

In The Matter Of:
ARKANSAS STATE BOARD OF EDUCATION

February 10, 2022

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ARKANSAS STATE BOARD OF EDUCATION

FEBRUARY 10, 2022
10:00 a.m.

A P P E A R A N C E S

BOARD MEMBERS:

MS. OUIDA NEWTON, Chairman
DR. SARAH MOORE, Vice Chairman
MS. KATHY McFETRIDGE
MS. ADRIENNE WOODS
MR. STEVE SUTTON
DR. BETH ANNE RANKIN
MR. RANDY HENDERSON

NON-VOTING PARTICIPANTS:

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

DESE LEGAL COUNSEL:

MS. LORI FRENO, General Counsel

LOCATION:

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

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P R O C E E D I N G S

CHANGES TO THE AGENDA

CHAIRMAN NEWTON: Changes to the agenda -- I know that we do have one district that is asking for a 1240 waiver that we need to add to the agenda, the Harmony Grove School District. We're going to add that -- if you go to section 4, where we do our 1240 waivers, we're going to add the Harmony Grove district after Bryant; so it will be 4(c).

Okay. And so we do need to take a vote to add that to the agenda. Do I have a motion?

DR. RANKIN: So moved.

CHAIRMAN NEWTON: Okay. A motion by Dr. Rankin.

DR. MOORE: Second.

CHAIRMAN NEWTON: Seconded by Dr. Moore.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN NEWTON: Any opposed?

Okay.

(OFF THE RECORD FOR THE CONSENT AGENDA)

(BACK ON THE RECORD)

CHAIRMAN NEWTON: So we're going to move on to our action agenda.

VI.1. STATE BOARD MEETING - REQUEST FOR WAIVER LA-22-003; ALAN RATHMANN

1 CHAIRMAN NEWTON: The first item on the action
2 agenda is a request for a waiver. Ms. Saracini.

3 MS. SARACINI: Good morning. Karli Saracini,
4 Assistant Commissioner, Educator Effectiveness and
5 Licensure.

6 I'm going to wait till Amy Douglas, the
7 attorney, comes up here with me --

8 CHAIRMAN NEWTON: Okay.

9 MS. SARACINI: -- so that we can give you great
10 instructions this morning.

11 CHAIRMAN NEWTON: Sounds good.

12 MS. DOUGLAS: Amy Douglas, Professional
13 Licensure Standards Board.

14 I wasn't sure if you wanted Ms. Freno to go over
15 the rules of the hearing first?

16 CHAIRMAN NEWTON: I think that would be a good
17 idea.

18 MS. FRENO: Each party will have the opportunity
19 to present an opening statement of no longer than 5
20 minutes, beginning with the representative for the
21 Division. The chairperson of the State Board may,
22 only for good cause shown, and upon request of either
23 party, allow either party additional time to present
24 their opening statements.

25 Each party will be provided 15 minutes to

1 present their cases, beginning with the
2 representative for the Division. The chairperson of
3 the State Board may, again, afford more time for good
4 cause shown.

5 Every witness giving oral testimony must be
6 sworn in by the chair and subject to direct
7 examination, cross examination, and questioning by
8 the Board at any time during the presentation.

9 The Division shall have the burden of proving by
10 a preponderance of the evidence that the cause for
11 the proposed licensure action exists.

12 After both parties have presented their cases
13 the State Board may allow each party to present
14 limited rebuttal testimony.

15 And each party will be given 5 minutes to
16 present a closing argument, ending with the Division.

17 And of course besides -- the parties do not have
18 to take up all that time, but those are the official
19 procedures.

20 CHAIRMAN NEWTON: Thank you, Ms. Freno.

21 MS. FRENO: Sure.

22 CHAIRMAN NEWTON: Okay. So, anyone that's going
23 to testify, would you stand and raise your right hand
24 please?

25 Do you swear or affirm that the testimony you're

1 about to give shall be the truth, the whole truth and
2 nothing but the truth?

3 MR. RATHMANN: I do.

4 CHAIRMAN NEWTON: Thank you.

5 MS. DOUGLAS: I have spoken with Mr. Rathmann
6 this morning and we are both going to waive opening
7 statements.

8 CHAIRMAN NEWTON: Okay.

9 MS. DOUGLAS: Ms. Saracini will address the
10 Board.

11 MS. SARACINI: So I'm going to try to set the
12 stage for you. Karli Saracini, Assistant
13 Commissioner.

14 Mr. Rathmann is a pre-service teacher who
15 received notice regarding a disqualifying offense
16 when he did his background check ready -- to get
17 ready for his entry into the educator prep program.
18 And so upon that request -- upon that disqualifying
19 offense, he could request a hearing in front of you
20 today.

21 And so the circumstances for a waiver may be
22 granted after a hearing include the age at the time
23 of the incident, circumstances around the incident,
24 length of time since the incident, the work history,
25 employment, and character references, and other

1 evidence that the applicant does not pose a threat to
2 the health or safety of a school -- school-age
3 children or school children.

4 The Department does not have a recommendation
5 regarding the granting of a waiver as we do not have
6 information beyond what you have. So we do know that
7 the Department -- we have no evidence that criminal
8 charges were sought or considered in this matter.
9 Also, we also know one other thing: we also know his
10 age, and currently he's 19 and this incident occurred
11 when he was 15. So those are the basic facts we
12 know. And that's why it's so important that you hear
13 from the Educator -- or in this instance, the pre-
14 service educator -- because you guys can ask the
15 right questions.

16 So at this time we're going to turn it over to
17 him and then we'll get back up here when he finishes.

18 Any questions before I turn it over? Because we
19 want you to know we have as little information as you
20 do.

21 CHAIRMAN NEWTON: Okay.

22 MS. SARACINI: Okay. Thank you.

23 CHAIRMAN NEWTON: All right. Mr. Rathmann.
24 Good morning.

25 MR. RATHMANN: Good morning. So I'm Alan

1 Rathmann. I'm currently a student at the UCA Honors
2 College. I want to become --

3 SECRETARY KEY: Mr. Rathmann --

4 MR. RATHMANN: Okay.

5 SECRETARY KEY: -- we'll need you to get pretty
6 close to those microphones --

7 MR. RATHMANN: Okay.

8 SECRETARY KEY: -- so we can all hear you and
9 the live-stream can hear you too.

10 MR. RATHMANN: Yes, sir.

11 SECRETARY KEY: Thank you.

12 MR. RATHMANN: I want to become a secondary
13 education high school teacher. I am currently a
14 sophomore at UCA.

15 CHAIRMAN NEWTON: Okay. Mr. Rathmann, can you
16 give us a little background on how this could have
17 occurred that your name would've been put on this
18 Registry?

19 MR. RATHMANN: So up until I applied to UCA's
20 College of Education I was not aware that I was on
21 the Registry. I was not aware of any incident or
22 anything. When I was a sophomore in high school my
23 sister made accusations against me and my family
24 about abuse, and my family went to court at the time
25 to handle everything. My sister and I were taken out

1 of our home and put into foster care, and at the time
2 I was unaware of anything going on at the time. And
3 I just know that I was removed and then a day later,
4 I was put back into my home and my sister wasn't. It
5 wasn't until about a year later, after my parents
6 signed over rights to my sister to the state, that I
7 found out that she accused me of sexual abuse. But
8 as far as my parents understood and as far as I
9 understood, there is nothing -- no criminal charges
10 sought and nothing holding me to that because I never
11 did anything to my sister, and I never would. And
12 that's -- as far as I knew, everything was handled, I
13 suppose is just the term. But it wasn't until
14 September that I found out that I was on the Registry
15 and it kind of threw me through a turn-spin because
16 I've wanted to be an educator my entire life. It was
17 during my sophomore year of high school that I
18 finally determined that that's what I wanted to do,
19 because I had some wonderful history teachers. And,
20 yeah.

21 CHAIRMAN NEWTON: Okay. All right. We'll see
22 if we've got some questions for you. I know this is
23 difficult for you, but -- this process I know is
24 difficult for you, but we have to find out
25 information in order to be able to decide whether or

1 not to grant a waiver. Okay?

2 MR. RATHMANN: Yes, ma'am.

3 CHAIRMAN NEWTON: All right. Ms. Woods.

4 MS. WOODS: When you said that you didn't -- you
5 weren't aware of anything until you went to apply,
6 but then when you were giving your statement just now
7 you said you found out about a year after the
8 incident. You found out that the allegations were
9 against you and maybe not against your parents, or
10 you did find out a year after that you were on the
11 Registry? I just want to make sure I'm aware --

12 MR. RATHMANN: I'm sorry, I misspoke. A year
13 after I found out that my sister made allegations
14 against me. But as far as -- I knew at that time
15 that there was nothing holding me to it. It wasn't
16 until September, when I applied, that I found out
17 that there was -- I was on the Registry.

18 MS. WOODS: Okay. And was your sister ever put
19 back into your home?

20 MR. RATHMANN: No. She was -- during that
21 entire time she was in foster care, I believe. I
22 haven't had any contact with my sister since.

23 MS. WOODS: Okay. Did your parents ever take
24 you to any sort of meeting with the Department?

25 MR. RATHMANN: No.

1 MS. WOODS: Like an interview, did you ever
2 undergo any sort of process?

3 MR. RATHMANN: I did not.

4 MS. WOODS: Okay. Okay. I don't have any
5 questions at this time.

6 CHAIRMAN NEWTON: Okay. Mr. Henderson?

7 MR. HENDERSON: I have none.

8 CHAIRMAN NEWTON: Mr. Sutton?

9 MR. SUTTON: No.

10 CHAIRMAN NEWTON: Okay. Dr. Moore?

11 DR. MOORE: No.

12 CHAIRMAN NEWTON: Ms. McFetridge?

13 MS. McFETRIDGE: No.

14 CHAIRMAN NEWTON: Okay. Mr. Rathmann, so you're
15 saying that when the incident itself happened did
16 anyone from DHS come and question you or talk to you
17 at all?

18 MR. RATHMANN: No.

19 CHAIRMAN NEWTON: No one talked to you at all
20 during that time?

21 MR. RATHMANN: There was only -- the day that
22 they removed me from school and put me into foster --
23 a foster home for a day that they said that I was
24 removed because there was circumstances that
25 determined that both me and my sister needed to be

1 placed in foster care. And the day after, the same
2 -- DHS again said that the circumstances only
3 required my sister being removed, not me. And that's
4 all that I was aware of.

5 CHAIRMAN NEWTON: Okay. Did your parents ever
6 have any discussions with you about what was going
7 on?

8 MR. RATHMANN: Not until a year after, when they
9 settled everything. I had tried to get my parents to
10 open up and talk to me about it, but they didn't want
11 to involve me.

12 CHAIRMAN NEWTON: So you were pretty much at
13 that time kept in the dark about what was going on?

14 MR. RATHMANN: Yes, ma'am.

15 CHAIRMAN NEWTON: Okay. Ms. Woods.

16 MS. WOODS: Have you followed up with the
17 Department of Human Services since finding out that
18 you'd been denied?

19 MR. RATHMANN: Yes. In September, after I found
20 out that I had a disqualifying offense I contacted
21 the ADE about requesting a waiver. I also contacted
22 DHS and the Central Registry to have the charge
23 removed. And I went through that process and I had
24 to perform -- do -- present character references and
25 show that I had rehabilitated from the offense. And

1 ultimately I was denied because I did not show that
2 -- enough proof that I had rehabilitated in their
3 eyes because I did not talk about the offense
4 directly, because I did not do it.

5 CHAIRMAN NEWTON: Okay. I think we're going to
6 ask a couple of questions of the Department right now
7 and we'll get you back up in just a minute.

8 MR. RATHMANN: All right.

9 CHAIRMAN NEWTON: Oh, you have a question for
10 him?

11 DR. MOORE: No, the Department.

12 CHAIRMAN NEWTON: Okay. All right. So we've
13 got some questions for the Department.

14 Dr. Moore.

15 DR. MOORE: Yes. I know we have had a pre-
16 service teacher before look at licensure, whether it
17 was through PLSB or through this route. But can you
18 remind me why is it -- at this point in time is it to
19 enter the College of Education or --

20 MS. DOUGLAS: No. He is enrolled. There is an
21 enrollment letter in your packet. He is enrolled in
22 the College of Education.

