

In The Matter Of:

*ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION*

May 13, 2021

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Original File BOE - 5-13-21.prn

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ARKANSAS DIVISION OF
ELEMENTARY AND SECONDARY EDUCATION
STATE BOARD OF EDUCATION
MAY 13, 2021
10:00 A.M.

A P P E A R A N C E S

BOARD MEMBERS:

MS. OUIDA NEWTON, Acting Chair
DR. FITZGERALD HILL
MS. KATHY McFETRIDGE
DR. SARAH MOORE
MS. ADRIENNE WOODS
MR. STEVE SUTTON
DR. BETH ANNE RANKIN

NON-VOTING PARTICIPANTS:

MR. JOHNNY KEY, Secretary of Education
MR. JOEL LOOKADOO, 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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A-2: LICENSURE WAIVER REQUEST - KATHERINE HOYT

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List of Non-Applicant Districts

1 P R O C E E D I N G S

2 A-2: STATE BOARD HEARING - REQUEST FOR WAIVER LA-21-001;

3 KATHERINE HOYT

4 CHAIRMAN NEWTON: We'll move on to our action
5 agenda now. The first item that we'll take under the
6 action agenda is the request for a waiver, Katherine
7 Hoyt. And Ms. Freno is going to come first and give
8 us procedures and then Ms. Link will take care of --

9 MS. FRENO: Thank you, Ms. Newton.

10 Lori Freno, Arkansas Department of Education.
11 I'd like to present the procedures for this hearing
12 today, if I may.

13 Each party will have the opportunity to present
14 an opening statement of no longer than five (5)
15 minutes, beginning with the representative of the
16 Division. The Chairperson of the State Board may,
17 only for good cause shown and upon the request of
18 either party, allow either party additional time to
19 present opening statements. Each party will be
20 provided fifteen (15) minutes to present their cases,
21 beginning with the representative for the Division.
22 The Chairperson of the State Board may, only for good
23 cause shown and upon request of the party, allow
24 additional time for the presentation of that case.

25 Every witness giving oral testimony must be

1 sworn in under oath by the Chair of the State Board
2 and subject to direct examination, cross examination,
3 and questioning by the Board. Attorneys do not need
4 to be sworn in.

5 The Division of Education shall have the burden
6 of proving by a preponderance of the evidence that
7 the cause for the proposed license action exists.
8 After both parties have presented their case the
9 State Board may allow each party to present limited
10 rebuttal. Each party will begin with five (5)
11 minutes to present a closing argument, ending with
12 the Division.

13 And today we have the educator Ms. Katherine
14 Hoyt before you, as well as her attorney Ms. Jeff --
15 Mr. Jeff Rosenzweig.

16 If there are no questions, I will leave the
17 floor and turn it over to Ms. Jennifer Link.

18 CHAIRMAN NEWTON: Do I need to swear Ms. Hoyt
19 in?

20 MS. FRENO: That would probably be a good idea
21 at this juncture.

22 CHAIRMAN NEWTON: Okay. Ms. Hoyt, would you
23 stand, please, and raise your right hand?

24 MR. ROSENZWEIG: I'm sorry; I can't hear.

25 MS. FRENO: Oh, swear her in.

1 CHAIRMAN NEWTON: Do you swear or affirm that
2 the testimony you're about to give shall be the
3 truth, the whole truth, and nothing but the truth?

4 MS. HOYT: I do.

5 CHAIRMAN NEWTON: Thank you.

6 Ms. Link.

7 MS. LINK: Good morning.

8 CHAIRMAN NEWTON: Morning.

9 MS. LINK: Arkansas law states the State Board
10 shall not issue a first-time license nor renew an
11 existing license and shall revoke any existing
12 license not up for renewal of any person who has a
13 true report in the Child Maltreatment Central
14 Registry.

15 We're here today because Educator Hoyt has a
16 true report in the Child Maltreatment Central
17 Registry and we're requesting revocation.

18 MR. ROSENZWEIG: I'm Jeff Rosenzweig, a lawyer
19 here in Little Rock, and I represent Ms. Hoyt in this
20 matter.

21 We are here asking at this point for a waiver,
22 either permanently or temporarily, until the Child
23 Maltreatment Registry report can be adjudicated in
24 the Circuit Court of Pulaski County where it is
25 currently on appeal.

1 The situation is this: Ms. Hoyt is innocent of
2 the charges against her, and there's -- you should
3 have -- I sent you her testimony in the Child
4 Maltreatment hearing; it should be in your packet.
5 She was charged in Perry County District Court and
6 was acquitted of the charge. Arkansas law provides
7 as a defense to a charge that you are appropriately
8 dis- -- channeling the child, disciplining the child,
9 and she invoked that defense. And Judge Andy Gill,
10 who was then District Judge, is now Circuit Judge,
11 acquitted her -- actually, dismissed it -- in other
12 words, found that the State had not met its burden of
13 proof and dismissed the case. DHS, however, wanted
14 to continue pursuing the charge and they had a
15 hearing, in which she was represented by James
16 Dunham, who is now a circuit judge and obviously
17 can't continue to represent her, and Ms. Hoyt then
18 retained me.

19 The -- there is a specific provision of Arkansas
20 law that a defense in a child maltreatment -- a
21 defense in a criminal case is also a defense in a
22 child maltreatment case -- in other words, so that
23 people aren't put on the Child Maltreatment Registry
24 for actions which are in fact found to be legal. The
25 statute also incorporates the relevant burdens of

1 proof. Well, the justification under Arkansas law is
2 a defense; it is not an affirmative defense. In an
3 affirmative defense someone has to actually prove --
4 like prove you were insane or something like that.
5 But in a defense you only have the burden of
6 asserting it, and once asserted then the State has --
7 the prosecution has the burden of disproving that.

8 They had a hearing and the judges upheld the
9 Administrative Law Judge's original order. And these
10 aren't real judges, by the way. This is in-house DHS
11 employees who technically work for the Chief Counsel;
12 in other words, they work for the prosecutor -- which
13 is another thing I could go on for hours about. But
14 the -- but -- and the original order went on and on
15 and never mentioned the defense, which was clearly
16 raised and explicitly raised. So I filed a motion
17 for reconsideration, pointing out that they didn't
18 even deal with the real issue here of the defense.
19 And so they did. A judge did an amended order which
20 dealt with the defense but completely misstated the
21 defense, specifically did -- an improper allocation
22 of the burden of proof. So I did a second motion for
23 reconsideration, and in fact -- and essentially the
24 answer was "take it up with a circuit judge."

25 That's where we are right now, we're in circuit

1 court. Of course, the Pulaski County Courthouse has
2 never opened since the pandemic, and hopefully
3 they'll open sometime this millennium and we can get
4 this matter heard.

5 Now on the substantive issue of this case, this
6 child was having -- and the record I think is pretty
7 clear this -- the child was having a tantrum, and Ms.
8 Hoyt -- and was actually throwing furniture, throwing
9 a chair, throwing that type of thing possibly at
10 other kids. And Ms. Hoyt grabbed the child by the
11 arms, not that hard, and directed him. She's not
12 accused of hitting him, not accused of grabbing him
13 in an inappropriate place, not accused of -- but the
14 child had some marks on him. Now where did the marks
15 come from? Well, at the time the story was, by the
16 mother and the child, that he had been out in the
17 woods playing and gotten bitten and was itching and
18 scratching and that's where supposedly the marks came
19 from. And, of course --

20 [TIMER BELL RINGS]

21 MR. ROSENZWEIG: -- the mother apparently
22 decided to change that.

23 Now it's -- Ms. Hoyt will tell you when she
24 testifies that she doesn't think she grabbed the
25 child hard enough or --

1 CHAIRMAN NEWTON: Mr. -- can we -- that's your
2 five (5) minutes for your opening.

3 MR. ROSENZWEIG: Yes, ma'am.

4 CHAIRMAN NEWTON: Can we move on --

5 MR. ROSENZWEIG: Most certainly.

6 CHAIRMAN NEWTON: -- and then we'll give you --
7 you'll have more time in just a few minutes.

8 MR. ROSENZWEIG: That's -- thank you.

9 CHAIRMAN NEWTON: Okay. Thank you.

10 Ms. Link.

11 MS. LINK: All right. We passed out some
12 exhibits to you all, so I'm going to reference the
13 DESE exhibit list and -- just briefly.

14 So Ms. Hoyt is a licensed educator and you can
15 see on Exhibit Two (2), it has her license. Her
16 license is valid until December 31, 2022.

17 The Division received information that Ms. Hoyt
18 was on the Registry for abuse, and then the notice
19 was sent to Ms. Hoyt on March 19, 2021. A copy of
20 the notice is found at Exhibit Five (5). Ms. Hoyt
21 subsequently requested a waiver.

22 As I stated earlier, Arkansas Code Annotated
23 Section 6-17-410(c) states that the State Board shall
24 revoke any existing license up for renewal for any --
25 of any person who has a true report in the Child

1 Maltreatment Central Registry. And I believe it is
2 Exhibit Four (4), the DHS true finding. That also
3 has a brief summary of the information DHS had about
4 the incident. Y'all can read that.

5 MR. SUTTON: Excuse me. Are these exhibits
6 numbered?

7 MS. LINK: Yes. Yes, they are. I'm referring
8 to the Division's exhibits. It looks like this --

9 MR. SUTTON: Okay.

10 MS. LINK: -- and the numbers are at the bottom
11 of the page. You should have three packets from us.
12 The first one on top is the Division's exhibits.

13 MS. WOODS: Mr. Sutton --

14 MR. SUTTON: Yes?

15 MS. WOODS: -- it's in the corner, down at the
16 bottom.

17 MS. LINK: The one you had in your hand just --
18 the one you just put down.

19 MR. SUTTON: Oh, okay.

20 MS. LINK: Yes, sir.

21 MR. SUTTON: Thank you.

22 MS. LINK: Yes, sir.

23 And Exhibit Four (4) is the DHS true finding,
24 which is what the Department received which alerted
25 us that she was on the Registry. And so as stated

1 earlier, the Division just has to prove by a
2 preponderance of the evidence that the educator has a
3 true finding on the Central Registry -- and having
4 done that, the Division is recommending revocation.

5 Now if the circuit court overturns the appeal
6 she can be automatically reinstated and she won't
7 have to come before State Board. For that to happen
8 her attorney can just send us the documentation and
9 we can reinstate her license. But at this point with
10 her being on the Central Registry for abuse we're
11 recommending revocation. Thank you.

12 CHAIRMAN NEWTON: Mr. Rosenzweig.

13 MR. ROSENZWEIG: Madam Chairman, can I continue

14 --

15 CHAIRMAN NEWTON: Yes.

16 MR. ROSENZWEIG: -- my remarks at this point or

17 --

18 CHAIRMAN NEWTON: Yes.

19 MR. ROSENZWEIG: -- and then I'll -- okay, thank
20 you.

21 The -- there's no question, of course, that she
22 is on the Register. I think there's a matter -- I
23 won't take a lot of time on the matter of statutory
24 interpretation, the way the statute 6-17-410 reads.
25 Whether it's on the Registry for anything or on the

1 Registry for one of the offenses that are listed, I'm
2 not sure that's ever been resolved. For the record I
3 want to state that I will take the position that it
4 has to be for one of the listed events, which she --
5 which is not explicitly listed. Apparently the
6 Department has settled upon Endangering the Welfare
7 of a Minor, but that's not what the allegations at
8 DHS were. But let's assume that it's on the Registry
9 for anything; as I said, that's on appeal right now.
10 We are seeking -- we are seeking a waiver, either
11 permanent or temporary, until we can get this matter
12 resolved.

13 You should have in your packet letters of
14 endorsement, character letters from several of her
15 colleagues at the school.

16 I will emphasize again that she is not accused
17 of hitting the child, grabbing the child in any
18 inappropriate place, but merely directing the child.
19 And I've belabored, I think, enough the point on the
20 -- why the Administrative Law Judge's decision was in
21 error.

22 At this point I would like to call my client to
23 testify and answer any questions that either I, that
24 Ms. Link, or the board members may have.

25 And do you want her to stand at the lectern or

1 --

2 CHAIRMAN NEWTON: Yes, and she'll need to come
3 to the microphone.

4 MR. ROSENZWEIG: Okay.

5 KATHERINE HOYT, Witness

6 DIRECT EXAMINATION

7 BY MR. ROSENZWEIG:

8 Q Tell us your name please.

9 A I'm Katherine Hoyt.

10 Q And what -- and where are you employed now?

11 A At Hector School District, in Pope County.

12 Q And what do you teach?

13 A First grade.

14 Q And how long have you been a teacher?

15 A Ten years.

16 Q Okay. Now how old are you?

17 A I am 33.

18 Q Okay. Now, Ms. Hoyt, this incident that occurred in Perry
19 County, what were you doing in Perry County? Why were you
20 working at this particular place?

21 A Previously I've worked at a private Christian school, and
22 I just got hired by Hector and I needed a summer job to help us
23 keep the bills afloat for me and my husband. This preschool
24 center hired me to train her current employees at the time
25 because they were either right out of -- right out of high

1 school or they had no child experience in the workforce. So
2 they were basically just -- the parents were dropping off the
3 kids and then they were playing all day, and they would pick
4 them up at the end of the day. So she wanted me to come in and
5 to help the teachers like put a -- like a schedule for the day,
6 and which we did, and then we started implementing that
7 schedule within the next week.

8 Q Okay. All right. Now with regard to the little boy in
9 question here, and I won't mention his name because it's a
10 public hearing -- but what were the circumstances involving the
11 little boy, to the best of your knowledge?

12 A So I went to work that day and right after breakfast we
13 scheduled that we would have like an educational circle time.
14 So we started the circle time and the little boy -- all the
15 other kids were really ecstatic about having a structured day;
16 they fit in really well. But this little boy kind of -- he had
17 a hard time transitioning to the new routine. So on this
18 particular day I was -- we were having our educational circle
19 time after breakfast and he chose to go play in the center.
20 And in the video you'll see me, I point back and forth three
21 times. In preschool you have to give them choices, so I was
22 telling him "can you come to the carpet to learn or you can sit
23 at the chair -- or the table." In the video I do that three
24 times. So the last time I said his name and then I said, "If
25 you are not making a good choice, I'm going to ask that you sit

1 at the table to learn." So he did make a choice, so I went and
2 I -- I'm pretty sure he walked over there with me without
3 hesitation, and then when he sat in a chair he got up and he
4 threw it at me. I walked to the chair and I put the chair back
5 up and I --

6 Q Go on.

7 A Do you --

8 Q Yeah. Yes, okay. Pretend I'm the little boy. I'm not
9 going to throw a chair, but --

10 A So I --

11 Q But do to me what you -- what you -- okay --

12 A I went and got the chair and I set it down. I had braces
13 at the time, and the week prior when we were practicing he
14 slapped me.

