in there as well. We have --
 20 we don't produce an Associate's degree. I think we
 21 have enough hours to almost do it. I'd like to
 22 pursue that. But we have 35 concurrent college
 23 credit hours at Cossatot River High School that
 24 students can earn -- and now that's in front of
 25 physical teachers, except for college Algebra and

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1 trig. So we do offer that. We have a partnership
 2 with UA-Rich Mountain where we bus students over
 3 there every day for trade areas. Now our Empire
 4 students, they have the virtual option for those same
 5 35 credits. If they want to take what our Cossatot
 6 River High School students are doing in-person, they
 7 have access to those as well if they want to do it
 8 virtually. And they also have a partnership with UA-
 9 Cossatot to where they can go over there and take
 10 part in some of their trades. But we bus them over
 11 there to Rich Mountain and we offer those classes in-
 12 person.
 13 CHAIRMAN MOORE: What about Career and Technical
 14 Education courses?
 15 SUPT. BROYLES: Sure. We have the Facts, we
 16 have Agri, we have all of those -- business. And
 17 then the partnership with UA-Rich Mountain also
 18 offers like welding and trades and things like that.
 19 CHAIRMAN MOORE: Okay. And those are offered at
 20 both schools?
 21 SUPT. BROYLES: Yes. Yeah. The UA-Cossatot at
 22 Empire, they can go get some of those. And the other
 23 ones they offer them online, all the college
 24 concurrent credit hours. Yes.
 25 CHAIRMAN MOORE: Okay. When you're looking at

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1 teaching-wise for Empire in the 7-12 space, how many
 2 teachers are students seeing face-to-face versus for
 3 online instruction?
 4 SUPT. BROYLES: Right now, we have a face-to-
 5 face teacher for most of the classes that they need
 6 to graduate. That's just been the culture of the
 7 community. We wanted to have a real traditional
 8 school until we couldn't anymore. And that's part of
 9 the reason why we're in the situation we are, is we
 10 had pivoted to virtual a few years ago when we had
 11 opportunities and we wouldn't be facing as big of a
 12 deficit. We tried that some, not in mass quantity;
 13 there's been some virtual opportunities we've tried.
 14 And I don't blame them; there's been resistance from
 15 the community when we tried to do virtual. So we
 16 have a person in front of them for most every class
 17 because we wanted to maintain a traditional school.
 18 But that's why I'm standing before you today. If we
 19 were a more virtual model there, that deficit would
 20 be much less. But the thought has been we would be
 21 in front of you again, like the school districts
 22 before us that are having to offer mostly virtual.
 23 CHAIRMAN MOORE: Okay. I have a question for
 24 the Agency now --
 25 SUPT. BROYLES: Sure.

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1 CHAIRMAN MOORE: -- if you don't mind. Dr.
 2 Saunders.
 3 SUPT. BROYLES: Yes.
 4 CHAIRMAN MOORE: When you presented your list of
 5 options, one of the options was a satellite campus.
 6 Could you speak to what that is?
 7 DR. SAUNDERS: You know, the question about the
 8 satellite campus -- so I think part of that
 9 discussion was, you know, talking about it on
 10 Wednesday. And it was a lot of, you know, if you did
 11 this, if you did that -- just really brainstorming;
 12 that if Empire was a K-6 campus LEA in that regards,
 13 but then had a satellite campus where they could be
 14 students of Cossatot River, but yet take their
 15 courses in Empire, then that could help reduce some
 16 of the, I guess you'd say, requirements with
 17 Standards of Accreditation of trying to duplicate.
 18 See, the requirements say a separate LEA, but the
 19 students could still participate in that and they
 20 could also participate in the activities at Cossatot
 21 River.
 22 CHAIRMAN MOORE: Do we have any -- is that being
 23 done anywhere that the district could look at and
 24 talk to?
 25 MS. SMITH: Yeah. I'm not sure if it is or not.

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1 Stacy Smith, Deputy Commissioner.
 2 So one of the things I just want to make sure
 3 was clarified -- Eric did say it -- but because this
 4 is a separate LEA with its own high school, they have
 5 to meet all the standards of any other high school in
 6 the state. They have to have their 38 offerings,
 7 they have to have their ratios, all those pieces if
 8 they determined -- if they changed their LEA
 9 configuration to K-6, and with the concept of closing
 10 the 7-12 high school campus under the Cossatot River,
 11 and considered possibly a satellite campus for
 12 Cossatot River, where kids could still stay at Empire
 13 but maybe not necessarily be held to offering all the
 14 same 38.
 15 I will say they have tried to commit to having
 16 face-to-face teachers at that school, having
 17 activities at that school, but treating it like a
 18 offsite arm for kids. That probably would then
 19 increase some virtual options and opportunities like
 20 that. But that was that concept of satellites, if
 21 that makes sense. And it's my understanding that
 22 even if they were to move to something like that,
 23 because it would be the closure of an LEA campus in
 24 an isolated district, it would still require their
 25 board approval to do that. So that was that concept.

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1 SECRETARY OLIVA: And if I would add to that,
 2 whether or not that's happening in other campuses,
 3 this is I think one of the great things about
 4 Arkansas LEARNS and the vision of the Legislature and
 5 the Governor to empower local control. There's
 6 provisions in that legislation to provide for
 7 innovation, and this would be an example, if we were
 8 to explore these conversations, similar to this board
 9 has taken action to provide some innovative options
 10 for small and rural districts, like we did in
 11 Marvell-Elaine, like we're doing in Earle, like we --
 12 I think we're going to hear from Helena-West Helena,
 13 some other districts. These are -- there's
 14 flexibility that we have now that we may not have had
 15 before. We just want to make sure as the Board that
 16 their local decisions -- because I believe in those
 17 local decisions; they have a board that was elected
 18 by their community to make decisions that's best for
 19 that community, and I think we need to respect that
 20 process -- have they been able to explore all those
 21 options; have we been able to talk to the districts,
 22 neighboring districts, explore those options. And
 23 then be able to report to this board that these are
 24 the options we explored; this is why we may or may
 25 not be determine the feasibility of any of those

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1 options.
 2 CHAIRMAN MOORE: Okay. Board Members, do you
 3 have any questions on that? Any comments?
 4 Okay. So before we move forward, we will do
 5 public comments.
 6 (COURT REPORTER'S NOTE: Secretary Oliva speaks
 7 quietly with Chairman Moore.)
 8 CHAIRMAN MOORE: Let's do that. It's 11:02.
 9 Let's take a break and start back at 11:10.
 10 At this point in time I have two people signed
 11 up to speak for public comment.
 12 MR. RHODES: So the way the process normally
 13 works is you have a spokesperson for the group of
 14 folks that are opposing it.
 15 CHAIRMAN MOORE: Okay.
 16 MR. RHODES: And they have 15 minutes. If you
 17 want to split up that time between those two
 18 individuals that have signed up to speak, that's
 19 certainly fine. And then after that if you want to
 20 take additional public comment, you can.
 21 CHAIRMAN MOORE: Okay. So let's do that. Let's
 22 start back here right at 11:10 and we'll have -- so
 23 it's the 15-minute period for the spokesperson?
 24 MR. RHODES: Yeah. And you could -- again, if
 25 there's two people, you could break it up between the

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1 two of them, if you'd like.
 2 CHAIRMAN MOORE: Okay. Thank you.
 3 (BREAK: 11:03 A.M. - 11:15 A.M.)
 4 CHAIRMAN MOORE: Okay. We'll get started back,
 5 please. Thank you all. As outlined in procedure, we
 6 have received an opposition petition for close of
 7 Umpire School District. That person has 15 minutes
 8 to speak. If there are others in the audience -- I
 9 know many of you drove a long way to be here early
 10 this morning -- that would like to speak. We have a
 11 typical rule of 3 minutes per person for public
 12 comment. You may sign-up at the back of the room --
 13 or I should say out in the lobby -- either in the
 14 back of the room or out in the lobby here in a minute
 15 and you would get 3 minutes per person to speak. But
 16 we will start first with our procedures of the 15
 17 minutes for the opposition petition. Ms. Linda
 18 Kitchens, you may come up and we will start your time
 19 when you start. If you don't mind introducing
 20 yourself to begin with.
 21 MS. KITCHENS: Thank you. My name is Linda
 22 Kitchens. I have a long history with Umpire. I have
 23 been in that community for 50 years. I started there
 24 as a young married person. I began my teaching
 25 career there. I stayed there 25 years, then I went

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1 to the DeQueen School District as their special
 2 education supervisor. As part of that community, I
 3 just want to let you know that I have seen some
 4 remarkable things that take place in that school.
 5 But I'm going to start with a couple other things
 6 first.
 7 I know they say that closing this school is what
 8 is in the best interest of the students, and I don't
 9 think it is. First of all, I know you touched on the
 10 full board, and that was -- you know, that has been
 11 addressed. But then I got to thinking, what if we
 12 had had three members to resign before this vote was
 13 taken; what would've happened then to a full board
 14 and the votes wound up two-to-two. So, you know,
 15 sometimes my mind wanders.
 16 The other thing that's in the law is that
 17 Cossatot River, according to the law, must notify the
 18 contiguous school districts of the intent to close an
 19 isolated school at least one year in advance. Now in
 20 your packet you have two letters that show that two
 21 districts that join CRSD have not received any
 22 notification of their intent to close Umpire campus.
 23 And then the other thing that was said is -- we
 24 go back to the financial part of it. And when this
 25 was presented back in the summer it was initially

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1 presented as we have lost -- or Umpire had exceeded
 2 its revenue by about \$400,000. Well, I kind -- you
 3 know, that raises a red flag, especially if you are
 4 involved in any part of the financial end of the
 5 school. What in the world happened? Well, I
 6 requested a lot of APSCN records and I began to go
 7 through them. Now I have been told that it takes
 8 lots of years to understand APSCN. I worked with
 9 APSCN in the special education supervisor role. I
 10 also took the ASBO classes. So I understand APSCN.
 11 Now I may not understand all the things that are
 12 involved in school finance, because I will agree it
 13 is a very complicated matter. And I think I could
 14 probably take lots of classes on it and still not
 15 understand some of it. But this is what I found:
 16 Okay. Mr. Hill, in his analysis back in July,
 17 said that we have lost \$400,000 -- to be exact,
 18 \$401,811. But when I began to analyze that I
 19 discovered that he didn't even involve our local
 20 property tax revenue. Now we are guaranteed our UR2
 21 tax, and our UR2 tax for that year was \$352,000. It
 22 is shown nowhere on that report. I think -- I think
 23 that is on page 8 of my response. If you'll notice,
 24 I did Mr. Hill's figures and then I did the figures
 25 that I could come up with, and these come from APSCN

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1 and from the State Aid Notice that is put out in July
 2 of each year. So -- and I went to my district
 3 treasurer, in Howard County, and I asked for her to
 4 run that, and that is on page -- let me find it, I'm
 5 sorry. That is in one of the attachments.
 6 MS. STREET: Are there extra copies of whatever
 7 you're -- is it something the Board has, that they're
 8 looking at?
 9 MS. KITCHENS: I think they have a copy of it.
 10 Yes. Yeah.
 11 MS. STREET: It's page 8?
 12 CHAIRMAN MOORE: There's one.
 13 MS. STREET: Are there any other copies?
 14 CHAIRMAN MOORE: We have one copy, so I will
 15 pass it down.
 16 MS. STREET: I was just going to keep -- I was
 17 just going to read the law, if there were extra
 18 copies. My apologies.
 19 MS. KITCHENS: Okay.
 20 CHAIRMAN MOORE: Continue.
 21 MS. KITCHENS: Huh? Okay. Let me go ahead. I
 22 don't want to use up all my 15 minutes right now.
 23 Okay. In the meeting last night, the board
 24 meeting last night, it was told that we had lost over
 25 \$735,000 in the last three years. And I think you

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1 had some, you know -- well, the number from last year
 2 of \$400,000 suddenly went down to something like
 3 \$200,000 or maybe even less. So my question is this:
 4 I think we need to do a more thorough research of the
 5 figures. I'm not sure all the revenue has been
 6 accounted for, and I'm not sure all the expenditures
 7 have been accounted for. And when I say that, I've
 8 got another attachment on there about costs at Umpire
 9 and how they have escalated in some areas. And so my
 10 question is, why suddenly do we have more cost? And
 11 the example I gave was the lunchroom. The cost in
 12 the lunchroom for food went up substantially last
 13 year, and it even went down in some of the other
 14 cafeterias. And that is just one example that I came
 15 across. Because I tried to do a thorough search and
 16 I want to be correct when I do it. So that's just
 17 something I want to draw to your attention.
 18 Okay. The law says that the only reason you can
 19 close a campus, isolated campus, is -- and you -- I
 20 know you know this -- is financial or academic
 21 distress. We are not in academic distress; we are a
 22 B rated school, and we do this with classes that are
 23 combined. And I know some of that has been brought
 24 up as a detriment. It is not. In the 30-something
 25 years that I was in education I was privileged to be

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1 Principal at Umpire and every class in elementary was
 2 combined, except kindergarten. Kindergarten was a
 3 standalone. And then 1st and 2nd was combined, 3rd
 4 and 4th was combined, and 5th and 6th was combined.
 5 I believe if you took a poll right out here of the
 6 students that attended Umpire they would tell you,
 7 yes, I was in that class with 2nd graders; I was in
 8 that class with some 5th graders. My daughter was in
 9 all of those classes. She works in Little Rock now.
 10 She started -- and we talked about college/careers.
 11 I know there are students that have left Umpire that
 12 have one year of college credit behind them. My son
 13 and daughter was one of them -- or two of them. I
 14 may get in trouble. But they have lots of academic
 15 opportunities. They are a very closeknit family up
 16 there. They include children that come in there. I
 17 still sub up there. As a matter of fact, I've been
 18 -- I won't say privileged, but I've been called on to
 19 do long-term subs and I see those children and I see
 20 how they react with each other. When one hurts, they
 21 all hurt; one gets hurt out on the playground, I
 22 guarantee you there's going to be 20 kids bringing
 23 that kid -- he needs to go to the nurse. They are
 24 that type of a family.
 25 Okay. We've talked about declining enrollment.