23 DR. MOORE: Okay.

24 MS. DOUGLAS: But he cannot be in a classroom as
25 an intern --

1 DR. MOORE: Okay.

2 MS. DOUGLAS: -- and do his internship without
3 passing a background check. This flag requires him
4 to come to the State Board and request a waiver of
5 that disqualifying offense, which is a true report on
6 the Child Maltreatment.

7 DR. MOORE: Okay. And if --

8 MS. DOUGLAS: This is not PLSB related at all.

9 DR. MOORE: And I know that y'all said y'all
10 don't --

11 MS. DOUGLAS: Right.

12 DR. MOORE: Not PLSB. Y'all don't have much
13 information. Do y'all ever have the ability to get
14 access to more information from DHS?

15 MS. DOUGLAS: We do not.

16 DR. MOORE: Could we call DHS any time?

17 MS. DOUGLAS: We do not. That's -- we've -- in
18 the last eight months, I guess, we've had several of
19 these.

20 DR. MOORE: Uh-huh.

21 MS. DOUGLAS: And our hands are tied when we
22 come here. We're falling on the mercy of the
23 applicant to explain to you what happened. We don't
24 have the ability to request anything. We haven't
25 talked to any witnesses or anything like that. And

1 in this case it was in 2015. Even if we could talk
2 to a witness, we wouldn't -- nothing would --

3 DR. MOORE: Yeah.

4 MS. DOUGLAS: It's just out of our --

5 DR. MOORE: But we can't just call in a witness
6 from DHS?

7 MS. DOUGLAS: We cannot. The rules don't even
8 allow for us to do that.

9 DR. MOORE: Okay.

10 MS. DOUGLAS: So the way the law is read is that
11 if you have a true report, shall revoke or shall not
12 renew or shall not grant a license, except for you
13 have this opportunity to grant a waiver in whatever
14 circumstances you see fit.

15 DR. MOORE: Okay. And obviously this occurred
16 when he was a minor?

17 MS. DOUGLAS: Correct.

18 DR. MOORE: Are there any different rules around
19 that?

20 MS. DOUGLAS: No.

21 DR. MOORE: Okay. So this -- when you get put
22 on the registry as a minor, is there a timeline?

23 MS. DOUGLAS: Not to my knowledge.

24 DR. MOORE: Okay.

25 MS. SARACINI: And I just want to clarify, it's

1 the internship but it's also that Field 1 and Field 2
2 placement. So he cannot go out to a school --

3 DR. MOORE: Okay.

4 MS. SARACINI: -- for any kind of -- on a school
5 campus.

6 DR. MOORE: And then if a waiver were to be
7 granted now, whenever they applied for a teacher
8 license would they have to do another waiver, or is
9 this --

10 MS. DOUGLAS: It depends.

11 DR. MOORE: Okay.

12 MS. DOUGLAS: So if -- I was going to -- I was
13 going to get to that in just a minute, but I'll
14 handle it now. So you have several options when you
15 are talking about granting Mr. Rathmann a waiver.
16 You can deny it. You can grant it outright, which
17 means it's granted. Per our rules, he would have to
18 complete the teacher prep program he is currently
19 enrolled in and meet every other thing for licensure
20 and you -- he would not come back before you.

21 DR. MOORE: Okay.

22 MS. DOUGLAS: You have the option to kind of
23 give it a probationary period, which is you could
24 grant the waiver, for instance, until it's time for
25 him to apply for licensure and have him come back and

1 show character references, any kind of requirements
2 that you would like for him to show. But it's
3 sufficient for the Board to grant him the permanent
4 waiver --

5 DR. MOORE: Okay.

6 MS. DOUGLAS: -- for licensure. There are other
7 options. You can require professional development or
8 any other conditions or restrictions on teaching or
9 educational activities. So those are kind of your
10 parameters.

11 DR. MOORE: Okay. Thank you.

12 MS. WOODS: I wanted to add here -- so I was
13 looking up -- I didn't even realize that a minor
14 could be put on the Maltreatment Registry, so I
15 wanted to look that up. And so I'm looking here at
16 how a juvenile would get his name taken off of it.
17 He has to reach the age of 18, it has to be a year
18 since the offense, and then he'd have to prove that
19 he had been rehabilitated. Those are basically the
20 three factors, is my understanding. If they deny it,
21 he can reapply in a year. Correct? Is that --

22 MS. DOUGLAS: I believe that's correct.

23 MS. WOODS: That's correct, okay. I mean
24 obviously it needs to be the same process; he just
25 has to prove that he has undergone -- I'm just

1 struggling with how you get placed on a registry and
2 never get notice of it.

3 MS. DOUGLAS: That happens a lot.

4 MS. WOODS: It does?

5 MS. DOUGLAS: Yes.

6 MS. WOODS: And I think even as a minor that's
7 my -- that's my question, but --

8 MS. DOUGLAS: As far as notice would go to a
9 minor, I would assume it would go to his parents --

10 MS. WOODS: It would go to parents.

11 MS. DOUGLAS: -- and not -- not to the minor
12 themselves.

13 MS. WOODS: Okay.

14 CHAIRMAN NEWTON: Okay.

15 MS. McFETRIDGE: I have a question --

16 CHAIRMAN NEWTON: Okay.

17 MS. McFETRIDGE: -- about that as well.

18 I don't understand when he's never been detained
19 or never charged how this could get on the Child --

20 MS. DOUGLAS: Those are not the same. It is not
21 criminal. This is almost a civil matter to be on the
22 Child Maltreatment Registry. It does not require any
23 kind of criminal aspect at all. It doesn't even
24 require a criminal investigation. When someone calls
25 the Child Maltreatment hotline, then it is dispersed

1 out from there whether criminal charges are filed,
2 what kind of investigation is done, if DHS just does
3 an investigation, if State Police gets involved. And
4 so people can be interviewed by DHS or not, depending
5 on the circumstances, and they not get notice or
6 criminal charges not being filed at all.

7 MS. McFETRIDGE: So one person can make a
8 complaint and you can end up on the Child Registry?

9 MS. DOUGLAS: Yes.

10 MS. WOODS: Mr. Rathmann, did you -- when you
11 received your denial did you request an
12 administrative hearing?

13 MR. RATHMANN: Denial from --

14 MS. WOODS: From the Department of Human
15 Services.

16 MR. RATHMANN: Yes, I did. I mailed that in
17 about a week ago now.

18 MS. WOODS: Oh, okay. So you haven't actually
19 had your hearing yet on the denial?

20 MR. RATHMANN: I did not.

21 MS. WOODS: Okay.

22 MR. RATHMANN: I'm still waiting on an
23 announcement from that.

24 MS. WOODS: And then did they provide you with
25 the documentation about your charges? Because they

1 should have.

2 MR. RATHMANN: Yes, I do have the maltreatment
3 charges that --

4 MS. WOODS: Okay. So you can read the
5 allegations that your sister sent in?

6 MR. RATHMANN: Yes.

7 MS. WOODS: Okay. I just wanted to make sure.
8 And so you're still waiting on those at this
9 point, for a date to be set?

10 MR. RATHMANN: For the administrative hearing,
11 yes.

12 MS. WOODS: Okay.

13 MS. McFETRIDGE: I have a question.

14 SECRETARY KEY: Mr. Rathmann, are you
15 represented by counsel in that process?

16 MR. RATHMANN: I am not.

17 MS. McFETRIDGE: What did they tell you about
18 being rehabilitated? What is the process you would
19 need to do? I understand that you didn't do this.
20 But if that's what takes you off the Registry, what
21 did they tell you you would need to do to be
22 rehabilitated?

23 MR. RATHMANN: As far as I'm aware, they did not
24 provide anything specific. What they stated in the
25 denial notice was that I did not talk about the

1 alleged charges and that I did not -- I only
2 explained about my character and my academic aspect
3 of it and I didn't explain how I had moved forward, I
4 suppose. So I don't -- they didn't provide anything
5 specific.

6 MS. McFETRIDGE: One thing we didn't get in our
7 packet was a reference of your character from a
8 friend or a minister or -- we have two school
9 reference letters, which were very, very nice.

10 MR. RATHMANN: Yes.

11 MS. McFETRIDGE: But that would've been helpful.

12 MR. RATHMANN: Yeah, I had one. I just didn't
13 send it in in time.

14 CHAIRMAN NEWTON: Any other questions from the
15 Board?

16 Ms. Saracini.

17 MS. SARACINI: I would just like to give an
18 example. We have had principals on the Registry
19 before because of corporal punishment and they may
20 not have known that they were on there; and it comes
21 up at their renewal for their license and then that's
22 when they find out. So that's an example of not
23 knowing that you're on the Registry, because a parent
24 may be disgruntled, may have signed the waiver for
25 their child to have corporal punishment. But in the

1 past that's happened several times and they've gone
2 through the process to get their name off, with no
3 knowledge prior to the background check.

4 SECRETARY KEY: Ms. Saracini or -- I'm not sure
5 -- Ms. Douglas, who's the right one to answer this.
6 If the Board did not -- just chose -- because Mr.
7 Rathmann says there's another administrative hearing,
8 so there's another step in this process. Is there
9 any harm to his status if it carries over to the next
10 month's meeting?

11 MS. DOUGLAS: He would not be cleared to start
12 any kind of -- he would still be denied.

13 MS. SARACINI: He could not --

14 SECRETARY KEY: But the impact of that on class
15 scheduling, scheduling of anything for the rest of
16 the spring semester -- so if he was looking to get
17 into any schools in the spring semester, this would
18 just delay that another month?

19 MS. SARACINI: Uh-huh.

20 SECRETARY KEY: But at the same time, it could
21 also -- if that result was favorable for Mr.
22 Rathmann, then we could -- the Board could consider
23 that again in March. Is that correct?

24 MS. SARACINI: So you're wanting to table
25 possibly?

1 SECRETARY KEY: No. I'm just exploring right
2 now.

3 CHAIRMAN NEWTON: Okay.

4 SECRETARY KEY: I'm not going to put words in
5 their mouth.

6 CHAIRMAN NEWTON: Okay. All right.

7 SECRETARY KEY: I'm just trying to work through
8 --

9 CHAIRMAN NEWTON: Has his hearing date been set?

10 MS. WOODS: No, but it's got to be within 30
11 days, so -- of him requesting it.

12 CHAIRMAN NEWTON: Okay.

13 MS. WOODS: So that's why I was asking.

14 CHAIRMAN NEWTON: Okay.

15 MS. WOODS: I mean at this point I assume he's
16 not enrolled in the College of Education. Right?

17 MR. RATHMANN: (Nodding head up and down.)

18 MS. WOODS: I mean, it's February 11th. So can
19 you enroll for spring classes at this point?

20 MS. SARACINI: Yes.

21 MS. WOODS: You can?

22 MS. SARACINI: You can enroll and be in classes.
23 He cannot do any of his Field 1 or Field 2
24 observations and going into the classrooms until he
25 has a clear background check.

1 MS. WOODS: Okay.

2 MS. DOUGLAS: Right. Institution of Higher
3 Education does not require a passing background check
4 to be enrolled in the educator preparation program.
5 So that is not a requirement to be enrolled in the
6 program. It is, however, a requirement to do the
7 field work.