15 Q Braces on your teeth, I guess?

16 A Yes. And he cut my lip. So I picked him up like this and
17 I put him in the chair. He stood up and threw the chair at the
18 children, so I went and got the chair and I came back. He did
19 it again; he picked up and threw it, the chair, at the children
20 again. So at that point my focus went immediately to the
21 safety of the other children. And so I went back to my teacher
22 chair and I was dismissing them to their centers. Also, this
23 daycare center was also wanting to start the ECERS Program so
24 they could earn stars for their childcare, so I was helping the
25 teachers do that from my other -- that I've learned at previous

1 preschool jobs. And so I was dismissing the children to their
2 population-controlled centers and -- so I could talk to him,
3 because I wanted to talk to him about his behavior and what he
4 could do better next time. And so he kind of walked by my
5 teacher chair -- and this is the child that thinks it's a game,
6 so he was walking by because he wanted me to chase him. So he
7 walked by me this way and I reached for him to put him in my
8 lap so I could talk to him. And the assistant director, I
9 guess would be her title, came in and told me to -- he was
10 flopping in my lap at this point. So she came in and she heard
11 the ruckus and she said, "Let him go," and I did, and he just
12 threw a tantrum on the floor.

13 Q Okay. Now did you -- what did you understand about the
14 condition of his arms then and now in terms of bug bites, in
15 terms of what --

16 A Okay.

17 Q What were you told and what was -- how was he acting?

18 A So at that time I didn't -- I -- in my previous places of
19 employment for preschool they have health checks in the morning
20 where you -- when the mom drops them off you're supposed to
21 check their backpack for any like guns or whatever that the kid
22 could've put in the backpack. And then you're also supposed to
23 check over their body, make sure there's no bites, marks, or
24 whatever. At this particular center they didn't do that. So
25 at naptime -- the teacher I was supposed to be training was

1 very late that day and she came in around naptime. And she saw
2 him at naptime itching, and so she went over there and she
3 looked at his shoulder, where she found the marks. So I left
4 --

5 Q Now was this before or after the incident?

6 A This was after lunch, so it would've been after --

7 Q Okay. He was itching -- he was scratching and --

8 A He was itching --

9 Q -- scratching?

10 A -- and that's why she went over to check and see what was
11 the matter. So I left at 4:00 every day. I never even met the
12 mother. But the -- so of course they wrote up a child -- a
13 report. And so they presented that to Mom at pickup and the
14 mom was like, "Oh, it's no big deal. It was just bug bites.
15 They were playing hide-and-seek in the woods last night." She
16 said she must have not seen it when she was getting him
17 dressed. And then the next thing I know I have a criminal
18 charge against me.

19 Q Okay. And you were acquitted in court. Is that correct?

20 A Uh-huh.

21 Q And then you went to the DHS hearing and -- that we've
22 talked about, and that's on appeal right now?

23 A Yes, sir.

24 Q Okay. Now are you asking the Board to give you a waiver,
25 either permanently or temporarily while the matter is resolved

1 in the circuit court?

2 A Uh-huh. I really do love my students and I love teaching,
3 and I would be devastated to have that taken away.

4 CHAIRMAN NEWTON: Okay. Anything else?

5 MR. ROSENZWEIG: No.

6 CHAIRMAN NEWTON: Okay.

7 MR. ROSENZWEIG: I yield to Ms. Link or the
8 Board.

9 CHAIRMAN NEWTON: Okay. Ms. Link, do you have
10 anything else?

11 MS. DOUGLAS: Do you have any questions for her?

12 CROSS EXAMINATION

13 BY MS. LINK:

14 Q Are you currently working now?

15 A (Nodding head up and down.)

16 MR. ROSENZWEIG: You have to answer aloud.

17 MS. HOYT: Yes, ma'am.

18 MS. LINK: (continuing)

19 Q And, Educator Hoyt, are you currently working now?

20 A At this point --

21 MR. ROSENZWEIG: Keep your mask off while you're
22 talking.

23 MS. HOYT: Yes, ma'am, at Hector School
24 District.

25 CHAIRMAN NEWTON: Okay. All right. Okay.

1 Okay. We'll see if the Board has any questions now.

2 Thank you.

3 Dr. Hill?

4 DR. HILL: No, not right now.

5 CHAIRMAN NEWTON: Okay. Mr. Sutton?

6 MR. SUTTON: No, ma'am.

7 CHAIRMAN NEWTON: Okay.

8 MS. McFETRIDGE: No.

9 DR. RANKIN: No.

10 CHAIRMAN NEWTON: Ms. Woods?

11 MS. WOODS: I just have one.

12 Ms. Link, are we requesting -- are you -- is the
13 Board -- is the State wanting to revoke simply
14 because of Section 4-10(c), which basically doesn't
15 give us any option?

16 MS. LINK: Correct.

17 MS. WOODS: There's nothing -- there's nothing
18 beyond that though that --

19 MS. LINK: What do -- what do you mean by that?

20 MS. WOODS: There's no other circumstances that
21 you would like us to be aware of?

22 MS. LINK: No, not for a DHS true finding. We
23 don't investigate anything from DHS because that's
24 out of our purview to speculate what should have
25 happened at their hearing. So we just go on what

1 they give us, if they have a true finding. And if
2 she is successful at her circuit court appeal she can
3 be automatically reinstated; she won't have to come
4 before the Board again or any of that. She just --
5 her attorney can send us the documentation and she is
6 automatically reinstated and eligible for employment.

7 CHAIRMAN NEWTON: Mr. Lookadoo?

8 MR. LOOKADOO: No questions.

9 DR. MOORE: Okay. So I'm just talking through
10 what I just realized. So this is not a PLSB because
11 it has nothing to do with the ethics, because --

12 MS. LINK: Correct.

13 DR. MOORE: Was it in a public school?

14 MS. LINK: This -- she is -- we're only before
15 you today for her DHS true finding. So --

16 DR. MOORE: Okay.

17 MS. LINK: So we don't have any of the details
18 about what happened. We can't call any witnesses to
19 rebut.

20 DR. MOORE: Okay. So y'all didn't investigate
21 it?

22 MS. LINK: We don't investigate because it's
23 DHS.

24 DR. MOORE: Got it.

25 MS. LINK: Right. So we are only here because

1 when they -- so every five years educators have
2 background checks.

3 DR. MOORE: Yes.

4 MS. LINK: And so on her background check in
5 five years -- and I think would've been this year
6 sometime, 2021, she would've -- we would've found out
7 that she had a true finding for -- and so that
8 would've triggered this action. We don't investigate
9 any of the true findings because that's DHS's area.
10 We don't, you know, interview the student or any of
11 that. We just know that their name is on the
12 Registry and then bring the action before the State
13 Board.

14 DR. MOORE: Okay. So if we were to vote to I
15 guess terminate the license that would be effective
16 today?

17 MS. LINK: Yes.

18 DR. MOORE: She couldn't finish out the school
19 year. Is that correct?

20 MS. LINK: Correct.

21 DR. MOORE: Okay. If we were to waive, when is
22 that DHS hearing? When would that be?

23 MS. LINK: If you gave her a waiver today, it
24 wouldn't matter the outcome of the DHS hearing. She
25 would just have a waiver and be allowed to teach,

1 period, whether she -- it wouldn't matter, the
2 outcome.

3 DR. MOORE: Okay. Okay. So we are -- are we
4 allowed to issue a waiver?

5 MS. LINK: You are allowed to issue a waiver,
6 but it would stand whether her -- whether her name
7 was removed from the Registry or not.

8 DR. MOORE: Okay. Okay.

9 MS. WOODS: Can we put a time limit on it, just
10 like through the end of the school year?

11 MS. LINK: The waivers -- not for a waiver. If
12 you want to -- you can suspend her license for a
13 period of time or put it on probation. A suspension
14 would be the only thing that would allow her not to
15 -- with probation she could still be in the classroom
16 with that, but not with a waiver.

17 CHAIRMAN NEWTON: Could we give a waiver with a
18 probation and the probation was dependent on the
19 outcome of the -- because the hearing, I'm hearing,
20 is -- the court is not even open right now, so we
21 don't even have a potential date for a hearing?

22 MS. LINK: Correct. And that's not how -- if
23 she has -- once she has a waiver from State Board,
24 that waiver stands for all time. So it wouldn't
25 matter the out -- it wouldn't matter if the court --

1 CHAIRMAN NEWTON: Even if she was put on
2 probation?

3 MS. LINK: If you put her on probation, you're
4 not giving her a waiver. If you're putting her on
5 probation, her name -- she's still able to work with
6 her name on this Registry.

7 CHAIRMAN NEWTON: And could the probation be
8 dependent on the outcome or --

9 MS. LINK: I don't -- so we already have
10 something that kind of does that, which is if we
11 revoke and then the outcome is in her favor she's
12 automatically reinstated.

13 CHAIRMAN NEWTON: Okay.

14 MS. LINK: So we don't really need the waiver to
15 be dependent on the outcome because the current
16 license is dependent on the outcome.

17 CHAIRMAN NEWTON: Okay.

18 MR. ROSENZWEIG: If I --

19 CHAIRMAN NEWTON: Step to the microphone,
20 please.

21 MR. ROSENZWEIG: Oh, I'm sorry. If I could
22 respond to that -- I am not an expert on education
23 law, but I'm not seeing a prohibition on a temporary
24 waiver until this matter is resolved, and you can put
25 a time limit on it. We would get back in court and

1 get the circuit court to rule on this issue. I don't
2 know what -- you know, who knows what we're talking
3 about; you know, six months, I would just throw that
4 out as a -- I don't -- as I say, I don't see any
5 prohibition on a temporary waiver or some equivalent
6 result until the Board can make a full decision. Or
7 just delay action or to revoke and put it on the
8 docket for sometime this Fall and hopefully we'll
9 have a -- you know, we'll have a decision by then.
10 Ms. Freno or Ms. Link may have -- may be more
11 conversant in those possibilities than I am. But if
12 the Board is unwilling to give a full waiver at this
13 time, I'm putting that out as a possibility to keep
14 her in the classroom. You have the letters of
15 endorsement from her principal and her colleagues
16 with regard to that, and so it's not -- it's not like
17 anyone is clamoring -- anyone responsible is making a
18 clamor for her dismissal. Ms. Link -- while I
19 appreciate her courtesies over putting this together,
20 Ms. Link is merely saying she's on the Registry, ergo
21 she has to be here to do that but is not asserting
22 anything beyond that. So that would be my -- that
23 would be my request.

24 MS. WOODS: I do have a follow-up question.

25 CHAIRMAN NEWTON: Okay.

1 DR. HILL: I have a question. Did your client
2 ever talk to the parent of the child?

3 MS. HOYT: I never --

4 CHAIRMAN NEWTON: Come to the microphone,
5 please.

6 MR. ROSENZWEIG: You have to come to the
7 microphone and take your mask off.

8 MS. HOYT: I never met her. I would get to work
9 after the little boy was dropped off and then I would
10 leave before she picked him up, so I never met her.

11 DR. HILL: So you never had any contact with her
12 at all?

13 MS. HOYT: No, sir.

14 DR. HILL: Okay.

15 CHAIRMAN NEWTON: Okay. Ms. Woods.

16 MS. WOODS: So this matter happened in 2019;
17 correct?

18 MS. HOYT: Yes. It will be two years this June.

19 MS. WOODS: Okay. Were you put on the Registry
20 in 2019, but we didn't become aware of it until 2021?
21 Is that the timeline?

22 MR. ROSENZWEIG: Yeah. She was -- if I could
23 answer that --

24 MS. WOODS: Yes.

25 MR. ROSENZWEIG: They had a Registry hearing and

1 now-Judge Dunham got the result on -- I think it was
2 December 29th or 30th, whatever that day was, and he
3 was taking office January 1st. But he called me and
4 said --

5 MS. WOODS: Of 2020?

6 MR. ROSENZWEIG: Of 2020.

7 MS. WOODS: Got it, okay.

8 MR. ROSENZWEIG: -- take this -- take this over.
9 We filed -- immediately filed a Motion for
10 Reconsideration. Because we didn't have a ruling at
11 the time and it was unclear whether the motion was
12 going to stay anything, we filed the appeal in the
13 circuit court, then continued with the motion. But
14 then DHS took its sweet time in getting the record up
15 there, and of course we don't have an open courthouse
16 and Judges' dockets are, you know --

17 MS. WOODS: Full.

18 MR. ROSENZWEIG: -- messed up.

19 MS. WOODS: And so her criminal charge has been
20 --

21 MR. ROSENZWEIG: Oh, she was acquitted.

22 MS. WOODS: She was acquitted. Okay.

23 MR. ROSENZWEIG: She was -- they originally
24 brought a criminal charge. They had a trial in front
25 of the District Judge in Perry County -- now a

1 Circuit Judge, Judge Gill, Andrew Gill -- and he
2 acquitted her. You have that in there. So she was
3 exonerated based upon the same defense which is --
4 which DHS is statutorily required to observe but
5 which they just said -- they decided they were going
6 to ignore, to take it up with the real court.

7 MS. LINK: And to answer your question, I
8 believe she was officially on the Registry in 2021.

9 MS. WOODS: Okay. I was just looking at the
10 timeline that you put together, and so when it said
11 there was a true finding on August 15, 2019 I was
12 trying to figure out --

13 MS. LINK: That was before the appeal.

14 MS. WOODS: Got it.

15 MR. ROSENZWEIG: Just to make sure the record --
16 everyone understands, the investigating officer and/
17 or his or her superior decides there's a true
18 finding. Okay. Now the law says you can't proceed
19 with a DHS hearing as long as a criminal charge is
20 pending. So it got stayed while the criminal charge
21 is pending, then she had the criminal trial which
22 acquitted in front of Judge Gill, which then allowed
23 the civil to -- the DHS to proceed. Most of the time
24 when there's an acquittal DHS says okay, we're fine,
25 you know -- you know, we're not proceeding with it

1 further when there's an acquittal. And -- but for
2 some -- for some reason that's unclear to me they
3 decided they wanted to pursue it. They presented the
4 defense, the Judge ignored the defense, and we were
5 off to the races.

6 CHAIRMAN NEWTON: Okay. Do we have any other
7 questions from the Board?

8 So let me make sure I understand. Our options
9 are to grant the waiver fully, to grant the waiver
10 and the teacher be on probation, or to revoke the
11 license, if I'm --

12 MS. LINK: So to be clear and clear it up, there
13 is no such thing as a temporary waiver or a partial
14 waiver. If she has a waiver, she'll be able to teach
15 regardless of the outcome of her appeal in circuit
16 court. You all can suspend her license for six
17 months or a certain amount of time, if you're trying
18 to give her time to get the circuit court appeal
19 handled.

