

In The Matter Of:
ARKANSAS STATE BOARD OF EDUCATION

November 9, 2023

Sharon Hill Court Reporting
501-680-0888

ARKANSAS STATE BOARD OF EDUCATION

November 9, 2023 10:00 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:

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

ADE LEGAL COUNSEL:

- MR. ANDRES RHODES, Chief Legal Counsel
MR. STEPHEN REYNOLDS, Legal Counsel
MS. COURTNEY SALAS-FORD, ADE Chief of Staff

LOCATION:

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

PROCEEDINGS

1) CONSIDERATION OF ONE-YEAR STANDARDS FOR ACCREDITATION WAIVER REQUESTS

CHAIRMAN MOORE: We will start our action agenda. Our first is the consideration of a standards request for five school districts.

a) MALVERN SCHOOL DISTRICT

MS. WORSHAM: Good morning. Hope Worsham, Assistant Commissioner for Public School Accountability.

So we'll start with the first district that is requesting a Standards for Accreditation for Standard 1-A.5, which is Class Size. This comes from Malvern School District. They originally submitted a waiver request for Class Size and Teaching Load reduction; however, they are revising that to only request the Class Size waiver. They are going to compensate on the class teacher load at a per-pupil rate for the high school teacher, rather than requesting a waiver there.

The Superintendent is I believe online or here, if you have any questions for them. And the Department has no concerns about this waiver.

CHAIRMAN MOORE: Okay. Superintendent Blair, are you online, or anyone else from Malvern?

I N D E X

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ACTION AGENDA:

1) 1-Year Standards for Accreditation
a) Malvern School District 3
b) Guy-Perkins School District 5
c) Concord School District 6
d) Magnet Cove School District 7
e) Poyen School District 9
2) Act 1240 Waivers - Bauxite School District . . . 11
3) Educational Freedom Account Program Payments . . 24
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I don't see him at this time.
Let's start with board member questions. To my right -- Mr. Sutton?
MR. SUTTON: Well, just with this being November and the waiver is just now being requested, is this because of just new enrollments that have happened?
MS. WORSHAM: The waiver request was received last month, due to enrolling -- new enrolling students. Yes.
MR. SUTTON: Okay. Well, okay.
CHAIRMAN MOORE: Mr. Henderson?
MR. HENDERSON: No.
CHAIRMAN MOORE: Mr. Bragg?
MR. BRAGG: No.
CHAIRMAN MOORE: Ms. Salaam?
MS. SALAAM: (Shaking head from side to side)
CHAIRMAN MOORE: To my left -- Mr. Wood?
MR. WOOD: No.
CHAIRMAN MOORE: Any questions, Ms. Hunter?
MS. HUNTER: No.
CHAIRMAN MOORE: Ms. Keener?
MS. KEENER: No.
CHAIRMAN MOORE: Okay. Ms. Rollins or Ms. Woods, any questions?
Okay. In that case, if we don't have any

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1 questions, do we need to wait on the school district?
 2 I don't think so.
 3 MS. SMITH: (Inaudible comment to Chairman
 4 Moore)
 5 CHAIRMAN MOORE: Okay. Okay. Then we will go
 6 -- should we go ahead and take a vote on each one of
 7 these individually or all five as one, or does it
 8 matter?
 9 MR. SUTTON: Let's do all five.
 10 CHAIRMAN MOORE: Yeah. Let's just -- can we go
 11 ahead and go through each one and then we'll --
 12 MS. WORSHAM: Sure. Yeah.
 13 CHAIRMAN MOORE: -- do the next one.
 14 MS. WORSHAM: Sure.
 15 b) GUY PERKINS SCHOOL DISTRICT
 16 MS. WORSHAM: The second request comes from the
 17 Guy-Perkins School District and is for Class Size, as
 18 well, Standard 1-A.5. The concern there is that they
 19 have a student -- they have an expected enrollment
 20 growing in their district and they are over their
 21 maximum class size in a 2nd grade classroom. Again,
 22 requesting the waiver for one year and the Department
 23 does not have concerns for this waiver.
 24 CHAIRMAN MOORE: Okay. And I do see Dr. Fisher
 25 from Guy-Perkins on Zoom. Thank you for being here

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1 today.
 2 Board Members, questions, to my right?
 3 Questions, Mr. Wood and Ms. Keener?
 4 Online, questions?
 5 Dr. Fisher, is there anything you wanted to add
 6 to your letter?
 7 SUPT. FISHER: No. We just appreciate it and
 8 excited that we're growing this year. Thank you.
 9 CHAIRMAN MOORE: Thank you.
 10 c) CONCORD SCHOOL DISTRICT
 11 MS. WORSHAM: All right. The next one is from
 12 Concord School District, same request, Standard 1-
 13 A.5. They have one classroom that is over by -- over
 14 the maximum of 25 by 1. So their request is for a
 15 one-year waiver of Class Size to not hire an
 16 additional teacher in that area. And the Department
 17 has no concerns on this waiver either.
 18 CHAIRMAN MOORE: Okay. And this is Concord
 19 School District. I believe I see Staphanie Langley,
 20 the Principal. Are you on today?
 21 MS. LANGLEY: Yes, ma'am.
 22 CHAIRMAN MOORE: Is there anything that you'd
 23 like to add to your letter?
 24 MS. LANGLEY: No, ma'am. We just -- we're in
 25 the same -- we're excited to be growing. Our student

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1 enrollment is up, and we were not expecting that.
 2 We're able to compensate in some classes by splitting
 3 the kids. We just aren't able to do that with some
 4 of our other classes.
 5 CHAIRMAN MOORE: Okay. Thank you.
 6 Board Members, do you have questions? Mr.
 7 Sutton?
 8 MR. SUTTON: No, ma'am.
 9 CHAIRMAN MOORE: Mr. Henderson, do you have any
 10 questions?
 11 MR. HENDERSON: No.
 12 CHAIRMAN MOORE: Mr. Wood?
 13 MR. WOOD: No.
 14 CHAIRMAN MOORE: Any questions?
 15 MS. KEENER: No.
 16 MS. HUNTER: No.
 17 CHAIRMAN MOORE: Online, Ms. Woods, Ms. Rollins,
 18 any questions?
 19 Okay. Thank you.
 20 d) MAGNET COVE SCHOOL DISTRICT
 21 CHAIRMAN MOORE: Then we'll move on to the
 22 Magnet Cove School District.
 23 MS. WORSHAM: All right. The fourth one is from
 24 Magnet Cove School District, requesting a waiver of
 25 Standard 1-A.5, Class Size. They had one student

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1 enroll after October 10th and that has put them over
 2 in one of their elementary classrooms. The
 3 Department has no concerns on this waiver either.
 4 CHAIRMAN MOORE: Is there anyone from Magnet
 5 Cove School District on? I don't see them.
 6 And if there was a question by a board member
 7 for a district not here, we could always pull it to
 8 get them later. So, keep that in mind.
 9 Questions?
 10 MR. SUTTON: No, ma'am.
 11 CHAIRMAN MOORE: Mr. Henderson?
 12 MR. HENDERSON: It doesn't really -- unless I'm
 13 overlooking it, it doesn't say -- is it for one year?
 14 MS. WORSHAM: Yes. Sorry, I should have
 15 clarified that. All of these are for one-year
 16 requests. Yes.
 17 MR. HENDERSON: Okay.
 18 CHAIRMAN MOORE: Questions down here? Ms.
 19 Hunter?
 20 MS. HUNTER: Well, I've kind of gone back
 21 through the -- I think there was one that was just
 22 for the rest of the semester. Am I confused about --
 23 MS. SMITH: 1240.
 24 MS. HUNTER: Oh.
 25 MS. WORSHAM: That's a different one.