8 CHAIRMAN NEWTON: And part of these introductory
9 classes is classroom observations.

10 MS. SARACINI: Yes.

11 DR. RANKIN: Do you have any idea -- I know
12 he'll be notified of the date of the administrative
13 hearing. Do you have any idea of how long then from
14 that point the date might happen? I mean you could
15 be notified of a date and it might not happen until
16 September. Do we have any track record from DHS of
17 how long, once they --

18 MS. DOUGLAS: No idea.

19 DR. RANKIN: -- how long then before he gets to
20 present his case?

21 MS. DOUGLAS: I do not have any knowledge of
22 that. No.

23 MR. RATHMANN: I also have no knowledge of that
24 either. I don't know.

25 DR. RANKIN: Okay. And when they denied your

1 initial request to be renewed, they just sent the
2 denial back with the reasons that they gave you. But
3 they didn't give you an opportunity then to supply
4 the information that they felt was missing? It was
5 just --

6 MR. RATHMANN: Yes.

7 DR. RANKIN: -- a denial? And then your next
8 step -- your only other option at that point was to
9 request the administrative hearing?

10 MR. RATHMANN: Yes, it was request an
11 administrative hearing or I can wait another year.
12 But that would --

13 DR. RANKIN: Okay.

14 MR. RATHMANN: -- set me back in college.

15 DR. RANKIN: So, Ms. Woods, did I hear you
16 right, within 30 days he'll know the date of the
17 administrative hearing but that could be months down
18 the road for a hearing? I just wonder what --

19 MS. WOODS: Ms. Douglas, I mean I don't know if
20 you've read the statutes on it. I don't know -- I
21 don't know if there's a timeframe that he has once he
22 receives the date that he has to have a hearing. I
23 don't know.

24 MS. DOUGLAS: I don't know the answer to that
25 off-cuff, but I would say with Covid and scheduling I

1 anticipate that it wouldn't be very quickly. It took
2 him a little while to even get a date in December,
3 which is why you're not hearing from him until now,
4 in February.

5 CHAIRMAN NEWTON: And when you did your appeal
6 that was solely pencil-and-paper request to be
7 removed. Is that correct?

8 MR. RATHMANN: Yes.

9 CHAIRMAN NEWTON: So you didn't speak to anyone.
10 It was just purely you sent in the information and
11 they sent back an answer?

12 MR. RATHMANN: I have sent in the request for
13 appeal. I have not gotten an answer yet on whether
14 I've been accepted for an appeal.

15 CHAIRMAN NEWTON: The first time that you sent
16 in your information --

17 MR. RATHMANN: Oh.

18 CHAIRMAN NEWTON: -- to be removed it was purely
19 back-and-forth, pencil-paper, that sort of thing?

20 MR. RATHMANN: Yes, ma'am.

21 CHAIRMAN NEWTON: Okay. All right. Have your
22 parents been involved in this process any at all,
23 trying to help you get this matter resolved?

24 MR. RATHMANN: No, not really. I've mainly had
25 one of my honors professors help me kind of navigate

1 a little bit. But I have not had my parents very
2 much involved. They've been more -- been asking me
3 about how things are going and everything, but
4 they've kind of just -- are just being supportive of
5 me going through it.

6 CHAIRMAN NEWTON: Okay. Your parents know all
7 that happened, and I know they kept you in the dark,
8 it sounds like -- part of that. It might be helpful
9 whenever you get ready to actually get removed that
10 -- to maybe get someone to help you in this process,
11 whether it's your parents or an attorney or whatever
12 -- to help you get this matter resolved. I think it
13 would be wise to get some help.

14 MR. RATHMANN: All right.

15 CHAIRMAN NEWTON: And I'm not giving legal
16 advice at all. I'm just -- as a mother, I guess, is
17 what my instincts are saying.

18 MS. WOODS: I'll just tack onto that. I don't
19 know, I'm sure a lot of it is financially related.
20 Attorneys are expensive. If you've ever heard of
21 legal aid, you may qualify for legal aid and you may
22 just reach out to them and see if you're eligible to
23 get an attorney to be free for you. But I would also
24 highly recommend you get an attorney for this
25 process.

1 CHAIRMAN NEWTON: Okay. All right. Any other
2 questions for the -- Mr. Rathmann or the Division?

3 DR. RANKIN: I do have one more. If we grant a
4 waiver -- if we grant a waiver with conditions, does
5 that have any impact then on that administrative
6 hearing at all? And do the two interact or overlap
7 at all or are they completely independent?

8 MS. DOUGLAS: They're completely independent.

9 DR. RANKIN: Okay.

10 CHAIRMAN NEWTON: Okay. Mr. Rathmann, do you
11 have anything that you'd like to add?

12 MR. RATHMANN: No, ma'am.

13 CHAIRMAN NEWTON: Okay. All right. Thank you.
14 Does anyone from the Division have something
15 they would like to add?

16 MS. DOUGLAS: No.

17 CHAIRMAN NEWTON: Okay.

18 DR. MOORE: I will --

19 CHAIRMAN NEWTON: Dr. Moore.

20 DR. MOORE: I will just express continued
21 frustration with this process and request that we put
22 this on maybe a legislative look for the next session
23 in, I guess, January. But we are both state agencies
24 and it seems like there should be a way for us to get
25 more information, particularly if this is happening

1 whether to educators or people who want to be
2 educators. You know, we feel it's hard to make a
3 decision -- and this is not y'all's fault, but --
4 when we are in the dark and not able to see any of
5 the information presented. And so if we can tag
6 that, because I know this is not the only time this
7 has happened, that would be very helpful.

8 MR. SUTTON: I totally agree with you, Dr.
9 Moore. This has been frustrating. Every time we
10 have a DHS issue it's like to me, you know, we're
11 going into it blind. As you said, we're both state
12 agencies. I feel like -- you know, I get the feeling
13 they're hiding behind an iron curtain and it would be
14 helpful for all parties if we can share information.

15 DR. MOORE: Yeah. And I think we want to
16 protect everyone involved, and so it's hard to make
17 decisions when we don't have any of that information.
18 But I didn't realize how maybe easy it was to get on
19 the registry.

20 MR. SUTTON: Yeah.

21 DR. MOORE: And I understand we want to protect
22 people, so probably a good thing. But I think just
23 more light around that would really help us.

24 MR. SUTTON: Right.

25 CHAIRMAN NEWTON: Can I ask, Ms. Douglas or Ms.

1 Saracini, if we could do a conditional waiver that
2 would allow him to go ahead and complete his
3 coursework, but then before any final license was
4 ever issued he would come back and that would give
5 him time to try to resolve this with DHS? And then
6 we would maybe have information that DHS removed or
7 didn't remove and maybe some reasons they did or
8 didn't remove. Would that be a possibility?

9 MS. DOUGLAS: Yes, that's definitely an option
10 that you have. It's also possible that in this
11 process during this time that when he comes up for a
12 background check for licensure that it's no longer
13 there because he has gone through the process and
14 it's removed, and then he wouldn't necessarily have
15 to come back before you.

16 CHAIRMAN NEWTON: Okay.

17 MS. DOUGLAS: Because the rules and the law
18 allow for -- if your name is since removed for the
19 Department to move forward.

20 CHAIRMAN NEWTON: Okay. Could that be something
21 the Board might be interested in?

22 DR. MOORE: I think so. Because I mean if we
23 were to do the probationary in that sense, would it
24 flag the college or the schools to -- no?

25 CHAIRMAN NEWTON: Because I think at this point

1 all he was doing is going into a classroom under the
2 supervision of another teacher; he's not being left
3 alone with students in any way. I mean just going on
4 past experience of what I've had with -- you know,
5 they come in and observe and, you know, there are
6 safeguards there that are already in place. So I
7 don't feel uncomfortable with that process, but --

8 MS. POST: I have a clarifying question.

9 CHAIRMAN NEWTON: Okay.

10 MS. POST: In Dr. Franks' letter of
11 recommendation he said that you are being denied the
12 opportunity to become an education major. So it was
13 my understanding that you're not enrolled in the
14 program yet?

15 MR. RATHMANN: That is correct. So UCA's
16 program, in order to get into it I have to pass the
17 background check, get a pre-service licensure, and
18 then I have to go through an interview process, and
19 then I would be accepted into the College of
20 Education.

21 MS. POST: And this is your sophomore year?

22 MR. RATHMANN: Yes.

23 MS. POST: So to Ms. Newton's point, I mean this
24 isn't student teaching yet. It would be under the
25 observation of professors and/or the teacher of

1 record.

2 DR. PFEFFER: And I had asked him a moment ago,
3 as far as when this actually comes into effect that
4 it's going to limit him. So it would be beginning
5 this fall. Without some sort of condition to be able
6 to do this, he would not be able to enroll in the
7 actual ed-prep part of the program. He can be
8 declared an education -- you know, you can declare
9 what your major is going to be early on. But to
10 actually be formally admitted into the program where
11 then you get into those more hands-on courses where
12 you're in there doing your student -- so it would be
13 up to the student teaching. But even then, you're
14 under the direction of the teacher.

15 MS. WOODS: Are you being held up on classes
16 right now or are you enrolled? I'm just curious.

17 MR. RATHMANN: Enrollment begins, I think, late
18 this month or early next month.

19 MS. WOODS: For the fall?

20 MR. RATHMANN: For the fall.

21 MS. WOODS: So you're currently though in
22 classes right now?

23 MR. RATHMANN: Yes, ma'am.

24 MS. WOODS: Okay.

25 CHAIRMAN NEWTON: Okay. Does someone from the

1 Board have a motion?

2 MR. SUTTON: I would make a motion to grant a
3 conditional waiver during this prep period and that
4 we revisit that after completion of that period. I'm
5 kind of lost on the terminology.

6 CHAIRMAN NEWTON: At the time he would be
7 seeking a license. Is that correct, Ms. Saracini?

8 MS. SARACINI: Yes. Yes.

9 CHAIRMAN NEWTON: Okay.

10 MS. SARACINI: Until formally applying for
11 licensure.

12 CHAIRMAN NEWTON: Okay. All right.
13 Conditionally grant the waiver until he formally
14 applies for licensure?

15 MR. SUTTON: Yes.

16 CHAIRMAN NEWTON: A motion by Mr. Sutton.

17 DR. RANKIN: I'll second that motion.

18 CHAIRMAN NEWTON: Okay. A -- we have a second
19 by Dr. Rankin.

20 All in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN NEWTON: Any opposed?

23 Okay. Again, Mr. Rathmann, I encourage you to
24 go ahead and complete this process to get your name
25 removed because, you know, you don't want this

1 following you for your entire life. And get some
2 help with that process.

3 MR. RATHMANN: Yes, ma'am. I will.

4 CHAIRMAN NEWTON: Okay.

5 MR. RATHMANN: Thank you.

6 CHAIRMAN NEWTON: All right. Good luck with
7 that.

8 VI.2. ANNUAL STATISTICAL REPORT

9 CHAIRMAN NEWTON: All right. Our next item is
10 the annual statistical report. Ms. Freer.

11 You don't look like Ms. Freer. Welcome.

12 MR. ROGERS: Sorry. Anita can't be here today,
13 so you're stuck with having me to do it.

14 So this is pursuant to Arkansas Code 6-20-2203
15 and DESE is to present the annual statistical report
16 dealing with the expenditures, fund balance, and
17 revenues for all school districts, charter schools,
18 and co-ops by February 15th of each year. So this is
19 that report. It shows -- like I said, all those for
20 this year will be for the '21 expenditures and then
21 '22 budget. So that's what this report will reflect.

22 Some of the highlights on it are for the
23 traditional schools the per-pupil expenditures went
24 up by \$1,000. The average teacher salary for the
25 traditional schools went up \$1200. For charter

1 schools the PPE went up \$300 and the average teacher
2 salary went up \$1,262. So that's one of the big
3 takeaways from this.

4 MR. SUTTON: So -- I'm sorry. So what is the
5 current figure without me going through this 385-page
6 --

7 MR. ROGERS: The current average teacher salary
8 or --

9 MR. SUTTON: No, per student expenditure.

10 MR. ROGERS: Oh, I'd have to go look.

11 DR. MOORE: I've got it, \$11,232.

12 Does this include federal money? Is that why it
13 went up? Or is that --

14 MR. ROGERS: That'll be next -- that doesn't
15 have ESSER for it right now.

16 DR. MOORE: That has none of the ESSER because
17 this is prior year?

18 MR. ROGERS: Right.

19 DR. MOORE: What caused that hike, do we know?

20 MR. ROGERS: The increases that we've had in --
21 from the general revenue side there has been some
22 federal increases. But most of it you're going to
23 see is because the Adequacy Committee raised the
24 foundation funding amount to \$7182 this year; so that
25 was a 2% increase over the last year. So you're

1 going to see that reflected in there.