20 CHAIRMAN NEWTON: Could she also be put on
21 probation instead of a suspension?

22 MS. LINK: She could.

23 CHAIRMAN NEWTON: Okay.

24 MS. WOODS: And does that probation come off
25 automatically based on that DHS finding or does she

1 need to come back?

2 MS. LINK: Sure. Sure. I mean she -- I mean
3 she would automatically be reinstated if we revoke
4 her license, so I don't see why her probation
5 couldn't automatically come off.

6 MR. ROSENZWEIG: And be -- and in other words be
7 expunged from her record if in fact it's set aside?

8 MS. FRENO: I just want to explain something
9 just to make sure everybody understands. And I know
10 Ms. Link has already laid most of this out, but if
11 there is a waiver granted the State Board has many
12 options. The options are they can suspend the
13 license for a terminable period of time or
14 indefinitely; they can place or grant the license on
15 -- they can put the individual on probationary
16 status; impose a monetary penalty; require
17 appropriate professional development; require the
18 licensee to complete a licensing examination; impose
19 conditions or restrictions on the teacher teaching or
20 educational activities of the licensee. There are
21 many, many options.

22 CHAIRMAN NEWTON: Okay.

23 MS. FRENO: So I just wanted to make sure that
24 everyone understood.

25 CHAIRMAN NEWTON: Okay.

1 MS. FRENO: And that is if a waiver is granted

2 --

3 CHAIRMAN NEWTON: Okay.

4 MS. FRENO: -- there are many options that the
5 Board has.

6 CHAIRMAN NEWTON: Okay. Secretary Key.

7 MR. ROSENZWEIG: And if I could -- if I could
8 ask Ms. Freno something?

9 CHAIRMAN NEWTON: Uh-huh.

10 MR. ROSENZWEIG: Is there a provision --

11 SECRETARY KEY: Microphone.

12 CHAIRMAN NEWTON: Come to the microphone,
13 please.

14 MR. ROSENZWEIG: Oh, I'm sorry.

15 Is there a provision for the Board just to take
16 the matter under advisement for six months, leaving
17 it as-is? Is that a possibility?

18 MS. FRENO: I don't think the law is clear on
19 that. I'm also looking over at my colleagues. But I
20 would think that would not be something -- because
21 the purpose I guess that you would want to do this
22 for is to put it under advisement to see what happens
23 in the circuit court?

24 MR. ROSENZWEIG: Yes.

25 MS. FRENO: So the circuit court might not rule

1 for another two years.

2 MR. ROSENZWEIG: Well, I can punch that along to
3 the extent -- to some extent. But -- well, for
4 instance, this hearing originally was going to be
5 later in the summer, but because I was supposed to be
6 in a trial, when that trial got canceled, we got on
7 the May docket. If I had asserted or continued to
8 assert, this hearing would've been delayed for
9 conflict reasons for some -- for a little while at
10 least. And so I'm wondering if we -- if since the --
11 I'm not sure the Board has any obligation to act
12 immediately.

13 MS. FRENO: Yeah. I think the issue is, as Ms.
14 Link points out, is the educator still working in the
15 classroom. So I think a decision needs to be made by
16 the State Board.

17 CHAIRMAN NEWTON: Okay. Secretary.

18 SECRETARY KEY: Well, that was similar to my --
19 what I was going to ask and was going to ask Mr.
20 Rosenzweig if this appeal or this proceeding that --
21 for your client -- is it scheduled at this point?

22 MR. ROSENZWEIG: No, it's not scheduled. We
23 only recently got -- once we filed the appeal DHS is
24 required to provide the record. They only recently
25 did that.

1 SECRETARY KEY: Okay.

2 MR. ROSENZWEIG: Now I gave you in the packet
3 her testimony from that hearing, which by the way is
4 not done by -- it was done by DHS in-house, and
5 certainly there was -- where there's some issue with
6 accuracy issues with some of that. But we are -- now
7 that the record is there we can ask the Judge for a
8 briefing schedule and a hearing. I am familiar with
9 that Judge's docket for other -- because of other
10 cases and it's -- as is everyone, all the Judges in
11 Pulaski County, it's a mess right now because of the
12 closure of the courthouse.

13 SECRETARY KEY: So then my next question then
14 was to Department legal team. I mean under the
15 procedure of the State Board, I mean the -- is there
16 anything that keeps them from tabling an action item
17 of any type for some period of time to a date-
18 certain, and it could be revisited? Because I think
19 what I hear the board members struggling with is
20 making a very -- a decision today with something that
21 is still up in the air regarding this educator's
22 case. And a simple tabling this until July, August
23 or some other time is it deferring -- it's deferring
24 action but not in a -- it's in a procedural manner,
25 not in an actual decision on the license itself?

1 MS. LINK: So, unfortunately, when you have a
2 true finding for DHS then you're ineligible for
3 employment; so that's -- so, currently, the fact that
4 she's working is a standards violation. So there has
5 to be a decision made as to her employability,
6 because currently she's not eligible for employment,
7 so --

8 SECRETARY KEY: That's helpful.

9 MR. ROSENZWEIG: Without a waiver.

10 SECRETARY KEY: Thank you, Ms. Link. Okay,
11 thank you.

12 MR. ROSENZWEIG: Without a waiver.

13 CHAIRMAN NEWTON: Okay.

14 MR. ROSENZWEIG: And --

15 CHAIRMAN NEWTON: Okay. All right.

16 Okay. So, Ms. Woods.

17 MS. WOODS: Sorry. Just to follow-up on that,
18 if we put her license on probation, that doesn't
19 change the fact that she still has a true finding.
20 Correct?

21 MS. LINK: Correct. It doesn't change the fact
22 to -- so which is why -- which is why we're
23 suggesting revocation in allowing the circuit court
24 to clean it up and then we can automatically
25 reinstate her, no harm, no foul. Like there's

1 nothing on her record she's automatically reinstated,
2 and that's -- which is why that's the cleanest option
3 for us, in our opinion.

4 MR. ROSENZWEIG: Well --

5 MS. WOODS: Yeah. But I mean there's -- there
6 is harm; right?

7 MR. ROSENZWEIG: Yes.

8 CHAIRMAN NEWTON: Yeah.

9 MS. WOODS: Because she's not going to get paid
10 for the next --

11 MS. LINK: And --

12 MS. WOODS: -- however long and --

13 MS. LINK: And to be clear, for the precedent
14 that's set for a DHS true finding we don't
15 investigate; we don't get into the weeds on what
16 happened at their hearings. We don't normally do
17 this much discussion, you know, for that.

18 MS. WOODS: I get it. Like we're stuck between
19 a rock and a hard place because the law is very clear
20 "shall move on," but life is gray, so --

21 MS. LINK: And she's already had an appeal at
22 DHS, so this is the second level. You know, the
23 circuit court is -- like once they come to you-all
24 and then they appeal your decision to circuit court,
25 like that's where she's at with DHS. So -- so, you

1 know, she's had her due-process along the way.

2 MR. ROSENZWEIG: You know, that's the problem:
3 she hasn't had her due-process.

4 MS. LINK: But we can't speculate --

5 MR. ROSENZWEIG: No, no, I know.

6 MS. LINK: -- as to the hearings with DHS.

7 MR. ROSENZWEIG: That's why I presented what I
8 presented in the packet, because the Judge -- I'm
9 sorry -- the Administrative Law Judge explicitly
10 ignored statutory commands about considering defenses
11 and how one is to consider it. And that's why. This
12 is not a real court; this is in-house DHS, decided by
13 an Administrative Law Judge who in the hierarchy
14 actually works for the prosecutor. As I said, I've
15 been fighting this back issue for 20 years and -- but
16 that's what circuit court is for, because you have an
17 independent person who is not an employee of DHS and
18 explicitly not an employee of the DHS prosecutor.
19 And so, that's the situation. That's why I presented
20 it. It had the trappings of due-process -- in other
21 words, you had a -- you know, a person sitting at a
22 table and people are allowed to talk, but it did not
23 have the reality of due-process, very clearly. And
24 that's why I put in the provisions of law in the --
25 that I did to show the Board that. Thank you.

1 MS. WOODS: So let me just make sure that I'm
2 clear. A true finding is found by DHS. It's
3 appealed -- there's a criminal charge; that goes up
4 --

5 MS. LINK: (Shaking head from side to side.)

6 MS. WOODS: No? I'm sorry.

7 MS. LINK: That might be true, but that's really
8 outside of our purview. We don't get into any of
9 that. So we can't even speak to what should have
10 happened, what did happen, what would have normally
11 happened, because that's DHS and that's a totally
12 separate agency. So, all that is before us is the
13 true finding. And I mean you have the exhibits that
14 he provided. But as far as -- we can't speak to what
15 did or didn't, could or should've happened with DHS.
16 That's kind of outside the scope of this.

17 MS. WOODS: No. What I'm trying to figure out
18 is the timeline.

19 MS. LINK: Uh-huh.

20 MS. WOODS: So you've got a true finding, goes
21 to court; the criminal charge is acquitted?

22 MS. LINK: Uh-huh.

23 MS. WOODS: So now we're back at DHS. And you
24 said that she's on her second appeal?

25 MS. LINK: She's already had all her appeals at

1 DHS. That's why they're at circuit court.

2 MS. WOODS: Got it. Okay. Thank you.

3 DR. MOORE: I find this to be hard because it is
4 totally dependent on location. You know, we -- two
5 months ago, we had a maybe, in my opinion, a more
6 egregious incident and that was done through PLSB.
7 And so I -- you know, that is out of our control as
8 to how we -- how the hearings come to us and what
9 they look like. But based on this specific case I'm
10 willing -- I'm going to make a motion to do the
11 waiver. I just wanted to tell my thinking before I
12 do that.

13 MS. LINK: And part of that is because when we
14 get an ethics complaint with PLSB we can do the
15 investigation; we can answer a lot of these questions
16 for you; we can put on witnesses to testify to all
17 that stuff. We can't relay anything he's saying.

18 DR. MOORE: Right. And this was not in a public
19 school to begin with, so you -- that's not even in
20 your purview to do that?

21 MS. LINK: Well, that's just not the focus of
22 this --

23 DR. MOORE: Yes.

24 MS. LINK: -- of this DHS true finding.

25 DR. MOORE: Yes.

1 MS. LINK: So we couldn't bring any of that in.

2 DR. MOORE: Okay.

3 MS. LINK: There's no further exhibits that he,
4 you know, provided.

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

7 MS. SUTTON: I would just like to say that, you
8 know, I'm certainly willing to grant the waiver or
9 take the Department's suggestion on the least amount
10 of damage to this teacher. Because it doesn't seem
11 to me to be -- I think she's been perhaps dealt a bad
12 hand in how this was handled, perhaps. I don't want
13 to talk about other departments in the State, but I
14 have a little past experience with DHS. And, you
15 know, they're certainly not here to tell their story.
16 She's been acquitted of any crime. But, again, I
17 want to go on -- I would be very interested in what
18 the State -- what the Department says is the least
19 amount of harm in this case. And she said -- this
20 young lady said, you know, revocation would be better
21 for your -- for the Department.

22 MS. LINK: (Nodding head up and down.)

23 MR. SUTTON: But that sounds pretty hard to me,
24 you know. And if the waiver accomplishes -- puts her
25 back to work, she ultimately will have the hearing

1 with DHS and perhaps all that will be expunged, that
2 -- to me, that sounds soft. That's where I'm
3 leaning.

4 CHAIRMAN NEWTON: Okay. Any other discussion?
5 Mr. Lookadoo.

6 MR. LOOKADOO: I'm struggling. This is what --
7 I agree with Mr. Sutton there. There was a comment
8 earlier about if the waiver was granted it would be
9 granted regardless of the outcome of the case. And I
10 get -- that's -- so if there is a waiver with
11 probation, with that probation then if the case is
12 found, is that not a disqualifying -- that's -- those
13 are there. Okay.

14 MS. LINK: So I think what's tricky is like when
15 we have PLSB cases they can have probation and get
16 off and go back to work. But this is not the same
17 situation. And so with the true finding, if she gets
18 a waiver which is triggered by her true finding, then
19 it's just not an issue anymore; it doesn't matter if
20 she wins at circuit or if she doesn't win at circuit.
21 She could be on probation and then the probation can
22 come off, but it's really to no effect, really.

23 CHAIRMAN NEWTON: I guess the probation could be
24 that she had no other incidents with other children,
25 if you wanted to put a probation on it then.

1 MS. WOODS: I think my heartburn on this is I
2 feel like the statute is very clear and it kind of
3 ties our hands as to what we're supposed to do.
4 Legally, we're supposed to revoke it. But for
5 somebody who's also legally been found innocent of
6 the crime, we're making a very permanent decision
7 based on an outlying fact that hasn't been decided
8 yet. And that's -- that's --

9 MS. LINK: And to your point, we have
10 disqualifying offenses that are criminally based but
11 she's not here for that.

12 MS. WOODS: Right.

13 MS. LINK: We're not here for any conviction.
14 And even --

15 MS. WOODS: It's an "or." I mean I read the
16 statute. It's maltreatment or --

17 MS. LINK: Yes.

18 MS. WOODS: -- the listed offenses.

19 MS. LINK: Yes.

20 MS. WOODS: I get it.

21 MS. LINK: And even in her -- he provided you-
22 all Defendant's Exhibit Thirteen (13), if you will
23 pull that out, and the page numbers are at the top.
24 And I think it's attached to his brief that he gave
25 us. This one. This one, Defendant's Exhibit

1 Thirteen (13).

2 MR. ROSENZWEIG: Okay.

3 MS. LINK: And so this is an Amended Final Order
4 from DHS. And if you go to page 121 -- the page
5 numbers are at the top -- question number six, so Did
6 the Department abuse its discretion in finding
7 Katherine Hoyt poses a risk of maltreatment to a
8 vulnerable population? And I'll just start at the
9 second paragraph, "In making this determination of
10 whether Katherine Hoyt poses a risk of maltreatment
11 to a vulnerable population, the Department considered
12 all of the factors set out by the legislature in
13 Arkansas Code Annotated Section 12-18-702. While the
14 Department did not determine that the abuse was
15 severe, it did not that the child was injured and as
16 such, was adversely impacted by the abuse. The
17 Department also found that Katherine Hoyt continues
18 to have access to children through her teaching
19 career; children are considered a vulnerable
20 population. The Department acknowledged that Ms.
21 Hoyt had no prior substantiated child maltreatment
22 findings against her, no subsequent reports of
23 maltreatment against her, and that she was not found
24 guilty of battering the child. Nevertheless, the
25 Department maintains that the given adverse impact to

1 the child and Ms. Hoyt's continued access to children
2 in the exercise of her profession, these two factors
3 outweigh the remaining considerations."