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1 In '21 or -- '21, our enrollment -- well, let me get
 2 here. In '22, the enrollment was 88.44. In '23, the
 3 enrollment had come back up to 90.11. Currently, the
 4 enrollment is at 93. We have not declined. Now,
 5 maybe from 10 years ago or 15 years ago, yes, maybe
 6 we have. And I know Covid took a toll on us. But we
 7 are not still declining; we are stable.

8 Okay. Another reason has been because we're
 9 inefficient, that we cost -- we -- you know, it costs
 10 too much to keep us open. I don't know how much more
 11 efficient you can get when you have one teacher
 12 that's teaching 1st and 2nd, one teacher that's doing
 13 3rd and 4th, one teacher that's doing 5th and 6th,
 14 and still our test scores are good. We're above the
 15 state average in almost every area.

16 Now they talked about the isolated
 17 transportation and how much -- how they have to spend
 18 that. And I understand that and I agree with that.
 19 I wish there was something else that could be done
 20 about how we have to spend that transportation money.
 21 And I understand it's the law. I was there, I used
 22 to help figure a budget on that. But then what I
 23 don't understand is why Umpire has bought the entire
 24 fleet since we were consolidated, and we don't get
 25 any kind of credit for that. How many of you know --

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1 and it's in my report there -- Umpire in the last 10
 2 years has bought \$2,445,000 worth of buses. We get
 3 to keep them on Umpire campus one year and then
 4 they're gone. We never see them again unless the new
 5 bus that we have there breaks down and they bring the
 6 old bus back over there. Now the other thing that
 7 was brought up was that when they sell these buses it
 8 goes back into the general fund, and I understand
 9 that. That's the law. But we're getting no
 10 consideration for funding the entire bus fleet for
 11 CRSD.

12 Now I could go on about the academic awards that
 13 this school has won, but I won't, because in the
 14 interest of time I want to go ahead and tell you a
 15 little more.

16 CHAIRMAN MOORE: Okay. You have two minutes.
 17 Thank you.

18 MS. KITCHENS: How much?

19 CHAIRMAN MOORE: Two. Sorry.

20 MS. KITCHENS: It'll never happen. Okay. Let
 21 me talk about bus routes for a little bit. He was
 22 talking about -- I think Mr. Broyles or Dr. Broyles
 23 talked about less than two hours. Well, we ran a bus
 24 route one morning. The first child got on at 6:33.
 25 He got to Umpire at seven -- I want to make sure this

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1 is right -- 7:44. That is 71 minutes on a bus, and
 2 that's just to Umpire. If you put that child on that
 3 bus and send him over to Wickes, to Vandervoort, or
 4 over to the high school, that could be anywhere from
 5 an additional 32 minutes to 44 minutes -- and that's
 6 with no stops. Now when you return that route,
 7 you're going to have children on a bus for over --
 8 for 206 minutes a day. That's not two hours; that's
 9 three-plus hours. How many of us want to put our
 10 kindergarten child on a bus -- and I don't know if
 11 you've ever been on those roads down there, but
 12 they're not nice, to say the least. They're narrow
 13 two-lane roads. Some of them are gravel. There's a
 14 couple of high hills and bridges that they have to go
 15 over.

16 CHAIRMAN MOORE: That is time. If you want to
 17 -- I'll give you another minute or two to wrap up.

18 MS. KITCHENS: Thank you, Dr. Moore. I'll try
 19 to hurry.

20 Okay. The other thing -- one other thing I want
 21 to talk about is -- is on page 8, those revenue and
 22 expenditure columns, a lot of the figures you see
 23 there are the same as Mr. Hill's, because that's all
 24 the information I had at the time and I couldn't go
 25 dig up anything else, is the way I guess to put it.

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1 So a lot of what was used there are his. But I saw
 2 absolutely no tax revenue there. One of those things
 3 is that URT and that was \$352,000 for that year. So
 4 I don't think we got all the consideration that we
 5 needed to get.

6 Now I'm going to skip a couple of things and I'm
 7 going to go right over here and I'm going to try to
 8 sum this up.

9 The general consensus in the community is that
 10 CRSD no longer has the best interest of the students
 11 at Umpire; that it is a financial drain, they want to
 12 close it down, bulldoze the buildings, and build a
 13 new plant at Wickes. Our elementary building is only
 14 12 years old. It is not an old building. It is in
 15 good shape. It is not one of these that you hear
 16 that we have window unit air conditioners; it's
 17 central air. Our high school is now central air,
 18 it's central heat. The only building on campus that
 19 is not air-conditioned is our gym. And I don't know,
 20 you might have people chained to the walls if you
 21 brought a bulldozer in there to try to get rid of
 22 that gym.

23 I think we've proven that Umpire is not a drain,
 24 that it is a very good school, and that it is devoted
 25 to its students, and that this community wants to

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1 keep this school -- not because we've raised -- you
 2 know, we've won any sports championships, not
 3 because, oh, I went there and I don't want it to
 4 close. I don't think that's what it's about. I
 5 think it is about the quality of education that these
 6 students receive at Umpire School. I think we have
 7 stood tall in keeping this community and this school
 8 together over the years.
 9 One quick thing: at one time Umpire was paying
 10 63.8 mills to keep their school alive. We had the
 11 highest millage in the state. We made the news.
 12 KARK came down and wanted to know why in the world
 13 would you raise your millage to 63.8 mills, and
 14 everybody told him the same thing: we want to keep
 15 this school because we value the education, we value
 16 what they do for my student. Now we lowered that
 17 millage a few years later, by five mills, and we kept
 18 it there until we were forced to annex. We had 300
 19 -- the 350 came out, no academic distress, no
 20 financial distress; the number got us.
 21 So I'm asking you as a board to consider what
 22 this community has done for generations to protect
 23 its school, to protect its community, to protect its
 24 students. And please consider this when you vote.
 25 Thank you.

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1 CHAIRMAN MOORE: Thank you.
 2 Mr. Rhodes, procedural-wise, do we -- are we
 3 able to ask questions of the opposition?
 4 MR. RHODES: Yes.
 5 CHAIRMAN MOORE: Okay. Okay. So we -- so just
 6 to let the audience know, typically this is untypical
 7 that we are able to ask questions. If someone signs
 8 up to speak, we can't ask questions. But because
 9 this is a petition hearing -- is that correct?
 10 MR. RHODES: Well, correct. So there is a
 11 designated speaker for this group and this person --
 12 CHAIRMAN MOORE: Okay.
 13 MR. RHODES: -- is able to -- is available to
 14 answer questions, just like the Superintendent of the
 15 school district. The public comments are a little
 16 different.
 17 CHAIRMAN MOORE: Okay.
 18 MR. RHODES: And then I just gave you the list.
 19 Nobody signed up to speak.
 20 CHAIRMAN MOORE: Okay. Thank you.
 21 Fortunately, we don't have to do this very
 22 often. But because of that --
 23 MS. KITCHENS: I understand.
 24 CHAIRMAN MOORE: -- it's difficult. So we'll go
 25 down here for questions. Mr. Henderson?

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1 MR. HENDERSON: No.
 2 CHAIRMAN MOORE: Ms. Woods?
 3 MS. WOODS: In talking about the finances, you
 4 were talking about Mr. Hall's [sic] report. Did you
 5 consider any of Dr. Saunders' financial report?
 6 MS. KITCHENS: I do not have any of Dr.
 7 Saunders' report.
 8 MS. WOODS: Okay.
 9 MS. KITCHENS: I have absolutely none of those
 10 figures.
 11 SECRETARY OLIVA: We --
 12 MS. KITCHENS: And I asked for them last night.
 13 SECRETARY OLIVA: Right. We just met as of
 14 earlier this week to come up to the consensus on the
 15 report that Dr. Saunders has. So we'll -- there is
 16 now a public document that could be made available to
 17 anybody that wants it. We'll add Dr. Saunders' cell
 18 phone number on there so anybody can call him.
 19 [LAUGHTER]
 20 MS. WOODS: I just wondered because it was my
 21 kind of understanding that that's what we were using
 22 as the numbers for this whole situation.
 23 So also I just want to clarify -- you mentioned
 24 that the two reasons for closing were financial and
 25 for academic distress. But I believe that's for an

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1 entire district and not for individual schools.
 2 Correct?
 3 MS. KITCHENS: I think it says isolated school.
 4 CHAIRMAN MOORE: Okay.
 5 MS. KITCHENS: I mean, I'm not --
 6 CHAIRMAN MOORE: Mr. Rhodes.
 7 MR. RHODES: Well, the procedure for closing an
 8 isolated school is what you're hearing before you
 9 today. And if there is a unanimous vote of this --
 10 of the school board, they can close the campus
 11 without coming to the State Board. If the vote is
 12 not unanimous by the school board, then it comes to
 13 you for review. But that is to close a school. What
 14 she described, to your point, is to close -- you
 15 know, I mean to take over a school district. And
 16 then from that point you have additional actions you
 17 can take as a state board.
 18 MS. WOODS: Okay.
 19 CHAIRMAN MOORE: Questions, Ms. Rollins?
 20 MS. ROLLINS: No.
 21 CHAIRMAN MOORE: Mr. Bragg?
 22 MR. BRAGG: No.
 23 CHAIRMAN MOORE: Mr. Wood?
 24 MR. WOOD: Just briefly. Can the Department
 25 confirm these claims in here with regard to the

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1 academic success of Umpire, that ELA growth was
 2 number one in the southwest region; in K-12 that math
 3 growth was number five in the southwest region; that
 4 it was the number two most improved public elementary
 5 school in Arkansas, in 2023; number three most
 6 improved public high school in Arkansas, in 2023?
 7 SECRETARY OLIVA: So this is new information to
 8 us, Mr. Wood. We'd be happy --
 9 MR. WOOD: Okay.
 10 SECRETARY OLIVA: -- to go through it.
 11 MR. WOOD: I didn't categorize that. Is that a
 12 -- is that a --
 13 MS. KITCHENS: Now I asked the Principal about
 14 those and she has certificates from the U of A and --
 15 MR. WOOD: Okay.
 16 MS. KITCHENS: Yes.
 17 MR. WOOD: Fair enough. So a different
 18 organization, but I'm familiar with what you're
 19 talking about.
 20 MS. KITCHENS: Yeah.
 21 MR. WOOD: Okay. All right.
 22 CHAIRMAN MOORE: Ms. Keener, questions?
 23 MS. KEENER: No.
 24 CHAIRMAN MOORE: Mr. Sutton, online, do you have
 25 any questions?

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1 MR. SUTTON: No, ma'am.
 2 CHAIRMAN MOORE: Okay. Thank you. Thank you,
 3 Ms. Kitchens.
 4 MS. KITCHENS: Thank you.
 5 CHAIRMAN MOORE: At this point we don't have
 6 anyone else signed up for public comment. With that
 7 now, Mr. Rhodes, can you --
 8 MR. RHODES: So the school district, the
 9 petitioner, gets five minutes to close. And then at
 10 that point you go into deliberation.
 11 CHAIRMAN MOORE: Okay. So, five minutes, Dr.
 12 Broyles.
 13 SUPT. BROYLES: I will set my timer, but if
 14 you'll obviously keep me on pace.
 15 I want to thank Ms. Kitchens for her comments.
 16 I have a tremendous respect for Ms. Kitchens. She
 17 obviously has passion, and I respect this process to
 18 hear her comments.
 19 Just briefly to touch on one or two things -- in
 20 the isolated statute of law you'll see there's no
 21 requirement that I notify any other district that I
 22 have to -- that we're closing an isolated campus. I
 23 haven't seen that law. But what I've been told is
 24 that's if we're going to ask them to take the
 25 district on. But in the isolated statute -- Mr.