2 DR. MOORE: I think, if I'm reading this right,
3 total expenditure \$6.8 billion, how much did that
4 increase from previous year, do you know?

5 MR. ROGERS: I don't know. I'd have to go --

6 DR. MOORE: Okay, you'd have to look. It's a
7 big document.

8 SECRETARY KEY: I'll just -- and we kind of went
9 through several numbers. I just want to point out
10 our average teacher salary increasing by \$1200, I
11 mean that -- you know, that's significant, you know.
12 And that is before, I would point out, the last
13 session and the teacher salary enhancement work that
14 is targeted to raising an average teacher salary
15 around the state. So even before that bill, which is
16 in effect this year for the first time, and those
17 funds are being distributed for the first time, we're
18 still seeing a substantial increase in average
19 teacher salary across the state. I think that's a
20 credit to the Governor and to the General Assembly
21 for focusing -- making that a focus of the last
22 several sessions.

23 CHAIRMAN NEWTON: Any other --

24 SECRETARY KEY: It's not enough. I know, it's
25 not enough, but it's progress.

1 CHAIRMAN NEWTON: Yeah.

2 SECRETARY KEY: I mean, and I think I go back to
3 there were years where it was less than \$100 -- or
4 less than \$1,000 average. I mean basically you saw
5 the increase being the STEPS and that was it. So
6 this is significant.

7 CHAIRMAN NEWTON: Yes.

8 Any other questions or comments from the Board?

9 Ms. Freno, I guess we need to have a motion to
10 accept the report?

11 MS. FRENO: (Nodding head up and down.)

12 CHAIRMAN NEWTON: Okay. All right. So we need
13 a motion to accept this report.

14 DR. MOORE: I move to accept the report.

15 CHAIRMAN NEWTON: Okay. Motion by Dr. Moore.

16 MR. HENDERSON: Second.

17 CHAIRMAN NEWTON: Seconded by Mr. Henderson.

18 All in favor?

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN NEWTON: Any opposed?

21 Okay.

22 VI.3. CONSIDERATION OF REQUESTS FOR A STANDARDS FOR
23 ACCREDITATION WAIVER

24 a) CROSSETT SCHOOL DISTRICT

25 CHAIRMAN NEWTON: All right. Mr. Sutherlin, we

1 have several standards of accreditation waivers.

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

4 The first one up is actually for Crossett.
5 Crossett School District is requesting a waiver for
6 standard for accreditation 1-A.5. Crossett School
7 District is requesting this waiver that each public
8 school district comply with the laws of the state of
9 Arkansas and the rules of the Division regarding
10 Class Size and Teaching Load. The request is to
11 allow for an overage of one student for two
12 kindergarten classes. They have a class count of 23.
13 Both have a paraprofessional to assist the teacher
14 with the overage and this waiver would be for the
15 2021-2022 school year.

16 CHAIRMAN NEWTON: Okay. We'll see if we have
17 any questions from the Board. We'll start over here.

18 Dr. Rankin?

19 DR. RANKIN: No questions.

20 CHAIRMAN NEWTON: Ms. McFetridge?

21 MS. McFETRIDGE: No questions.

22 CHAIRMAN NEWTON: Dr. Moore?

23 DR. MOORE: Yes, I have a question.

24 It's stated that there's a paraprofessional in
25 the classrooms. Is this all day in the classrooms?

1 DR. SUTHERLIN: They haven't designated --

2 DR. MOORE: Okay, yeah. Okay, that's great.

3 And the teachers are understanding that this was
4 being sought?

5 DR. SUTHERLIN: Yes.

6 DR. MOORE: Okay. Thank you.

7 CHAIRMAN NEWTON: Any questions over here to my
8 right?

9 MR. SUTTON: No.

10 CHAIRMAN NEWTON: Okay.

11 MS. WOODS: So are they like at -- what
12 happened? Why didn't they apply for this a few
13 months ago since it's for this school year?

14 DR. SUTHERLIN: That's --

15 MS. WOODS: Just kind of recently, after
16 Christmas? Okay.

17 DR. SUTHERLIN: Yeah.

18 MS. WOODS: All right.

19 DR. SUTHERLIN: So they had a student move in.

20 MS. WOODS: Okay.

21 CHAIRMAN NEWTON: All right. Any other
22 questions?

23 Okay. We are ready for a motion on the Crossett
24 School District's request for a waiver.

25 MR. SUTTON: Motion to approve the request for a

1 waiver.

2 CHAIRMAN NEWTON: Okay. We have a motion by Mr.
3 Sutton.

4 MS. WOODS: I'll second.

5 CHAIRMAN NEWTON: Seconded by Ms. Woods.

6 All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN NEWTON: Any opposed?

9 Okay.

10 SECRETARY KEY: Madam Chair, if I may?

11 CHAIRMAN NEWTON: Sure.

12 SECRETARY KEY: Mr. Williams is here and he gave
13 us a thumbs-up. But I also want to congratulate him;
14 he will be the new superintendent at White Hall
15 School District. So congratulations.

16 CHAIRMAN NEWTON: Yeah.

17 b) ALPENA SCHOOL DISTRICT

18 DR. SUTHERLIN: All right. The next one up is
19 Alpena School District's request for a waiver of
20 standard of accreditation 1-A.5. This also is so
21 that each public school district comply with the laws
22 in the state of Arkansas and the rules of the
23 Division regarding Class Size and Teaching Load.
24 Their request is to allow for an overage of one
25 student for a secondary class that has a class count

1 of 26. The class has a full-time aid to assist the
2 teacher with the overage. And the waiver is for the
3 2021-2022 school year.

4 CHAIRMAN NEWTON: Okay. Let's see if we have
5 any questions from the Board. We'll start over here
6 on my right. Ms. Post?

7 MS. POST: No.

8 CHAIRMAN NEWTON: Ms. Woods? Mr. Henderson?
9 Mr. Sutton?

10 Over here?

11 DR. MOORE: Yes. I didn't look this up. Is
12 second grade 25 students or 20?

13 DR. SUTHERLIN: 25.

14 DR. MOORE: Okay. So it's just over by one.
15 Okay, thank you.

16 CHAIRMAN NEWTON: Any other questions?

17 Okay. We're ready for a motion.

18 MR. SUTTON: Motion made to approve the --

19 CHAIRMAN NEWTON: Alpena.

20 MR. SUTTON: -- waiver request.

21 CHAIRMAN NEWTON: Okay.

22 MS. McFETRIDGE: I'll second that.

23 CHAIRMAN NEWTON: Okay. Motion by Mr. Sutton,
24 second by Ms. McFetridge.

25 All in favor?

1 (UNANIMOUS CHORUS OF AYES)

2 CHAIRMAN NEWTON: Any opposed?

3 Okay.

4 c) RECTOR SCHOOL DISTRICT

5 DR. SUTHERLIN: All right. The next one is for
6 Rector School District's request for waiver of
7 standard for accreditation 1-A.5. So each public
8 school district comply with the laws of the state of
9 Arkansas and the rules of the Division regarding
10 class size and teaching load. The request is to
11 allow for an overage of one student for two second
12 grade classes that have a class count of 26. This
13 waiver is for the 2021-2022 school year.

14 CHAIRMAN NEWTON: Okay. Any questions or
15 discussion on this item?

16 MS. WOODS: So they're wanting to go to 26, or
17 they have 26 and they want to go to 27?

18 DR. SUTHERLIN: No, they're going to 26.

19 MS. WOODS: Okay. I just wanted to make sure I
20 understood.

21 DR. SUTHERLIN: Yeah.

22 CHAIRMAN NEWTON: This is the only one that did
23 not talk about a paraprofessional.

24 DR. SUTHERLIN: Correct.

25 CHAIRMAN NEWTON: Do they have a para --

1 DR. SUTHERLIN: In the letter it was not
2 designated that they do.

3 CHAIRMAN NEWTON: Okay. Is there anyone here
4 that can answer that question?

5 DR. SUTHERLIN: I don't think that they do
6 because in the letter it states that they're having
7 trouble finding enough staff. And so I think it's
8 not only teaching staff but paraprofessional staff.

9 CHAIRMAN NEWTON: Okay. All right.

10 DR. RANKIN: Well, and as we consider that --
11 the question is for either you or my colleagues on
12 the Board -- one said paraprofessional, one said
13 full-time aid.

14 DR. SUTHERLIN: Uh-huh.

15 DR. RANKIN: Is that just semantics or are those
16 two significantly -- are those distinguishing
17 factors?

18 DR. SUTHERLIN: (Nodding head up and down.)

19 DR. RANKIN: Those are the same?

20 DR. SUTHERLIN: Yeah.

21 DR. RANKIN: Okay.

22 CHAIRMAN NEWTON: Okay. Any questions over
23 here? On my right, does anyone have questions?

24 Just a comment -- and I know if you can't find
25 anybody, you can't find anybody. But when there is

1 an overage like that I really like to see that there
2 is an aid or a para, whatever you want to call them,
3 in the classroom with the teacher helping in those
4 situations.

5 MS. McFETRIDGE: I'll make the motion to approve
6 the waiver for the Rector Schools.

7 CHAIRMAN NEWTON: Okay.

8 DR. RANKIN: And I'll second.

9 CHAIRMAN NEWTON: Okay. Motion by Ms.
10 McFetridge, seconded by Dr. Rankin.

11 All in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN NEWTON: Any opposed?

14 Okay.

15 d) DESE REQUEST OF A ONE-YEAR STANDARDS FOR
16 ACCREDITATION WAIVER OF STANDARD 1-C.1.1

17 CHAIRMAN NEWTON: This next one is a little
18 different.

19 DR. SUTHERLIN: Yeah, it's a little different.

20 CHAIRMAN NEWTON: Okay.

21 DR. SUTHERLIN: So the next one is DESE request
22 of a one-year Standards for Accreditation waiver of
23 Standard 1-C.1.1. After reviewing the statewide
24 summative student assessment data for 2020-2021, it
25 has been determined that 111 schools in 55 districts

1 are out of compliance with the DESE rules governing
2 standards for accreditation of Arkansas public
3 schools and school districts for the following
4 standard: Standard 1-C, student performance; 1-
5 C.1.1., each public school shall assess at least 95%
6 of its students on the annual statewide summative
7 assessment -- and that is a school citation. Due to
8 the impact of Covid-19, the Division of Elementary
9 and Secondary Education (DESE) is requesting a one-
10 year Standards for Accreditation waiver of Standard
11 1-C.1.1 on behalf of districts and LEAs identified.
12 DESE has contacted each district to request
13 permission to include the identified LEA in this
14 waiver and -- waiver request. And this waiver is for
15 the 2021-2022 school year.

16 MS. COFFMAN: Deborah Coffman, Public School
17 Accountability.

18 Just to make sure that we're all clear, we're
19 requesting a state standards for accreditation waiver
20 which only allows the district and the school to be
21 waived from the citation for this school year, okay,
22 due to the pandemic. That does not preclude them
23 from any of the federal requirements, and so that's
24 why I wanted to be very clear about that.

25 So in the federal requirements, in our approved

1 ESSA plan the schools that did not meet 95%
2 participation required for all students and required
3 for all subgroups of students, the 95% will be used
4 as the denominator for either all students' score
5 and/or -- and also for the -- any subgroup that did
6 not meet 95% tested.

7 There is also a little paragraph on page 67 of
8 our approved plan that -- for schools who do not meet
9 the 95% participation requirement for two consecutive
10 years. And, you know, we did skip '20, but we have
11 looked back and we will be contacting any district
12 that had a low participation rate in 2019 to let them
13 know we need to get moving on this. But for any
14 school that did not have a 95% participation
15 requirement for two consecutive years will be
16 required to submit a plan that includes strategies
17 for meeting participation requirements. So in other
18 words, we want 95% of students at least. We like
19 100%, but we understand. But we require 95% because
20 it gives us confidence in our state and federal
21 accountability system, so it's very important.