4 So as I stated, we don't get into the weeds as
5 far as what DHS -- why they decided what they decided
6 and what should've or could've happened. But this is
7 the Order from the ALJ and it clearly states that
8 she's not convicted of anything and it wasn't severe;
9 yet, to protect vulnerable populations, that's what
10 they decided.

11 And normally we don't even get into this much
12 because her name is on the Registry. And so it puts
13 the school in a position to have an educator in the
14 classroom who's legally allowed to work in the
15 classroom who has a true finding for abuse on the
16 Central Registry.

17 CHAIRMAN NEWTON: Could I ask Ms. Freno a
18 question on procedure, following up to Ms. Woods'
19 question?

20 Ms. Woods is saying the statute says "shall."
21 But because they're bringing this waiver request
22 before us, as a board do we still have the right to
23 grant the waiver even though it says "shall" in that
24 statute?

25 MS. FRENO: You have -- the Board has the right

1 to grant the waiver. Yes. And if the waiver is
2 granted, there can be all kinds of -- like I
3 mentioned before, all kinds of different requirements
4 you could put on the educator, such as suspension,
5 probation for a terminable amount of time. And then
6 if the educator does not follow through with the
7 terms of the probation, the license can be revoked.
8 Monetary penalties and so-on.

9 CHAIRMAN NEWTON: So we are -- granting the
10 waiver is one of the things that we can do today?

11 MS. FRENO: Granting the waiver is something
12 that you can do today.

13 CHAIRMAN NEWTON: Okay. All right. I just want
14 to make sure we were clear on that.

15 DR. MOORE: And I went back in my notes and we
16 did probation for a teacher who had a true finding
17 two months ago.

18 CHAIRMAN NEWTON: Okay.

19 DR. MOORE: So, but that was PLSB.

20 CHAIRMAN NEWTON: Right.

21 DR. MOORE: This is just different.

22 MS. WOODS: Which case was that?

23 DR. MOORE: It was a very public case in the
24 local school district. I don't -- so I mean I will
25 go ahead and make the motion to grant the waiver.

1 CHAIRMAN NEWTON: Okay. All right.

2 MS. LINK: Can I say something else before you
3 vote?

4 CHAIRMAN NEWTON: Yes.

5 MS. LINK: So the difference in that -- what you
6 just found, Dr. Moore, is that it was a PLSB case, so
7 we did our own investigation.

8 DR. MOORE: Right.

9 MS. LINK: This is something that happened --
10 another agency did. So I think it's a slippery slope
11 when we start questioning what other agencies
12 investigate and then what they find because we can't
13 really validate that or verify it at all, what other
14 agencies do. But that was based on our investigation
15 and our hearings that we had at the evidentiary
16 level. We haven't had the opportunity and would not
17 have the opportunity with the DHS true finding.

18 CHAIRMAN NEWTON: All right. All right.

19 So, Dr. Moore has made a motion to grant the
20 waiver. Do we have a second?

21 MR. SUTTON: Second.

22 CHAIRMAN NEWTON: Mr. Sutton has seconded.

23 I think we probably need to do a roll-call.

24 SECRETARY KEY: On the motion, Dr. Moore.

25 DR. MOORE: Yes.

1 SECRETARY KEY: Mr. Sutton.

2 MR. SUTTON: Yes.

3 SECRETARY KEY: Ms. McFetridge.

4 MS. McFETRIDGE: Yes.

5 SECRETARY KEY: I'm sorry, say that again.

6 MS. McFETRIDGE: Yes.

7 SECRETARY KEY: Sorry, I couldn't hear you.

8 Ms. Woods.

9 MS. WOODS: Yes, because I think it's the right
10 thing to do, but I don't -- yes.

11 SECRETARY KEY: Dr. Rankin.

12 DR. RANKIN: Yes.

13 SECRETARY KEY: Dr. Hill.

14 DR. HILL: Yes.

15 SECRETARY KEY: Madam Chair, that is six yeas.

16 CHAIRMAN NEWTON: Motion passes.

17 Congratulations, Ms. Hoyt. I feel just from
18 your testimony that your heart is for children. But
19 we hope that we will not see you back here again.

20 MR. ROSENZWEIG: Thank you.

21 CHAIRMAN NEWTON: Good luck.

22 MR. ROSENZWEIG: And when we have a resolution
23 of the -- when we have a resolution in circuit court
24 I'll report that to Ms. Link and Ms. Freno --

25 CHAIRMAN NEWTON: Okay.

1 MR. ROSENZWEIG: -- for whatever actions they
2 need to take. Thank you.

3 CHAIRMAN NEWTON: Thank you.

4 A-3: ACT 1240 DIGITAL LEARNING APPLICATIONS AND WAIVERS

5 CHAIRMAN NEWTON: All right. Our next item on
6 the action agenda is our Digital Learning
7 Applications and Waivers, which was a big topic this
8 time. Dr. Pride, Mr. Benton, Ms. Coffman and Ms.
9 Harp and Ms. Smith.

10 MS. SMITH: Yeah, I'm going to take a minute.
11 Stacy Smith, Deputy Commissioner.

12 First off, this group that you're about to hear
13 from has worked very, very hard. But I did want to
14 take a moment to separate this from digital approvals
15 that were done last year. So under Covid we had math
16 -- you know, did our digital -- our Ready for
17 Learning plans and granted waivers for digital
18 options throughout the state. Okay. And from that,
19 you know, a lot of us didn't know if we were even
20 going to have a full -- start school -- we'll start
21 school and close down within two or three weeks.
22 Right? And yet, we've made it all year. So it's
23 been a good year but we've had struggles with that.

24 So what they're coming for -- to you today is
25 really about this review of digital applications and

1 what's different this year than before. These are
2 programs within schools, right, and specific waivers
3 being asked for those programs. Last year it was
4 every school in the state; that is not the case with
5 this. All right. And before this process ever
6 started we were already having those conversations of
7 what are the things we're concerned about, teachers
8 doing double-duty, young grades, students -- I mean
9 all those conversations -- access, equity, all those
10 pieces. And so I feel like throughout the
11 application process a specific application was made
12 to try to answer some of those questions, and this is
13 where Dr. Pride and her team is kind of going to go
14 in with how that whole process rolled out and trying
15 to differentiate last year to what we're asking for
16 this group. Okay?

17 DR. PRIDE: Thank you, Stacy.

18 And good morning.

19 CHAIRMAN NEWTON: Good morning.

20 DR. PRIDE: I'm Kiffany Pride, Assistant
21 Commissioner of Learning Services.

22 And I am here today, as Stacy mentioned, with my
23 colleagues, the team of us who supported this work.
24 And we are here to present digital applications for
25 your approval and also to provide an overview of the

1 process for building supports for schools as they
2 design digital programs for their stakeholders.

3 And I think there's a presentation, Dan.

4 MR. DAN DAVIS: Is that Lee County?

5 MS. SMITH: No. No.

6 DR. PRIDE: So as he's looking for that, I'll
7 just reiterate that, you know, that the reopening of
8 schools, as Stacy mentioned, just brought about, you
9 know, a myriad of challenges. However, there were
10 some monumental tasks that were required for the
11 first time ever. And we know that, you know, these
12 digital programs, which were once considered novelty
13 for most schools, are now part of the landscape. And
14 so the support we provided the team was essential and
15 comprehensive. And I'm going to talk through the
16 Digital Guidebook that was provided and those
17 supports that were extended through the regions and
18 through our partners in the state.

19 Thank you.

20 So you should have that attachment also.

21 MR. DAN DAVIS: I need to share the Zoom.

22 DR. PRIDE: Okay.

23 As he's prepping that, the Digital Guidebook is
24 also attached to the first page. You should be able
25 to look there, if you want to pull that up.

1 MR. DAN DAVIS: You should be able to click the
2 clicker now.

3 DR. PRIDE: Thank you.

4 All right. So --

5 I think it isn't clicking.

6 MR. DAN DAVIS: Is it turned on?

7 DR. PRIDE: Hold on. It's on. Thank you.

8 All right. So as you know, districts could
9 apply for the Act 1240 waiver to implement a digital
10 learning program beginning in the 21-22 school year.
11 The waiver would be approved for up to five years.
12 And so I'm just going to give a little overview of
13 the Digital Guidebook and the supports provided for
14 districts.

15 Dan, I clicked --

16 MR. DAN DAVIS: I'll have to scroll it.

17 DR. PRIDE: You're going to have to scroll it?

18 MR. DAN DAVIS: Yes, ma'am.

19 DR. PRIDE: Okay.

20 MR. DAN DAVIS: Go ahead.

21 DR. PRIDE: All right. So the anchor portion
22 that we considered the anchor document in our Digital
23 Guidebook was around how do you build a digital
24 program. And we wanted to provide for -- our schools
25 a starting point, and there are three major

1 components:

2 And the first component, as you see there, is
3 about interaction and that's whether or not that the
4 teachers and students will interact asynchronously or
5 synchronously, or a combination of the both. And our
6 Arkansas Ready for Learning teams asked themselves
7 how will our teachers and students interact and they
8 were encouraged to really think about what were the
9 best ways to interact for their students;

10 So the second element or component is about
11 delivery. Our Arkansas Ready for Learning teams
12 asked themselves what type of instructional delivery
13 will we implement that's best for our students. They
14 were able to have more than one model to -- in their
15 design of digital programs to accommodate the needs
16 of different grade levels. So you can see variance
17 in the delivery within some applications;

18 And then the third essential component is
19 platforms. Arkansas Ready for Learning teams asked
20 themselves how will we -- how will content and
21 instruction be delivered, what systems will allow us
22 to best meet the needs of our students based on the
23 type of interaction and delivery that we have chosen.
24 So there were three essential pieces that we anchored
25 in our discussions and trainings and coaching and

1 that our regional teams anchored in their strategic
2 planning sessions.

3 And so the next slide will show the entire
4 graphic. I think it's on page 14 of the Digital
5 Guidebook actually, if you have that pulled up. Make
6 sure it's on page 14. I will double-check that as
7 Dan centers that. If you want to see a pretty good
8 page of it, it is at page 14.

9 So when building the digital program they
10 thought about these -- they thought through these
11 three pieces -- interaction, delivery, and platform
12 -- to insure successful delivery of a digital
13 program.

14 The Digital Guidebook was developed
15 comprehensively amongst our many different
16 stakeholders so that we could have great detail for
17 districts to consider as they make informed
18 decisions.

19 So the next slide.

20 And, again, I just reiterated that we had a
21 Digital Guidebook to facilitate the planning process
22 for officially integrating the digital learning
23 program to the operations and culture of the school.
24 It was utilized in multiple training opportunities
25 throughout our region. The State team provided

1 regional trainings to our co-op representatives
2 paired with someone from Team Digital -- and I'll
3 talk about that a little bit more later. They also
4 offered opportunities for strategic planning sessions
5 with our school districts. And so, as needed, we
6 checked in with our regional supports to support this
7 process.

8 Next slide, please.

9 As Arkansas Ready for Learning teams were in the
10 planning process, there were also some anchor non-
11 negotiables that they were thinking about to insure
12 that they had a comprehensive plan.

13 You see there we -- they thought about being
14 thoughtfully -- a thoughtfully planned -- be
15 thoughtfully planned and specific goals and expect
16 the outcomes clearly defined to deliver high-quality
17 content and instruction. And we know that's really
18 essential; we don't want it to be different content
19 and instruction necessarily than what our onsite
20 students would have, but there would be some
21 alignment;

22 Provide opportunity for participating students
23 and teachers to have devices and connectivity -- and
24 Don's group was really helpful with that and provided
25 lots of support there. And also just really thinking

1 about the support for teachers, students, and
2 parents. And again, as I mentioned, this is a new
3 thing, and so we want to make sure that those
4 thoughts were there for our students.

5 And clearly communicating expectations, what
6 policies and guidelines need to be in place so that
7 the digital program is a high -- or is successful.
8 And then allowing for regular feedback and
9 communication and interaction with stakeholders.

10 So to support districts with possibilities
11 around building digital programs, we provided example
12 videos and descriptions of how that might look. Of
13 course, they were not bound to that. They -- lots of
14 them were innovative. You'll see that in their
15 applications. But we wanted to provide those
16 resources that would help them get a good start and
17 engage with their Arkansas Ready for Learning teams.
18 And Team Digital, I give them credit for creating
19 these sort of short videos, sort of video-ettes,
20 about what the possibilities could be.

21 So as you know, the application process was
22 streamlined, the process for applicants. DESE
23 reviewed the applications and recommended -- and will
24 make recommendations to State Board, which is why
25 we're here today. Waivers were based on programming

1 and schools provided narratives around areas of need
2 for waivers as needed in the application. And LEAs
3 also could have more than one type of program to meet
4 the needs of their students and to reach digital
5 learning -- and to provide digital learning
6 opportunities.

7 When we think about support, we recognize that
8 schools were in different places regarding digital
9 learning and offering something for schools of course
10 was optional. It was not something they had to do;
11 it was optional for the district. As districts
12 reflected and made decisions around flexibilities for
13 students onsite and remotely it was essential to
14 consider the full scope of taking the digital program
15 to scale. So not just thinking about, you know,
16 providing just some opportunities; you had to think
17 about when you take the scale and integrate it into
18 your school improvement process what did that look
19 like. And so, again, the support was tremendous, it
20 was coordinated, and it was comprehensive.

21 So what we did -- again, I'll just reiterate
22 that DESE and Team Digital partnered with co-ops to
23 provide technical assistance. There were more than
24 one -- there were more than one opportunities --
25 there was more than one opportunity for districts to

1 engage and to design their digital learning programs.
2 They could have -- if they had questions, they could
3 reach out to their regional partners. They could
4 also reach out to us. But we did try to keep them
5 with their regional partners so that they could begin
6 to network and connect across their regions.

7 As you know, this began in January. It seems
8 like it began a year ago, but it was just January.
9 And we've worked hard and fast to support our schools
10 and we feel like -- we hope -- hopefully that they
11 felt supported and we felt like we did that. And I
12 would say all of our agency content areas were very
13 essential in helping and did the very best to support
14 this work.

15 So I think one -- did I miss the timeline? Oh,
16 no. Okay.

17 Again, I mentioned that you know there were
18 waivers. They were pre-approved with this
19 opportunity. Districts were also able to add
20 additional waivers, as needed. As you see there in
21 the pre-approved waivers, you have Attendance, Class
22 Size, Teaching Load, the Six-Hour Instructional Day,
23 Clock Hours, and then Recess. So those were the ones
24 in the packet.