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1 Rhodes might can speak to it -- me or Ms. Street are
 2 not aware that we have to notify any neighboring
 3 district before we do that. And no other -- none of
 4 my colleagues who -- that I've spoken to that have
 5 closed campuses have done that. But I haven't seen
 6 that statute.
 7 I want to draw distinction on ADM and
 8 enrollment. Those are two different things. When
 9 you look at -- ADM is what funds the school;
 10 enrollment is what's there at the time. So if you
 11 look at ADM we're seeing a steady decline. Right now
 12 we're at 92 students; last year we were at 99 in
 13 enrollment. ADM is the three nine-week average. So
 14 it's projected the ADM for next year will be in the
 15 high 80s. So enrollment did pick up, thanks to the
 16 promotion that we did, in part, and thanks to some of
 17 the efforts of the Umpire campus. But the ADM is --
 18 could fall for next year.
 19 I'd just point to the standard in the statute.
 20 This is not an easy decision. I'm trying to do
 21 what's best for my entire district. I can't just
 22 look at our Umpire campus; I have to look at all of
 23 my campuses. And we have a silent majority that
 24 represents 90% of our district who is not speaking up
 25 because no one wants to be that person. But we -- I

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1 have 90% of my constituents to look out for in my
 2 district. And when we're losing -- and I hate to put
 3 it in numbers, but when we're losing that much money
 4 in three years -- and I know there's a debate about
 5 the buses; we don't have a choice there. When we're
 6 losing that much money it's hard for me to go back to
 7 my community and say that we're pulling that money
 8 from opportunities there for 10% of our district,
 9 when those students can get that on our campus or
 10 another campus. So I'm just trying to look out for
 11 the best interest of my district as a whole.
 12 Tax revenue was not included because if the
 13 campus closes, like every district before us, that
 14 land stays with the district. And that would be up
 15 to my board to decide if they wanted to concede that
 16 over. But that's why tax revenue wasn't included.
 17 It's not included in any financial analysis when
 18 you're looking at the profitability or sustainability
 19 of a campus. I don't like that word "profitability."
 20 No plans to bulldoze anything. That's the first I've
 21 heard that. No plans to build a plant. We don't
 22 even have plans to build a new elementary at Cossatot
 23 River. I don't know where that came from. It's been
 24 talked about. Mr. Hill talked about it as in the
 25 future, but we don't have any plans. I just did my

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1 master facilities plan a week ago. There's no --
 2 there's no immediate plans to build a new elementary,
 3 but we're looking at it. But partnership funding is
 4 an issue there. But no plans to bulldoze anything
 5 and no plans right now to build an elementary.
 6 Again, I'm just looking at the campus versus the
 7 district. And, you know, I have respect for Ms.
 8 Kitchens.
 9 At the meeting two weeks ago, the comment was
 10 Umpire wants a divorce from Cossatot River School
 11 District, and that was the comment that was made. I
 12 got an email today that the Umpire community no
 13 longer wants the food from Cossatot River School
 14 District for their backpack program. They said, We
 15 don't need your food anymore. They want free; they
 16 said they want a divorce. And I responded the other
 17 day that I filed the paperwork for that, just in
 18 comic relief.
 19 But we're doing all we can. I'm trying to
 20 represent my district as a whole, but it is a tough
 21 decision. My local board heard all of these issues,
 22 they heard all about the buses, they heard about the
 23 emotion, they know the trouble that's facing them.
 24 But those elected board members heard that and made a
 25 vote, they made a decision. But we are happy to go

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1 back and look at other opportunities with Dierks,
 2 look at opportunities with Kirby, and look at
 3 opportunities for a charter, a private that really
 4 doesn't involve us. I have talked to one individual
 5 there who has a private. The industry there just
 6 doesn't lend itself to much charter or private,
 7 because it's very expensive. They have to wait a
 8 year before they have educational freedom accounts.
 9 So we can look at those options, and we're happy
 10 to. We're happy to look at our K-6. But I have to
 11 do something for my district to advance the best
 12 interests of all of my students. I can't keep
 13 representing the whole district and letting it be
 14 this way, when I have 90% of my people who are
 15 emailing me as we speak making their voices heard and
 16 wanting that to be heard for the best interest of
 17 them.
 18 But I'll reserve a few minutes, if you have any
 19 questions for me. That's all I have, if you want to
 20 ask me anything else.
 21 CHAIRMAN MOORE: Thank you, Dr. Broyles.
 22 Questions? Ms. Rollins?
 23 MS. ROLLINS: Have you thought about keeping the
 24 elementary school -- you just said something about
 25 building an elementary school. But --

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1 SUPT. BROYLES: Right. Correct. Thank you, Ms.
 2 Rollins.
 3 MS. ROLLINS: -- it's only 12 years old.
 4 SUPT. BROYLES: Right. We do want to be clear,
 5 but I don't want to get off in that because my
 6 district doesn't have any immediate plans to build a
 7 new elementary school in Cossatot River. I just
 8 restructured those. We had a K-6 in Vandervoort, K-6
 9 Wickes. I made Vandervoort Cossatot River primary,
 10 K-2. I made Wickes Cossatot River elementary, 3-6.
 11 That's a working model right now. We aligned our
 12 curriculum; we saved a little money. We're promoting
 13 unit, because my vision is unity and growth.
 14 So, yeah, we've looked at a new elementary to be
 15 on the same campus as our high school or nearby. But
 16 no plans there.
 17 But to your question, Ms. Rollins, we have
 18 talked about keeping a K-6 at Umpire and that's
 19 something that we'd be more than happy to look at.
 20 It would be a restructuring. We'd have to bring it
 21 back before this board. But I want what's best for
 22 all students, including our Umpire. And if K-6 is
 23 worth a try, then we can go back and we can look at
 24 that and then see if that's something we can bring to
 25 you. I'll put it before my board, if they want to

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1 consider it, and we can bring that before this board.
 2 But absolutely it's worth looking at a K-6 there.
 3 MS. ROLLINS: It's just so difficult to think
 4 about a young child on a school bus that long.
 5 SUPT. BROYLES: It is.
 6 MS. ROLLINS: I mean it just -- I'm sure it
 7 wears you out.
 8 SUPT. BROYLES: Yes, ma'am, it is. Yeah.
 9 That's something I acknowledge and understand. Yeah.
 10 MS. ROLLINS: Okay.
 11 SUPT. BROYLES: Yeah. You're correct. I mean
 12 it's something that weighed into the decision, for
 13 sure. And, you know, we want those students, but I
 14 can't discount the likelihood that if it closes they
 15 are going to go to the Dierks school that's just
 16 about 12 miles up the road. If they stay with us,
 17 it's a long bus ride. I'm not going to -- not going
 18 to say that it's not. It's not outside the norm of
 19 what my colleagues in our area do, as unideal as it
 20 is. I did some research on that. It's not ideal.
 21 But it's being done right now in this county and
 22 counties I've been in before, although it's not
 23 ideal. But more than likely, they would choose the
 24 district right up the road where their bus rides
 25 would be much less. But I don't dispute that we

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1 don't want -- we don't want kids on buses that long.
 2 That's one of the variables that went into this
 3 decision, and a very tough variable for sure.
 4 MS. ROLLINS: One of the things that I really
 5 haven't heard much of today is what is the benefit of
 6 the students being transferred into Cossatot? What
 7 truly are some of the benefits?
 8 SUPT. BROYLES: That's a good question. One
 9 thing that would help is if you could see both
 10 campuses. I think some people here might have
 11 visited Umpire and visited Cossatot River High. We
 12 have a nice elementary school at Umpire. It's a --
 13 we built it about -- I forget how many years ago, but
 14 when Wickes consolidated with -- Umpire with Wickes.
 15 The elementary school there is good. Facilities-
 16 wise, overall, we have a much better high school
 17 facility at Cossatot River. We have many more
 18 extracurriculars I put in my presentation, many more
 19 athletic activities, the concurrent credit classes
 20 with physical teachers in front of them.
 21 So to sum that up, a lot more extracurriculars,
 22 a lot more athletics, and better facilities.
 23 MS. ROLLINS: Can you name some of those? Can
 24 you --
 25 SUPT. BROYLES: Sure. I mean --

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1 MS. ROLLINS: -- be a little more specific?
 2 SUPT. BROYLES: Yeah. It's in my presentation,
 3 if I can pull it back up so I don't have to recite it
 4 from memory. But football -- we just started
 5 football, volleyball, band, we have a 100-member
 6 choir that just performed at Arkansas Children's
 7 Hospital, award-winning FFA program, softball,
 8 baseball, soccer. Our baseball and soccer teams
 9 frequent the state tournament every year -- or just
 10 about every year. A lot -- that's just to name a
 11 few. BETA, those types of things. And like I said,
 12 I can point to it in there, if it's pulled up, but I
 13 just named most of them. Elementary, things like
 14 chess in 3rd through 12th. A lot of different
 15 things.
 16 CHAIRMAN MOORE: Mr. Bragg, questions?
 17 MR. BRAGG: No.
 18 CHAIRMAN MOORE: Mr. Wood?
 19 MR. WOOD: But I do believe that you have to
 20 acknowledge this is an odd situation --
 21 SUPT. BROYLES: Yes.
 22 MR. WOOD: -- that you're dragging them to a
 23 better situation. You know what I mean?
 24 SUPT. BROYLES: Sure.
 25 MR. WOOD: And you give a list of things that

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1 they'll benefit from. But they're respectfully
 2 saying, We'd like to just stay right here.
 3 SUPT. BROYLES: Correct. Yeah. And I'd love
 4 for them to, if we could get -- if we could get
 5 funding to offset. Because I'm pulling money away
 6 from 90% of the rest of my district. I'd love for
 7 them to stay there if we could find a solution.
 8 Absolutely.
 9 MR. WOOD: Well, I think I alluded to it just
 10 briefly --
 11 SUPT. BROYLES: Sure.
 12 MR. WOOD: -- a minute ago, that I don't think
 13 that I believe that a, quote/unquote, unsustainable
 14 burden exists. All schools cost money.
 15 SUPT. BROYLES: Right.
 16 MR. WOOD: And then, in the Little Rock School
 17 District one school may not have -- be in the black
 18 and another school may have to support that school.
 19 You know, that's normal across districts all over
 20 Arkansas. I just -- I feel like, given the academic
 21 success of the schools in Umpire, given the
 22 challenges that they face, given the small size,
 23 given the combined classrooms in the elementary
 24 school -- I mean, it's really remarkable.
 25 SUPT. BROYLES: It is.

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1 MR. WOOD: So I really kind of think that it
 2 would be a travesty if this community lost its
 3 schools. I think that they should more appropriately
 4 be a model to small communities all across Arkansas,
 5 as to how to efficiently deliver high-quality
 6 education in rural communities.
 7 And so I -- while I generally -- I have a
 8 general rule in these types of things to defer to
 9 local decision-making. Elected people in that
 10 community have a little more skin in the game than an
 11 unelected State Board of Education, and I respect
 12 that tremendously. But in a situation where the
 13 Legislature creates a mechanism that we're to decide
 14 and be the final decision-maker, but doesn't leave us
 15 a tremendous amount of direction into considerations,
 16 I just can't envision that this is the type of
 17 situation that the Legislature is thinking about
 18 closing small schools. This is a model school. And
 19 I hope that you'll go back -- and you've got some
 20 fences to mend. I've complimented you. I have great
 21 respect for you. You're doing a good job. Okay?
 22 SUPT. BROYLES: Okay.
 23 MR. WOOD: And you're in a very tough position,
 24 and you do have 90% versus 10%, and I respect all
 25 that. But the 10% are yours also. And I hope you'll

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1 go and foster a warmer embrace between Umpire and
 2 Wickes and Cove and Vandervoort and all of those
 3 communities, because something special is happening
 4 at Umpire.
 5 SUPT. BROYLES: Sure.
 6 MR. WOOD: Even if it costs a little more money
 7 than their neighbors wish it did, it's really good,
 8 and I think it should be celebrated. And I reserve
 9 the right to change my mind in the future if you come
 10 back and it truly is obviously unsustainable -- and
 11 that situation does occur. And this board has
 12 granted the closing of isolated campuses in other
 13 situations, but this one just doesn't have that feel
 14 of obviously unsustainable or an obvious over-burden
 15 to the rest of the district. So I'll vote to deny
 16 the petition.
 17 SUPT. BROYLES: Thank you for your comments. I
 18 appreciate the candidness on that. Thank you.
 19 CHAIRMAN MOORE: Questions, Ms. Keener?
 20 MS. KEENER: No.
 21 CHAIRMAN MOORE: Mr. Henderson?
 22 MR. HENDERSON: Yes. Initially I didn't have a
 23 question, but you made a couple of comments that I
 24 just want to get clarification on.
 25 SUPT. BROYLES: Uh-huh.