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1 MS. HUNTER: Wrong -- wrong one. Okay. Thank
 2 you.
 3 CHAIRMAN MOORE: Any other questions? Questions
 4 online, Ms. Rollins or Ms. Woods?
 5 Okay.
 6 d) POYEN SCHOOL DISTRICT
 7 CHAIRMAN MOORE: Then, we'll move on to the
 8 Poyen School District.
 9 MS. WORSHAM: The last one is for Poyen School
 10 District, request of a waiver of 1-A.5 for Class
 11 Size. This is for a kindergarten classroom. The
 12 slight nuance here is they have employed a
 13 paraprofessional in that room, as well, to help with
 14 the overage, which is required, and one-year waiver
 15 of Class Size for Poyen School District. The
 16 Department has no concerns with this waiver.
 17 CHAIRMAN MOORE: Is there anyone from Poyen
 18 online today?
 19 Okay. Again, Board Members, if you have
 20 questions, we can pull them to come in later.
 21 To my right -- Mr. Sutton?
 22 MR. SUTTON: No, ma'am.
 23 CHAIRMAN MOORE: Mr. Henderson?
 24 MR. HENDERSON: No.
 25 CHAIRMAN MOORE: Mr. Bragg?

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1 MR. BRAGG: No.
 2 CHAIRMAN MOORE: Ms. Salaam?
 3 MS. SALAAM: (Shaking head from side to side)
 4 CHAIRMAN MOORE: To my left, any questions?
 5 Online, any questions?
 6 Okay. Last chance: is there any -- any of these
 7 districts that any member would like to pull?
 8 If not, the floor will be open for a motion and
 9 we can batch them all together, unless there's one
 10 that wants to be pulled.
 11 MR. SUTTON: I'll make the motion to approve the
 12 waivers.
 13 CHAIRMAN MOORE: For all five?
 14 MR. SUTTON: Yes, ma'am. For all five.
 15 CHAIRMAN MOORE: Okay. There's a motion to
 16 approve the waivers.
 17 Is there a second?
 18 MR. BRAGG: Second.
 19 CHAIRMAN MOORE: Second by Mr. Bragg.
 20 All in favor say aye.
 21 (UNANIMOUS CHORUS OF AYES)
 22 CHAIRMAN MOORE: Any opposed?
 23 Motion passes. Thank you.
 24 MS. WORSHAM: Thank you.
 25 CHAIRMAN MOORE: Thank you, Ms. Worsham.

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1 2) CONSIDERATION OF REQUEST FOR ACT 1240 WAIVERS FOR THE
 2 BAUXITE SCHOOL DISTRICT
 3 CHAIRMAN MOORE: Next, we have a request for Act
 4 1240 waivers from the Bauxite School District. Ms.
 5 Saracini. Thank you.
 6 MS. SARACINI: Good morning. Assistant
 7 Commissioner, Educator Effectiveness and Licensure.
 8 And this morning Bauxite School District is
 9 asking for the waiver 6-17-812, Teaching Load, just
 10 for a semester.
 11 This is the one, Ms. Hunter.
 12 Hopefully, this -- you will see less and less of
 13 these as we put in that Aspiring Teacher permit.
 14 Again, Bauxite has kind of gotten caught in EPPs.
 15 Our Higher Ed. hasn't really implemented everything
 16 necessary for that Aspiring Teacher permit, and so
 17 students have to have their assessments taken a
 18 little bit early. And these people are ready. They
 19 have moved staff around to make sure that they have
 20 that mentor with that intern. And we have no
 21 concerns.
 22 MS. SMITH: And then, Stephen, do you want to
 23 give the overview of the 1240 process?
 24 Thank you.
 25 MR. REYNOLDS: Good morning. Stephen Reynolds,

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1 Staff Attorney for the Department.
 2 So this is the standard Act 1240 process. The
 3 school district will get 20 minutes to present its
 4 case. I don't know of any opposition; they would get
 5 20 minutes, if that were the case. And then the
 6 Board will vote on the waiver and you get -- you can
 7 ask questions at any time. And then the school
 8 district -- once the Board -- if the Board approves
 9 the waiver, once the -- the school district must post
 10 it on its website, pursuant to the law.
 11 And I think we've got a presentation from the
 12 school district. And the representatives from the
 13 district are here. So --
 14 CHAIRMAN MOORE: Okay. And just to be -- do I
 15 need to swear in the district?
 16 MR. REYNOLDS: Yes. Thank you for reminding me.
 17 CHAIRMAN MOORE: Great. Superintendent Donaghy
 18 --
 19 SUPT. DONAGHY: Yes.
 20 CHAIRMAN MOORE: -- thank you for coming in
 21 today.
 22 If --
 23 SUPT. DONAGHY: Thank you.
 24 CHAIRMAN MOORE: -- you don't mind, whoever is
 25 on your team is going to be speaking, I'm going to

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1 have you all do the oath. Okay?
 2 SUPT. DONAGHY: Well, this is Ms. Kim Arnold;
 3 she's our middle school Principal. This is Doug
 4 Quinn, Deputy Superintendent. It's his birthday
 5 today, 36. So happy birthday. And Becky Reynolds,
 6 our elementary Principal. So they're here with all
 7 the details, if you have questions. And we don't
 8 want to --
 9 CHAIRMAN MOORE: I'll go ahead and swear you all
 10 in --
 11 SUPT. DONAGHY: Okay. Great.
 12 CHAIRMAN MOORE: -- and then you can get
 13 started.
 14 If you'd hold up your right hand -- do you swear
 15 or affirm that the testimony you're about to give
 16 shall be the truth, the whole truth, and nothing but
 17 the truth?
 18 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)
 19 CHAIRMAN MOORE: Thank you.
 20 SUPT. DONAGHY: So as they kind of said a little
 21 bit earlier, we're in a situation where we needed to
 22 hire two educators kind of at the last minute. And I
 23 know you had a good question earlier about why we're
 24 waiting until November for a situation that will be
 25 resolved in -- at the end of December. But this is a

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1 process that we started when we realized we were
 2 going to need some more teachers and I started
 3 corresponding with their professors at their -- in
 4 their -- and their guidance counselors up there in
 5 various universities on August 1st, when we realized
 6 that we were going to have a shortage.
 7 And so these are two wonderful people. One has
 8 been a mother of students in our district for a
 9 while. And it's been really nice this year to walk
 10 into her classroom or see the kindergartners walk
 11 into her classroom. And she's just so friendly and
 12 welcoming and has that fire to teach and her students
 13 love her. And as you can see by some of the comments
 14 from the parents and such, they are really enjoying
 15 their time with her. So we're excited to have her.
 16 The other one, Blake Garrett, was actually a
 17 middle school student for us when I got to Bauxite.
 18 So it was neat to see him grow and we know his work
 19 ethic and his family. And he had a strong desire to
 20 become a teacher, even when he was in high school.
 21 So it's neat to kind of see him live out his dream.
 22 So we've got two really wonderful people that
 23 we're excited to have on staff. But, unfortunately,
 24 they're supposed to be doing their student teaching
 25 this semester, but we needed them in the classroom.