22 We're going to be talking about this to all of
23 our school districts to make sure that everyone is
24 aware. So everyone -- these 111 schools are now on
25 the list that we'll be watching next year -- or this

1 spring when we take the test because they could meet
2 this two-year consecutive requirement and have to
3 write a plan for how they're going to improve their
4 participation rate. We're just asking today that due
5 to the pandemic that we not cite them today, that we
6 have a chance to bring this to their attention and
7 make sure that we've got good strategies in place
8 moving forward.

9 CHAIRMAN NEWTON: And so these districts know
10 that they really need to work hard this year to make
11 sure they hit that 95% and you're already having
12 conversations with them about making sure they hit it
13 this year?

14 MS. COFFMAN: Yes. We were waiting till we see
15 what you do today so that we can craft more of our
16 conversation with them.

17 CHAIRMAN NEWTON: Okay.

18 DR. MOORE: Can I ask a question?

19 CHAIRMAN NEWTON: Yeah, we've got several
20 questions.

21 DR. MOORE: So that makes sense, so these
22 schools will be notified. Going through the list,
23 most of them are above 80. There's a few that are
24 below, the Department of Services. The ones that
25 stood out were Little Rock Southwest High School at

1 77% and then the Premiers. Do we have any
2 information around what happened at those particular
3 schools?

4 MS. COFFMAN: So in some of those charter
5 schools, DYS, some of those others, what you have are
6 students that are more in a credit recovery mode.

7 DR. MOORE: Uh-huh.

8 MS. COFFMAN: They may or may not show up; they
9 may have other issues that prevent them from coming
10 to school on those days. And we've seen those are
11 the schools that historically have lower
12 participation rates.

13 DR. MOORE: Have they -- have any of those
14 schools -- and I guess one of them is new. But have
15 they been flagged in the past for two years of low
16 rates or is this a specific Covid issue?

17 MS. COFFMAN: So we don't have consecutive, as
18 our plan says --

19 DR. MOORE: Okay.

20 MS. COFFMAN: -- because we did not provide
21 2020. But DYS --

22 DR. MOORE: Yeah.

23 MS. COFFMAN: -- has two schools that in '19 had
24 a lower rate. And their rate is not horrible; it's
25 just not 95% or better, as you pointed out. Graduate

1 Arkansas --

2 DR. MOORE: Uh-huh.

3 MS. COFFMAN: -- and Lee High School and Premier
4 High School of Little Rock are the ones that we'll be
5 reaching out to first and making sure we have a good
6 support plan in place for them.

7 DR. MOORE: Okay. Thank you. Thank y'all for
8 the work on that.

9 CHAIRMAN NEWTON: Ms. McFetridge.

10 MS. McFETRIDGE: I was just curious how this was
11 rated -- how do these numbers rate pre-Covid? Is
12 this way above average or -- pre-Covid?

13 MS. COFFMAN: So having 111 schools?

14 MS. McFETRIDGE: Right. Yeah.

15 MS. COFFMAN: It's out of the norm.

16 MS. McFETRIDGE: Okay.

17 MS. COFFMAN: We typically have five to ten --

18 MS. McFETRIDGE: Oh.

19 MS. COFFMAN: -- schools that, you know, some
20 issue came up. We've never had this many. It's
21 never been --

22 MS. McFETRIDGE: So it's considerably higher?

23 MS. COFFMAN: It's considerably higher. But
24 it's certainly understandable --

25 MS. McFETRIDGE: Sure.

1 MS. COFFMAN: -- in a pandemic that you may have
2 struggled to get a student in to participate in the
3 statewide summative assessment. So I think our
4 schools have done amazing.

5 MS. McFETRIDGE: Uh-huh.

6 MS. COFFMAN: Let me just brag on them all,
7 first of all, to say we were able to complete our
8 full accountability system. We tested 95% statewide.
9 Other states couldn't even test; they can't even
10 complete their accountability system. So we have so
11 many things to be thankful for.

12 MS. McFETRIDGE: That's right.

13 MS. COFFMAN: This is just a little bleep in the
14 road that we'll help people get over --

15 MS. McFETRIDGE: Uh-huh.

16 MS. COFFMAN: -- and move forward.

17 MS. McFETRIDGE: Thank you.

18 CHAIRMAN NEWTON: Any other questions over here?
19 Any questions?

20 Okay. We are ready for a motion.

21 DR. MOORE: I move to approve the waiver.

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

24 MR. HENDERSON: Second.

25 CHAIRMAN NEWTON: Seconded by Mr. Henderson.

1 All in favor?

2 (UNANIMOUS CHORUS OF AYES)

3 CHAIRMAN NEWTON: Any opposed?

4 Okay. And I just want to say thank you to
5 schools that have worked so hard during this pandemic
6 to get 95% or be close to 95%, and then they're
7 working hard this year to still stay in school, still
8 keep going through all the challenges that they face
9 this year that -- a lot of them weren't expected, but
10 they're still plugging along. And I know it's not
11 been easy, but I just want to express my appreciation
12 for how hard that districts and teachers and
13 administrators and students and staff -- they're all
14 working so hard this year. We don't want to ever
15 think that we -- them to think that we don't notice
16 how hard they're working.

17 VI.4. CONSIDERATION OF REQUESTS FOR ACT 1240 WAIVERS

18 CHAIRMAN NEWTON: All right. We're going to
19 move on to 1240 waivers. Ms. Freno.

20 a) GREENWOOD SCHOOL DISTRICT

21 MS. FENO: Our first Act 1240 waiver is from
22 the Greenwood School District. The waiver request is
23 from Greenwood. And they are requesting a waiver of
24 Class Size and Teaching Load for its Hills Middle
25 School, grades 5 and 6 English. This waiver is being

1 requested to support the teacher internship program
2 and it is being sought only through the end of the
3 current school year, 21-22.

4 And on the Zoom today we have Suzanne Wilson
5 from the Greenwood School District and also we have
6 Monica Riley from University of Arkansas at Fort
7 Smith.

8 CHAIRMAN NEWTON: Okay. Welcome, Ms. Wilson,
9 Ms. Riley. We're glad you're here this morning. Do
10 you have something that you would like to present or
11 say about the waiver?

12 MS. WILSON: This is Suzie Wilson, Assistant
13 Superintendent with Greenwood Public Schools. And I
14 just want to thank the Board for considering this
15 waiver request. I do think it's in the best interest
16 of our students and our interns that are moving
17 forward to become educators in the future. And I'll
18 entertain any questions that you have regarding this
19 waiver.

20 CHAIRMAN NEWTON: Okay. All right. We'll see
21 if we have questions.

22 Anyone over here on my left?

23 Dr. Moore.

24 DR. MOORE: Could you speak just a little bit --
25 you said you currently have a program for interns

1 within your school -- or a novice mentoring program.
2 What does that look like?

3 MS. WILSON: Our novice mentoring program, we
4 created our own program as a school district. We are
5 very strong in the PLC process, so everything we do
6 revolves around the process of working in teacher
7 groups and collaboration, looking at data, and then
8 providing interventions for our students. So all of
9 our teacher mentoring programs, they start with going
10 through the Art and Science of Teaching Study with a
11 mentor that's attached to them; they work weekly in
12 teams to do that study and to talk about classroom
13 management. There's a whole -- we have outlined a
14 whole study throughout the year. And then in
15 addition to those weekly meetings they have their PLC
16 meetings with time to talk about content as well.

17 DR. MOORE: Okay. So it sounds like in addition
18 to regular supports these two pre-service teachers
19 will be very well supported. Have they -- did they
20 work in your school in the fall?

21 MS. WILSON: They did not; they are spring
22 interns.

23 DR. MOORE: Okay. And so is it -- but it's not
24 their first time in a classroom setting --

25 MS. WILSON: That is correct.

1 DR. MOORE: -- with observations and --

2 MS. WILSON: Yes. Dr. Riley might can speak to
3 that as well.

4 MS. RILEY: I'll be glad to speak to that,
5 certainly. No, this would not be their first time in
6 the classroom. Students in our program, unless Covid
7 interrupted some of their time, they would have had
8 150 hours before they got to this place.

9 DR. MOORE: Okay. And I think I've asked this
10 for most districts that have started this: what --
11 how are you compensating those teachers or the
12 interns in that sense?

13 MS. WILSON: So we are paying those teachers
14 half of the teacher pay for the semester.

15 DR. MOORE: Okay. And the -- lastly, about the
16 mentor teacher who will be over the two classes, is
17 she prepared and willing to hold that role?

18 MS. WILSON: Absolutely. And she did provide a
19 letter of support in our waiver request application.

20 DR. MOORE: Okay. Thank you.

21 CHAIRMAN NEWTON: All right. Any other
22 questions or comments?

23 Okay. Then I think we're ready for a motion on
24 Greenwood School District's 1240 request.

25 MS. McFETRIDGE: I make the motion that we

1 approve the Greenwood waiver.

2 CHAIRMAN NEWTON: Okay. I have a motion by Ms.
3 McFetridge.

4 MR. HENDERSON: Second.

5 CHAIRMAN NEWTON: Seconded by Mr. Henderson.

6 All in favor?

7 (UNANIMOUS CHORUS OF AYES)

8 CHAIRMAN NEWTON: Any opposed?

9 Okay.

10 MS. WILSON: Thank you very much.

11 CHAIRMAN NEWTON: Thank you for joining us.

12 MS. RILEY: Thank you.

13 b) BRYANT SCHOOL DISTRICT

14 MS. FRENO: The next waiver -- a request for an
15 Act 1240 waiver we have is from the Bryant School
16 District. They're requesting a waiver of Class Size
17 and Teaching Load for their grades 11 and 12 to
18 support a student internship program. And the
19 district seeks this waiver for a five-year period
20 which would mean it would end in the 26-27 school
21 year.

22 And we have on Zoom Andy -- Angie Dischinger
23 from the Bryant School District.

24 CHAIRMAN NEWTON: Welcome. Do you have
25 something that you would like to present to us this

1 morning?

2 DR. DISCHINGER: Good morning. Thank you. And
3 I also have Lindsey Lile [ps] here who is one of our
4 internship teachers, along with Dr. Edwards -- you
5 can't see him, but he's the high school principal;
6 and Mrs. Butler, our CTE Coordinator. We're all in
7 the room together, even though you can't see all of
8 us.

9 We are requesting this waiver because we feel
10 that it would benefit our students that are seeking
11 the internship program. With our waiver, our
12 students would be able to earn up to three credits
13 and that's a benefit for them towards their
14 graduation requirements. And it will help us from
15 limiting students being able to participate in the
16 program. So those are our main focus.

17 MS. LILE: With our waiver this would allow as
18 many students that would like to join the program now
19 to be able to participate and would not limit them
20 from being in our program.

21 CHAIRMAN NEWTON: All right. We'll see if we
22 have any questions from the Board.

23 Anyone over here on my left?

24 Ms. McFetridge.

25 MS. MCFETRIDGE: Yes. In reading your

1 application I wasn't clear on how many students your
2 teachers were going to have. You have 182 students
3 total. How many teachers would then be working with
4 each student for Class Size/Teaching Load?

5 DR. DISCHINGER: Sure. We currently have two
6 teachers who work with our interns, and so we want to
7 (inaudible) into that too. And Mrs. Lile is one of
8 those teachers, and Mrs. Ford has just joined us; she
9 was just initially teaching another class. As our
10 intern teachers, they teach some of our business
11 classes as well as supervise our student interns.

12 MS. McFETRIDGE: Okay.

13 CHAIRMAN NEWTON: Dr. Moore.

14 MS. McFETRIDGE: I'm just confused. But go
15 ahead; I'll -- it'll probably clear up after Sarah
16 asks her questions.