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1 MR. HENDERSON: You said 90% is in favor of the
 2 school closure and 0% is in here representing?
 3 SUPT. BROYLES: Right. Well, I don't know 90%.
 4 I can't say everybody is in favor of it closing. My
 5 point is I have 90% of a district to think about. I
 6 don't know their opinions. But I don't -- my point
 7 is I have 90% of my district over there, I call it
 8 across the river, and then 10% are at Umpire, which,
 9 as I said in the beginning, we value just as much.
 10 But I'm trying to adhere to the standard and the
 11 statute and do what's in the best interest of all my
 12 students as a whole. And what I mean by that is I
 13 have to consider the vast majority, as well as the
 14 10% in Umpire. But I didn't poll everybody in that
 15 90%. No, sir.
 16 MR. HENDERSON: Okay. Thank you.
 17 SUPT. BROYLES: Does that help?
 18 MR. HENDERSON: Yes.
 19 CHAIRMAN MOORE: Ms. Woods, questions?
 20 MS. WOODS: No.
 21 CHAIRMAN MOORE: Mr. Sutton, online, do you have
 22 any questions for the district?
 23 MR. SUTTON: No, ma'am, I don't believe so.
 24 CHAIRMAN MOORE: Okay. Thank you, Dr. Broyles.
 25 SUPT. BROYLES: Thank you. I'll have to stay

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1 for the other matter later today, so I'll be here.
 2 CHAIRMAN MOORE: Yes. Thank you.
 3 SUPT. BROYLES: You bet. Thank you.
 4 CHAIRMAN MOORE: Before we vote, I do want to
 5 make a comment. I do -- I have to wish that we could
 6 pull up data sort of in the middle of a meeting. But
 7 I do think it is important to put things in context
 8 and pull up which -- you know, the assessment is one
 9 mark in time measure. And what we're looking at last
 10 year was that Umpire School District, 33% of students
 11 met readiness in math and 46 in ELA. The average ACT
 12 for the district is 17.5; the state average is 18.
 13 And so we all still have growth to be done, no matter
 14 what school we're at. All students, no matter where
 15 they live, deserve the opportunities to succeed, get
 16 college scholarships, and you need above a 17 for
 17 that. So I think there's still work to be done, as
 18 we take this into consideration. And I want the
 19 community -- for all communities to work towards
 20 continued academic success for students, and a big
 21 part of that is on success for teachers as well and
 22 putting them in the best supportive environment.
 23 Those were my comments. I just took the Chair's
 24 prerogative.
 25 I will open the floor now for any more

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1 discussion, considerations.
 2 MR. BRAGG: Madam Chair?
 3 CHAIRMAN MOORE: Mr. Bragg.
 4 MR. BRAGG: Is there no public comment?
 5 CHAIRMAN MOORE: No.
 6 MR. BRAGG: Okay.
 7 CHAIRMAN MOORE: There's no more --
 8 MR. BRAGG: Just a question on procedure, I
 9 guess. And, you know, there's obviously a difference
 10 in looking at some of the financials and, you know, I
 11 think there's room for --
 12 MR. SUTTON: Can't hear him.
 13 CHAIRMAN MOORE: Yeah. I think we're having a
 14 hard time with board members. So, Board Members, if
 15 you could get as close to the mic as possible that
 16 would be great.
 17 MR. BRAGG: Well, there seems to be -- you know,
 18 there's a difference in interpretation of some of the
 19 financials, and I don't think we've really had time
 20 to look at all the options. And instead of a yes or
 21 no vote, is it an option just to table this and do
 22 further analysis of it?
 23 MR. RHODES: Yes, sir. So at the beginning of
 24 the presentation, you have three options. So you can
 25 either grant the petition and close the school, deny

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1 the petition and keep the school open as it sits, in
 2 a counter-petition, or you can table the decision for
 3 a future State Board meeting. Now you would
 4 ultimately have to make a decision in public, in a
 5 public meeting, but you can table it for future
 6 consideration. Yes.
 7 MR. BRAGG: Well, at the proper time I would
 8 like to make a motion that we table it so we can
 9 further discuss, get more information.
 10 MS. WOODS: Can I make a comment? What are we
 11 waiting for in the tabling time? For them to go back
 12 to explore further options?
 13 MR. BRAGG: I think mainly further options and
 14 to clarify some of the financial.
 15 MS. WOODS: Because here's my consideration: I
 16 agree with Mr. Wood; I don't know that they're met
 17 the burden from the district that it's an unstable
 18 environment. But I'm also thinking we could just
 19 deny the petition and they still can go back and have
 20 work to do at this point that doesn't negate them
 21 coming back in the future. Right?
 22 MR. BRAGG: That's true.
 23 MS. WOODS: I mean, these people have taken off
 24 all day to come here. I hate to leave them with a
 25 maybe and send them on their way, to only make them

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1 come back in two or three months. That's just my
 2 opinion on it.
 3 CHAIRMAN MOORE: Okay. So there's a motion on
 4 the floor. Discussion of the motion? You'd like to
 5 make a motion? Yeah, did you make the motion or
 6 would like to?
 7 MR. BRAGG: Yeah. I mean, as long as we're
 8 going to follow-up, is what I was concerned about. I
 9 don't necessarily need to table it. We can vote to
 10 deny it, as long as we have follow-up.
 11 MS. KEENER: Well, and if we're still in
 12 discussion, my understanding from Mr. Rhodes is that
 13 the piece about the full board has not been
 14 interpreted; so, therefore, any decision we make sort
 15 of sets the precedent that whether -- what a full
 16 board looks like in terms of our decision. Is that
 17 correct?
 18 MR. RHODES: I mean, if you take an affirmative
 19 or -- you know, a vote on either denying or granting
 20 the petition you're effectively agreeing that it was
 21 a proper petition before you.
 22 MS. KEENER: Okay.
 23 MR. RHODES: If you table it, I mean, it's still
 24 leaving the question open. But, ultimately, you'd be
 25 taking a final vote. To your point, I mean, if you

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1 deny the petition today, they can still petition in
 2 the future. So, I mean, I think to your point you
 3 can probably address some questions with a separate
 4 motion, but --
 5 MS. KEENER: So my concern moving forward is
 6 that if we -- you know, rather than set that
 7 precedent that we accept that as a full board, with a
 8 portion of the community unrepresented, I think I'd
 9 like to set the precedent these matters are not
 10 brought to us unless, without an absolute shadow of a
 11 doubt, every T has been crossed and every I has been
 12 dotted. And so I would vote -- I would later suggest
 13 that we table it, give them an opportunity to do
 14 that. In that time period I think some other options
 15 can be investigated. We can look at financials
 16 further. But, you know, I want to be very careful
 17 that things are not brought to us until we are a
 18 hundred-percent sure that the statute has been met.
 19 CHAIRMAN MOORE: Okay. Any more discussion?
 20 MR. WOOD: Could I speak to that smaller point,
 21 just about the board make-up just briefly? I
 22 actually think that it is a very good point as far as
 23 precedent goes. Until a court interprets that
 24 statute we get to interpret that statute. And I
 25 think that there is wisdom in the fact that if the

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1 Legislature had -- I think the fact that the
 2 Legislature used the language "full board" indicates
 3 the heaviness of the topic of full representation of
 4 the entire community in the decision-making process.
 5 And when you accept a vote of less than the full
 6 seven membership, you devalue that a little bit. The
 7 Legislature could have said a majority vote of the
 8 board; but instead said a vote of the full board.
 9 And so, a small distinction, but it is important to
 10 make it, that everyone in the community be
 11 represented in those -- in the meeting when it is
 12 voted upon to close a school. And so I think it is a
 13 fair standard that we would adopt that that be the
 14 standard until a court tells us otherwise, that we
 15 are wrong.
 16 SUPT. BROYLES: Ms. Moore, may I ask one
 17 question before you take -- can I ask one question?
 18 CHAIRMAN MOORE: Yeah. If you could come up to
 19 the mic.
 20 SUPT. BROYLES: And this isn't to be
 21 argumentative; I just would like some clarity. If my
 22 -- you know, my interpretation of the statute with
 23 our attorney and the ASBA was it's a majority of the
 24 full board. So my question is, in the future for our
 25 district and any district, if we set that, if there

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1 is a board member for any other school in the state
 2 who wants to defeat coming before this board, if they
 3 just intentionally do not show up for that meeting to
 4 defeat that, what's the implication of that? If I
 5 don't come to the meeting, they won't have a full
 6 board, and I prevent it from coming to State Board.
 7 When I read that I saw "full board," and, like Mr.
 8 Wood, I -- you know, they chose that wording; that's
 9 why I went to ASBA and our attorney. But I did
 10 wonder, well, what if a board member wanted to defeat
 11 that by not coming to the meeting and prevent it from
 12 coming to the Board. So as we're considering
 13 precedent, I'm just curious how that might -- how
 14 that might weigh in, if it's worthy of any thought.
 15 MS. KEENER: My opinion on that would be that if
 16 you were to run into a situation like that you need
 17 to take pause and really reconsider what you're
 18 doing; that if you would end up in a situation where
 19 an elected official would step down solely to stop
 20 something, you might be on the wrong path, is my
 21 interpretation.
 22 CHAIRMAN MOORE: Okay. So at this point in time
 23 -- Mr. Bragg, I'm sorry, did you say that you made
 24 the motion or you would like to make the motion?
 25 What do you --

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1 MR. BRAGG: Well, I would like to make a motion.
 2 I just want to -- maybe a question for staff. I just
 3 want to be sure that if we vote to deny --
 4 MR. SUTTON: Can't hear him.
 5 MR. BRAGG: If we vote to deny it, is there a
 6 process to continue looking at alternatives?
 7 CHAIRMAN MOORE: Okay. Okay. So, question for
 8 staff. Representative Vaught would like to make some
 9 comments.
 10 REPRESENTATIVE VAUGHT: I would just like to ask
 11 a question --
 12 CHAIRMAN MOORE: You will need to come up.
 13 REPRESENTATIVE VAUGHT: -- since I am the
 14 Legislator in the room. And I'm being petite.
 15 My question is if you -- if we have somebody who
 16 resigns from the Legislature, and they're in our
 17 committee room, we continue to still have committees.
 18 So I don't know -- and I do agree, you could have
 19 somebody just not show up; they do it in the
 20 Legislature all the time, they don't want to make a
 21 vote; they go to the bathroom, they leave the room,
 22 they do whatever. I don't know who the person is who
 23 resigned. I came in late. We've been in ALC this
 24 morning. But my question is, if you do this and you
 25 set a special session for this -- I mean a special

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1 election for this seat to be filled, how far out does
 2 that put this entire decision? Because I know that
 3 we discussed at Umpire this -- when we were meeting
 4 there that this needs to happen sooner rather than
 5 later. If I remember correctly, I thought that there
 6 was like a timeline when we were trying to hit. And
 7 so I worry if you don't go ahead and make some
 8 decision that this is going to push it even further
 9 down into the spring, which is not what we need. So
 10 just keep that in mind. And I don't know if the
 11 Secretary can answer that question for me about the
 12 special election and everything.
 13 MS. KEENER: So --
 14 REPRESENTATIVE VAUGHT: But that's just my two
 15 cents.
 16 MS. KEENER: I agree wholeheartedly that sooner
 17 rather than later. My understanding is that another
 18 board member has been appointed --
 19 REPRESENTATIVE VAUGHT: Oh, okay.
 20 MS. KEENER: -- and the board is now full. So
 21 it could happen in a regular meeting, in January.
 22 REPRESENTATIVE VAUGHT: In January.
 23 MS. KEENER: The second Thursday would fall
 24 before our -- similar to this month --
 25 REPRESENTATIVE VAUGHT: In February.

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1 MS. KEENER: -- it would fall the night before
 2 our second Friday meeting. Correct? Okay. And at
 3 that point I would also hope that, despite the short
 4 timeline and the holidays and all the things in
 5 between, that every consideration has been -- you
 6 know, things that were brought here today that hadn't
 7 been considered would be looked at.
 8 REPRESENTATIVE VAUGHT: And I don't have a
 9 problem with that. I just didn't know about how that
 10 would take place. Thank y'all for your time. Thank
 11 you.
 12 CHAIRMAN MOORE: Thank you, Representative
 13 Vaught.
 14 We're back open to discussion and questions.
 15 MR. BRAGG: I'll withdraw the motion to table.
 16 CHAIRMAN MOORE: Okay.
 17 MR. WOOD: And I'll move to deny the petition.
 18 CHAIRMAN MOORE: Okay. Discussion on the motion
 19 to deny the petition?
 20 MR. BRAGG: I second.
 21 CHAIRMAN MOORE: There is a second. There's a
 22 motion by Mr. Wood to deny the petition, a second by
 23 Mr. Bragg. Any questions?
 24 Okay. All in favor say "aye."
 25 (UNANIMOUS CHORUS OF AYES)

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1 CHAIRMAN MOORE: Any opposed?
 2 Okay. The motion passes.
 3 SUPT. BROYLES: Thank you, guys.
 4 CHAIRMAN MOORE: Thank you.
 5 At this point in time --
 6 [AUDIENCE APPLAUSE]
 7 2) ONE-YEAR STANDARDS FOR ACCREDITATION WAIVER REQUESTS
 8 CHAIRMAN MOORE: Okay. Our Board, we're going
 9 to continue on so that -- Cossatot River is still
 10 here for the waivers. Okay. So our Board -- our
 11 Board, we're going to continue on because we do have
 12 school districts here, and we'll get that done before
 13 lunch. So we're going to continue on to Action Item
 14 2, the Standards for Accreditation Waiver Requests.
 15 And I believe we have Ms. Worsham to present those,
 16 as the crowd dwindles out. But we do have Augusta,
 17 Cossatot River, and Earle School Districts.
 18 Do we want to do Cossatot's first, just so that
 19 he can leave, or --
 20 MS. WOODS: Give them a break first.
 21 CHAIRMAN MOORE: Okay. However you want to do
 22 it.
 23 a) AUGUSTA PUBLIC SCHOOL DISTRICT
 24 MS. WORSHAM: Good morning. Hope Worsham,
 25 Assistant Commissioner for Public School

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1 Accountability. We do have three requests for
 2 Standards for Accreditation waivers. The first one
 3 is Augusta School District.
 4 MS. WOODS: I'm sorry; I can't hear.
 5 SECRETARY OLIVA: They need to move that
 6 conversation outside.
 7 CHAIRMAN MOORE: One second. Speak outside,
 8 please.
 9 SECRETARY OLIVA: We're still in a business
 10 meeting.
 11 MS. WORSHAM: So the first request is from
 12 Augusta School District. They have 23 students in
 13 their kindergarten class. They do have a
 14 paraprofessional in that class. They are requesting
 15 a waiver of Class Size to not have to hire an
 16 additional teacher this year. The Department does
 17 not have any concerns about this waiver. And I
 18 believe the district is online if you have any
 19 questions.
 20 CHAIRMAN MOORE: Okay. Do we have --
 21 MS. WORSHAM: Superintendent Tanner.
 22 CHAIRMAN MOORE: -- Superintendent Tanner or
 23 someone from Augusta on Zoom? Anyone from Augusta on
 24 Zoom?
 25 Okay. Board Members, do we have questions for