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1 And I wish we weren't in this situation. I still
 2 remember 30 years ago being a student teacher in Ms.
 3 Tammy Morris' 3rd grade class at Searcy-McRae
 4 Elementary and just how excited I was and all the
 5 wonderful things I learned from her about classroom
 6 management and lesson plans and all those things that
 7 you -- most of us who are educators still remember.
 8 So it's too bad that they're skipping this part,
 9 because I think when you skip certain things you miss
 10 out on some perspective and just some important
 11 steps. But I do believe that with the support that
 12 the district is providing for these two and also
 13 their universities, Arkansas Tech and UALR, that
 14 these two will be very successful.
 15 So I don't want to waste a whole lot of your
 16 time this morning, but I'll go to the second slide.
 17 Do I have a clicker? Let's see if it works. It made
 18 a ding.
 19 MS. SMITH: See if it's on, on the side.
 20 SUPT. DONAGHY: It appears to be. I'll try
 21 again. Well, I thought I did something. Oh, thank
 22 you so much. Okay. Thank you. I am not the Tech
 23 Director in our district. You can see why.
 24 So our first request is -- was brought about
 25 because we had a teacher leave us very, very late in

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1 the summer, and we've shifted around some positions
 2 to try to get as many certified people in the proper
 3 areas. And we were hopeful that we would be able to
 4 find an 8th grade Social Studies teacher, because in
 5 the past Social Studies teachers were fairly easy to
 6 find. But, unfortunately, we found out that we
 7 weren't -- there just weren't any applicants and
 8 weren't any that were certified. And so we -- that's
 9 when we found Blake Garrett, who is -- and what we're
 10 asking for is to allow a mentor teacher to serve as
 11 the teacher-of-record for his own classes and the 8th
 12 grade class that Mr. Garrett is teaching in Social
 13 Studies. And he is supposed to be an ATU intern.
 14 The second one was opened up because a
 15 neighboring school district opened up a brand-new
 16 school. We always -- we always assume that we're
 17 going to get a lot of kindergartners in August that
 18 come in and register at the last minute. But we had
 19 extenuating circumstances this time because a new
 20 elementary opened and they were checking residences
 21 and such like that. So we got an extra-large influx
 22 of new kindergartners and that required us to hire a
 23 new teacher.
 24 So we'd like to allow a mentor teacher to serve
 25 as the teacher-of-record for her own class, plus the

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1 kindergarten class taught by the UALR intern.
 2 Both interns were hired by the Bauxite School
 3 District and are on teacher contracts.
 4 Uh-oh. Do you mind talking for me too? There
 5 we go. Thank you. Thank you.
 6 So the district is providing support by having
 7 daily planning and check-ins with the mentor teacher.
 8 They have weekly PLC meetings, administrative
 9 support, novice teacher mentoring with Dawson Co-op,
 10 and job embedded professional development. The
 11 universities, Arkansas Tech and UALR, are providing
 12 internship supervisors to guide the students. Both
 13 have an assigned field coordinator specific to their
 14 placements, who connect the interns to offer needed
 15 resources and serve as an intermediary between the
 16 university and the Bauxite School District. Interns
 17 are required to complete professional development.
 18 My last one -- thank you.
 19 Obviously, you all know there is a teacher
 20 shortage. There's a shortage across all occupations,
 21 like -- I was surprised to read that there's a
 22 physician shortage, last night, so it's hitting all
 23 of us. A vacant teaching position at the middle
 24 school, causing shifts in certified personnel; a high
 25 number of late kindergarten enrollment at Pine Haven

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1 Elementary; we had a low number of applicants and
 2 they weren't certified. These two interns came very
 3 highly recommended from ATU and UALR. And the waiver
 4 is only needed for this semester that we're currently
 5 in, and both interns will graduate in December and
 6 become the teachers-of-record.
 7 And, again, I've got people who can answer
 8 specific questions, if you have them. Otherwise,
 9 we'd appreciate your support of this.
 10 CHAIRMAN MOORE: Thank you.
 11 Board Members, I'll start to my right. Mr.
 12 Sutton, questions?
 13 MR. SUTTON: No, ma'am.
 14 CHAIRMAN MOORE: Mr. Henderson?
 15 MR. HENDERSON: No.
 16 CHAIRMAN MOORE: Mr. Bragg?
 17 MR. BRAGG: No.
 18 CHAIRMAN MOORE: Ms. Salaam?
 19 MS. SALAAM: (Shaking head from side to side)
 20 CHAIRMAN MOORE: Mr. Wood?
 21 MR. WOOD: No.
 22 CHAIRMAN MOORE: Ms. Hunter?
 23 MS. HUNTER: No.
 24 CHAIRMAN MOORE: Ms. Keener?
 25 MS. KEENER: I did. I just had one question.

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1 Is the only thing lacking from the requirements
 2 for the license the internship or is there still
 3 Praxis to take? Are there -- it's just the
 4 internship?
 5 MS. REYNOLDS: For mine, in particular, she has
 6 already taken and passed all of her Praxis. So all
 7 she has --
 8 CHAIRMAN MOORE: Do you mind coming up to the
 9 microphone --
 10 MS. REYNOLDS: Sorry.
 11 CHAIRMAN MOORE: -- so that online can hear, as
 12 well?
 13 MS. REYNOLDS: I was just chatting.
 14 CHAIRMAN MOORE: Thank you.
 15 MS. REYNOLDS: For mine, in particular, she's
 16 already passed everything. All she has to do is
 17 graduate. She did internship last semester of last
 18 school year for us, and so she only had one
 19 internship left which was going to be at our school
 20 anyway. And we were very pleased with her internship
 21 in the spring of last year, and so she was going to
 22 finish her fall semester with us anyway as an
 23 internship. And so that's one reason we were so
 24 pleased with her. My intention was to go ahead and
 25 hire her when she graduated, but we just did it a

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1 little early.
 2 MS. KEENER: Great. Thank you.
 3 MS. REYNOLDS: Because she's going to graduate
 4 in December and be ready to go.
 5 MS. KEENER: Perfect.
 6 MS. ARNOLD: Our middle school Social Studies
 7 teacher, he's still working on his Praxis.
 8 MS. KEENER: Okay. And that support will come
 9 from the co-op?
 10 MS. ARNOLD: He is. He's working with Arch
 11 Ford.
 12 MS. KEENER: Perfect.
 13 MS. ARNOLD: Uh-huh.
 14 MS. KEENER: Great. Thanks.
 15 CHAIRMAN MOORE: Okay. Any more questions? Ms.
 16 Woods? Ms. Rollins? Any more board members?
 17 Okay. I do have a question for Karli, if you
 18 don't mind -- for the Agency.
 19 MS. SARACINI: Yes.
 20 CHAIRMAN MOORE: So we have in the past approved
 21 this waiver. For how many school districts, do you
 22 know?
 23 MS. SARACINI: In the past, it's been those
 24 school districts that have been working with UA-Fort
 25 Smith --

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1 CHAIRMAN MOORE: Okay.
 2 MS. SARACINI: -- on their residency program.
 3 And now with the Aspiring Teacher permit this should
 4 eventually not be needed. Again, like they said,
 5 they're just missing some things and the Aspiring
 6 Teacher permit in the future will be able to meet
 7 that need. But the EPPs are going to have to look at
 8 their programs a little different on when they're
 9 taking those assessments so that they're all ready
 10 before that semester.
 11 CHAIRMAN MOORE: Is there any requirement as far
 12 as how much classroom time they've had before
 13 reaching this point in their --
 14 MS. SARACINI: They have to have all coursework
 15 done, completed.
 16 CHAIRMAN MOORE: I guess in class, in school --
 17 time in school.
 18 MS. SARACINI: Oh. Time in schools. Yes.
 19 CHAIRMAN MOORE: I guess that depends on
 20 university.
 21 MS. SARACINI: Yes. That -- now that we're
 22 going to a yearlong residency by 2027, most have had
 23 about six weeks. And I'm assuming that's what she
 24 had. That's common. Some have eight weeks, but it
 25 -- it's equivalent to two to three days a week in the