17 DR. MOORE: No. So this is not -- y'all have
18 asked for this waiver before. Is that correct?

19 DR. DISCHINGER: Yes.

20 DR. MOORE: Okay. And this is -- in my
21 understanding, there will be more students across the
22 state leaving school because of seat time law
23 changes. Is that correct?

24 DR. DISCHINGER: Uh-huh.

25 DR. MOORE: And I think this is fantastic that

1 you all can maybe do that even better than some by
2 having this class and having this program for
3 students. I liked seeing some of the reflective work
4 that they have to do and I'm glad to see that -- just
5 to double-check, students can have paid jobs in this
6 role; is that correct?

7 MS. LILE: Yes. They can have a paid internship
8 or unpaid internship or they can have -- they're
9 entering the workforce and employed at local
10 businesses and have truly made a different
11 (inaudible) climate that we're in with searching for
12 employees to support our businesses hopefully.

13 DR. MOORE: That's great. Do students already
14 have to have that figured out by the time they start
15 the semester, or do you all work with them to help
16 them find a job internship if they don't already have
17 one?

18 MS. LILE: It's kind of handled on a case-by-
19 case basis. A lot of students enter their senior
20 year and have been in the workforce since they were
21 sophomores, and so some of them choose to continue in
22 that path. But the other coordinator and I really
23 try to be a liaison to help guide them and getting
24 them to a place where they are in a career field of
25 interest so they can get hands-on experience and they

1 can make a decision for their next step when they
2 graduate.

3 DR. MOORE: That's great. Thank you.

4 CHAIRMAN NEWTON: Ms. McFetridge, did you have
5 an additional question that you wanted to ask?

6 MS. McFETRIDGE: Not right now.

7 CHAIRMAN NEWTON: Okay. All right. Over here,
8 on my right? Ms. Post?

9 MS. POST: (shaking head from side to side)

10 CHAIRMAN NEWTON: No? Anyone else?

11 Mr. Henderson.

12 MR. HENDERSON: Yes. Can you give me some
13 examples of your CTE programs and the internship
14 program, just some examples of the interaction?

15 MS. LILE: Can you repeat the last part of that
16 question? It's just hard to hear.

17 MR. HENDERSON: Yes. Just provide some examples
18 of your CTE programs and the correlation with it and
19 your internship programs?

20 MS. LILE: Yes. So we have various industries
21 that have signed on as partners throughout our entire
22 program. We have a great sports med program and
23 we've had interns up to six every single year with a
24 local physical therapy office. Adam Carson Physical
25 Therapy has welcomed students every single year of

1 our program. With our career center opening in
2 Saline County, that's kind of funneling some new
3 interns -- or employees. We've had several that have
4 joined us at Discount Tire or a local mechanic shop
5 doing that type of hands-on experience in that
6 program. The Chamber of Commerce has been a partner
7 with us, and that's just working experience,
8 marketing and soft skills. And so that's for every
9 career path, every pathway that we offer. Computer
10 science, we've had a local business in town have some
11 interns the last three or four years. And our
12 students have graduated after having -- or enter
13 their senior year after they go through the computer
14 science program and entered into working with that
15 network designer or website designer as well.

16 MR. HENDERSON: Thank you.

17 CHAIRMAN NEWTON: Have any other questions from
18 the Board?

19 Ms. McFetridge.

20 MS. McFETRIDGE: I think I've got my question
21 now. When I'm looking at your report you've got 182
22 students with two facilitating teachers, and I'm just
23 wondering how they handle all those students. I know
24 they don't see them on a daily basis. But are they
25 given extra time or extra pay to evaluate and really

1 monitor these students?

2 MS. LILE: Yes, ma'am. So, the other
3 coordinator and I work in the same classroom and we
4 share the load, even (inaudible) as well as overlap.
5 And so our students are obviously engaged virtually
6 through our oral classroom platform. We've created
7 various accountability pieces, so we have a virtual
8 time log that they enter -- we do communication with
9 supervisors on a regular basis. We feel like we have
10 a great system put in place that we've developed over
11 the last several years, and so we understand kind of
12 the class size and we can work with that as far as
13 doing one-on-one meetings with the students, as well
14 as great new ones every semester.

15 MS. McFETRIDGE: That's really exciting.

16 MS. LILE: And we have three -- at least three
17 class periods to go in to monitor and be available to
18 them, similar to office hours at a college level.

19 MS. McFETRIDGE: Well, I was really excited to
20 see that you have some SPED students also in the
21 program. How is that working?

22 MS. LILE: So we have kind of a group of
23 students that are working for various departments on
24 campus, whether it's in the cafeteria; we've had one
25 in the transportation department. So they are not

1 leaving campus (inaudible), but staying on our campus
2 and, you know, working for different facilities on
3 campus.

4 MS. McFETRIDGE: That's wonderful. Thank you.

5 CHAIRMAN NEWTON: Any other questions from the
6 Board?

7 All right. I think we're ready for a motion on
8 the Bryant School District 1240 waiver.

9 MS. McFETRIDGE: I'll make the motion to
10 approve.

11 CHAIRMAN NEWTON: Okay. We have a motion by Ms.
12 McFetridge to approve.

13 DR. RANKIN: I'll second.

14 CHAIRMAN NEWTON: Seconded by Dr. Rankin.
15 All in favor?

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRMAN NEWTON: Any opposed?

18 Congratulations. Thank you for joining us
19 today.

20 DR. DISCHINGER: Thank you.

21 MS. LILE: Thank you.

22 CHAIRMAN NEWTON: All right.

23 c) HARMONY GROVE SCHOOL DISTRICT

24 CHAIRMAN NEWTON: And now we have our change to
25 agenda; we added the Harmony Grove School District

1 for a 1240 waiver.

2 MS. FRENO: Yes. This waiver request by Harmony
3 Grove is similar to the others in that they're
4 seeking a Class Size and Teaching Load waiver for its
5 3rd and 4th grade literacy classes at the Harmony
6 Grove Elementary School to accommodate a teacher
7 internship. And the district seeks this waiver for
8 the end of the current school year 2021-2022.

9 And on Zoom we have Matt Patterson from the
10 Harmony Grove School District.

11 CHAIRMAN NEWTON: Welcome, Mr. Patterson.

12 MR. PATTERSON: Good morning.

13 CHAIRMAN NEWTON: Do you have anything that you
14 would like to present to the Board?

15 MR. PATTERSON: Not particularly. I would like
16 to answer questions if anybody has anything. But,
17 Ms. Newton, thank you a minute ago for your kind
18 words and acknowledgements about school. It's been a
19 tough couple of months for us, but we're still in it.

20 So I'm basically making this request because
21 we're in a bind. I have a teacher right now out on
22 maternity leave. She was scheduled for this leave
23 with plenty of time and we had a certified person
24 ready to go into the class up until this person took
25 another job, which left us kind of in a bind. So we

1 already have a really good student intern coming to
2 campus every day; she has shown up, she runs a full
3 teacher schedule anyway through SAU. And I would
4 like to put her in a classroom because I feel she's
5 ready to go. And with the supports that we're
6 willing to provide her I think she can be really
7 successful and give the students here the education
8 they need.

9 CHAIRMAN NEWTON: Okay. All right. Thank you,
10 Mr. Patterson. We'll see if we have some questions.

11 Anyone on my left have a question for --

12 Okay. Anyone over here?

13 All right. Sounds like we may already be ready
14 for a motion. All right.

15 DR. RANKIN: Yeah, I will make that motion to
16 approve.

17 CHAIRMAN NEWTON: Okay. We have a motion to
18 approve by Dr. Rankin.

19 MR. SUTTON: I'll second.

20 CHAIRMAN NEWTON: Seconded by Mr. Sutton.

21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN NEWTON: Any opposed?

24 All right. Motion passes. Congratulations, Mr.
25 Patterson, and thank you personally for the hard work

1 that y'all are doing there at Harmony Grove. We
2 really appreciate it.

3 MR. PATTERSON: Yes, ma'am. Thank you.

4 CHAIRMAN NEWTON: All right.

5 VI.5. 2022-23 THIRTY-EIGHT REQUIRED HIGH SCHOOL COURSES

6 CHAIRMAN NEWTON: Our next item is the 38
7 required high school courses. Dr. Pride.

8 DR. PRIDE: Good morning. Kiffany Pride,
9 Assistant Commissioner of Learning Services.

10 I am before you today to present the Arkansas 38
11 required high school courses for State Board
12 approval. The required high school courses reflect
13 the minimum courses a school must offer.

14 CHAIRMAN NEWTON: Dr. Pride, could you tell us
15 how this is different than the -- than what it was
16 previously, what any changes were?

17 DR. PRIDE: Yes. So each year we bring these
18 before you. There are slight changes this year. The
19 only change is really under Fine Arts and we just
20 updated the name of the course. When they went
21 through the revision process the course title was
22 changed from just Visual Arts to Visual Arts
23 Foundations 1, and from just Vocal -- from Vocal --
24 it was just Vocal -- Vocal Music to Vocal Ensemble 1.
25 So those are all the changes, I'm pretty sure.

1 CHAIRMAN NEWTON: So it's pretty much just a
2 name change this year?

3 DR. PRIDE: Yes.

4 CHAIRMAN NEWTON: Okay. We'll see if we have
5 any board questions.

6 Over here?

7 Anyone over here have a question for Dr. Pride?

8 DR. MOORE: Yeah, I do have a question.

9 CHAIRMAN NEWTON: Okay, Dr. Moore.

10 DR. MOORE: I'm sorry, I do have a question.

11 DR. PRIDE: Sure.

12 DR. MOORE: Just out of curiosity, are there any
13 rules around how many of these should be offered in
14 person versus virtual or --

15 DR. PRIDE: Well --

16 DR. MOORE: -- and/or when they're offered how
17 offered they have to be, if that makes sense?

18 DR. PRIDE: You said "how offered?"

19 DR. MOORE: Yes. Like do they have to
20 advertise, or how do you --

21 DR. PRIDE: Oh. So basically schools have to
22 offer these courses.

23 DR. MOORE: Uh-huh.

24 DR. PRIDE: And most of the time they're in
25 person unless they have some type of need to offer a

1 virtual course.

2 DR. MOORE: Uh-huh.

3 DR. PRIDE: For example, maybe if a course
4 didn't make completely the numbers and a student
5 needed to take a course they could offer that course
6 virtually. But mostly these are courses that they
7 offer for students to attend in person. But there
8 are other options, like credit by demonstrated
9 mastery, or they could apply for that through our
10 course approval system or if a student needs to take
11 a virtual course they could also do that.

12 DR. MOORE: Okay. And in instances where the
13 student wants to take a course that's not offered at
14 a school --

15 DR. PRIDE: Under the 38?

16 DR. MOORE: Yeah.

17 DR. PRIDE: So schools could offer additional
18 courses. These are the required that they must offer
19 at a minimum. So they could offer more and --

20 DR. MOORE: Right. But if it's -- say there's a
21 course that a student wants to take at their school
22 but the school doesn't offer it, because they offer
23 38 others, is there a process --

24 DR. PRIDE: You said are they offering -- I'm
25 sorry.

1 DR. MOORE: So say a school offers 38 but
2 there's a student that wants to take a course not
3 offered by their school is there a process for that
4 student to go about --

5 DR. PRIDE: Yes. They could do either a virtual
6 course --

7 DR. MOORE: Okay.

8 DR. PRIDE: The school could support a virtual
9 course through Virtual Arkansas or through a digital
10 provider. So there are means by which they could do
11 that.

12 DR. MOORE: Okay. Okay. Thank you.

13 CHAIRMAN NEWTON: Any other questions?

14 Okay. We're ready for a motion.

15 SECRETARY KEY: Madam Chair --

16 CHAIRMAN NEWTON: Go ahead.

17 SECRETARY KEY: -- I just want to point out --

18 CHAIRMAN NEWTON: Sorry.

19 SECRETARY KEY: So this isn't new, but it's
20 relatively new in the scheme of things.

21 Dr. Pride, would you talk about -- yeah, I think
22 maybe we adopted these last year or it may have been
23 year-before-last. But some of the things that we did
24 with English, that is -- that are a different
25 approach, and it's based on some of the work we're

1 doing with the RISE initiative, critical reading --
2 some of the English 11/12 courses that we've created,
3 that your team has created.