25 So the review process is captured here for you.

1 Teams were able to submit electronically to LEA
2 Insights. Of course, we know Arijit and his team are
3 awesome with those kinds of technical things and were
4 able to construct that for us. Teams also -- we also
5 reviewed those, were able to give feedback, if
6 applicable, to the district and to co-ops. And so,
7 again, our regional partners were important in this
8 work. When all components of the digital learning
9 application met expectations, then that's where we're
10 at the point that we would recommend the application
11 to you, the State Board of Education, for expedited
12 approval.

13 And, again, we would notify the State Board if
14 there are any components that need further discussion
15 and our team is here today to present those pieces.

16 The review team, I cannot say enough about the
17 collaboration across our offices. It was a pleasure
18 to work with everybody. Everybody worked really hard
19 to review and to provide feedback and to be there
20 when needed for our school districts. And you see
21 them there. There are other people who are not
22 listed there within our offices that have done great
23 work. They spent lots of hours and time reviewing
24 applications and providing feedback. And so I'm just
25 grateful to be a part of this process.

1 And so, again, we have for your consideration
2 today Act 1240 Digital Learning Applications and
3 Waivers for your consideration. We have DESE
4 representatives here who will present the items for
5 expedited review. And we will take any of your
6 questions.

7 Also, I do want to mention, before Deb comes,
8 the next piece. The next slide is about monitoring.
9 We do want you to know that we paid close attention
10 to those areas that were high-risk, specifically K-2
11 students, and how those plans were designed to insure
12 that students were learning to read based on the
13 Science of Reading. So those were at the forefront
14 of our mind and we made sure that we were attentive
15 to that and provided feedback as needed.

16 And so, again, the last slide before the team
17 comes and we take questions from you -- we cannot say
18 enough about the team. I'm sure Deb will reiterate
19 her team. My team, I'm grateful. I know they're
20 listening. Thank you, Don's team, Team Digital,
21 Karli's team -- and I don't know if she's here. But
22 they did a tremendous job. They were thoughtful and
23 considerate and they stayed anchored to the Digital
24 Guidebook, which was essential to our districts in
25 building their application.

1 So, thank you.

2 MS. COFFMAN: Thank you, Dr. Pride.

3 I hope you noticed that one of those reviewers
4 is at your table today. Our Teacher of the Year Joel
5 Lookadoo had the opportunity to participate with us
6 as we were setting our norms for what we expected,
7 the quality that we expected in these digital
8 learning applications.

9 Today, I'm proud to bring to you 10 applications
10 from 10 districts for their digital learning
11 applications and Act 1240 waivers, those standard
12 waivers that were reviewed by you back I guess in
13 January -- those same standard waivers. So today I
14 request approval for Trumann, Pea Ridge, Springdale,
15 Bergman, Fort Smith, Rogers, Russellville, Harrison,
16 Texarkana, and Westside in Johnson County. Those
17 waivers would be in effect for five years.

18 CHAIRMAN NEWTON: I think we need some
19 discussion before we proceed from here. Dr. Hill?

20 DR. HILL: Not right now.

21 CHAIRMAN NEWTON: Okay.

22 DR. HILL: I'll let the experts ask first.

23 CHAIRMAN NEWTON: Okay. All right.

24 DR. HILL: I'm not the expert.

25 CHAIRMAN NEWTON: Okay.

1 Dr. Moore.

2 DR. MOORE: Yes. Thank you. Thank y'all for
3 all your work that you've done to get to this point.
4 I have talked with some of you before now, but I do
5 have some questions that I haven't gotten answered
6 yet and then we'll want to probably talk more later
7 on.

8 But can you talk to me again about we're -- so
9 if this is approved in a district and a student
10 chooses to do virtual, they are still enrolled in
11 their district school. Is that correct?

12 MS. COFFMAN: That's correct. So these waivers
13 do not give these schools or programs an extra LEA
14 number. So if you're in the elementary that has an
15 approved digital learning program, that's what
16 they've written into their plan, you still are a
17 member of that LEA. And that's very important
18 because students may need to transition, which is
19 what we saw last year -- a lot of transitioning.
20 There may be -- we expect less transitioning this
21 year, but there may be instances where a student -- a
22 parent needs the student to transition back to onsite
23 instruction -- or, as you read through these, what
24 you see is they put in some very strict policies
25 about engagement.

1 DR. MOORE: Uh-huh.

2 MS. COFFMAN: And so if the student is not
3 meeting the engagement policy, then they may be asked
4 to return to onsite so that they're getting a full
5 education.

6 DR. MOORE: Okay. And that is something that
7 these schools are legally allowed to do if -- you
8 know, to require a student to go in person if they
9 have that virtual option?

10 MS. COFFMAN: Well, I'll check with Legal.

11 DR. MOORE: Yeah.

12 MS. COFFMAN: But I think they've written some
13 really comprehensive plans that are very supportive
14 of students. And if you notice, it wasn't just cut
15 -- it's one or the other; it's stair-stepping. We're
16 talking to parents, providing support. Lots of
17 layers before requesting the parent return the child
18 to onsite. Now whether or not they do -- I don't
19 know, Ms. Freno, about the Legal.

20 DR. MOORE: I did -- I don't remember which
21 district it was, but one of them you had to have a
22 parent conference to even enter into that. And I
23 like that thought because in my mind, as we've seen
24 in the past year-and-a-half, doing a digital program
25 takes a lot of adult involvement at home, whether

1 from a parent or someone else.

2 MS. COFFMAN: That was -- in our presentations
3 and discussion --

4 DR. MOORE: Yeah.

5 MS. COFFMAN: -- Van Buren School District, who
6 has a virtual charter, implements that at the
7 beginning of their charter. They do a couple of --
8 an extended amount of time before school starts, kids
9 getting acclimated to how to use the equipment, what
10 are the expectations, parents are very actively
11 involved. And as Dr. Jeffcoat gave that -- shared
12 that experience, other school districts were really
13 listening and saying, "Ah, that's how we can help get
14 the right kids in the right places."

15 DR. MOORE: That's good, and hopefully as we do
16 this more, schools are stealing best practices from
17 other districts there.

18 MS. COFFMAN: Sharing. Sharing.

19 DR. MOORE: Sharing, yeah.

20 MS. COFFMAN: With regards to sharing.

21 DR. MOORE: As we think about -- you know, as we
22 think about positives and negatives, one positive
23 would be if you're a student enrolled in this you can
24 still do sports and extracurriculars in your local
25 district. Is that true?

1 MS. COFFMAN: That's correct.

2 DR. MOORE: Okay. And districts can't place any
3 sort of stipulation around whether or not you can do
4 that?

5 MS. COFFMAN: Not to my knowledge.

6 DR. MOORE: Okay. And schools can't force you
7 to go online. Is that correct?

8 MS. COFFMAN: No.

9 DR. MOORE: Okay.

10 MS. FRENO: Correct.

11 DR. MOORE: I know there were sports teams that
12 went online this past year for various reasons, and
13 to me that should not be -- that should not happen.
14 You know, that should be a parent decision, not a
15 decision by a team. That was obviously pandemic
16 related, but I could see how that can continue in
17 future years.

18 MS. COFFMAN: I think one of the things you'll
19 see, Dr. Moore, in these plans is the engagement with
20 parents all throughout these plans. And that's one
21 of the things we're so excited about, among many.
22 But that's one that we're really seeing all across
23 the state. That's one of those lessons learned from
24 this pandemic experience, is you need more parent-
25 family-community engagement and we're seeing that.

1 DR. MOORE: I'll ask one more and then I'll kick
2 it. I do want to talk about Class Size and I'm sure
3 other people have questions on that too.

4 Looking at the five-year timeline, was that
5 something that y'all decided or was that just because
6 the law allows waivers to be five years it just
7 automatically fell to five years?

8 MS. COFFMAN: Yes. An Act 1240 waiver is
9 allowable for up to five years.

10 DR. MOORE: Okay. So that is sort of
11 arbitrarily set in law, but we have the ability to
12 change that time period here today?

13 MS. COFFMAN: Our attorney says yes.

14 DR. MOORE: Okay. Thank you.

15 CHAIRMAN NEWTON: Okay. Mr. Lookadoo, I'm going
16 to hang on to you till -- since you were on the
17 committee, and let the rest of the Board ask
18 questions, and then we'll come back to you. Okay?

19 Ms. Woods.

20 MS. WOODS: My only question is related to Class
21 Size and I'm going to let the experts talk about
22 those, so --

23 CHAIRMAN NEWTON: Dr. Rankin.

24 DR. RANKIN: My question was with the five-year
25 as well, because I know with digital learning

1 technology can move really quickly. How often do
2 reports or reviews come in with that? Is there an
3 automatic checkpoint or is that --

4 MS. COFFMAN: So it's a new process for us, but
5 we certainly know that we need to monitor the success
6 of these programs. We will be looking in the Fall,
7 by beginning to look at the number of students
8 enrolled. So we're looking to see the number of
9 students enrolled in remote learning in the schools
10 with approved plans, looking at that to first get our
11 first gauge of "wow, we didn't expect that many" or
12 the numbers are very small. We don't know. And, of
13 course, the schools don't have the final numbers.
14 They have done a lot of surveys with their parents to
15 see what would be -- what might be interesting to
16 them. We will come back and -- once we have our
17 approved list, we will come back in and look at our
18 other risk factors that we already monitor for in
19 state and federal monitoring. We have a quite
20 extensive, very well-written, and posted on our
21 website, plan for monitoring that is a risk-based
22 monitoring. So we'll be looking for things -- you
23 know, when there's a new superintendent, do they have
24 financial issues, audit findings, things like that;
25 are they in need of levels of support, Level 3, 4 or

1 5, because they've had low literacy scores or other
2 issues. We will come back and look at what their
3 plan evaluation is to see what did they say they
4 would do and how to evaluate, so that we can check in
5 with them to see if that's going on. And then, of
6 course, once this has been in place for a year we'll
7 have another assessment, in '22, and -- because kids
8 are coded in our eSchool system as remote learners,
9 then we can run data to see what was the effect this
10 year.

11 DR. RANKIN: Well, and I noticed the majority of
12 them are five-year, but I noticed there was one that
13 was one-year, if I read that correctly. Was that at
14 the school's request?

15 MS. COFFMAN: Yes.

16 DR. RANKIN: Or are they sort of running a
17 pilot, they just want to test this out for a year?

18 MS. COFFMAN: Yes.

19 DR. RANKIN: So they have the option to just do
20 a one-year or a three-year or a five-year --

21 MS. COFFMAN: Correct.

22 DR. RANKIN: -- because that's the extent of the
23 --

24 MS. COFFMAN: Correct. And then, you know, if
25 -- districts had to make really hard decisions. I

1 mean they're maybe adding employees, they're
2 purchasing materials. So there's quite a bit of
3 commitment, and risk, of course; you know, will our
4 parents find this a positive, will our students
5 progress like we want them to. There's a lot of risk
6 to them. So what you'll see is overall --

7 Tally, didn't we have about 160 districts apply?
8 Is that about the number?

9 MS. HARP: Yes.

10 MS. COFFMAN: So there is about 100 that did not
11 apply. And they've made the decision that students
12 need to return onsite and that they may want to apply
13 in the future but right now, based on what they
14 learned from last year, they're just not ready right
15 now. The school districts that did apply I think did
16 a lot of the pre-work; they've had a lot of
17 engagement, they did surveys, they really talked to
18 and learned from what worked and what did not work
19 during this last school year when we had maximum
20 flexibility. So I think they've been very
21 thoughtful. And even some of them early on said to
22 us, "Oh, we're going to apply," and then once they
23 worked through their stakeholder meetings they
24 decided "no, we're not applying at this time."

25 DR. RANKIN: Well, and I will say the word

1 "thoughtful," it certainly came out to me as I read
2 this because there's a lot of innovation and
3 creativity here, but you can tell it is thoughtful.

4 I have a few questions about Class Size too, but
5 I'll defer to that as well. That's it for me.

6 MS. McFETRIDGE: I'm so glad your committee put
7 the work into it, and it really shows, and I
8 appreciate that.

9 The Department works with the districts on the
10 platforms. Is that correct -- on their platforms?

11 MS. COFFMAN: So a platform is their choice.
12 They're using different platforms, but pretty much
13 the quality platforms are consistently the ones that
14 are used across the state.

15 Don, would you agree?

16 MR. BENTON: Yes.

17 MS. COFFMAN: Yes.

18 MS. McFETRIDGE: Okay. And then the content, I
19 noticed several districts are using the Florida
20 Virtual School --

21 MS. COFFMAN: Uh-huh.

22 MS. McFETRIDGE: -- content? Is that something
23 the Department looks at and approves?

24 MS. COFFMAN: So we do have approved providers
25 but --

1 Kiffany or Stacy, do you want to address that?

2 DR. PRIDE: So one of the pieces that's
3 essential in this process is that these programs that
4 they're using, they're using it in the spirit of a
5 blended method. And so they would insure the content
6 they're using is aligned with our academic standards,
7 and so, of course their teachers of record are
8 certified and they would insure that the content is
9 aligned with our standards. But in terms of
10 approving these programs, we don't approve them
11 because it's in the spirit of blended instruction;
12 it's a resource.

13 MS. McFETRIDGE: I guess I'm a little confused.
14 So if a student is in-person and then goes virtually
15 it'll be coordinated enough so the students --

16 DR. PRIDE: Yes. And that's part of the piece
17 that we reviewed in the applications was to see how
18 they were going to insure that students were going to
19 have the same content and that the delivery of that
20 content was at a high level in both instances,
21 whether onsite or virtual. So we did -- we were very
22 attentive to that piece and the supports around
23 virtual programs and that nature. Yes.

24 MS. McFETRIDGE: My other question is, we've
25 looked so hard on personalized learning. Is this

1 taking us away from that?

2 DR. PRIDE: No. I would say --

3 MS. McFETRIDGE: How is that?

4 DR. PRIDE: I would say the same delivery of
5 personalized learning onsite can be afforded to
6 virtual students as well. And so we also looked at
7 student supports, made sure that if a student was in
8 need, the levels of response in terms of tiers of
9 intervention. And so it does not decrease the
10 availability of a personalized learning and
11 differentiation, any of those aspects that are
12 provided onsite.

13 MS. McFETRIDGE: Thank you for that.

14 DR. PRIDE: You're welcome.

15 CHAIRMAN NEWTON: Mr. Sutton?

16 MR. SUTTON: No questions.

17 CHAIRMAN NEWTON: I guess first I want to thank
18 all of those of you from the Department that worked
19 on this, and the districts, because I know that
20 you've put in a lot of hard work and time and effort
21 into making sure that all of these where quality
22 programs.