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1 classroom.
 2 CHAIRMAN MOORE: Okay.
 3 MS. SARACINI: It depends a lot of times,
 4 whether it's elementary or secondary. But it's
 5 usually the equivalent time of six weeks.
 6 CHAIRMAN MOORE: Okay. And so they would have
 7 that six-weeks before entering this?
 8 MS. SARACINI: Yes, ma'am.
 9 CHAIRMAN MOORE: So this seems like a situation
 10 where we're having to be reactionary to vacancies.
 11 Is there a way that the district -- to prevent this
 12 in the future, in that districts are not having to
 13 look for teacher ed., you know, candidates?
 14 MS. SARACINI: Well, right now, we're not
 15 producing enough of educators. And we are working on
 16 that as best that we can. And I think with the
 17 salary increase you're seeing some come in through
 18 that non-traditional route. I hope that --
 19 hopefully, in the very near future you will not see
 20 us coming up here and asking for a Class Size or a
 21 Teaching Load waiver. Because I really feel with the
 22 Aspiring Teacher permit and things being put in
 23 place, and that year-long residency, we'll have
 24 people ready for the classroom. But, again, Higher
 25 Ed. is a little bit slower than K-12 changing their

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1 programs, because they have a lot of committees to go
 2 through and jump through. So, again, it's just --
 3 it's going to take a little time for our ed. prep.
 4 Programs to adjust to the new law.
 5 CHAIRMAN MOORE: Okay. Thank you. Those are my
 6 questions.
 7 Are there any more questions of board members?
 8 MR. SUTTON: Are these two interns on the same
 9 salary schedule as your first-year teachers?
 10 SUPT. DONAGHY: Yes, sir. They're both making
 11 the \$50,000.
 12 MR. SUTTON: Okay.
 13 SUPT. DONAGHY: I would've liked that when I was
 14 student teaching.
 15 MR. WOOD: That's a pretty good internship.
 16 CHAIRMAN MOORE: Yeah. Any other questions?
 17 Any questions online?
 18 Okay. Then we'll have the floor open for a
 19 motion as this point.
 20 MR. WOOD: I move to approve the waiver request.
 21 CHAIRMAN MOORE: A motion to approve by Mr.
 22 Wood. Is there a second?
 23 MR. SUTTON: I'll second.
 24 CHAIRMAN MOORE: A second by Mr. Sutton.
 25 All in favor say aye.

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1 (UNANIMOUS CHORUS OF AYES)
 2 CHAIRMAN MOORE: Any opposed?
 3 Motion passes. Thank you. Thank you--all for
 4 coming in today.
 5 3) CONSIDERATION OF THE DIVISION OF ELEMENTARY AND SECONDARY
 6 EDUCATION RULES GOVERNING PAYMENTS UNDER THE EDUCATIONAL
 7 FREEDOM ACCOUNT PROGRAM
 8 CHAIRMAN MOORE: Next, we have the Consideration
 9 of Rules Governing Payments Under the Educational
 10 Freedom Account. Andres Rhodes.
 11 MR. RHODES: Good morning, Chair and Board --
 12 and Members of the Board. I don't want to be too
 13 loud; I want to keep it low-tech too.
 14 Before you are the rules governing Payments
 15 Under the Educational Freedom Account Program. These
 16 are basically identical to the rules -- the emergency
 17 rules you approved last month. These are not the
 18 full rules. We are still considering public comment.
 19 In fact, our Office of School Choice is reading
 20 through the public comments we compiled and they're
 21 running through any potential changes to those rules.
 22 But in the meantime, we're seeking to promulgate
 23 these rules to have a process to process payments.
 24 The only change between these permanent rules
 25 and the emergency rules you approved last month is

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1 Section 1.02, which requires participating schools
 2 receiving EFA funds to apply any scholarship awards,
 3 tuition rates, and tuition discounts to an approved
 4 student's tuition cost and fees before EFA funds are
 5 used. That is to make sure that everybody is getting
 6 the benefit of any tuition discount of that school
 7 before those funds are used.
 8 I'm open for any questions that you may have.
 9 CHAIRMAN MOORE: Okay. Questions, Mr. Sutton?
 10 MR. SUTTON: This is about the program just in
 11 general. But, obviously, I would -- I mean, I assume
 12 that there is an annual allocation for these funds.
 13 Is that correct?
 14 Mr. Rhodes: There is. Yes.
 15 MR. SUTTON: And if they're not all used in one
 16 year, does that carry over so that the fund can be
 17 larger the next year?
 18 MR. RHODES: So there is an actual amount
 19 allotted for each school year.
 20 MR. SUTTON: Yeah.
 21 MR. RHODES: I'll double-check on the carryover,
 22 but I think it's just a total amount for the funds.
 23 MR. SUTTON: Okay.
 24 CHAIRMAN MOORE: Mr. Henderson, questions?
 25 MR. HENDERSON: No.

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1 CHAIRMAN MOORE: Mr. Bragg?
 2 MR. BRAGG: No.
 3 CHAIRMAN MOORE: Ms. Salaam?
 4 MS. SALAAM: (Shaking head from side to side)
 5 CHAIRMAN MOORE: Mr. Wood?
 6 MR. WOOD: No.
 7 CHAIRMAN MOORE: Ms. Hunter?
 8 MS. HUNTER: No.
 9 CHAIRMAN MOORE: Ms. Keener?
 10 MS. KEENER: I do. I have one question. Is
 11 there -- how can we insure that schools are
 12 accountable to this particular rule? Is there -- do
 13 we look at their average number of scholarships given
 14 before EFA or after? What's the accountability here
 15 to insure that they're following this rule?
 16 MR. RHODES: So that's probably a question for
 17 Darrell; he's monitoring the program. I know that
 18 this question has come up in a real sense, and that's
 19 why we're addressing it in this rule. We have
 20 communicated that this change would be made so that
 21 they -- participating schools are aware that this
 22 language is going to be included, not only in this
 23 rule but in the full permanent rules. As to any
 24 annual reporting, you know, I don't know if he's
 25 brought them today, but we can certainly get that to

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1 you.
 2 MS. KEENER: Thank you.
 3 MS. SALAS-FORD: Courtney Salas-Ford for the
 4 Department. Yes, there is constant monitoring, and
 5 the private schools that participate have to go
 6 through an audit. So we are constantly checking to
 7 insure that they are following the rules and all
 8 payments are processed properly.
 9 MS. KEENER: Thanks.
 10 CHAIRMAN MOORE: Any more questions, Ms. Woods
 11 and Ms. Rollins, online?
 12 MS. WOODS: I don't have a question, but I was
 13 going to give a comment -- and I told this to the
 14 group yesterday when I had a call. Of the people
 15 I've talked to that have participated in this
 16 account, all of their communications -- it was
 17 unanimous; I talked to three people. So their
 18 communication from the Department has been top-notch,
 19 and they couldn't say the same necessarily of the
 20 school that they're enrolled in. But they were like,
 21 Any time we email the Department they get back to us
 22 immediately; the most it's ever been is three days;
 23 everything is explained really, really well. And so
 24 I just wanted to pass that along to the powers that
 25 be and make it known to everybody that y'all are