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1 Augusta, so we could send them to them, or do we feel
 2 comfortable with the request?
 3 Ms. Rollins, any questions?
 4 MS. ROLLINS: I'm fine with that they're
 5 providing a paraprofessional --
 6 MS. WORSHAM: Yes, ma'am.
 7 MS. ROLLINS: -- in that room as well, so --
 8 CHAIRMAN MOORE: Mr. Bragg, any questions?
 9 MR. BRAGG: No.
 10 CHAIRMAN MOORE: Mr. Wood?
 11 MR. WOOD: No.
 12 CHAIRMAN MOORE: Ms. Keener?
 13 MS. KEENER: No.
 14 CHAIRMAN MOORE: Questions, Mr. Henderson?
 15 MR. HENDERSON: No.
 16 CHAIRMAN MOORE: Ms. Woods?
 17 MS. WOODS: No.
 18 MS. ROLLINS: I'll make the motion to approve
 19 the request for Augusta.
 20 CHAIRMAN MOORE: Okay. Let me check real quick
 21 with Mr. Sutton.
 22 Mr. Sutton, did you have any questions?
 23 MR. SUTTON: No, ma'am.
 24 CHAIRMAN MOORE: Okay. Thank you.
 25 So we have a motion to approve the -- approve

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1 the waiver by Ms. Rollins. Is there any discussion?
 2 Is there a second?
 3 MR. HENDERSON: Second.
 4 CHAIRMAN MOORE: A second by Mr. Henderson.
 5 All in favor say "aye."
 6 (UNANIMOUS CHORUS OF AYES)
 7 CHAIRMAN MOORE: Any opposed?
 8 Motion passes. Thank you.
 9 b) COSSATOT RIVER PUBLIC SCHOOL DISTRICT
 10 MS. WORSHAM: All right. The second
 11 consideration is from the Cossatot School District.
 12 They have 25 in their 3rd grade classroom, and they
 13 enrolled one more student. And by requesting the
 14 waiver of Class Size would allow them to not have to
 15 hire an additional teacher in that spot for this
 16 year. It's a one-year waiver. The district does --
 17 or the State does not have any concerns about the
 18 waiver. And Superintendent Broyles is here if you
 19 have questions.
 20 MR. WOOD: I'd like to move to approve the
 21 waiver request.
 22 CHAIRMAN MOORE: There's a motion to approve.
 23 Are there any questions for Dr. Broyles on this
 24 request? Mr. Sutton -- oh, yes, Ms. Rollins, go
 25 ahead.

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1 MS. ROLLINS: How are you supporting this
 2 teacher --
 3 CHAIRMAN MOORE: If you don't mind coming up to
 4 the microphone to speak.
 5 SUPT. BROYLES: Yes.
 6 MS. ROLLINS: -- in the 3rd grade?
 7 SUPT. BROYLES: We only have one student over.
 8 MS. ROLLINS: Okay.
 9 SUPT. BROYLES: It's just 26. So we're not
 10 providing a para or anything. She's just managing
 11 well. The Principal has been communicating with her
 12 and then helping her where she can. But we don't
 13 have an extra staff member in there to spare. She
 14 just has 26. That's why we're seeking the waiver.
 15 You know, the schedule has been made already. It's
 16 not in the budget to hire another teacher just for
 17 one over. But we're not providing any additional
 18 support other than just, you know, the Principal
 19 assisting. And that's the reason why we're seeking
 20 the waiver.
 21 MS. ROLLINS: Okay. Thank you.
 22 SUPT. BROYLES: Now next year will be different.
 23 We'll have to look at hiring a teacher.
 24 MS. WOODS: I'll second --
 25 CHAIRMAN MOORE: Questions, Board Members?

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1 MS. WOODS: I was just going to say I'll second
 2 his motion.
 3 CHAIRMAN MOORE: I did have a question though.
 4 Do you -- is there -- I mean do you offer the option
 5 for students to go to the Umpire campus to relieve
 6 over-crowding in that instance?
 7 SUPT. BROYLES: We never have. It's just -- if
 8 you -- if you visited and you -- all the campuses,
 9 you just -- and I don't mean to patronize, Dr. Moore.
 10 It's just --
 11 CHAIRMAN MOORE: Right.
 12 SUPT. BROYLES: -- not set-up for that.
 13 CHAIRMAN MOORE: Right.
 14 SUPT. BROYLES: And no parents would do that. I
 15 want to go back and touch on that. But no parents
 16 are going to choose to do that.
 17 CHAIRMAN MOORE: If there's room as far as high
 18 school?
 19 SUPT. BROYLES: Right. Right.
 20 CHAIRMAN MOORE: Okay.
 21 SUPT. BROYLES: They ultimately might choose,
 22 but they're happy where they are. I've never seen it
 23 happen in my district. But if they wanted to --
 24 yeah, I mean there are times when students go back
 25 and forth. To your point, I want to make sure that's

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1 clear -- if they wanted to -- and they have in the
 2 past.
 3 CHAIRMAN MOORE: So you have the option open
 4 that if they --
 5 SUPT. BROYLES: Oh, absolutely.
 6 CHAIRMAN MOORE: -- they would not go to the
 7 zoned school and attend Umpire to relieve that?
 8 SUPT. BROYLES: Oh, sure. They can -- they can
 9 go. We even had Umpire people play basketball for us
 10 and some of our kids change campuses.
 11 CHAIRMAN MOORE: Okay.
 12 SUPT. BROYLES: So, yes, ma'am. It can happen.
 13 CHAIRMAN MOORE: Okay. Thank you.
 14 Any more questions?
 15 MR. WOOD: I have a question. I mean knowing
 16 the geography between Umpire and Wickes, is it
 17 possible that one of your students lives close to the
 18 boundary between the school zones? And, you know, it
 19 might not be as big of a burden as it may --
 20 SUPT. BROYLES: Dr. Moore?
 21 MR. WOOD: Dr. Moore. Sorry.
 22 CHAIRMAN MOORE: Yeah.
 23 MR. WOOD: Dr. Moore's original question --
 24 SUPT. BROYLES: Right.
 25 MR. WOOD: -- you know. I don't know.

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1 SUPT. BROYLES: It's possible. If you travel
 2 from Wickes to Umpire, there's -- I think there's one
 3 house between Wickes and Umpire. There's just not
 4 very many. But theoretically, yes, it's possible.
 5 It's weird how the counties are drawn up. But, yes,
 6 it is possible.
 7 MR. WOOD: Yeah.
 8 CHAIRMAN MOORE: Okay. Any more questions,
 9 Board Members?
 10 SUPT. BROYLES: There might be more than one
 11 house. Don't quote me on that.
 12 CHAIRMAN MOORE: So there's a motion on the
 13 floor, Ms. Rollins, to approve the waiver. Is there
 14 a second?
 15 MS. KEENER: Second.
 16 CHAIRMAN MOORE: So second by Ms. Keener. All
 17 in favor say "aye."
 18 (UNANIMOUS CHORUS OF AYES)
 19 CHAIRMAN MOORE: Any opposed?
 20 MS. ROLLINS: We need to correct that. It was
 21 Jeff that made that motion.
 22 CHAIRMAN MOORE: Oh, I'm sorry. Okay.
 23 Correction. A motion by -- you made the first one.
 24 A motion by Mr. Wood. And motion passes, just for
 25 the record.

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1 MR. WOOD: I just wanted to throw Mr. Broyles a
 2 bone there.
 3 CHAIRMAN MOORE: Yes.
 4 SUPT. BROYLES: Hey, I'm one-in-one on the day.
 5 I'll take it.
 6 MS. WOODS: I do want to comment. You did a
 7 very good job earlier.
 8 SUPT. BROYLES: Thank you. Thank you.
 9 MS. WOODS: And I do hope that the 10% also
 10 extend an olive branch to you as well.
 11 SUPT. BROYLES: Well, I appreciate that.
 12 Tremendous respect for what you do. It's a hard job.
 13 I hope you're compensated well for it. I try to
 14 avoid that all the time in my pay. Thank you, guys.
 15 CHAIRMAN MOORE: Thank you.
 16 MR. WOOD: Good job.
 17 MR. SUTTON: Good job.
 18 c) EARLE PUBLIC SCHOOL DISTRICT
 19 MS. WORSHAM: The final waiver request comes
 20 from the Earle School District -- again, a one-year
 21 waiver request, requesting a waiver of Standard
 22 related to the hiring of a Library Media Specialist.
 23 The request comes because of the burden to hire in
 24 that area and unable to find licensed personnel to
 25 fill the position. Superintendent does indicate that

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1 they are going to continue to search and will -- and
 2 do plan to hire a Library Media Specialist next year,
 3 if they could. And they do have a paraprofessional
 4 in the high school library, so students still have
 5 access to the high school library as needed. And at
 6 the elementary school they have a rotation to the
 7 library where students have access to the elementary
 8 school library as well. The Department does not have
 9 any concerns about this waiver. And I believe
 10 someone from the Earle School District is online, if
 11 needed.
 12 CHAIRMAN MOORE: I see Superintendent Burgess,
 13 you're here.
 14 SUPT. BURGESS: I am.
 15 CHAIRMAN MOORE: Thank you for joining us today.
 16 SUPT. BURGESS: Yes, ma'am.
 17 CHAIRMAN MOORE: I'm going to see if any of our
 18 board members have questions for you.
 19 Ms. Rollins?
 20 MS. ROLLINS: No.
 21 CHAIRMAN MOORE: Mr. Bragg?
 22 MR. BRAGG: No.
 23 CHAIRMAN MOORE: Ms. Keener?
 24 MS. KEENER: No.
 25 CHAIRMAN MOORE: Mr. Sutton, online, do you have

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1 any questions?
 2 MR. SUTTON: No questions.
 3 CHAIRMAN MOORE: I did want to ask, Mr. Burgess
 4 -- I recall visiting a school and seeing the library
 5 and that you have a new elementary campus. Students
 6 are able to check-out books from there weekly and get
 7 access to those materials. Is that correct?
 8 SUPT. BURGESS: Yes, ma'am, that -- excuse me --
 9 yes, ma'am, that is correct.
 10 CHAIRMAN MOORE: Okay. And classroom teachers
 11 are then picking up the Standards that would be
 12 taught by a Library Media Specialist for those
 13 students?
 14 SUPT. BURGESS: Well, what I know is that when
 15 the teachers have -- what the teachers do, they have
 16 access to the media center. They are allowing
 17 students access on a rotation basis and students do
 18 have access to go into the library for their personal
 19 needs as it relates to their classroom and interest.
 20 CHAIRMAN MOORE: Okay. Thank you. I know my
 21 2nd grader looks forward to getting a new book every
 22 week. So I hope yours do too.
 23 Any more questions of our board members?
 24 Okay. The floor is open for a motion then.
 25 MR. SUTTON: Motion to approve.

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1 CHAIRMAN MOORE: A motion by Mr. Sutton to
 2 approve. Is there a second?
 3 MS. ROLLINS: Second.
 4 CHAIRMAN MOORE: And second by Ms. Rollins. All
 5 in favor say "aye."
 6 (UNANIMOUS CHORUS OF AYES)
 7 CHAIRMAN MOORE: Any opposed?
 8 Motion passes. Thank you.
 9 SUPT. BURGESS: Thank you very much.
 10 3) CONSIDERATION OF SCHOOL DISTRICT WAIVERS
 11 a) MARVELL-ELAINE SCHOOL DISTRICT
 12 CHAIRMAN MOORE: We'll go ahead and we will
 13 continue on to get the school districts finished
 14 here. We have the Consideration for School District
 15 Waivers from Marvell-Elaine School District.
 16 MR. REYNOLDS: Good morning. Stephen Reynolds,
 17 Staff Attorney for the Department.
 18 I'll just go over the procedures real quick.
 19 This is an Act 1240 waiver request from the Marvell-
 20 Elaine School District. The district will have up to
 21 20 minutes to present its waiver application. The
 22 Chair may extend that time at their discretion. Any
 23 party opposing the waiver will also have 20 minutes
 24 to speak in opposition. To my knowledge, the
 25 Department hasn't received notice of any opposition

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1 of this waiver application. Anyone speaking on
 2 behalf of the district or speaking in opposition
 3 during the hearing must be sworn in by the Chair.
 4 Any board member may ask questions of any party at
 5 any time. And the State Board may grant in whole or
 6 in part or deny in whole or in part the proposed
 7 waivers or may take the matter under advisement until
 8 a future scheduled board meeting.
 9 With that, I think the district is online.
 10 CHAIRMAN MOORE: Dr. Tran, are you online?
 11 DR. TRAN: Yes, ma'am.
 12 CHAIRMAN MOORE: Okay.
 13 MS. SMITH: Yeah. Dr. Tran is online. And I do
 14 want to remind the Board that we went into a contract
 15 with Friendship earlier this year, right before
 16 school started, to help us manage Marvell-Elaine
 17 School District. Within that contract we did outline
 18 that the district could come back and ask for waivers
 19 at a later date. Most of the waivers that you're
 20 seeing that they're asking for today are the standard
 21 waivers that they have with Friendship charter. But
 22 the reason why we didn't get them -- we didn't come
 23 that very first month is we wanted Friendship to get
 24 in there and actually see what their needs were, so
 25 that we weren't just saying, Here's every waiver that