23 And I guess I have three main concerns, and the
24 first one is similar to what Ms. McFetridge just
25 asked about -- this year, I got some comments from

1 different places around where -- and I know this was
2 pandemic and things were different and this was a
3 very difficult year -- but where students that were
4 onsite were sitting in the classroom in front of a
5 computer doing exactly the same thing that someone
6 offsite was doing and a teacher was sitting behind
7 their desk. And that is not an appropriate onsite
8 education. And so I don't know if that's out of this
9 -- the concern of this, but I just wanted to bring
10 that out, that that is something that I'm very
11 concerned about and I don't want to see happening
12 again in the future; to make sure that the onsite
13 students are also getting a quality in-person
14 education. And I think that we need to address that.

15 MS. COFFMAN: Yes. And I think as you're
16 reading through these applications what you're going
17 to see is that our schools were very thoughtful about
18 that. They have dedicated teachers for remote
19 learning, as in this year with the quick scramble to
20 get it up and running --

21 CHAIRMAN NEWTON: Yeah.

22 MS. COFFMAN: -- teachers were doing dual -- you
23 know --

24 CHAIRMAN NEWTON: Right.

25 MS. COFFMAN: -- double-duty and may not have

1 had all of the training they needed when they jumped
2 in. Of course, I think you're going to see
3 drastically improved instruction moving forward
4 because our schools -- I mean that's what they've
5 been talking about; that's what they've been talking
6 to us. And even in grades 5 through 12, if a teacher
7 is teaching both remote and students onsite they're
8 not necessarily doing it during the same period.

9 CHAIRMAN NEWTON: Right.

10 MS. COFFMAN: So they're really figuring out how
11 to carve out time so that students are getting the
12 attention that they deserve.

13 CHAIRMAN NEWTON: Okay. And so I just want to
14 make sure that was something that we would address
15 and make sure that we monitored in the future.

16 My other two concerns are very closely related,
17 and I'll take the thing out of the box that nobody is
18 wanting to talk about, and that's the Class Size and
19 Teaching Load. As I read through all these
20 applications, it went from some of them were saying
21 "we don't need a waiver because this is considered
22 large group" or "we're going to keep the current
23 maximum that's stated in law" or it went all the way
24 up to one was going to give teachers 300 students.
25 And so it feels like we're all over the place in

1 that. And my concern is what does the research show,
2 what does the data show; you know, that's something
3 that we have emphasized over and over and over in the
4 past -- what does the research show, what does the
5 data show is best for students. And I don't think
6 we're far enough away from this past year to really
7 understand that yet.

8 And so that brings me to the other one that I
9 have a big problem with is the five years. You know,
10 we don't have really enough data yet; we don't have
11 really the research yet that's gone into that. And
12 so I -- you know, one thing that I strived to do as a
13 teacher with my students was to always be consistent.
14 And with this Class Size and Teaching Load it feels
15 like that we are nowhere close to being consistent,
16 that we are just from one extreme to the other. And,
17 you know, and I realize each one of these plans,
18 they're different; each one of them has unique
19 student populations, each one of them has different
20 teacher input and different stakeholder input, and I
21 realize that. But going from no change to 300 is
22 big.

23 And so, if we approve these, I'm not comfortable
24 with five years. I would be comfortable with one
25 year and let's address it again in a year and see

1 what happens, or taking some of these huge numbers
2 down. You know, I don't know what the pleasure of
3 the Board is, but those were some big things that
4 jumped out at me.

5 And, Ms. Coffman, y'all may have already talked
6 through this in your committees and have a wonderful
7 answer that's going to make me feel great about this.
8 But right now, I don't.

9 MS. SMITH: Did y'all see that head-nod that she
10 just --

11 CHAIRMAN NEWTON: Yeah, I saw that.

12 MS. SMITH: -- that nod.

13 I don't have a wonderful answer for you. So
14 that's the long and short of it.

15 I will tell you though, each application, when
16 you were looking at the Class Size piece, it really
17 -- it matters what their curriculum and the platform
18 is.

19 And, Joel, I know that was one of the areas your
20 committee kind of looked at and really had questions
21 on, because that was one of the main areas as a
22 Department we had concerns about too. And we've
23 heard about that. In fact, we had two employees here
24 that when we sat down to make the application they
25 both had wives who were teaching and having to do the

1 digital and the face-to-face at the same time. And
2 I'm going to tell you, those husbands, they were
3 upset, you know, what was going on at home and how
4 much time it was taking. And so those were our
5 concerns as well. So the platform matters.

6 When you talked about personalized learning,
7 there are platforms out there that are built to be
8 competency-based, student-driven. Okay. But you
9 also have to have an independent student -- a student
10 that has that drive to complete it -- a lot of times,
11 a lot of parent support as well. So, all of it comes
12 into play.

13 As far as the number of years, we've had those
14 same internal conversations, are we comfortable with
15 one year or are we comfortable with five. I think
16 the Board is going to have to find where you fall in
17 that. I don't think it's unreasonable to expect a
18 report from these districts who are approved as a
19 digital program this year -- how did it go at the end
20 of the year -- and submit something like that to
21 determine are there changes that need to be made. I
22 think that's something that could be asked. But the
23 number conversation -- and I might even kind of bunt
24 this to Joel on the conversations that their groups
25 had, because they were specifically looking at the

1 teacher number before they would make a
2 recommendation about whether or not --

3 So, do you want to add any comments to that?

4 MR. LOOKADOO: I'll just say, that's been one of
5 my concerns this whole time is what should that look
6 like, should there be a specific number, how do we
7 come up with that number, what is that, and all those
8 things. And I think as Stacy was saying on just the
9 curriculum, you see these wide ranges of, you know,
10 are teachers actually developing the curriculum or is
11 it being provided through somebody; that makes a huge
12 difference. If I'm not having to create the lesson
13 every day and that is being provided, well, that does
14 relieve some time and that does allow me to have more
15 students and -- because now I can really dig into the
16 feedback piece and the communication there, whereas
17 I'm not digging into the lesson plans.

18 So it is a wide range. That's hard. It's hard
19 to say, you know, where is that balance and where is
20 that right number, and so it's difficult. But I
21 think those things have to be considered too, you
22 know, what are the expectations of that teacher and
23 it ranges wildly in some of these where, you know,
24 you may have a teacher of record but you have a
25 liaison who's the virtual person and that's the --

1 you know, they're doing the communication piece with
2 the family and the student and -- you know, so all of
3 those things go into it. And that's kind of what I'm
4 seeing; that's what -- that's what makes it hard.
5 And it's not a great answer, but --

6 MS. SMITH: Yeah. And there's not a one-size-
7 fit-all program in this. And I don't know what the
8 right number is. I mean I don't know that there is a
9 right number. I would probably argue at times that
10 28 kids in a 5th grade class is not appropriate in
11 every district in the state, depending on the
12 students that are in that classroom. And so we do
13 have guidelines set for the state they were asking us
14 to waive and look at differently.

15 I know our commitment at the Department is that
16 -- as we created this application, we also
17 continuously had the conversation of we have to
18 figure out how to monitor it. One thing that this
19 group did that no one has talked about up here is
20 they've assigned risk to these application. Okay.
21 So there are some of these applications that we're
22 recommending to you that we put at a higher risk
23 because of class size, because of the curriculum at a
24 lower elementary level. And so as they are at higher
25 risk, that's a more in-depth monitoring from the

1 Department to go in to look. And so every one of
2 these districts were assigned a risk score, and it's
3 got to get to a certain level before it even gets
4 recommended to you. So they have broken down that
5 data; they have spreadsheets. It's -- every single
6 department is actually assigning a risk based on
7 their area.

8 And that may be something you want to talk a
9 little bit more about -- or if you have more
10 questions about.

11 MS. COFFMAN: (Shaking head from side to side.)

12 DR. MOORE: May I ask a question? That's great
13 to know, too, and I appreciate all the hard work that
14 went into that.

15 A lot of these said that they are under -- was
16 it called large group instruction from the digital
17 learning rules. And I couldn't find what that meant
18 and how many students that -- I think that's maybe at
19 the high school.

20 MS. SMITH: Do you have a specific answer to
21 that --

22 DR. MOORE: Or what that looks like?

23 MS. SMITH: -- on the 150, the numbers? I don't
24 know.

25 MS. HYATT: I can help. I'm on the Zoom.

1 Mary Claire.

2 Hey. So in the digital learning roles, it
3 refers to large group instruction. That's defined
4 actually in the Class Size rules, so you kind of have
5 to jump over to those. So, "large group instruction"
6 are courses that typically accommodate larger groups
7 of students. In the Class Size rules it's, you know,
8 athletics when taken for physical education credit,
9 things like performing arts, like band and choir,
10 ROTC classes, advisory periods, that kind of thing.
11 So those are courses that typically accommodate
12 larger groups of instruction, then they are exempted
13 from the teaching load requirements. Because if you
14 are a band teacher or a feeder teacher or you have an
15 advisory period you're probably going to have more
16 students in that class. So that's where that large
17 group instruction comes in, Dr. Moore.

18 DR. MOORE: Okay. So is there a maximum?

19 MS. HYATT: There's not.

20 DR. MOORE: Okay. And so this -- but this could
21 be even just a math class or a high school English
22 class. If you claim it's a hundred-percent digital,
23 therefore it's large group instruction?

24 MS. COFFMAN: There's two things to consider
25 with that. One is these school districts, most of

1 them are using a learning management system that
2 helps you to -- as the instructor log in and see what
3 students are doing, what they're completing, how well
4 they're doing on the work. So that's an advantage in
5 this process.

6 The other thing that is also available in
7 considering Class Size is you can adjust. And that's
8 one of the things that we heard from our virtual
9 charters is we can adjust; we can lessen our class
10 size as needed based on what we're learning and who
11 are the kids that are enrolling. And we've heard
12 that over and over from our virtual charter schools
13 is they had really high numbers, but they changed
14 them for K-2. So they're going to learn a lot of
15 lessons and I think that's what is so valuable in
16 this opportunity to provide parents and students an
17 option is we are going to learn a lot. It's very
18 innovative to think about this long-term.

19 MS. WOODS: From the process standpoint, can we
20 approve the application but remove that certain
21 waiver specifically, if that was something that -- I
22 haven't heard anything yet -- I mean I am not the
23 teacher on this board, and so I just -- I haven't
24 heard anything yet that's like "oh, that's a very
25 good reason why we should allow large group

1 instruction for a high school math class" or
2 whatever. And so I didn't know if that's a part of
3 the application we can take out and say we're not
4 comfortable with that or if it's just like you either
5 approve it all or you approve nothing.

6 MS. SMITH: So those waivers were selected based
7 on -- we have three statewide charter schools that
8 are online currently. Okay. And when we were going
9 through to determine what would be necessary for
10 districts, those were the waivers that were decided.
11 Districts wrote their application, and when they're
12 asking for that waiver they need it in the manner
13 that their application is written. So if you were to
14 pull that, it could significantly -- I mean, yeah.

15 CHAIRMAN NEWTON: I think, going back to what
16 Ms. Coffman just said, you know, we're learning, and
17 to me that's another reason not to push this out to
18 five years. You know, we're learning what's going to
19 work, and we learned a lot this last year, and with
20 these waivers this next year we're going to learn
21 more. And I just -- I just think -- you know, Dr.
22 Rankin brought out that technology changes. Well,
23 there may be completely new -- as people realize,
24 online there may be completely new learning
25 management systems and content management systems

1 that just blow us away how good they are. And so I
2 just really don't feel like that -- you know, if you
3 think about what your phone was five years ago, and
4 what it is this morning, it's nowhere close to the
5 same thing, you know. And so I really have a problem
6 with us thinking five years in the future with it
7 being so technology-based also.

8 MS. SMITH: Something that you might want to
9 consider is, again, limiting the years to two with
10 that report piece -- you know, at the end of the year
11 that they're giving a report. And another thing,
12 these kids aren't being removed from their schools or
13 the accountability system. There's going to be data
14 pieces linked to these kids and we'll mark that
15 they're online students. We'll be able to start
16 seeing some of those pieces. But I do agree, schools
17 need to be reporting on how effective their program
18 is and that report can come to this board.

19 This -- you know, this is just the first batch.
20 You're going to see a whole 'nother batch coming,
21 okay, and a whole 'nother batch coming. And I agree
22 that -- but, you know, I don't know that we have to
23 do this every single year. If you want to do it
24 every single year, we will do it every single year.

25 CHAIRMAN NEWTON: Maybe one year till we get our

1 feet under us, you know, and, you know, then we can
2 look at longer periods of time. I just don't feel
3 like I personally know enough about what I'm doing to
4 say yes, go for it. You know, I just don't feel --
5 you know, because I'm thinking about those kids.

6 MS. SMITH: This board is the one that has the
7 authority to make that decision, and so whatever this
8 -- whatever you guys decide to vote on and do is what
9 we will support --

10 CHAIRMAN NEWTON: Yeah.

11 MS. SMITH: -- and make sure that we monitor.

12 CHAIRMAN NEWTON: I just think of -- I'm
13 thinking about those students that are going to be in
14 these classrooms; you know, how much attention is
15 that student going to get if that teacher has 300
16 students to monitor, I mean even if she's not having
17 to do the content, if she's not having to plan the
18 lessons, you know. One of the biggest things that
19 we've talked about this year has been student
20 engagement. And if a teacher has 300 students, or
21 unlimited students because they say "well, we're
22 under the large group," how are they going to be able
23 to do it? And I love superintendents because I'm
24 married to one. Okay? But I can see where, "Well, I
25 can save X-amount of dollars because this teacher can

1 do a little bit more," you know.

2 MS. SMITH: If you want to pull specific
3 applications that are up to those high numbers and
4 have those districts here in person to ask them
5 questions, most certainly, we can do that.

6 CHAIRMAN NEWTON: Okay.

7 MS. SMITH: And as we're reviewing applications,
8 if we see there are ones that are at a very large
9 number that we know that you're not comfortable with,
10 we'll just make sure in the future that they know
11 that they need to be present because they're going to
12 have to answer those specific questions. We want to
13 make this where the applications that we have vetted
14 to the level that we know you're comfortable with are
15 expedited and that we can get those through. Those
16 that you say, "Hmmm, I'm not so comfortable with," we
17 want to bring them here and let you answer them
18 questions.