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1 doing a great job. And up here, in northwest
 2 Arkansas, people recognize it. So I wanted to pass
 3 that along.
 4 CHAIRMAN MOORE: Thank you.
 5 Ms. Rollins?
 6 MS. ROLLINS: (Shaking head from side to side)
 7 CHAIRMAN MOORE: I do have a question. So when
 8 we're looking at this right now, currently the
 9 program just pertains to perhaps students enrolling
 10 in a private school. Down the road, it will pertain
 11 to students that are home-school. Do these rules --
 12 does this -- I mean, it sounds like it already
 13 encompasses that.
 14 MR. RHODES: So, again, this only speaks to the
 15 process of payment for people that have been approved
 16 into the program. So for this school year, this
 17 would apply for the populations that were in year-
 18 one. This rule -- this language will also be in the
 19 permanent rules. So, I mean it -- as we grow the
 20 program, it will apply to those subsequent
 21 populations.
 22 CHAIRMAN MOORE: Okay. And so it will be sort
 23 of the same third-party processing system?
 24 MR. RHODES: Correct.
 25 MS. SMITH: And there -- writing the current or

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1 the permanent rules, that process is happening right
 2 now with input to address some of those other things,
 3 such as homeschool or other factors in the future.
 4 So these rules are about payments right now, for the
 5 group that qualified for this year.
 6 CHAIRMAN MOORE: Okay.
 7 MR. RHODES: Right. And the permanent rules do
 8 have an audit section, so --
 9 CHAIRMAN MOORE: Okay. More questions?
 10 Okay. So the floor will be open for a motion.
 11 And this is to approve these rules for public
 12 comment. Is that correct?
 13 MR. RHODES: Correct.
 14 CHAIRMAN MOORE: Okay.
 15 MS. WOODS: I'll move to approve.
 16 CHAIRMAN MOORE: A motion by Ms. Woods to
 17 approve the rules for public comment. Is there a
 18 second?
 19 MR. BRAGG: Second.
 20 CHAIRMAN MOORE: A second by Mr. Bragg.
 21 All in favor say aye.
 22 (UNANIMOUS CHORUS OF AYES)
 23 CHAIRMAN MOORE: Any opposed?
 24 Motion passes. Thank you.
 25 MR. RHODES: Thank you, Members.

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1 4) CONSIDERATION OF APPEAL OF LEGAL TRANSFER UNDER ARKANSAS
 2 CODE 6-18-316
 3 CHAIRMAN MOORE: Next, we have consideration of
 4 an appeal for a legal transfer. Mr. Rhodes, are you
 5 speaking?
 6 MR. RHODES: I'm back.
 7 CHAIRMAN MOORE: Thank you.
 8 MR. RHODES: So this is a bit of a novel process
 9 for you. So, Arkansas Code Annotated 6-18-316 now
 10 provides parents an opportunity to appeal a denial of
 11 their transfer request from one school district to
 12 another. This appeal would be the first appeal
 13 that's come before you, and it's the first of its
 14 type, and that is a denial from the Shirley School
 15 District.
 16 So the Department has worked on the rules for
 17 this process; however, the current school choice
 18 rules are consistent with the hearing practice
 19 generally before you on appeals such as this.
 20 So the Chair will place all individuals seeking
 21 to testify under oath. The denying district will
 22 have 20 minutes to present their decision that is now
 23 being reviewed. The appellant, i.e., the parent,
 24 will have 20 minutes to rebut the denial of the
 25 school transfer. The receiving district will have up

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1 to 5 minutes to speak, as needed. The Board may ask
 2 questions of speakers at any time during their
 3 presentations. The Board may then receive testimony
 4 at its discretion if additional individuals in the
 5 public want to speak on the petition. The vote would
 6 then vote to affirm or reverse the decision of the
 7 denying school district, based on the totality of the
 8 evidence presented. And then the Board may issue its
 9 decision today or take the matter under advisement.
 10 Once a final decision has been made in an open
 11 meeting, such as this, the Department will prepare an
 12 Order consistent with the Board's findings,
 13 conclusions, and its final decision, to be signed by
 14 the Chair of the Board.
 15 School districts may deny a school transfer for
 16 any reason, but the Superintendent of the denying
 17 school district must provide his or her reasoning, in
 18 writing, prior to the school board's denial of the
 19 petition. That explanation was included in your
 20 packet for today.
 21 School districts are prohibited from granting
 22 legal transfers when they're under a desegregation
 23 agreement or when the transfer would violate a court
 24 order.
 25 School transfers differ from school choice and

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1 school choice appeals in three ways, but otherwise
 2 generally are very similar processes. First,
 3 petitions for transfer can be filed at any time
 4 during the school choice year; they're not limited to
 5 a particular window. That is one of the main
 6 differences. Either district can deny the transfer,
 7 and the transfer can be denied for any reason
 8 whatsoever. School choice generally is denied for
 9 capacity reasons.
 10 If there are no questions on procedure, all
 11 presenters need to take their oath. And then the
 12 Shirley School District would speak first.
 13 CHAIRMAN MOORE: Thank you.
 14 Any questions on procedures, Board Members?
 15 Okay. So any parties -- so this is resident and
 16 nonresident school district and family. Anyone who
 17 wishes to speak, please stand and raise your right
 18 hand. Do you swear or affirm that the testimony
 19 you're about to give shall be the truth, the whole
 20 truth, and nothing but the truth?
 21 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)
 22 CHAIRMAN MOORE: Thank you.
 23 So, first, we start with the nonresident school
 24 district. Is that correct, Mr. Rhodes?
 25 MR. RHODES: In this case, it's the resident

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1 school district.
 2 CHAIRMAN MOORE: The resident school district.
 3 MR. RHODES: Right. They're the denying school
 4 district.
 5 CHAIRMAN MOORE: Thank you.
 6 So Mr. Wiggins, from Shirley.
 7 SUPT. WIGGINS: Good morning. First of all, my
 8 name is Aaron Wiggins, Superintendent of Shirley
 9 Schools. Thank y'all for allowing me to be here this
 10 morning. I will not take up 20 minutes of your time,
 11 I don't think. My letter was about 5 minutes in
 12 length.
 13 There is really two reasons why, when I spoke
 14 with the parent on the reason for the transfer. The
 15 first reason that was given this school year was a
 16 safety concern between his student and another
 17 student. When I looked back at that situation,
 18 started investigating that situation, it wasn't as --
 19 quite as what it was -- seemed to be. Even after the
 20 parent came before me and talked about the safety
 21 between these two students, it was seen in our
 22 cafeteria and other areas that his student and this
 23 other student was actually sitting next to each
 24 other, across the table from each other, in a spot
 25 that they didn't have to ever be within 25 to 30 feet

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1 of each other -- but still yet, was choosing to sit
 2 by each other. The reason why I said that was the
 3 first reason this school year was simply because last
 4 school year there was an incident between these two
 5 individuals, these two students. It was handled at
 6 the time, no further incidences. But shortly
 7 thereafter the parent started having the conversation
 8 with myself, board members, other people in the
 9 community about going to another neighboring school
 10 district because his son played baseball on a team
 11 with kids from that school and wanted to be in the
 12 same school as that -- as his friends. Now this was
 13 around the March/April time period, so it was still
 14 well within the school choice period, which ends on
 15 May 1st. And so the parent had every opportunity to
 16 fill out the school choice and go that route, which
 17 at this point now we cannot deny. And so that was
 18 the route that, if he wanted the student to go to
 19 that school, should've been taken. It was not. Now,
 20 it was the safety issue but also mentioned again was
 21 the baseball issue. Those really were the two bases,
 22 especially after looking at the safety. Safety of
 23 students and staff is always our number-one concern.
 24 That's why I wanted to look into that. But it's hard
 25 to -- it's hard to say that a student is scared of