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1 you think you might need. We wanted them to be able
 2 to come and ask for what they specifically needed.
 3 And so Dr. Tran is online today to answer questions,
 4 if you have any.
 5 CHAIRMAN MOORE: Okay. And I do believe I do
 6 need to swear in Dr. Tran and anyone else -- is there
 7 anyone from the charter --
 8 DR. TRAN: Yes, we have --
 9 CHAIRMAN MOORE: -- that will be speaking?
 10 DR. TRAN: Yeah, we have our high school
 11 principal, Mr. Collins, and our elementary principal,
 12 Ms. McNutt.
 13 CHAIRMAN MOORE: Great. I will swear the three
 14 of you in. Do you swear to tell the whole truth and
 15 nothing but the truth?
 16 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)
 17 CHAIRMAN MOORE: Thank you. You may proceed.
 18 DR. TRAN: Hi. Good afternoon. Like Deputy
 19 Commissioner Stacy -- we're just here to ask for some
 20 waivers which we have at the charter school. They're
 21 standard waivers, apart from one which we have
 22 rescinded -- the Gifted and Talented. We actually
 23 have -- we hired a Gifted and Talented -- we're in
 24 contract with a teacher to provide those services.
 25 And so the waivers that I'm asking for are pretty

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1 much standard waivers that, again, we have at
 2 Friendship.
 3 And also just to provide some information to you
 4 all, ever since we have taken over the management of
 5 Marvell-Elaine -- so we just completed our NWEA
 6 assessment which was just completed on -- I think it
 7 was on Tuesday. And I can tell you we saw a lot of
 8 growth in our students. For example, our 3rd grade
 9 mathematics, 93% of our students had growth. Right?
 10 So we're talking about both -- because what we found
 11 out in -- when we looked into the school and
 12 everything model that there was so many things that
 13 the students were missing. It was kind of like a
 14 we'll let them move on to the next grade level, let
 15 them move on without actually looking at, you know,
 16 what was the problem. So we've been working very
 17 hard to get the kids to a place where -- I'm not
 18 saying where they can function, but we try and get to
 19 a place. And so with the results that we've got now,
 20 a lot of hope and a lot of joy to see that our kids
 21 can learn if given the right opportunity and right
 22 environment to learn.
 23 CHAIRMAN MOORE: Thank you. We will go to
 24 questions of board members.
 25 Ms. Rollins?

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1 MS. ROLLINS: Well, thank you for joining us
 2 today. I have a question about employing a social
 3 worker instead of a school counselor. I have some
 4 concerns about there not being a school counselor on
 5 campus. Can you talk to us about that?
 6 DR. TRAN: So at this point in time it's trying
 7 to define human capital to -- for Marvell-Elaine.
 8 We've been -- and that's why we've asked for some
 9 teacher licensure waivers where it's been difficult
 10 because of the school's past history. So that's what
 11 we're trying to do. I mean our principals, they act
 12 as a counselor, right, to provide that service to our
 13 kids. But, again, that's why we're asking -- we have
 14 a social worker on staff that does a lot of the
 15 socio-emotional component with our kids. But, again,
 16 it's trying to find people in there. And I'm not
 17 saying we don't, you know, counsel our kids. But our
 18 principals are acting in that capacity at this moment
 19 in time.
 20 MS. SMITH: Yeah. And I would just piggyback on
 21 that too. In our neighboring district, in Helena-
 22 West Helena, they were having a very difficult time
 23 finding counselors, even mental health workers, to be
 24 able to push in. And so in this model here at
 25 Friendship you have the high school principal who is

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1 assisting with like the career planning and helping
 2 determine courses to be offered and what courses
 3 students are taking. He's very active in the
 4 classrooms and throughout the building when you visit
 5 the school. And so then addressing the social work
 6 from the aspect of mental health needs actually in
 7 the school. So they've kind of split those
 8 responsibilities up.
 9 MR. ROLLINS: Do they have really a counselor to
 10 help also with directing their future studies and --
 11 MS. SMITH: That's where the high school
 12 principal is pushing in. So when you look at their
 13 total enrollment for their school, it's two hundred
 14 and -- about 250 kids K-12. And they have both an
 15 elementary principal and a high school principal. So
 16 that high school principal is stepping in, kind of
 17 filling in some of those roles in that counseling
 18 piece, and courses -- and what students should take.
 19 Their principal, Mr. Collins, is actually from
 20 central Arkansas, and has a lot of experience working
 21 in high schools and classes and what's offered at the
 22 high school.
 23 MS. ROLLINS: Are they continuing to look for a
 24 school counselor?
 25 MS. SMITH: I'll let them speak to that. Are

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1 y'all continuing to post for a school counselor?
 2 DR. TRAN: We continue to look. But, again,
 3 it's difficult trying to find people to come down to
 4 Marvell-Elaine.
 5 MS. SARACINI: And it's on and off the list.
 6 But, again, they're in the geographical shortage
 7 area.
 8 MS. SMITH: So counseling statewide is on and
 9 off the shortage list for the entire state. And of
 10 course in this area of the state it most definitely
 11 would be considered a shortage area.
 12 MS. ROLLINS: Okay.
 13 MS. SARACINI: And Dr. Tran has been calling and
 14 we work with him.
 15 MS. ROLLINS: Okay. Thank you.
 16 MS. KEENER: Can you tell us -- if we weren't to
 17 -- if we were to deny the waiver for the school
 18 counselor, that would be a hit on accreditation.
 19 Correct?
 20 MS. SMITH: Yes.
 21 MS. KEENER: And what would that look like? I
 22 guess talk more about that.
 23 MS. SMITH: So it would be a violation for
 24 Standards for Accreditation, which you can only have
 25 a violation for Standards for Accreditation up to two

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1 years, which could then put you into state takeover,
 2 which this district is in state takeover because they
 3 were having trouble with Standards for Accreditation
 4 in just their enrollment numbers. And so most of you
 5 have been to Marvell-Elaine and visited the district
 6 in their region. This school was on the brink of
 7 closing -- in fact, we'd actually already voted to
 8 close the school -- and that they were finding a
 9 partner, when we came back in with the opportunity
 10 for more like a transformation contract for it to
 11 have an outside entity come in and try to provide
 12 assistance. This is the first in the state that
 13 we've done, where we've had a management organization
 14 come in. The Friendship model is a national model
 15 that is in several states. They actually have some
 16 schools in our state that have been very successful.
 17 We knew that when Friendship went into Marvell that
 18 they had an uphill battle. They took over in August,
 19 and even at that point the district -- most of their
 20 teachers were unlicensed. They brought in new
 21 administration in the high school. Ms. McNutt was
 22 there prior. But they have been working with the
 23 current staff they had to kind of improve that.
 24 So if you didn't grant the waiver, they would
 25 have an accreditation violation. And you can only

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1 have that for two years.
 2 MS. KEENER: A single violation for two years
 3 would put them where?
 4 MS. SMITH: It puts this -- it goes back to this
 5 board for you guys to make a decision on do you close
 6 them, do you annex them, do you consolidate them.
 7 MS. KEENER: Okay.
 8 MS. SMITH: It puts it back to that decision.
 9 Counselor waiver throughout the state is a
 10 pretty standard waiver, if you can show that you have
 11 a plan, which I think they're doing with the social
 12 worker aspect.
 13 And, Dr. Tran, correct me, do y'all have the
 14 social worker employed or is it a contract staff
 15 member?
 16 DR. TRAN: No, she's employed.
 17 MS. SMITH: So she's --
 18 DR. TRAN: Ms. Johnson.
 19 MS. SMITH: -- employed fulltime?
 20 DR. TRAN: Yes.
 21 MS. SMITH: Okay.
 22 DR. TRAN: Yes.
 23 MS. KEENER: Thank you. Dr. Tran, I had another
 24 question about the first waiver. But, first of all,
 25 I am so excited to sort of see this come to fruition

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1 with the transformational contract and you guys
 2 coming in, and I'm going to be watching this very
 3 closely. I'm super excited.
 4 Tell me about where you are in the process of
 5 getting licensed to be a superintendent. Tell me
 6 what you're lacking, how you're moving towards that.
 7 And I want to be sure that the Department has done
 8 everything we can to get you there so that this isn't
 9 a year-to-year renewal that we're giving. So if
 10 you'll talk a little bit more about that?
 11 DR. TRAN: Gotcha. I mean I've been in
 12 education for the last 17 years. I started as a
 13 paraprofessional and worked my way up, but it wasn't
 14 a traditional pathway. I taught a lot of computer
 15 and engineering subjects; and then so I was brought
 16 in after that as more data, student services, IT; and
 17 then, again, a principal and superintendent. So I
 18 did complete the mentoring, the first-year mentoring,
 19 which was done six years ago; so I did that when I
 20 first joined Friendship. Looking at pathways, I
 21 spoke to Ms. Sheila the other way -- the other day;
 22 so we're looking at that and at this moment in time,
 23 like I said, it's -- we're looking into what we can
 24 do.
 25 MS. KEENER: Uh-huh. So --

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1 DR. TRAN: Also, one thing, I also have the
 2 Praxis, the Leader -- Praxis Leadership. I'm just
 3 not, you know, state certified.
 4 MS. KEENER: That's great. Okay, good. So it
 5 doesn't sound like there's a lot for you to take on;
 6 maybe a few courses, I think, is my understanding.
 7 So I would be inclined to, you know, I think deny
 8 that waiver request, assuming that that can get done
 9 within the year. And, you know, or grant it and
 10 accept that next year we won't -- you won't need
 11 another one, that that can be completed within the
 12 year.
 13 DR. TRAN: Yeah. If you could grant that, that
 14 -- because that's also a Standards of Accreditation
 15 as well. And, again, I will do what I need to do to
 16 go ahead and get that process moving along.
 17 MS. KEENER: And get with Ms. Saracini. I think
 18 she can certainly help you with that one. So --
 19 DR. TRAN: Sure.
 20 MS. KEENER: Great.
 21 CHAIRMAN MOORE: Most of our charter schools
 22 have that waiver. So that is something you want to
 23 look into --
 24 MS. KEENER: Yeah.
 25 CHAIRMAN MOORE: -- when we had to do a deep-

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1 dive into charter schools. That might be a better
 2 question to ask.
 3 MS. KEENER: Thank you for that.
 4 MS. SMITH: Yeah. And I would ask the
 5 consideration for the Board to approve that waiver
 6 today, for the fact that he is an employee of
 7 Friendship, and so acting in the superintendent role
 8 for the district. So the waiver is coming --
 9 covering the district because the district doesn't
 10 have a licensed superintendent. Okay? But he is
 11 still an employee, per our contract, with Friendship,
 12 that they hired the superintendent. But encouraging
 13 him to look into what he could do to up his
 14 credentials I think is acceptable.
 15 MS. KEENER: And then I also have another
 16 question about the -- first of all, the Daily
 17 Planning Period. I was just in the classroom not
 18 that long ago, and I remember how -- you know, how
 19 those time periods are so valuable, especially for
 20 planning and just to take a breather, you know,
 21 whatever is necessary. Going shorter than the 40
 22 minutes is a concern to me, especially when we're in
 23 -- you're in the area that you're in and we're in
 24 such a time period of teacher burnout and people
 25 leaving. You know, I think one of the ways you

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1 support teachers and encourage them to come back is
 2 by honoring the planning periods, the 40-minute
 3 blocks that are expected. Can you talk more about
 4 the current schedule that you're looking at and how
 5 you're going to support your teachers without meeting
 6 that requirement?
 7 DR. TRAN: At this point in time we actually
 8 give more than 45 minutes. So our elementary
 9 schools, they get about a 55-minute planning period.
 10 And now so does I think our high school. So we have
 11 exceeded the minimum of the 45 minutes that's
 12 required by that waiver. We're just asking it just
 13 in case we need it to do -- and, sorry; let me
 14 rephrase that. It's not just in case; looking at
 15 everything that is happening within the school. Like
 16 I said, our kids were lacking so much instruction, so
 17 much foundational skills, that we had to put in a lot
 18 of work and a lot of double time to get the kids --
 19 to get our kids to where they need to get. Just as
 20 an example, when we first got in we took NWEA and we
 21 saw those results. Right? And so we sat back and we
 22 said, Okay, so what happened, what's wrong here. We
 23 actually gave our students a basic fundamental test
 24 and a lot of them could not complete that. I'm
 25 talking about basic math -- basic addition,

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1 subtraction, division, and multiplication. And I can
 2 tell you many of them could not complete that. And
 3 my Principals, they can talk about that more, if you
 4 want to. But, so we stopped and we concentrated on
 5 the fundamentals before we went back onto the
 6 Standards again, because, you know, we have the test
 7 to take at the end of the year. But, again, you
 8 know, it allows us the flexibility to plan and to do
 9 what we need to do to get our kids to a certain
 10 level. And, again, this school has been an F for the
 11 last nine years and so we're trying to do something
 12 that is different; we're trying to catch our kids up;
 13 we're trying to get -- put the school in a place
 14 where they can be proud of the -- you know, the
 15 community can be proud of the school again. And
 16 that's why we are asking for that.
 17 MS. KEENER: Thank you.
 18 CHAIRMAN MOORE: Questions, Mr. Bragg?
 19 MR. BRAGG: No.
 20 CHAIRMAN MOORE: Mr. Wood?
 21 MR. WOOD: No.
 22 CHAIRMAN MOORE: Mr. Henderson?
 23 MR. HENDERSON: I don't have any questions. I
 24 just -- if there are none, I'd like to make a motion
 25 to grant the waiver.