4 DR. PRIDE: Yes.

5 SECRETARY KEY: We just don't get enough PR
6 about some of that. And, you know, you can read
7 social media traffic -- or traffic -- social media
8 comments --

9 DR. PRIDE: Yes.

10 SECRETARY KEY: -- and people think that our
11 standards are the same standards of the 38 that we
12 had 10 years ago. So maybe give a brief rundown of
13 some of the recent changes.

14 DR. PRIDE: Yes. So I would say some of the
15 recent changes under English Language Arts are
16 offerings around those half credit courses. And as
17 we think about graduation pathways, student
18 interests, we have created frameworks for teachers to
19 use using the same body of standards that they would
20 for those grade level courses to engage students in
21 content that would be more interesting to them,
22 engaging to them. And they're still demonstrating
23 those critical thinking skills that they're literate
24 students, but they're doing it in a way that's going
25 to support a pathway they may be interested in or

1 just engage them through particular content. For
2 example, you see there we have -- under ELA we have
3 Cross Cultural Literature, Comparative Literature as
4 a half credit course, Film as Literature, Public
5 Relations. So students that may be interested in
6 certain pathways or just topics of interest could
7 take a half credit course and they would get credit
8 for their ELA course through a more engaging topic
9 specific ELA course. So those are some things that
10 we've done.

11 In terms of critical reading, we do have
12 critical reading to support our students who may need
13 to focus on some major concepts of the grade level to
14 prepare them for rigorous coursework in terms of, you
15 know, grade level work, next level, whether that's
16 career, technical college, whatever that may be, or a
17 four-year college. So those critical reading courses
18 are really focused on those major works of the grade
19 level to support student learning at those grade
20 levels.

21 And so, yeah, we've been in talks about how we
22 can always make this better and more focused toward
23 graduation pathways for our students. So we're
24 always continuing working on those.

25 MS. MCFETRIDGE: I have a question, kind of

1 tapping on what Dr. Moore was talking about. How
2 would a student -- if they wanted to take a virtual
3 class, what is the process that they do that? Is
4 that a local board policy?

5 DR. PRIDE: Yeah. So within their school there
6 would be a pathway by which to do that too. So they
7 would have a partnership either with a digital
8 provider or with Virtual Arkansas or someone like
9 that. They would engage them to support that student
10 taking a course offering that they may not have
11 enough students to make a whole class.

12 MS. McFETRIDGE: Right.

13 DR. PRIDE: They would engage at the local
14 level. But if they need help with those -- with
15 that, they can definitely call us and we could direct
16 them to resources where we have, of course, the
17 digital provider list or we could give them
18 information that they may not have.

19 MS. McFETRIDGE: Okay.

20 DR. PRIDE: Particular counselors are very
21 versed in this, and our counselor she supports them
22 with knowing these kinds of things as they think
23 about student success plans and things of that
24 nature.

25 MS. McFETRIDGE: Okay.

1 DR. RANKIN: This may never happen, but if
2 you've got a student that had a full slate of courses
3 for their day but they saw something that was one of
4 these maybe half credits that's offered by -- I take
5 it all of these are offered by Virtual Arkansas?

6 DR. PRIDE: No. So these half credits are
7 frameworks and these are -- our actual teachers can
8 use these frameworks to teach an ELA course where
9 students can receive credit for their ELA credit,
10 high school credit.

11 DR. RANKIN: Okay.

12 CHAIRMAN NEWTON: Any other questions?

13 And I'm just completely blank. Have we already
14 approved or have we not approved these? We haven't,
15 have we?

16 DR. PRIDE: Not yet.

17 CHAIRMAN NEWTON: Okay.

18 DR. PRIDE: Not yet.

19 SECRETARY KEY: I do not have it recorded.

20 CHAIRMAN NEWTON: It's called old age, so I'm
21 sorry.

22 All right. So we're ready for a motion on the
23 38 required high school courses.

24 DR. RANKIN: I will move to approve.

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

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Rankin.

MS. McFETRIDGE: Second.

CHAIRMAN NEWTON: Seconded by Ms. McFetridge.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN NEWTON: Any opposed?

All right.

DR. PRIDE: Thank you.

VI.6. CHARTER AUTHORIZING PANEL AMENDMENT DECISIONS

a) EXALT ACADEMY CHARTER ENROLLMENT INCREASE AMENDMENT

CHAIRMEN NEWTON: We're going to move on to the Charter Authorizing Panel's decisions. Mr. Sutherlin, you're back.

DR. SUTHERLIN: Good to see you again.

So what we have is our Charter Authorizing Panel amendment decisions. The first one up is Exalt Academy charter enrollment increase amendment.

So Exalt Southwest Little Rock has submitted an amendment request to increase the student enrollment cap from 540 students to 1,080 students. The increase would be incremental and would be over a five-year period. So from 2022-2023 adding 108 students, resulting in a 648 student cap; and then from 2023-2023 adding 108 students, resulting in a 756 student cap; then from 2024-2025 adding 108

1 students, resulting in an 864 student cap; 2025-2026
2 adding a 108 -- adding 108 students, resulting in a
3 972 student cap; and then 2026-2027 adding 108
4 students, resulting in a 1,080 student cap.

5 CHAIRMAN NEWTON: Okay. All right. Anyone on
6 my right have a question for Mr. Sutherlin?

7 On my left, any questions?

8 Okay. We're ready for a motion on Exalt
9 Academy.

10 This is to review or not review. Am I correct?

11 DR. SUTHERLIN: Correct.

12 CHAIRMAN NEWTON: Okay.

13 MS. McFETRIDGE: I make the motion not to
14 review.

15 CHAIRMAN NEWTON: Okay. A motion not to review
16 by Ms. McFetridge.

17 MS. WOODS: I'll second.

18 CHAIRMAN NEWTON: Seconded by Ms. Woods.

19 All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN NEWTON: Any opposed?

22 Okay.

23 DR. SUTHERLIN: Okay.

24 b) CROSS COUNTY AMENDMENT CHARTER AMENDMENT REQUEST

25 CHAIRMAN NEWTON: Cross County.

1 DR. SUTHERLIN: So Cross County has submitted an
2 amendment to request to add waivers for 6-17-908 and
3 6-17-919. These waivers were actually recommended by
4 CAP when the elementary school came up for renewal.
5 The district now has to -- has decided to request
6 them to compliment their existing teacher licensure
7 waivers at the high school, and it wouldn't change
8 how the current waiver is being used.

9 CHAIRMAN NEWTON: Any questions on Cross County?
10 Okay. Then we are ready for a motion to review
11 or not review.

12 MR. HENDERSON: I make a motion not to review.

13 CHAIRMAN NEWTON: Motion by --

14 (BRIEF MOMENT OF SILENCE)

15 CHAIRMAN NEWTON: I don't think I got enough
16 sleep last night -- by Mr. Henderson to not review.

17 DR. RANKIN: And I'll second.

18 CHAIRMAN NEWTON: Seconded by Dr. Rankin.

19 All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN NEWTON: Any opposed?

22 All right.

23 It's not quite lunch time, but I think we could
24 move on, if my brain will work through this a little
25 bit. Is that -- would that be okay with everyone to

1 move on?

2 Okay. All right.

3 VII.1. 22-23 CORE ACADEMIC SUBJECT AREA TEACHER SHORTAGE LIST

4 CHAIRMAN NEWTON: So we are to the core academic
5 subject area teacher shortage list. Ms. Saracini.

6 MS. SARACINI: Can we wait just a second,
7 because Sharlee Crowson was going to be down here.
8 She's the new Frank.

9 CHAIRMAN NEWTON: Okay. All right. So how
10 about we move on to rules. Would that be okay?

11 MS. SARACINI: That would be great.

12 CHAIRMAN NEWTON: Ms. Freno, would that be okay
13 with you?

14 MS. FRENO: Yes.

15 CHAIRMAN NEWTON: Okay.

16 MS. SARACINI: I don't want to take her thunder.

17 CHAIRMAN NEWTON: That's -- I understand. Y'all
18 do a lot of work on these.

19 VII.2. FOR FINAL APPROVAL: DESE RULES GOVERNING CONSOLIDATIONS
20 AND ANNEXATIONS OF SCHOOL DISTRICTS

21 CHAIRMAN NEWTON: All right. Ms. Freno, we're
22 going to move on to Item. 2, if that's okay with you.

23 MS. FRENO: And that -- those would be the rules
24 for consolidation and annexation?

25 CHAIRMAN NEWTON: Yes.

1 MS. FRENO: These rules -- we are revising
2 Sections 2.0, 12.00, and then the Table of Contents
3 only on these rules. And if you have any questions
4 about these, I'm happy to take them.

5 CHAIRMAN NEWTON: Okay. Does everyone
6 understand where we're at?

7 Okay. Do we have any questions? This is final
8 approval, rules governing consolidations and
9 annexations. Any questions on those rules?

10 MS. WOODS: Did we get any public comments?

11 MS. FRENO: Yes, we did get public comments.
12 And they should be -- are they not on the agenda? We
13 received one public comment.

14 MS. WOODS: I'm sorry; I missed that completely.
15 All right. Thank you.

16 CHAIRMAN NEWTON: Any questions on these rules?
17 No, okay. So we are ready for a motion.

18 DR. MOORE: I'll move to approve.

19 CHAIRMAN NEWTON: Okay. We have a motion by Dr.
20 Moore to approve the rules.

21 MR. HENDERSON: Second.

22 CHAIRMAN NEWTON: Seconded by Mr. Henderson.
23 All in favor?

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN NEWTON: Any opposed?

1 Okay.

2 VII.3. FOR FINAL APPROVAL: DESE RULES GOVERNING ACT 1240
3 WAIVERS

4 MS. FRENO: Okay. The next set of rules are the
5 Division's rules governing Act 1240 waivers. Again,
6 these are before you for final consideration. These
7 rules were amended to incorporate provisions of law
8 that came out during the 2021 session. And following
9 public comment, only non-substantive clarifying
10 technical changes were made.

11 CHAIRMAN NEWTON: Okay. So this is to give
12 final approval for 1240 waiver rules. Any questions?
13 Okay. We're ready for a motion.

14 DR. RANKIN: I'll move to approve the rules.

15 CHAIRMAN NEWTON: Okay. A motion by Dr. Rankin.

16 MR. SUTTON: I'll second.

17 CHAIRMAN NEWTON: Seconded by Mr. Sutton.

18 All in favor?

19 (UNANIMOUS CHORUS OF AYES)

20 CHAIRMAN NEWTON: Any opposed?

21 Okay.

22 VII.4. FOR FINAL CONSIDERATION: DESE RULES GOVERNING THE
23 STUDENT PROTECTION ACT

24 MS. FRENO: The next set of rules are those
25 governing the Student Protection Act. This was an

1 act that came out again during the -- these are new
2 rules; the act came out during the 2021 session.
3 After public comment -- there were no public comments
4 made at all, and just a few non-substantive
5 corrections were made to the rules.

6 CHAIRMAN NEWTON: Okay. Any questions on the
7 Student Protection Act rules?

8 Okay. Ready for a motion.

9 MR. SUTTON: Motion to approve.

10 CHAIRMAN NEWTON: A motion by Mr. Sutton.

11 MR. HENDERSON: I'll second.

12 CHAIRMAN NEWTON: Seconded by Mr. Henderson.
13 All in favor?

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN NEWTON: Any opposed?