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1 another student when they're sitting next to them,
 2 when they're not forced to be next to each other.
 3 I really do think, in my opinion, that the main
 4 chance -- or the main choice about the parent wanting
 5 his son to attend another school is simply because of
 6 friends, of baseball. This is not something that we
 7 allow a board-to-board transfer for. You know, this
 8 student is not in high school, so there's no Triple-A
 9 rules that's against transferring for athletic
 10 purposes. But at the same time, my-self, I did not
 11 consider this a valid reason to request a board-to-
 12 board transfer. And that's pretty much my reason for
 13 recommending the denial of the transfer to our school
 14 board, which they upheld.
 15 CHAIRMAN MOORE: Thank you.
 16 SUPT. WIGGINS: Thank you.
 17 CHAIRMAN MOORE: Board Members, do you have
 18 questions at this point for the -- for Shirley School
 19 District? Mr. Henderson.
 20 MR. HENDERSON: Reading through the notes on the
 21 document, it doesn't specifically say anything about
 22 for athletic reasons.
 23 SUPT. WIGGINS: Uh-huh.
 24 MR. HENDERSON: Is there any reason why it's not
 25 listed in there?

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1 SUPT. WIGGINS: On the document that you guys
 2 have?
 3 MR. HENDERSON: Yes.
 4 SUPT. WIGGINS: Honestly, I don't know what
 5 documents you guys have. I know the one that I typed
 6 up to the parents, to Mr. Hensley as well as to our
 7 school board, it does -- and let me -- if I -- if I'm
 8 -- if you don't mind, I do have it saved on my phone,
 9 if that's okay for me to review.
 10 MR. HENDERSON: Let the record show that --
 11 SUPT. WIGGINS: Yes.
 12 MR. HENDERSON: -- I do see it now.
 13 SUPT. WIGGINS: Yes.
 14 MR. HENDERSON: Yeah. It's on -- it's on the
 15 bottom, so --
 16 SUPT. WIGGINS: Yes, sir.
 17 MR. HENDERSON: Okay.
 18 SUPT. WIGGINS: Yes, sir.
 19 CHAIRMAN MOORE: Okay. Mr. Bragg?
 20 MR. BRAGG: So if a student were to make the
 21 request during that timeframe before the May cutoff,
 22 there wouldn't have to be no reason stated. Is that
 23 correct?
 24 SUPT. WIGGINS: With the new rules, that's
 25 absolutely correct. We can't deny a school-to-school

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1 -- or a school choice request any long.
 2 MR. BRAGG: Okay. Thank you.
 3 SUPT. WIGGINS: Uh-huh.
 4 CHAIRMAN MOORE: Questions?
 5 MR. WOOD: Has the district incurred any
 6 specific financial obligation to any specialized
 7 teachers or service providers to only address the
 8 needs of this student?
 9 SUPT. WIGGINS: No.
 10 MR. WOOD: Okay. Okay.
 11 CHAIRMAN MOORE: Questions, Ms. Hunter?
 12 MS. HUNTER: No.
 13 CHAIRMAN MOORE: Ms. Keener?
 14 MS. KEENER: You mentioned the valid reasons.
 15 And I was curious if there's a written -- do you have
 16 a district policy on those reasons, or are they just
 17 sort of judgment call each time it comes up?
 18 SUPT. WIGGINS: Well, typically, honestly, in
 19 our -- historically -- and this is only my second
 20 year there at Shirley. But one thing that -- we're
 21 trying to turn things around at Shirley; we're trying
 22 to save our school; we're trying to do a lot of
 23 things. And one of the things is we can't keep
 24 allowing everybody to go here and there or the other,
 25 if it's not required of us to let them go. And so

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1 when I came onboard one of the big things that the
 2 board talked about was unless there was an
 3 educational type of reason -- for instance, there was
 4 a situation last year to where there was a specific
 5 program that we did not offer which would have
 6 benefitted the student in question, and the
 7 neighboring district, which is also the same district
 8 in this case, did offer it. And it was my
 9 recommendation to allow that student to go, because
 10 it was in that student's best interest educationally.
 11 So there's nothing that's written specifically, but
 12 it's just simply unless it's an actual education
 13 necessity -- we don't offer certain things and they
 14 do -- to better that student, then we don't allow
 15 them to leave after the school choice.
 16 MS. KEENER: Okay. Thank you.
 17 SUPT. WIGGINS: Yes, ma'am.
 18 MR. SUTTON: What is your current ADM?
 19 SUPT. WIGGINS: We're sitting at about 315.
 20 MR. SUTTON: Oh, okay.
 21 SUPT. WIGGINS: Uh-huh.
 22 MR. SUTTON: Did you -- how many students did
 23 you lose this year, from last year?
 24 SUPT. WIGGINS: About 20, off and on.
 25 MR. SUTTON: Okay. You're at a critical point.

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1 SUPT. WIGGINS: Yes, sir.
 2 CHAIRMAN MOORE: Board Members online, any
 3 questions?
 4 MS. WOODS: Yeah. Steve, can you repeat what
 5 your question was? Just I didn't hear it.
 6 MR. SUTTON: I'm sorry?
 7 CHAIRMAN MOORE: To repeat his question, he
 8 asked how many students in the district.
 9 MS. WOODS: Oh.
 10 CHAIRMAN MOORE: And your answer was?
 11 SUPT. WIGGINS: 315.
 12 CHAIRMAN MOORE: 315.
 13 MS. WOODS: And then there was a 20 response?
 14 MR. SUTTON: That's how many transferred out.
 15 MS. WOODS: Oh, transferred out. So 20
 16 transferred out during the school choice period. Is
 17 that correct?
 18 SUPT. WIGGINS: Yes. Around about 18 to 20.
 19 CHAIRMAN MOORE: Ms. Rollins, any questions?
 20 MS. ROLLINS: No.
 21 CHAIRMAN MOORE: Thank you.
 22 So we will now move to the nonresident school
 23 district, West Side.
 24 MR. RHODES: The parent goes next --
 25 CHAIRMAN MOORE: Oh, the parent.

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1 MR. RHODES: -- for another 20 minutes, and then
 2 the nonresident school district.
 3 CHAIRMAN MOORE: I'm sorry. Well, thank you for
 4 coming up here already.
 5 MR. HENSLEY: Hi. How are y'all?
 6 CHAIRMAN MOORE: Good morning.
 7 MR. SUTTON: Good morning.
 8 MR. HENSLEY: Very important information has
 9 been left out. I've tried to get it into their
 10 board's -- come to find out, you can't get anything
 11 when it comes to incidents of having the schools due
 12 to the Family Protection Act, I believe. But the
 13 student in question -- I'm obviously not going to
 14 mention any names -- has a history of clearing
 15 classrooms weekly, assaulting teachers, permanently
 16 broke my son's front tooth last year. Yeah, he sat
 17 with him at lunch. And I asked my son, I said, On
 18 what planet are you sitting with him? He goes, Well,
 19 dad, maybe if I make him my friend he won't -- I
 20 won't have to look over my shoulder as much. Look,
 21 I'm an alumni of Shirley, I love it, I grew up there.
 22 But here's the deal: it's not about me. When my kid
 23 is coming home crying, I'm not happy, I don't want to
 24 be here -- and, yes, my son is playing baseball with
 25 some boys at Greers Ferry. But here's the deal: I

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1 have a daughter at Shirley, straight A's; gets a 91,
 2 comes home mad. My son, polar opposite. He's got
 3 F's. He's not playing sports, no matter what he's --
 4 no matter where he's in school. I don't care if we
 5 -- Pee Wee starts Saturday, Pee Wee basketball. He's
 6 not playing, I've done told him. He's well aware of
 7 that. He didn't play half the fall ball and baseball
 8 season due to his grades. I want him to -- if he
 9 wants to go to school and he's at West Side, and I
 10 think it can better him and maybe his mental health
 11 is better, I think that's my choice. I don't -- I'm
 12 not trying to talk down to nobody. I want Shirley to
 13 succeed, but I've got to put my kids first. And I'm
 14 fixing to be the one that's got a kid at Shirley and
 15 a kid at West Side. I'm employed in West Side and
 16 Greers Ferry. I work for the community water system.
 17 So, you know, the transit, it's not going to be that
 18 difficult. But I want to take on that
 19 responsibility. But I just come to y'all and,
 20 please, let my kid go where he can be made to be
 21 happy. That's all I've got.
 22 CHAIRMAN MOORE: Thank you. Thank you for
 23 coming in today.
 24 Board Members, do you have questions at this
 25 point? Questions, Ms. Hunter?