19 CHAIRMAN NEWTON: Okay.

20 MS. SMITH: So if there are specific ones like
21 that, let's pull it and ask those folks to come.

22 CHAIRMAN NEWTON: Okay. Okay.

23 So let's -- I've talked too much, so I'm going
24 to be quiet.

25 DR. MOORE: Well --

1 CHAIRMAN NEWTON: All right. Go ahead, Dr.
2 Moore.

3 DR. MOORE: -- I talk too much, too, but I have
4 another question.

5 As I look at this broadly, we -- coming out of
6 crisis, the pandemic, for the past year-and-a-half --
7 one year, I guess -- we are creating basically a new
8 statewide policy that allows every district to teach
9 in person and virtually. And that's a good deal.
10 You know, we are changing what it looks like. And we
11 would expect coming out of a crisis that things look
12 different and things look better and that by doing
13 this we have the time to innovate and get better.
14 But my concern is that we are duplicating efforts in
15 every district in the state, and for some of these
16 smaller districts that's hard. And they have federal
17 money, so they might be able to pay, you know, a
18 liaison for the next year or two, but when that
19 federal money dries up what does that look like. And
20 so that's sort of my thinking of a shorter term time-
21 period.

22 But second to that, I think we want to make sure
23 that every parent knows we already have -- you
24 already have a virtual option in the state. There
25 are three. And then, correct me if I'm wrong, but

1 there's five or six local schools that already have a
2 virtual option too. So if you're a parent anywhere
3 in the state you have presumably six or seven
4 different options you could school-choice your kid
5 into to do virtual publicly. Is that correct?

6 MS. SMITH: Yeah. I mean there are those
7 options throughout the state.

8 DR. MOORE: Yeah.

9 MS. SMITH: Covid dramatically shifted the way
10 education happens.

11 DR. MOORE: Right.

12 MS. SMITH: And it was a fumbling year. I mean
13 we had lots of things that were just not good. But I
14 think we also had some things that were good.

15 DR. MOORE: Yeah.

16 MS. SMITH: And every school you talk to, they
17 started things this year they said, "We're going to
18 keep doing that after Covid."

19 DR. MOORE: Right.

20 MS. SMITH: And then, there are things that we
21 did that they just didn't work. And so I think this
22 digital side of schools having this digital program
23 option is one of those switches.

24 I just asked Ms. Coffman how many districts
25 actually put in an application, and she said about

1 150, 160.

2 MS. COFFMAN: 160.

3 MS. SMITH: 160 districts who actually are going
4 to do this. We've had a lot of districts who said
5 they're not submitting; so it's about half. And then
6 within that it's a program within their school. And
7 for some of them, they have caps on the number of
8 students that are going to get in or it's only
9 specific to their secondary kids and not their
10 elementary. So, again, it's not everyone that's
11 opting in; it's specific schools trying to offer a
12 different option.

13 Do you have a comment? I'll let you --

14 DR. MOORE: Would there be a mechanism that, you
15 know, we could say, "You can have this if at least 5%
16 of your population is in it?" You know, it seems
17 like a lot of effort to have only 10 kids in a 1,000-
18 student district do this, when there is an online
19 school elsewhere. Is there any mechanism to do that
20 kind of --

21 MS. SMITH: Yeah. It wouldn't be financially
22 viable for a district to do a long-term if they
23 weren't having interest in it. I think the districts
24 that have --

25 DR. MOORE: Well, I think it might be because

1 they're just paying another provider to do it and
2 that provider might be cheaper than the per-pupil
3 funding. So I can -- you know, and I don't want to
4 be negative. But I think -- I could see how
5 districts could continue it for financial reasons in
6 that sense when it should not ever be a financial
7 decision; it is a "let's provide the best education
8 possible" kind of decision.

9 MS. SMITH: Yeah, uh-huh.

10 MS. COFFMAN: So I like to be as economical as
11 possible, as well. But there's an accountability
12 cost to not educating your students well. And so
13 superintendents do like to save a dime where they
14 can, but there's a cost to that -- opportunity costs
15 for any of those decisions. And if you're not -- if
16 you're starting a program but not educating your
17 students well, number one, your parents won't stand
18 for that very long; and, number two, if students are
19 not achieving, that's going to show up in your school
20 reports, in your ESSA Index, in your school report
21 card, in your letter grades that may cause you to
22 miss out on performance dollars. So there's impact
23 to all of this. So I think our superintendents are
24 very cognizant of that. I think they've been having
25 -- and that's why I'm so proud of the regional work

1 they've done with their co-ops. They've had hours
2 and hours and hours of conversations around these
3 programs. I don't think even if you gave them the
4 full five years, if someone has a program that's not
5 working for their district they're going to come to
6 us and say "I'd like to give that back." I don't
7 foresee them continuing those programs thinking it's
8 a cost-saving measure. And I've heard the
9 superintendent from Van Buren say many times, "If you
10 do virtual learning well, you don't save a dime." So
11 I think they're holding each other to a high
12 standard, and I think they're going to see great
13 things. Do I think some will say, "We don't want to
14 continue this?" Yes. We've already seen that up-
15 front with 100 districts that thought about it and
16 then said, "Not -- we're not ready." So I think
17 we'll see that over time. And I think what's going
18 to come out of this are some really amazing programs
19 that meet the needs of 2021 students, 2022 students,
20 that are traveling, that have health issues, that
21 have alternative lives than maybe we had back in the
22 day when we were going to school. There's just a lot
23 more going on in the world today that this is really
24 going to meet the needs of some students and some
25 parents. It's going to meet the needs of some

1 students that could accelerate, that could take more
2 classes, learn different things that may not have
3 been available to them in their local school
4 district. So it's going to bring a lot of
5 accelerated content to them, as well.

6 DR. PRIDE: Also, I just wanted to add to the
7 piece about student supports -- actually, as we read
8 through these applications one of the things that we
9 made many recommendations around were check-ins with
10 students weekly. If they did have asynchronous, we
11 recommended some synchronous check-ins, small groups,
12 and things of that nature. So we were very attentive
13 to those pieces. And I would even say -- and this is
14 in the research about early warning systems -- many
15 of the applications you will see that they have
16 junctures by which if there is a warning that the
17 student is not achieving that they're going to jump
18 to action in terms of their plan around Response to
19 Intervention. And that actually probably is more
20 thoughtful than we've seen in sometime, so they're
21 really attentive to that. At this juncture, if
22 formative assessment shows a student is losing ground
23 in foundational skills, here is what we're going to
24 do, or -- and that's really actually a really -- it's
25 really grounded in research, is if you have markers

1 by which you are looking for if students are
2 proficient, or whether or not they're losing ground,
3 if you're attentive to those markers students will
4 catch up; they will accelerate because of the
5 attentiveness and the model around making sure that
6 they get the interventions that they need.

7 So we were very attentive, especially around our
8 risks in Learning Services. It was, in particular,
9 about those things that you just mentioned and we
10 gave recommendations about "hey, this is totally
11 asynchronous; where are those synchronous pieces
12 where you're checking in, especially for secondary
13 students; where are those pieces where you're doing
14 smaller group sessions, opportunities for that." And
15 many of them would require if you are slipping in
16 some skill that you have to have a face-to-face
17 virtual meeting. So you'll find variance there, but
18 we did make lots of recommendations around making
19 sure that you use your formative assessment that way
20 and that you had a shorter amount of check-in times,
21 opposed to saying end of quarter we're going to look
22 at it two weeks prior; but where are the weekly
23 check-ins, where are the markers by which you're
24 going to know whether or not there's a warning here
25 that a student may be at high risk.

1 So we did do our due-diligence with that. In
2 fact, we probably at times gave so much feedback it
3 overwhelmed them. But we wanted to insure that
4 students were at the forefront of those plans. So I
5 just wanted to let you know we did pay close
6 attention to those pieces.

7 DR. MOORE: Could you speak to -- really quickly
8 -- sorry -- special education and recess -- special
9 education and what your team that reviewed that --

10 DR. PRIDE: Yes, so I'll speak to special
11 education, and I'll let you speak to recess.

12 But in terms of special education, we made sure
13 that schools were attentive to all -- that they would
14 have to provide students with all of the services
15 that they would have if they were onsite. Also, we
16 made recommendations around pieces that may not have
17 been developed. And Mike Metsell, who leads our
18 special ed. department, and his team, they
19 specifically focused in those -- on those pieces and
20 provided specific feedback around making sure that,
21 you know, the proper assessments were provided, that
22 the IEPs were adhered to, and that -- for sure that
23 we knew that those students were to receive core
24 instruction, also to make sure that we are closing
25 the gap as it pertains to whatever was in the IEP, as

1 well as what their expectation is at that grade
2 level.

3 So they were very attentive. Also, GT, EL,
4 English Learners, all of the specialty groups --
5 dyslexia -- we were very attentive. Believe me, we
6 gave lots of feedback in all of those areas, so much
7 so sometimes I'd have to say, "Y'all ain't giving
8 them a two-page narrative. Let's break it down so
9 it's more comprehensive and they can get to the point
10 and do what they're supposed to do in terms of
11 servicing these students." So, we did that.

12 DR. MOORE: Okay. If you're -- say you have
13 speech services, is the school district required to
14 come to your house or do you go up there? How does
15 that work out, or is that just district decision?

16 DR. PRIDE: So districts provided their plan and
17 what we looked at is whether or not that plan was,
18 number one, meeting the law and provided some
19 flexibilities for students and families. So in some
20 instances you'll see variance around that, but they
21 have to adhere to it.

22 DR. MOORE: And parents still have IEP
23 conferences to say --

24 DR. PRIDE: Absolutely. We made -- that was one
25 of the things we looked at, how are you going to,

1 number one, conduct your conference. I'm sure I'm
2 missing some pieces in there. Matt is probably
3 looking at this, saying, "You forgot that part." But
4 they made sure that conferences were held and those
5 types of things. They were very thorough. And,
6 believe me, we spent amounts of time going back and
7 forth about that to insure that we were meeting the
8 law and advising them so that they're meeting the law
9 and providing the best service for their students.

10 DR. MOORE: Thank you.

11 MR. BENTON: Yeah. Don Benton, Assistant
12 Commissioner, Research and Tech. And I usually try
13 to stay behind the scenes and keep my mouth quiet
14 because that's what us techie folks do.

15 Last year, everybody was a first-year teacher
16 and first-year administrator, and we learned a lot of
17 lessons. And had we been going into this this year
18 blindly, not having been through the last year and
19 dealing with all the trials and tribulations and all
20 the heartburn as educators dealing with digital
21 technology and trying to do face-to-face and dealing
22 with the pandemic and all that, I would have a lot of
23 reservations about doing this. Do we still have
24 concerns? Absolutely. And that's why we created a
25 team, not only at ADE but external stakeholders as

1 well. We involved so many people in this decision-
2 making process. And as we built the guide for
3 digital learning, we were very thoughtful in who we
4 included in that. So it wasn't just something we
5 thought was a good idea; this was something we
6 thought this is a necessity for our kids moving
7 forward as they go into a different world than you
8 and I grew up in. Technology wasn't even a word back
9 when I was a kid; it was a pencil with an eraser.

10 So should you have concerns? Absolutely, you
11 should. We do too. And we think about the length of
12 the waivers, and one-year, three-year, five-year. As
13 a superintendent, they're making a big commitment as
14 they're moving forward. They're not only purchasing
15 technology but dealing with people, the human
16 resources, all those different things as we're moving
17 forward. So as a superintendent, when I'm investing
18 in all these different resources I want to know that,
19 you know, the first year might not be perfect -- this
20 last year was not perfect by any means -- but we can
21 learn from that. But we're going to be monitoring.
22 I can tell you I have a list a mile long of all these
23 different schools that we've internally -- with our
24 own technology team have said, "We're going to watch
25 this school for that, we're going to watch this

1 school for that, we're going to watch this school for
2 that." And so have all the other teams done that as
3 well.

4 So please understand that we are taking this
5 extremely seriously. Even though my background is
6 ed-tech since I was in this system, I'm not an
7 advocate for just giving every kid a computer and
8 every kid a hotspot, and saying, "Go, learn." We
9 don't want to do that. That's a bad, bad, bad idea.
10 But what we're doing now is trying to make sure we
11 put all the structures in place, all the pieces in
12 place to help us move forward.

13 Other states are looking at what we're doing.
14 They're so -- they were blown away by our Digital
15 Guidebook. And I'm presenting in two weeks to a
16 large group nationally about what we did and what
17 we've created, because no one else is at the level
18 we're at. We're very blessed to have had Team
19 Digital, to have Virtual Arkansas, to have APSRC, all
20 these different organizations working together better
21 than we ever have before to create a good
22 personalized learning solution for any kid.

23 So we're trying to meet the needs of our
24 customers, trying to meet the needs for our schools
25 -- but more importantly, we're doing this together

1 and it's a very collaborate project. Yes, have those
2 concerns, please do, because that's our check-and-
3 balance for making sure we do our job at ADE to make
4 sure that these kids are getting the best educational
5 opportunity possible. And if we see something that
6 we don't like, you can guarantee we're going to
7 address it and we're going to deal with those schools
8 directly about it.

9 So that's all I had was my two-cents.

10 DR. RANKIN: If I could just follow-up on that,
11 Mr. Benton, and ask you a question. It is a question
12 of economics. You brought up a great point about LMS
13 systems are not cheap. Those are steep investments.

14 MR. BENTON: Very expensive.

15 DR. RANKIN: So if I'm thinking from the
16 viewpoint of a superintendent/school leadership
17 making that financial commitment, are we clipping
18 their wings if we put a two-year waiver as opposed to
19 a five-year waiver?

20 MR. BENTON: I wouldn't say you're clipping
21 their wings; they just have to re-evaluate what
22 they're doing as they're moving forward. Some have
23 already made the investment in those LMS's or those
24 CMS's.

25 DR. RANKIN: That's why I'm curious.

1 MR. BENTON: Some are looking at different ones;
2 some are looking at expanding. Some learned last
3 year that this was not the LMS for them or the CMS
4 for them and they're going to look at another
5 product. So I wouldn't say you're necessarily
6 clipping their wings. They're going to have to think
7 a little bit harder before they enter into a three-
8 to five-year contract with some of those companies.
9 Because even though technology changes every year, so
10 many things are very, very stable, like our LMS's and
11 all that. Are there new things? Absolutely. There
12 are going to be new things coming out. So I wouldn't
13 say that you're clipping them; you're just making
14 them think a little bit more deeply about how much
15 they want to be committed to this moving forward.
16 And I think most schools are. And of all the lessons
17 learned and all the stories I've heard over the year,
18 I think we're much better leveraged today than we
19 were March 12th to do this. If this past year hadn't
20 happened, I don't think we'd be having this
21 conversation right now.