16 We all didn't get enough sleep last night.

17 VII.5. FOR FINAL APPROVAL: DESE RULES GOVERNING STANDARDS FOR
18 ACCREDITATION OF ARKANSAS PUBLIC SCHOOLS AND SCHOOL DISTRICTS

19 CHAIRMAN NEWTON: All right. So moving on, Ms.
20 Freno.

21 MS. FRENO: Yes. The next set are the rules
22 governing the Standards for Accreditation of Arkansas
23 Public Schools and School Districts. Again, these
24 are before you for final approval. These were just
25 presented a couple of days ago to Joint Ed. -- the

1 Joint Ed. Committee, in accordance with law. This is
2 -- there are very few sets of rules that have to
3 actually go to Joint Ed. before they come back to you
4 for final approval -- this is one of them -- and they
5 were deemed reviewed. The only change that was made
6 after public comment, outside from just clerical and
7 technical things, where we -- we changed where the --
8 where waivers for Standards for Accreditation would
9 be sent; rather than the Commissioners office we sent
10 it to Public School Accountability, because that's
11 where they end up anyway.

12 CHAIRMAN NEWTON: Yeah. Okay.

13 Any questions or discussion on these rules?

14 Okay. We're ready for a motion.

15 DR. MOORE: I'll move to approve.

16 CHAIRMAN NEWTON: Motion by Dr. Moore.

17 DR. RANKIN: And I'll second.

18 CHAIRMAN NEWTON: Seconded by Dr. Rankin.

19 All in favor?

20 (UNANIMOUS CHORUS OF AYES)

21 CHAIRMAN NEWTON: Any opposed?

22 Okay.

23 VII.6. FOR FINAL APPROVAL: DESE RULES GOVERNING PUBLIC SCHOOL
24 CHOICE

25 MS. FRENO: Okay. The next set are the

1 Division's rules governing public school choice.
2 Again, these are put out for public comment. There
3 were technical/clerical amendments and -- but there
4 was nothing substantive.

5 CHAIRMAN NEWTON: Okay. Any discussion on
6 public school choice rules?

7 DR. MOORE: I just have a clarification, because
8 we'll gear up for more of these in the summer, I'm
9 sure. Is it -- I think the window now is January
10 through May. Is that correct?

11 MS. FRENO: That is correct, January 1st through
12 May 1st.

13 DR. MOORE: So if you're a new family that moves
14 into a district over the summer, you can't apply for
15 school choice under that, can you?

16 MS. FRENO: That is correct, you cannot apply
17 for school choice unless -- a military family, it's
18 different.

19 DR. MOORE: Okay.

20 MS. FRENO: But you cannot apply for school
21 choice. You can ask for a legal transfer --

22 DR. MOORE: Okay.

23 MS. FRENO: -- under a different law. You know,
24 that is a board-to-board transfer. But those are not
25 appealable. Both boards would have to approve the

1 transfer and there's no appeal to the State Board or
2 anywhere else if either of the boards denies that.

3 DR. MOORE: Okay. Okay.

4 CHAIRMAN NEWTON: Any other discussion?

5 Okay. We're ready for a motion.

6 MS. McFETRIDGE: I'll make the motion that we
7 approve these rules.

8 CHAIRMAN NEWTON: A motion by Ms. McFetridge.

9 MR. SUTTON: I'll second.

10 CHAIRMAN NEWTON: Seconded by Mr. Sutton.

11 All in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN NEWTON: Any opposed?

14 Okay.

15 VII.7. FOR FINAL CONSIDERATION: DESE RULES GOVERNING GRADING
16 AND COURSE CREDIT (CHAPTERS 1 AND 7 ONLY)

17 CHAIRMAN NEWTON: The last one.

18 MS. FRENO: And the last set are the secondary
19 -- or the rules governing Grading and Course Credit
20 (Chapters 1 and 7 Only.) These rules were changed to
21 incorporate provisions of Act 414 of 2021, which is
22 the Computer Science Education Advancement Act of
23 2021. And following public comment there was only
24 one change made non-substantive to clarify the
25 definition of pre-advanced placement.

1 CHAIRMAN NEWTON: Okay. Any discussion on these
2 rules?

3 Okay. Seeing none, do we have a motion?

4 DR. RANKIN: I'll move to approve.

5 CHAIRMAN NEWTON: Okay. A motion by Dr. Rankin.

6 MR. HENDERSON: Second.

7 CHAIRMAN NEWTON: Seconded by Mr. Henderson.

8 All in favor?

9 (UNANIMOUS CHORUS OF AYES)

10 CHAIRMAN NEWTON: Any opposed?

11 MS. FRENO: Thank you.

12 CHAIRMAN NEWTON: Thank you, Ms. Freno.

13 VII.1. 22-23 CORE ACADEMIC SUBJECT AREA TEACHER SHORTAGE LIST

14 CHAIRMAN NEWTON: All right. So we're going to
15 move back to the Core Academic Subject Area Teacher
16 Shortage List. Ms. Saracini and --

17 MS. CROWSON: Hi, everybody. I'm Sharlee
18 Crowson from Educator Effectiveness, and I know you
19 know Karli. We're not pleased, I guess, to be up
20 here talking about teacher shortages today, but we're
21 happy that we can have these conversations based on
22 meaningful data.

23 Oh, we have a clicker.

24 MS. SARACINI: In your packet you're seeing
25 first our core academic subject areas that you got in

1 your packet that we send to the U.S. Department of
2 Ed.

3 MS. CROWSON: Yeah, I can't advance this.

4 MS. SARACINI: Okay.

5 MR. DAVIS: Give me one second. I have to share
6 the screen.

7 MS. SARACINI: So what you see before us is not
8 a surprising -- what you're seeing on that list.
9 It's what we've had in the past. And Sharlee is the
10 new Dr. Servedio since he has retired; you will be
11 seeing her up here.

12 MR. DAVIS: (inaudible)

13 MS. CROWSON: Let me see. It was off.

14 MS. SARACINI: Sometimes it's a human.

15 MS. CROWSON: Yeah. So each year the federal
16 government requires us to submit a list of our
17 shortage areas. They provide some suggestions on how
18 we look at that for the unfilled positions -- for us,
19 we think of that as long-term sub -- or teaching
20 positions that are filled by someone who does not
21 hold the appropriate license. So that's our -- all
22 of our other licensure exceptions. One criteria they
23 set is that we cannot exceed 5% of our total teaching
24 positions, so we can't -- like if we have a need, we
25 have to make sure it doesn't exceed 5% of our total

1 positions in the state.

2 So the first list -- the first list there is the
3 list we submitted to the federal government based on
4 the criteria at the bottom. So that is people that
5 were filling positions that were not licensed,
6 percentage, and then teachers that retired that
7 school year. So that's how we created our list. A
8 simple way of looking at it, do we have enough folks
9 that are licensed filling positions. And so you
10 might see here based on this list we're missing a few
11 that we constantly see, but the good news is in our
12 data it's showing that our secondary math and our
13 SPED teachers we do not have -- they are not at the
14 top of our list for uncertified positions being
15 filled. So we added these to our Arkansas-specific
16 list, number one, because they are national shortage
17 areas; and, number two, because we do not want to
18 quit doing our recruitment efforts that are tied to
19 the shortage area list. So we want to be sure that
20 we've included those; we didn't want them to drop
21 off. We feel like we are making progress in these
22 areas is what our data is showing us.

23 Just to bring that point home, the STEP program
24 is one of our state incentives for teachers. It
25 provides \$4,000 -- up to \$4,000 of loan forgiveness

1 if you are teaching in one of the areas on our list.
2 Fifteen percent of those recipients are from
3 secondary math and then 58 are -- or 29 are from
4 special education. And then we also do test fee
5 reimbursements based on that list; 58% of those are
6 special ed. teachers. And so that shows -- that's
7 almost \$400 worth of tests, and so we didn't want
8 that to fall off of our list and those SPED teachers
9 not be able to take advantage of that.

10 Just a quick glance of from last year to this
11 year. Computer science came back on this year. We
12 are no longer limiting to specific foreign languages,
13 so it's not just French; it's foreign language in
14 general. Music is back on. And then we're no longer
15 limiting to specific secondary science areas; it is
16 any secondary science, not just like physics or
17 chemistry. And then secondary social studies,
18 surprisingly, is on the list based on our data, and
19 I'll show you some of that.

20 Something that fell off is Library Media
21 Specialist. We -- it -- in our data, the way that we
22 did our formula this year, it was not at the top of
23 the list and it's also not in the report.

24 MS. SARACINI: And if you remember, we've had
25 lots of waivers for the Library Media, so that also

1 skewed our numbers and contributed for it going off
2 our list.

3 MS. CROWSON: Uh-huh. And this is actual data.
4 So this presentation will be available on our
5 website. This is -- you can see it shows us our
6 total number of positions -- and again this isn't our
7 total number of unique teachers; these are actually
8 positions within the state. And then it shows you
9 the percent -- the numbers actually that are not
10 employed under the appropriate licensure code, the
11 numbers that retired, percentages, and then what we
12 base everything on just called the hard demand, which
13 would be those that are not licensed plus those that
14 retired.

15 And so I know you can't see super clear up there
16 but again, we can provide this later. The
17 highlighted areas are the ones that are included on
18 the list. We focused on core academic subject areas
19 this year, so you can see we do have subject areas in
20 other areas on list, but for this specific list we
21 chose four academic subject where you have to be an
22 Arkansas qualified teacher. And then you see the
23 peach colored is -- are the areas that we added in
24 addition to that federal list, and it's promising
25 that we see that our SPED and our secondary math is

1 not at the very top of that list.

2 MS. SARACINI: It shows we're moving that way
3 and we were very lucky for our leadership to provide
4 all those academies for the special ed. this year and
5 we're doing so next year. So hopefully sometime in
6 the future we will see this totally go off, but it's
7 a national concern. And we're excited this year
8 about these numbers because we worked with Denies
9 Airola's group and really had a formula and business
10 rules so that when we did this we could say this is
11 truly our shortage areas and working toward it.

12 So if you have any questions --

13 MR. SUTTON: Can I ask a question? Going back
14 to teacher loan forgiveness, I assume that's federal
15 loans. And is -- that figure \$17,500, has that been
16 fairly stagnant or do they readjust that
17 periodically?

18 MS. CROWSON: So that's the federal teacher loan
19 forgiveness program. \$17,500 is if you're teaching
20 in a secondary STEM area or SPED area.

21 MR. SUTTON: Right.

22 MS. CROWSON: And I'm not sure; as long as I've
23 been here that's been the amount.

24 MS. SARACINI: When I was here before, back in
25 2013, it was that number as well. So it's probably

1 been stagnant probably for 20-plus years. I mean
2 it's a long time, but we'll look into it.

3 MR. SUTTON: It sure needs to be adjusted. It
4 needs to be doubled.

5 MS. SARACINI: That would be nice.

6 MS. CROWSON: And coupled with our programs --

7 MR. SARACINI: Karli, you take care of it.

8 MS. CROWSON: Oh -- we've got, you know, the
9 State Teacher Education Program that provides up to
10 \$4,000 for three years for anyone teaching on our
11 list. So that's a little bit of help too for those
12 STEM areas, they can also have -- receive that.

13 CHAIRMAN NEWTON: And --

14 MS. SARACINI: We're --

15 CHAIRMAN NEWTON: Go ahead.

16 MS. SARACINI: We're trying to do better about
17 looking and see where the money is going, and I think
18 Sharlee has done a fabulous job to be able to show
19 you who's taking advantage of it. But, again, it's
20 just that messaging piece that more need to take
21 advantage of it.

22 CHAIRMAN NEWTON: Any other questions?

23 MS. SARACINI: Okay. Thank you.

24 MS. CROWSON: Thank you.

25 CHAIRMAN NEWTON: All right. I think we need to

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approve the report, so I need a motion to approve the core academic subject area teacher shortage list.

DR. MOORE: I move to approve.

CHAIRMAN NEWTON: Okay. A motion by Dr. Moore.

MS. WOODS: I'll second.

CHAIRMAN NEWTON: Seconded by Ms. Woods.

All in favor?

(UNANIMOUS CHORUS OF AYES)

CHAIRMAN NEWTON: Any opposed?

All right. Motion passes.

(The Action Agenda was concluded at 11:44 a.m.)

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 February 10, 2022, 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: February 17, 2022.

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

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