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1 MS. HUNTER: Yes. So --
 2 CHAIRMAN MOORE: If you don't mind coming back
 3 up to the mic. Thank you. Thank you again for
 4 coming in.
 5 MS. HUNTER: So the incident last year with the
 6 tooth, is there a reason that you didn't pursue a
 7 school choice transfer?
 8 MR. HENSLEY: I'll be dead honest; I did drag my
 9 feet during the spring, and, you know, we played
 10 baseball all summer. My son, at the end of summer,
 11 right before school, said, Hey, can I go to West
 12 Side? I said, Well, not a good time to think about
 13 this. We talked about it off and on through the
 14 summer, but through the mind of a 10-year-old -- I'm
 15 not just going to jump at the first time he says,
 16 Hey, let's do something. No, we're going to -- let's
 17 take time to think about it. Well, I took too much
 18 time. It got past the deadline and now, here we are.
 19 MS. HUNTER: Thank you.
 20 CHAIRMAN MOORE: Questions online, Ms. Rollins,
 21 Ms. Woods?
 22 West Side School District is next. Thank you.
 23 SUPT. WALLACE: Hi. I'm Brandi Wallace. I'm
 24 the Superintendent at West Side School District. We
 25 don't have any reason why we wouldn't accept the

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1 student.
 2 CHAIRMAN MOORE: Okay. Thank you.
 3 Board Members, any questions? Any questions?
 4 MS. KEENER: Can we ask other -- like the Agency
 5 something?
 6 CHAIRMAN MOORE: Yes. Let's make sure -- Ms.
 7 Rollins or Ms. Woods, do y'all have any questions for
 8 the West Side School District?
 9 Okay. Thank you.
 10 Mr. Rhodes?
 11 MS. KEENER: Okay. So, as the Chair, she says,
 12 I'm not a lawyer, just playing one right now. So I
 13 wanted to see if you could explain -- when looking at
 14 the law, I noticed it was kind of short. There's not
 15 much guidance in there. So can you tell me a little
 16 bit more about the plain meaning rule and
 17 understanding that -- you know, the ambiguity and
 18 kind of how that leads us to look at other
 19 information? Can you just tell us a little bit more
 20 about how that would play into this decision?
 21 MR. RHODES: Say it again. The what rule?
 22 MS. KEENER: The plain meaning rule. So what I
 23 understand --
 24 MR. RHODES: Okay.
 25 MS. KEENER: -- is that if the law is not clear,

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1 if it's ambiguous, then you are to consider pertinent
 2 information from the other sources. Correct?
 3 MR. RHODES: So there are opportunities for you
 4 to look at Parol evidence, which is other sources.
 5 That is the legalese term for that. But, yeah,
 6 generally, you're looking at the -- sorry, I'm trying
 7 not to project too much. You look at the plain
 8 meaning of the words written in the document. Based
 9 on your reading of those plain, you know, meanings,
 10 you then take an action. Right? If, for whatever
 11 reason, the law is too unclear, you do look at places
 12 like legislative intent, as to what did the General
 13 Assembly intend to do when this came up. And, again,
 14 generally, when you have something this brief or
 15 short, it's giving you a lot of discretion to take
 16 action. Right? So, in this particular case -- and
 17 part of the reason why I mentioned the school choice
 18 rules is because it does have language as to making a
 19 decision based on the totality of evidence present,
 20 presented before you. That way, you are taking in
 21 all the testimony that was presented to you just now
 22 and making a decision based on the testimony
 23 presented to you. So, that -- again, if you want to
 24 look at other sources, you certainly can. But,
 25 generally, whenever Judges are hearing a matter

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1 before them they're taking whatever is presented
 2 before them into what decision they're making. And
 3 they're generally limited to that. But anyway --
 4 MS. KEENER: Thank you.
 5 MR. RHODES: Sure. Any other questions?
 6 CHAIRMAN MOORE: Other questions of Board
 7 Members? Mr. Bragg.
 8 MR. BRAGG: Just a clarification on the motion.
 9 It would be to uphold the appeal of the parent? I
 10 mean is the intent here to uphold what we're being
 11 presented with?
 12 MR. RHODES: So the motion would be to either
 13 affirm the decision of the school district, which
 14 would be effectively to deny the petition on appeal,
 15 or to grant the petition on appeal and reject the
 16 decision made by the school district.
 17 MR. BRAGG: Thank you.
 18 MR. RHODES: Yes, sir.
 19 MS. WOODS: I have a question.
 20 CHAIRMAN MOORE: Yes.
 21 MS. WOODS: Sorry if somebody else is talking.
 22 I couldn't hear.
 23 CHAIRMAN MOORE: Yeah. Your turn.
 24 MS. WOODS: Just for the Department, if we rule
 25 on this today, does his transfer become effective

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1 today or can we put like a date -- and I'm just
 2 throwing this out there -- like after Thanksgiving?
 3 MR. RHODES: So there is a step that occurs
 4 after you would take a decision, which is both school
 5 districts would have to file the actual paperwork
 6 that they received on the school transfer with the
 7 County Clerk, with the respective offices, and with
 8 the Department. That's what would make the school
 9 choice transfer final. But this would effectively
 10 either affirm the decision of the school district
 11 below or nullify that decision and effectively grant
 12 the petition. So at that point the receiving school
 13 district would take action, because that step hasn't
 14 occurred yet.
 15 MS. WOODS: All right. I'm just trying to make
 16 sure that we're not -- tomorrow he doesn't show up at
 17 West Side, if that -- if we were to dismiss it and
 18 they're not prepared to take him on. I know that
 19 West Side said they were. I'm just --
 20 MR. RHODES: Right.
 21 MS. WOODS: -- logistically thinking through
 22 that.
 23 MR. RHODES: Yeah. To speak in legalese terms,
 24 we're basically -- think of this as an interlocutory
 25 appeal. So there's a single issue that was decided;

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1 it's going to go back down for the receiving school
 2 district.
 3 MS. WOODS: Okay.
 4 CHAIRMAN MOORE: Ms. Hunter, yes.
 5 MS. HUNTER: So I'm just confirming, this is the
 6 first time this board has had to make a decision like
 7 this. So --
 8 MR. RHODES: Correct.
 9 MS. HUNTER: -- we are kind of setting some
 10 precedent and what we put forward.
 11 MR. RHODES: That's correct. Yeah. This was a
 12 change made in the '23 session.
 13 MS. HUNTER: Thank you.
 14 MR. WOOD: I'll make a motion, if the floor is
 15 ready for it.
 16 CHAIRMAN MOORE: Are there any other questions
 17 or discussion by board members?
 18 MS. KEENER: Yeah. I have a comment, and it's
 19 just that I appreciate both sides very much. I can
 20 understand the position that Shirley is in. And
 21 certainly, as a parent, I understand the position
 22 that you're in. And I want to assure you that every
 23 board member here is taking this very seriously in
 24 considering all aspects.
 25 CHAIRMAN MOORE: Any more questions?