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1 CHAIRMAN MOORE: Okay. Ms. Woods?
 2 MS. WOODS: I have no questions. And I'll
 3 second.
 4 CHAIRMAN MOORE: Let's check with Mr. Sutton.
 5 Questions?
 6 MR. SUTTON: No, ma'am.
 7 CHAIRMAN MOORE: Okay. Before that motion
 8 though, any more questions?
 9 Okay. I do have a few questions, if that's
 10 okay.
 11 What's the enrollment for the school right now?
 12 DR. TRAN: The last we looked was about 230.
 13 CHAIRMAN MOORE: Okay. And are you fully
 14 staffed as far as at the elementary school? And then
 15 it sounds like --
 16 DR. TRAN: Yes.
 17 CHAIRMAN MOORE: -- at the high school there's
 18 some virtual instruction going on. Is that correct?
 19 DR. TRAN: Correct. Correct. So we've been --
 20 slowly been able to add human capital to our team to
 21 get the necessary instruction to our kids. We still
 22 might be missing one or two teachers. But I think we
 23 -- the school is (inaudible) enough and our team is
 24 committed enough to take on extra responsibilities to
 25 do what we need to do.

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1 CHAIRMAN MOORE: It sounds like part of it --
 2 part of the reason for the waiver was -- are you --
 3 do you use teachers to plug-in if you -- instead of a
 4 substitute?
 5 DR. TRAN: So we do have subs, but we also --
 6 the waiver for Licensure is some of our teachers,
 7 they have a four-year degree, but they're not
 8 licensed.
 9 CHAIRMAN MOORE: Okay.
 10 DR. TRAN: So that's where that Teacher
 11 Licensure waiver is coming in.
 12 CHAIRMAN MOORE: Okay. Okay. Thank you. Those
 13 are my questions specifically.
 14 Okay. So any more questions?
 15 So the floor is open, and I believe Ms. Woods
 16 made a motion.
 17 MS. WOODS: Randy made a motion --
 18 CHAIRMAN MOORE: Randy.
 19 MS. WOODS: -- and I seconded.
 20 CHAIRMAN MOORE: I need more sleep apparently.
 21 So, Randy, do you mind to restate your motion?
 22 MR. HENDERSON: Yeah. I'd like to make the
 23 motion to grant the waiver.
 24 CHAIRMAN MOORE: Okay. We have a motion by Mr.
 25 Henderson. And there's a second --

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1 MS. WOODS: I will second.
 2 CHAIRMAN MOORE: -- by Ms. Woods. Any
 3 questions?
 4 All in favor say "aye."
 5 (MAJORITY CHORUS OF AYES)
 6 CHAIRMAN MOORE: Any opposed?
 7 MR. BRAGG: Nay.
 8 CHAIRMAN MOORE: One opposed. Motion passes.
 9 Thank you.
 10 At this point in time it's 12:30. We have the
 11 rules left on the action item. So let's do that and
 12 then take a break for lunch. Does that sound okay
 13 with you?
 14 Okay.
 15 4) CONSIDERATION OF REQUEST TO RELEASE FOR PUBLIC COMMENT DESE
 16 RULES GOVERNING LITERACY AND HIGH-IMPACT TUTORING
 17 CHAIRMAN MOORE: So action item 4, Consideration
 18 of Request to Release for Public Comment the Rules
 19 Governing Literacy and High-Impact Tutoring. Mr.
 20 Rhodes, thank you.
 21 MR. RHODES: Thank you, Chair. So Stacy and I
 22 are going to tag-team these.
 23 Good afternoon, Chair, Members of the Board, at
 24 this point.
 25 Before you is the permanent rule governing

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1 Literacy Tutoring Grants and High-Impact Tutoring
 2 Grants. This rule provides families an opportunity
 3 to invoice up to \$500 per school year to pay for
 4 tutoring services for children reading below grade
 5 level, from K to 3. These services will be paid from
 6 an account of money deposited by the Department, and
 7 payments will go directly to providers. Priority
 8 will be given to students already retained from the
 9 previous year. Obviously, that wouldn't apply for
 10 this year, but it would be moving forward. Students
 11 in the lowest 15% of the K to 3 reporting category,
 12 then to the lowest remaining quartile in the 3rd
 13 grade, then the 2nd grade, then the 1st grade, then
 14 kindergarten.
 15 As to High-Impact Tutoring, the Department will
 16 pay for tutoring services by approved providers. The
 17 Department will maintain a list of approved providers
 18 that have demonstrated experience in providing
 19 tutoring services, showing evidence of student
 20 outcomes, among other criteria. These High-Impact
 21 Tutoring services can occur either in a personal
 22 setting or in a group setting, for a minimum of three
 23 times per week for 30 minutes at a time. This
 24 tutoring is to occur during the school day.
 25 Like I said, Stacy Smith and I are available for

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1 questions.
 2 CHAIRMAN MOORE: Questions? We'll start this
 3 way this time. Mr. Henderson?
 4 MR. HENDERSON: No.
 5 CHAIRMAN MOORE: Ms. Woods?
 6 MS. WOODS: Huh-uh.
 7 CHAIRMAN MOORE: Ms. Rollins?
 8 MS. ROLLINS: No.
 9 CHAIRMAN MOORE: Mr. Bragg?
 10 MR. BRAGG: Are these -- are the tutors current
 11 -- could they be current teachers?
 12 MS. SMITH: Yeah. There's a process to get on
 13 the list to be considered a tutoring -- a tutor. The
 14 High Impact Tutoring is really talking about tutoring
 15 happening during the school day. And so we have put
 16 out a list for qualified tutors to be on that list,
 17 and that could be people who are licensed educators
 18 who have applied to be on the list. But there is a
 19 process that's outlined to be able to do that.
 20 You also have on the \$500 literacy tutoring
 21 grant that goes to families. That is also a process
 22 that you have to apply to get on the list. And then
 23 that is vetted and it's vetted by people who are at
 24 the Department.
 25 MR. BRAGG: So the grant is to the family, and

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1 then it's up to the family to determine the tutor?
 2 MS. SMITH: Yeah. So, yeah.
 3 MR. BRAGG: Okay.
 4 MS. SMITH: There is an actual approved list
 5 though.
 6 MR. BRAGG: Okay. Thank you.
 7 CHAIRMAN MOORE: Questions?
 8 MR. WOOD: So did I understand that there are
 9 two separate tutoring programs?
 10 MS. SMITH: Yeah. You have two separate
 11 tutoring programs. The first one is the Literacy
 12 Tutoring Grants, and that's \$500 for families that
 13 have a student in kindergarten through 3rd grade
 14 that's been identified as a struggling reader.
 15 MR. WOOD: Well, why are we limiting it to 3rd
 16 grade?
 17 MS. SMITH: That is based on the legislation.
 18 Legislation -- I mean, it was very specific --
 19 MR. WOOD: I understand.
 20 MS. SMITH: -- that the focus was K-3.
 21 MR. WOOD: Yeah. Well, I'm disappointed that
 22 the legislation wasn't broader than that. We have a
 23 lot of high school students that could probably
 24 benefit from that as well.
 25 MS. SMITH: Well, that's where --

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1 MR. WOOD: But that's neither --
 2 MS. SMITH: Yeah.
 3 MR. WOOD: -- here nor there.
 4 MS. SMITH: Right. And so that then is where
 5 the High-Impact Tutoring --
 6 MR. WOOD: Sure.
 7 MS. SMITH: -- then, opportunity for school
 8 districts to apply, which is also a competitive grant
 9 for additional funds.
 10 MR. WOOD: And that's K-12?
 11 MS. SMITH: That's K-12.
 12 MR. WOOD: I guess one concern I have about it
 13 being -- why is it required that they -- that that
 14 occur during the school day? Because that's --
 15 MS. SMITH: So that's a national definition of
 16 what high-dosage tutoring is, and it's based on
 17 evidence-based research about practices -- best
 18 practices around tutoring. And so it's about making
 19 sure that you have small group instruction by a
 20 highly-qualified individual, following standards that
 21 are set forth in the class and then with the program
 22 that they're using. And so it's the ratio part; it
 23 has to do with the qualifications.
 24 MR. WOOD: It sounds like another pull-out
 25 though; you know, another time of a student having to

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1 miss core content occurring in the classroom to
 2 accomplish that. Could it -- could it not -- could
 3 it not occur immediately after school, like --
 4 MS. SMITH: So I think you're looking at --
 5 MR. WOOD: -- something that students stay late
 6 for or come early for?
 7 MS. SMITH: So we've allowed for some
 8 opportunities in the High-Impact Grant for schools to
 9 explain additional opportunities like that. But
 10 high-dosage tutoring during the school day for point-
 11 in-time remediation is what's the intent of this.
 12 MR. WOOD: I don't understand that. What is --
 13 what's the significance of what you just said?
 14 MS. SMITH: That it's happening at point-in-time
 15 during the day, as you need it. So let's say that
 16 you're in your current math class.
 17 MR. WOOD: Yeah.
 18 MS. SMITH: Okay. And you're struggling with
 19 the math concept that you're getting right then. But
 20 maybe you're not necessarily being pulled out to an
 21 additional class for help. There is a qualified
 22 tutor there at the school; they are -- so maybe
 23 you're going to get pulled the last 15 minutes of
 24 class to get you some specific time, a couple of
 25 times that week, to get you caught back up. But it's

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1 consistent. Okay. So they're identifying that Jeff
 2 is needing assistance during this period of time and
 3 that you're going to get that consistent tutoring
 4 with that individual.
 5 MR. WOOD: Okay.
 6 MS. SMITH: And it's not necessarily saying
 7 we're pulling you out for the whole period.
 8 MR. WOOD: Yeah.
 9 MS. SMITH: It's not a replacement for core
 10 instruction; it's supplemental to it. And districts
 11 are going to have to be creative with their schedules
 12 and what this looks like. And you see districts
 13 creating that response-to-intervention time built-in
 14 during the day so that specific students would then
 15 get assigned to specific tutors to work through
 16 specific skills.
 17 MR. WOOD: Give me an example of how it would
 18 work in an elementary setting though. What you just
 19 described makes -- makes -- I would have to think
 20 about it some more, but it made sense as you said it
 21 in a high school setting or in a, you know, class
 22 change setting, periods 1 through 8; we're just going
 23 to take you out the last 15 minutes of your math
 24 period. But what about in the elementary setting?
 25 MS. SMITH: So, I mean, I think -- again, it's

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1 about the flexibility of the schedule of the school
 2 day. We actually have some sites here in central
 3 Arkansas, who started tutoring programs at their
 4 elementary school. And, again, they have specific
 5 built-in times where they're pulling in and grabbing
 6 those kids. So in some places -- classes, especially
 7 for literacy in an elementary school, you see a lot
 8 of small group reading instruction going on. And a
 9 lot of times it also has a center time feel to it.
 10 So in place of a center time you might have a group
 11 of kids that are actually getting their tutoring
 12 right then.
 13 MR. WOOD: Uh-huh.
 14 MS. KEENER: If I can respond to what -- the
 15 model that I've seen and practiced is, you know, if
 16 the class as a whole is working on diagraphs or
 17 blends or more complicated phony, but a child is
 18 missing those initial, you know, CBC sounds, then the
 19 blends of a diagraph can actually be counter-
 20 productive because it's confusing them. So you might
 21 pull them out during that blend or diagraph time,
 22 during that phonemic awareness time, and catch them
 23 up. And that individual, one-on-one tutoring can --
 24 where it might take the class four weeks to go
 25 through four different diagraphs, they might be able

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1 to do it in four to five days. And so they can
 2 eventually be caught up with the high intent, the
 3 dosage, and re-join the class. Similarly, Speech and
 4 Language Pathologists will pull out students that are
 5 dyslexic and work with them on Norton Gillingham or
 6 more dyslexic specific strategy, rather than the more
 7 traditional, because it's, you know, counter-
 8 intuitive to that training. So, that's what it looks
 9 like, at least in my --
 10 MS. SMITH: Yeah. And that was a great
 11 explanation. It's not intended to be --
 12 MR. WOOD: It is. But what if you pull them out
 13 during math?
 14 MS. SMITH: It's not -- you're not -- okay. So
 15 in -- the rules say -- talk -- it talks about
 16 supplemental; it doesn't replace core. It shouldn't
 17 be happening during the core math instruction.
 18 MR. WOOD: I understand. I just also know that
 19 it's a challenge for Principals already to schedule
 20 their day, and now we're adding another --
 21 MS. SMITH: We didn't say it was going to be
 22 easy.
 23 MS. WOODS: I think this is in the statute; like
 24 we don't have --
 25 MS. SMITH: Yeah.