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1 MS. ROLLINS: Ms. Moore, I would like to ask
 2 West Side a question, if I may.
 3 SUPT. WALLACE: Yes.
 4 MS. ROLLINS: This child will definitely need
 5 attention coming into your district. What is your
 6 process to bring a child that really needs a little
 7 more attention into your district at this point in
 8 the school year?
 9 SUPT. WALLACE: Well, one thing --
 10 unfortunately, we do not have any counselors. We
 11 have our school counselors, but we do not have any
 12 mental health counselors. We have tried our best to
 13 get help and we're just far enough away from a larger
 14 town to be able to get people to come in. Our
 15 elementary counselor at the moment is out with her
 16 husband, who has terminal cancer. And so we could
 17 have some support from our high school counselor, if
 18 needed. That's what we've been doing with any
 19 student that's needed any extra support in elementary
 20 right now.
 21 MS. ROLLINS: Would you be able to call on the
 22 co-op for their services?
 23 SUPT. WALLACE: Yes, if needed.
 24 MS. ROLLINS: And how about the classroom
 25 teacher, the placement in the classroom?

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1 SUPT. WALLACE: We have -- our 5th and 6th
 2 grade, there's four teachers: one teaches literacy;
 3 one, science; one, math; and one, social studies.
 4 And so he would be in a homeroom and then would move
 5 around during the day to all the other classes.
 6 MS. ROLLINS: Are you using the PLC process at
 7 your school district?
 8 SUPT. WALLACE: Yes.
 9 MS. ROLLINS: And how is that working in your
 10 district?
 11 SUPT. WALLACE: It's going wonderful. We've
 12 made a lot of progress. We -- actually, our high
 13 school was -- received some reward money for 7 to 10
 14 percent -- 6 to 10 percent growth.
 15 MS. ROLLINS: Okay. Good. Thank you for that
 16 information.
 17 SUPT. WALLACE: Yes.
 18 MS. ROLLINS: It's very helpful.
 19 CHAIRMAN MOORE: Yes, Ms. Hunter.
 20 MS. HUNTER: I'm sorry. This question is for
 21 Mr. Wiggins.
 22 So could you expand -- I'm just trying to make
 23 sure I'm understanding both sides of the -- or I
 24 guess it's three sides. Could you talk a little bit
 25 about discipline of this other student? You know,

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1 there was some accusations made, I think, relative to
 2 behavior. Could you talk a little bit about that?
 3 SUPT. WIGGINS: I don't know how much I can go
 4 into about discipline of another student --
 5 MS. HUNTER: Right. I know that.
 6 SUPT. WIGGINS: -- for this one.
 7 MS. HUNTER: But I mean was anything
 8 mischaracterized?
 9 SUPT. WIGGINS: The incident last year about the
 10 broken tooth, serious, serious situation actually.
 11 We -- our Dean of Students, who is not there this
 12 year, actually was the one that handled that. And
 13 when asked last year about this situation -- because
 14 Mr. Hensley actually contacted me about this, so I
 15 had looked into this as well. And it was not exactly
 16 like a targeted incident. It was in the hallway.
 17 There was a water bottle to the mouth and the water
 18 bottle was hit, causing the incident.
 19 MS. HUNTER: Okay. All right. Thank you.
 20 SUPT. WIGGINS: Uh-huh.
 21 CHAIRMAN MOORE: More questions or comments,
 22 Board Members?
 23 MR. WOOD: Well, I have a comment I'd like to
 24 make, given the precedent that we're setting with
 25 what we're doing. I think that, you know, we are in

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1 a fresh era of expanded choices for students and
 2 families in Arkansas. And I think in this particular
 3 context, with what we're considering, I think the
 4 Legislature has removed a local district's final
 5 authority over whether a student can go from one
 6 district to another. My personal philosophy, as I've
 7 thought about this, this being the first time we've
 8 considered this, is I think that the government in
 9 this situation, which is the school district -- I
 10 think that the government should bear a heavy burden
 11 to justify a denial of a student's or a parent's
 12 choice. What that could be, I don't exactly know.
 13 But some examples I've thought of is maybe where a
 14 local district has invested significant funds to meet
 15 specific needs of an individual child that they may
 16 be contractually obligated to fulfill for a certain
 17 period of time. That might be unfair to the
 18 residential school district. Or maybe if they
 19 believed that the receiving district has engaged in
 20 some sort of unfair conduct, whether it be
 21 recruitment or influence or something like that,
 22 something obvious. Maybe even a situation where a
 23 large group of parents got together and they're all
 24 taking their kids out and it's leaving the
 25 residential district with an empty classroom and an

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1 unnecessary salary or something like that. I don't
 2 know. But I hope that as districts consider requests
 3 like these from families that they will approve the
 4 -- that they will err on the side of approving these,
 5 rather than spending the time opposing them.
 6 Today, I don't believe that the residential
 7 school district has met the burden that I would hope
 8 they would live up to to deny a student's ability to
 9 go to a different school. So that's why I will make
 10 a motion in a minute to approve the student's appeal.
 11 And I hope that that will be the direction our board
 12 goes.
 13 MS. KEENER: I'd also like to comment. You
 14 know, like I said, I can understand where the Shirley
 15 district is coming from. But also understanding,
 16 particularly at this developmental phase of life that
 17 a 10-year-old has, how important the social aspect
 18 is, especially on every other aspect of that child's
 19 life. And so, understanding that when in a situation
 20 where, you know, things aren't going well, the letter
 21 grades can follow. So, you know, my hope is that can
 22 we remedy one thing in order to support the needs of
 23 the others. So, anyway, that's all.
 24 CHAIRMAN MOORE: Board Members, any other
 25 comments or questions? Mr. Bragg.

1 MR. BRAGG: And I understand, you know, from the
2 school's situation where you hate to lose students;
3 but also the passion of the parent to do what's best
4 for their child is also critically important. So --

5 CHAIRMAN MOORE: The floor is open for a motion.

6 MR. WOOD: I'll make a motion to approve the
7 appeal.

8 MR. BRAGG: Second.

9 MS. ROLLINS: Can we hear Steve's motion again?
10 I didn't hear it.

11 CHAIRMAN MOORE: Yes. So Mr. Wood --

12 MS. ROLLINS: Or Jeff. I'm sorry.

13 CHAIRMAN MOORE: -- made a motion to approve the
14 appeal, which would allow the student to transfer.

15 There's been a second --

16 MR. BRAGG: Second.

17 CHAIRMAN MOORE: -- by Mr. Bragg.

18 MS. ROLLINS: Thank you.

19 CHAIRMAN MOORE: Any questions before we take a
20 vote?

21 Okay. All in favor say aye.

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN MOORE: All opposed?

24 The motion passes. Thank you, Districts. I
25 know y'all are very busy, so thank you for taking the

1 time to come today. You, as well. We'll be in
2 touch.

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6 (The meeting was concluded at 11:08 a.m.)

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C E R T I F I C A T E

STATE OF ARKANSAS)
COUNTY OF SALINE) ss.

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 November 9, 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: November 16, 2023.

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

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