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1 MS. WOODS: We don't get the ability to say no,
 2 it can't be -- it can be after school.
 3 MS. SMITH: Yeah.
 4 MS. WOODS: It's written in the statute.
 5 MR. WOOD: The statute requires that it be --
 6 MS. SMITH: Yes.
 7 MS. WOODS: Yeah.
 8 MR. WOOD: -- during the --
 9 MS. SMITH: Yes.
 10 MS. WOODS: School day.
 11 MR. WOOD: Well, then, never-mind. I wish you'd
 12 said that at the beginning.
 13 MS. WOODS: I know you've been asking this, but
 14 I'm pretty sure that's what they said.
 15 MR. WOOD: I'll just shut-up.
 16 MS. WOODS: I do have a question that is not
 17 really related to the rules. Where did the 500 come
 18 from? Because having put my own daughter this past
 19 year in reading tutoring, I mean I spent --
 20 MS. SMITH: It's legislation law.
 21 MS. WOODS: But I'm like just curious --
 22 MS. SMITH: The amount? I don't know.
 23 MS. WOODS: -- because I spent \$340 a month on
 24 getting tutoring.
 25 MS. SMITH: And that's been -- there has been

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1 conversation about what is the cost for tutoring and
 2 how far will \$500 get you. But that was the amount
 3 that was in the legislation.
 4 MS. WOODS: I just thought maybe you would know
 5 where that \$500 --
 6 MS. SMITH: I don't.
 7 MS. WOODS: -- other than it was in statute --
 8 came from.
 9 MS. KEENER: I just have one question and how it
 10 was included. These tutors must be -- are
 11 contractors that are trained in the Science of
 12 Reading. But I was curious of what satisfies that.
 13 Is a one-hour PD course going to satisfy that or
 14 what's -- how do you check that?
 15 MS. SMITH: So as we were looking for vendors we
 16 asked that they submit evidence-based research that
 17 they have been reviewed and that they are aligned to
 18 the Science of Reading. And then our folks, when
 19 they were going through and looking, they were
 20 looking for evidence of that. Of course, as we move
 21 forward we'll be looking for evidence that these
 22 products or programs or tutors -- that it works and
 23 they have to provide evidence of that. So they could
 24 get removed from the list if they're not completely
 25 aligned. You know, we've all experienced that

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1 before, where we get a sticker slapped on a book that
 2 says Aligned for Science of Reading or Common Core
 3 Standards, as Jacob says. It's easy to do that.
 4 Right? And so the vetting process really at this
 5 first tier has been that they've had a third-party
 6 review or they can provide evidence to us that they
 7 are.
 8 CHAIRMAN MOORE: Mr. Sutton, online, do you have
 9 questions?
 10 MR. SUTTON: No, ma'am.
 11 CHAIRMAN MOORE: I do have a few questions, if
 12 you don't mind.
 13 So just to clarify with this, the High-Impact
 14 Tutoring required in legislation, are there
 15 additional funds available for this?
 16 MS. SMITH: There have been additional funds set
 17 aside.
 18 CHAIRMAN MOORE: Okay. And what -- because this
 19 is in-day programming what do we expect those costs
 20 to cover? Additional staff?
 21 MS. SMITH: So those will be applied through a
 22 competitive grant. And so, yes, it could possibly be
 23 additional staff, it -- where they're actually paying
 24 their tutors who's coming in; it could be curriculum
 25 programs, materials; it could be technology

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1 equipment; whatever services they would need to be
 2 able to provide that.
 3 CHAIRMAN MOORE: Okay. And then did statute
 4 limit it so it can't be after school or summer?
 5 MS. SMITH: I want to say that it specifically
 6 said during the school day --
 7 CHAIRMAN MOORE: During the school day.
 8 MS. SMITH: -- in statute.
 9 CHAIRMAN MOORE: Okay.
 10 MS. WOODS: Because I had that question very
 11 early on, not that I -- but, yeah. And so I talked
 12 to a couple of the legislators and she said, Well,
 13 it's the in-time piece.
 14 MS. SMITH: Yeah. It's during the school day in
 15 the competitive grant application. We have put in
 16 another slot that says -- especially for timing right
 17 now. So, yes, you have to offer it during the school
 18 day. But is there an opportunity that your district
 19 wanted to do something, extended day or through the
 20 summer, trying to fill -- like giving districts the
 21 opportunity to say, You know what, we've got a four-
 22 hour set-up or a zero hour that's not during the
 23 traditional time. That would also work. But one of
 24 the requirements is that they have built something
 25 during the school day.

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1 CHAIRMAN MOORE: We didn't even discuss that
 2 Cossatot River is a four-day school week. Could they
 3 use that on a Monday to --
 4 MS. SMITH: Sure, they could.
 5 CHAIRMAN MOORE: Could they apply for a High-
 6 Impact Tutoring Grant on a Monday? Would that count,
 7 or does it have to be --
 8 MS. SMITH: Well, that's not a day that students
 9 are attending school.
 10 CHAIRMAN MOORE: Okay. So it has to be that.
 11 MS. SMITH: But -- but that's another option
 12 though that they could do an extension.
 13 CHAIRMAN MOORE: So talk to me a little bit more
 14 about the rules for students in 3rd grade retention.
 15 MS. SMITH: Those are -- we don't have those
 16 done yet.
 17 CHAIRMAN MOORE: Those aren't done yet?
 18 MS. SMITH: No.
 19 CHAIRMAN MOORE: Okay. But those do include
 20 that you have to have High-Impact Tutoring?
 21 MS. SMITH: That has to be offered to you. And
 22 then in these rules what you'll see is that's a
 23 priority group of students who's been retained.
 24 CHAIRMAN MOORE: Okay. And then for the family
 25 grants, the Literacy Tutoring Grants that are going

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1 out to families, is that going to be something that's
 2 advertised --
 3 MS. SMITH: So we --
 4 CHAIRMAN MOORE: -- prior, to be offered to all
 5 students?
 6 MS. SMITH: So what we've done is we've
 7 identified, based on our test data -- okay -- so what
 8 we went through first is we identified who were the
 9 ones, based on test data, determined to be at need.
 10 And so the State then has written a letter basically
 11 that will be sent to families. It will go through
 12 their district to send that letter to them, saying
 13 that their child has been identified, that the
 14 student is eligible.
 15 CHAIRMAN MOORE: And so then they'll get online
 16 --
 17 MS. SMITH: Yeah. They'll get online and
 18 register.
 19 CHAIRMAN MOORE: Online. Will there be an app?
 20 MS. SMITH: Yes. And we have been working with
 21 the literacy coaches throughout the state, making
 22 sure that they're trained in the process, so that the
 23 schools that they're working in, they're helping
 24 families be able to register. We also talked about
 25 providing opportunities for a family night, and so

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1 that you're helping your families get on and making
 2 sure that they can get registered.
 3 CHAIRMAN MOORE: And do those have to be after
 4 school hours?
 5 MS. SMITH: So the \$500 Literacy Tutoring Grant?
 6 CHAIRMAN MOORE: Yeah.
 7 MS. SMITH: Yeah, that is -- they can work with
 8 the school district on that.
 9 CHAIRMAN MOORE: Okay.
 10 MS. SMITH: But, again, to other points, we're
 11 not -- the -- we're not going to -- trying to replace
 12 their literacy instruction during the school day.
 13 CHAIRMAN MOORE: Right.
 14 MS. SMITH: They would have to work with the
 15 school if there was going to be tutoring provided
 16 during the school day by an outside --
 17 CHAIRMAN MOORE: Okay.
 18 MS. SMITH: -- purchase service from the parent.
 19 CHAIRMAN MOORE: Okay.
 20 MS. WOODS: And something I would offer, because
 21 we talked about this in my board briefing call was
 22 that LEARNS dollars for private school and home-
 23 school eventually will come into play and they can
 24 use money for that tutor. Right?
 25 MS. SMITH: Right. So you had asked the private

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1 schools.
 2 MS. WOODS: Yeah.
 3 MS. SMITH: So this was for public school
 4 students, that as a qualifying expense on an EFA
 5 account tutoring services might be a qualifying
 6 expense, future.
 7 MS. WOODS: In the future?
 8 MS. SMITH: Yeah.
 9 CHAIRMAN MOORE: Okay.
 10 MR. WOOD: I have one last question --
 11 CHAIRMAN MOORE: Yes.
 12 MR. WOOD: -- if that's okay.
 13 MS. SMITH: You must not ever get hungry.
 14 MR. WOOD: Well, I'm hungry --
 15 MS. SMITH: I'm starving.
 16 CHAIRMAN MOORE: Sorry.
 17 MR. WOOD: I'm hangry.
 18 Is it permissible in the school day tutoring
 19 program that we've talked about for a student to be
 20 pulled out of art, music, or P.E. to go to that
 21 tutoring?
 22 MS. SMITH: I think we're going to see different
 23 schedules made. We don't want -- I mean, everybody
 24 is going to miss something to get tutored. Right?
 25 There's always going to be something you're going to

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1 miss. But you don't want a kid missing a daily class
 2 of art or every week of P.E. However, they're going
 3 to have to look at their schedules and identify time
 4 that that would be appropriate for the kids. It is
 5 very common right now that schools are building in
 6 intervention times during their school day to address
 7 additional needs of students. And so I would hope
 8 that they're taking that into consideration as
 9 they're building it.
 10 So, how was that answer?
 11 MR. WOOD: That was clever. Well done.
 12 MS. WOODS: I'll move to approve the rules.
 13 MS. KEENER: Second.
 14 CHAIRMAN MOORE: Okay. There's a motion to
 15 approve by Ms. Woods, a second by Ms. Keener. Is
 16 there any discussion or further questions?
 17 Mr. Sutton, do you have any further questions?
 18 Any questions?
 19 MR. SUTTON: No. No, ma'am.
 20 CHAIRMAN MOORE: Okay. All in favor say "aye."
 21 (UNANIMOUS CHORUS OF AYES)
 22 CHAIRMAN MOORE: Any opposed?
 23 Okay. The motion passes. And this was for the
 24 draft -- release for public comment?
 25 MR. RHODES: This is the permanent rules going

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1 to public comment. Correct.
 2 CHAIRMAN MOORE: Okay.
 3 5) CONSIDERATION OF REQUEST TO APPROVE EMERGENCY RULES
 4 GOVERNING LITERACY AND HIGH-IMPACT TUTORING
 5 CHAIRMAN MOORE: So next on our agenda are the
 6 same rules as an emergency.
 7 MR. RHODES: That's correct. So, and which is
 8 the same. The only difference is that there's an
 9 emergency clause. But the actual body of the rules
 10 themselves are the same.
 11 CHAIRMAN MOORE: And the emergency clause puts
 12 it into effect when?
 13 MR. RHODES: So this would be approved after ALC
 14 approves it. So there's a subcommittee that would
 15 meet next month; they will try to get it on that
 16 agenda. And then it would be effective once we got
 17 something in writing from ALC saying, Hey, this
 18 emergency rule has been approved. And it would be in
 19 place for 120 days, reasonably about -- like
 20 hopefully we would have gotten the permanent rules
 21 promulgated and they would have gone through public
 22 comment and reviewed by ALC.
 23 CHAIRMAN MOORE: Thank you.
 24 Questions, Board Members, on that? Questions?
 25 MS. KEENER: I move we accept.

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1 CHAIRMAN MOORE: A motion by Ms. Keener to
 2 accept the emergency rules. Is there a second?
 3 MS. ROLLINS: Second.
 4 CHAIRMAN MOORE: A second by Ms. Rollins.
 5 All in favor say "aye."
 6 (UNANIMOUS CHORUS OF AYES)
 7 CHAIRMAN MOORE: Any opposed?
 8 The motion passes.
 9 6) CONSIDERATION OF REQUEST TO RELEASE FOR PUBLIC COMMENT:
 10 DESE RULES GOVERNING PROFESSIONAL DEVELOPMENT
 11 CHAIRMAN MOORE: Last, we have the rules
 12 governing Professional Development. And this is a
 13 consideration for release to public comment.
 14 MR. RHODES: That's correct. Thank you, Chair.
 15 So this is a permanent rule. It is the
 16 permanent rule governing Professional Development.
 17 The permanent rule moves our Professional Development
 18 requirements away from just strict completion and
 19 shifts them into a competency and mastery of learning
 20 model. The educational requirements will be research
 21 and standard based. The rule specifically provides
 22 educators will need to complete training in autism,
 23 dyslexia, Arkansas history, human trafficking
 24 prevention, bullying, teen suicide prevention, teen
 25 mental health awareness. The goal of these changes

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1 is to promote a mastery of learning for teachers and
 2 improve the outcomes for students. Again, we're
 3 available for questions, if you have any.
 4 CHAIRMAN MOORE: Questions, Board Members? Ms.
 5 Rollins?
 6 MS. ROLLINS: No.
 7 CHAIRMAN MOORE: Mr. Bragg?
 8 MR. BRAGG: No.
 9 CHAIRMAN MOORE: Mr. Wood?
 10 MR. WOOD: No.
 11 CHAIRMAN MOORE: Ms. Keener?
 12 MS. KEENER: No.
 13 CHAIRMAN MOORE: Mr. Sutton, do you have any
 14 questions?
 15 MR. SUTTON: No questions.
 16 CHAIRMAN MOORE: Okay. At that point then the
 17 floor is open for a motion or any further discussion.
 18 MS. KEENER: I move we accept.
 19 CHAIRMAN MOORE: A motion by Ms. Keener. Is
 20 there a second?
 21 MR. HENDERSON: Second.
 22 CHAIRMAN MOORE: A second by Mr. Henderson.
 23 All in favor say "aye."
 24 (UNANIMOUS CHORUS OF AYES)
 25 CHAIRMAN MOORE: Any opposed?

1 The motion passes.
2 So I believe we are at the end of our action
3 agenda items.
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6 (The action agenda was concluded at 12:40 p.m.)
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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 Division of Elementary and Secondary Education, State Board of Education, in Little Rock, Arkansas, on December 15, 2023; that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

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

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: December 27, 2023.

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

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