22 CHAIRMAN NEWTON: So this past year the State
23 provided making learning --

24 MR. BENTON: As an option.

25 CHAIRMAN NEWTON: Okay.

1 MR. BENTON: That was one of the options.

2 CHAIRMAN NEWTON: It was state funding though;
3 am I correct? Or was that --

4 MR. BENTON: That is correct. Yes.

5 CHAIRMAN NEWTON: So going forward, that funding
6 stops or --

7 MR. BENTON: They have one more year of that.

8 CHAIRMAN NEWTON: Okay.

9 MR. BENTON: And others -- and they have the
10 ESSA funds, which they can look at some other options
11 for going forward with that further. Working with
12 APSRC is an option for them as well, if they want to
13 leverage some contractual agreements with that moving
14 forward. I don't know that we have anything in the
15 plan right now moving forward, but it's definitely an
16 option.

17 CHAIRMAN NEWTON: So, but that is funded for one
18 more year?

19 MR. BENTON: Absolutely.

20 CHAIRMAN NEWTON: Okay. I just wanted to make
21 sure we knew that.

22 MR. BENTON: So our -- the Governor's hotspots,
23 they're leveraged for one more year. So a lot of
24 that connectivity discussion -- and I was on a
25 webinar earlier, trying to gain some more information

1 about connectivity options for students, and there's
2 going to be a whole 'nother level of connectivity
3 options for students with the Emergency Broadband
4 Benefit Program and the emergency connectivity funds
5 that are coming out. One of them is \$7.1 billion
6 dollars for our schools, and I'm working on that day-
7 in, day-out to figure out how we can use that for our
8 kids.

9 CHAIRMAN NEWTON: Okay.

10 DR. RANKIN: I guess one final question, just
11 out of curiosity -- if you could look at a map of the
12 state for the 100 or so school districts that opted
13 out of this, does it lean toward one area of the
14 estate or is it --

15 MR. BENTON: I've not looked at it that
16 granular.

17 DR. RANKIN: Just curious.

18 MR. BENTON: So, I can't say.

19 Do y'all have any -- okay.

20 Do you have any more questions for me?

21 Okay, thank you.

22 MS. COFFMAN: Mary Claire, do you want to
23 address Recess?

24 MS. HYATT: Sure.

25 CHAIRMAN NEWTON: First, did Dr. Rankin get an

1 answer to her question for the ones that didn't apply
2 was it in a specific area of the state?

3 DR. RANKIN: I was just curious.

4 MS. COFFMAN: So, no, we have not mapped them.
5 We can. But, no. I mean I think we've talked to
6 everybody across the state at some point or another.

7 DR. RANKIN: And the reason I was asking was a
8 broadband issue. I was --

9 MS. COFFMAN: Yeah.

10 DR. RANKIN: -- just curious do we see a direct
11 link as we -- if anything bubbled up to the surface
12 that caught your attention as you noted, you know,
13 100 opted out, 160 opted in. I was just curious if
14 there were some students in certain areas that --

15 SECRETARY KEY: I'd just say anecdotally, Dr.
16 Rankin, the conversations that Dr. Pfeffer and I have
17 had with the superintendents, and probably some of
18 the other members of the team, you know, you go from
19 -- like Nashville opted out; they weren't going to do
20 one. Isn't that right? I think Mr. Graham had said
21 Nashville was not going to do one. Conway -- you
22 know, Conway, really you wouldn't think they would
23 have a connectivity -- the decisions are really based
24 more on what they saw their communities and their
25 students needing and how they responded during, you

1 know, being -- remotely learning over the last year.
2 I don't know that there's going to be any type of
3 pattern that's -- and then we know there's some
4 others who submitted that -- I know driving through
5 and from reports, I know they have connectivity
6 issues; you know, so the broadband hasn't made it to
7 those rural areas. So I mean we've been so
8 determined to try to review the plans -- I don't
9 think we've analyzed the data yet to really see what
10 that mapping would look like.

11 MR. BENTON: And also in response to the
12 connectivity question, we're -- currently, we're
13 working on submitting data to Education Superhighway
14 to help us drill down to a student-specific address
15 and what options he or she may have. We're working
16 on to finish finalizing the DSA's on that as -- this
17 week. Greg and I have been working on that, trying
18 to move forward with that. So that's going to be a
19 really useful tool. Hopefully it will be ready by
20 this Fall for superintendents to be able to address
21 that. And I know this is a whole 'nother
22 conversation, but those are some things we are
23 working toward nationally, to be able to drill down
24 to see what providers we can leverage in those areas.
25 And hopefully these other two programs that I

1 mentioned are going to help us create a much more
2 robust connectivity -- broadband connectivity, I
3 should say -- quality connectivity for all students
4 throughout the state. And I know we're not there
5 yet. We've still got a ways to go. We still have a
6 good population of our students that live down at the
7 end of that dirt road. I was one of those kids that
8 you barely got sunshine on a given day. So we're
9 going to work toward that with our wireless providers
10 and all those other partners. Arkansas State
11 Broadband Office is working really, really hard on
12 that as well. So we're moving forward in the right
13 direction.

14 DR. RANKIN: Thank you.

15 SECRETARY KEY: Madam Chair, if I -- I just want
16 to interject, I know Dr. Hill has a team of folks
17 waiting for us. Okay. So --

18 CHAIRMAN NEWTON: Can maybe we come back after
19 lunch and continue this discussion?

20 SECRETARY KEY: I think that would be
21 appropriate --

22 CHAIRMAN NEWTON: Okay.

23 SECRETARY KEY: -- to continue. Absolutely.

24 CHAIRMAN NEWTON: Okay. So if that's all right
25 with the Board, we'll come back after lunch and

1 continue this discussion, at about -- what time do
2 you think we'll be back? 1:30? Because I think we'd
3 originally scheduled 1:00. Okay, so we'll be back at
4 1:30.

5 (LUNCH BREAK: 12:13 P.M. - 1:50 P.M.)

6 CHAIRMAN NEWTON: All right. We're back. We
7 apologize for being a few minutes late, but it was
8 worth every second with the CityServe organization
9 and the great work that they are doing for people
10 around the state. So I am very thankful for the
11 opportunity, Dr. Hill, that you provided us today.
12 Thank you very much. And it was eye-opening. And so
13 I encourage any districts or organizations around the
14 state, if there's a need for -- in your area for
15 students, contact Dr. Hill and he can get you in
16 contact with the right people. So thank you for
17 that, Dr. Hill.

18 We were in the middle of our discussion of
19 digital learning applications this morning when we
20 stopped, and so we want to resume that. And on your
21 table Ms. Coffman has provided some data. I
22 understand one of them we can see which districts
23 around the state have applied for the digital
24 learning contracts. But explain to us what the other
25 two are.

1 MS. COFFMAN: Okay. So the first document that
2 was on top that looks like this, a color-coded
3 document, out to the side you see the words
4 Application or you may see that they've revised their
5 application. This is -- and the count is exactly
6 150. So 150 have applied. This is the list. What
7 you'll see on here, as the teams are reviewing those,
8 they send back feedback and that district may revise
9 their plan. And so you can see that that is
10 happening, and today you have 10 of those.

11 CHAIRMAN NEWTON: Okay.

12 MS. COFFMAN: So 140 to go. That's exciting.

13 The other thing that you asked for was a map.
14 So we took a map that we very quickly had, that our
15 Standards and Systems team uses, and Tally went
16 through and marked off the ones that did not apply.
17 But because we marked them out we wanted you to see
18 who they are, and that's the third packet that you
19 have on the bottom that does not have Applications
20 out to the side, because they did not apply. And the
21 reason they're color-coded is because we have 262
22 districts to keep up with that we color-code by co-
23 op, so that if we're sorting by -- if we've
24 alphabetized the schools we can sort back quickly for
25 the co-ops. But it kind of helps you to see the

1 distribution of who did and did not apply, as you
2 asked about.

3 One other note that I will make regarding the
4 150 districts that did apply is that today we're
5 bringing you 10 districts that applied with just the
6 standard waivers. We'll have one in our next item
7 that had additional waivers. But if we have concerns
8 after it has been through this comprehensive review
9 committee we're going to come back and tell you we
10 have a concern, because we will have given them
11 feedback, given them feedback. And if we're to the
12 end-point where we need to make a final decision so
13 they can start school we're going to have to come
14 back and say, you know, we've given a lot of feedback
15 but we still have concerns.

16 CHAIRMAN NEWTON: Okay. Thank you.

17 Just by looking, Dr. Rankin, I think your
18 question was spot-on. There does seem to be some
19 differences between -- if you look at the northwest
20 and south and southeast, southwest, there does seem
21 to be some pretty big differences there in the area.

22 DR. RANKIN: Yeah. I want to say thank you so
23 much for pulling that information. That was a quick
24 response. And I was just curious about that and what
25 it looked like if we looked at the state in totality,

1 if we saw any gaps --

2 CHAIRMAN NEWTON: Yes.

3 DR. RANKIN: -- and if there are some areas that
4 we can focus on.

5 CHAIRMAN NEWTON: It does look like there are.

6 MS. COFFMAN: I will say that we did speak with
7 many of the superintendents that -- and the co-op
8 directors in those regions. They did not apply, not
9 because of bandwidth or broadband issues necessarily.
10 They applied more because they had students that
11 weren't actively engaged and they need them back
12 onsite to get them engaged, get them caught up, and
13 then -- most of them said, you know, "We'll
14 reconsider in the future, but right now we need to
15 make sure that we get -- we have a good, strong
16 educational process for the students, and then we'll
17 reconsider later on." So it's not that they
18 couldn't, they just chose not to right now, which is
19 -- that's the kind of decisions we want them to make,
20 data-driven decisions.

21 CHAIRMAN NEWTON: All right. So I think we'll
22 continue our discussion and give each of you an
23 opportunity to kind of see where you're at right now.

24 Dr. Hill?

25 DR. HILL: No questions.

1 CHAIRMAN NEWTON: Okay. Dr. Moore?

2 DR. MOORE: Yes. I always have questions. I'm
3 sorry.

4 CHAIRMAN NEWTON: No, you're fine.

5 DR. MOORE: But one thing I've been thinking
6 over and over, and Ouida shared this concern earlier,
7 is teachers who are doing both at the same time, both
8 in-person and virtual. And students who may be --
9 perhaps not by their choosing, will be doing in-
10 person and might be switched to virtual when they're
11 on campus in person. Are there things to prevent
12 both those scenarios from happening? Are you --
13 could a district say, "Okay, we're going to do 8th
14 grade algebra online and if you want to take that
15 course you take it online?"

16 MS. COFFMAN: No, we don't have any instances of
17 that so far, in our reading.

18 So it's very clear -- and I will say that -- I
19 said earlier, you know, our school districts did
20 surveys with their parents; they've been having
21 conversations. So they all kind of have in their
22 mind about the number of students that will want to
23 go remote next school year, and they're not large
24 numbers.

25 DR. MOORE: Okay. This is separate from the

1 fact that there are districts, prior to the pandemic,
2 that did Virtual Arkansas or have virtual courses
3 because they don't have a teacher at the school?

4 MS. SMITH: Yeah. So I was going to clarify.

5 DR. MOORE: Are we giving waivers for those
6 classes?

7 MS. SMITH: No. I was going to clarify that.

8 DR. MOORE: Okay.

9 MS. SMITH: So you do have cases in which one of
10 the required courses for the school district is
11 offered through like a Virtual Arkansas, because they
12 didn't have a certified math teacher or they were a
13 foreign language class or something like that, one of
14 those 38. But can -- and this -- can the student be
15 made to go to an offsite digital programming --

16 DR. MOORE: Right.

17 MS. SMITH: -- versus -- I mean that's not what
18 we're trying to accomplish here.

19 DR. MOORE: Right.

20 MS. SMITH: And still with the 38 we're not
21 asking for this digital program to replace what
22 they're offering in person. So, I mean I see what
23 you -- but we did have, even before --

24 DR. MOORE: But these -- and I guess, you know,
25 every student -- every high school student is

1 required to take one digital course. Is that
2 correct?

3 MS. SMITH: Yes.

4 DR. MOORE: That doesn't mean that course has to
5 be at home?

6 MS. SMITH: No.

7 DR. MOORE: And they can take that during their
8 class period --

9 MS. SMITH: Yes.

10 DR. MOORE: -- at school with the --

11 MS. SMITH: Yes.

12 DR. MOORE: -- whoever is in the classroom. Are
13 these waivers applying to those courses?

14 MS. SMITH: No.

15 DR. MOORE: Okay.

16 CHAIRMAN NEWTON: Mr. Lookadoo. Sorry, I didn't
17 mean --

18 MR. LOOKADOO: You know, I don't think I really
19 have any questions or anything. I would just say,
20 you know, you brought up the -- or it's been talked
21 about the years, how long do we let the waivers go
22 and do we change any of that. You know, you asked a
23 good question earlier, what does the data show. And
24 as we think about that, like what's a reasonable
25 amount of time for that data to show what we would

1 hope, you know, in one year can we get that, I think
2 it would be a really hard -- really tough stretch to
3 say, you know, in one year time we're going to be
4 able to have enough data to say where this program
5 is, where they're at. So as we -- as you consider
6 that, it would just be something I'd think about is
7 what's a reasonable amount of time to get good data
8 to know where they're even at in these programs. So
9 I just want to throw that out.

10 CHAIRMAN NEWTON: Ms. Woods.

11 MS. WOODS: I made sure not to eat because I
12 knew I was next.

13 I just want to make a comment beforehand that I
14 really appreciate all of the work that you guys have
15 done. I own a business and I know what it's like to
16 spend thousands of hours coming up with something,
17 only to present it to people who are like, "Well,
18 that's a terrible idea." So I just want to thank
19 y'all very much for everything that you're doing.
20 And I know that we kind of were commenting out in the
21 hall that in the absence of rules and regulations
22 that have to catch-up -- because virtual has really
23 become a thing in the last year, we're having to
24 build within this framework and then suit everybody.
25 And so I just want to make that comment. So thank

1 you for everything you've done.

2 CHAIRMAN NEWTON: Dr. Rankin.

3 DR. RANKIN: Just again I want to echo -- thank
4 you for all of the incredible work that's been done
5 on this. And my questions have been answered. And
6 this map is really great. Thank you for that.

7 MS. McFETRIDGE: I do have to share that I am
8 concerned about the five years. And I think I could
9 echo Joel after what -- and I appreciate what you had
10 to say; probably look at a two-year process and then
11 come back and really look at everything really
12 closely again. I would feel more comfortable with
13 that.

14 CHAIRMAN NEWTON: Mr. Sutton.

15 MR. SUTTON: I would just also like to thank the
16 group for the work they've done on it. Well done.

17 CHAIRMAN NEWTON: Yes. Yes. I don't want our
18 questions to reflect in any way on that we didn't
19 think that you had thoroughly gone through these
20 applications and thoroughly thought through. And so
21 just -- it's coming from that we haven't -- I mean
22 we've gone through, but we haven't spent probably the
23 hours and hours that you've been in contact with the
24 districts. So we do appreciate all of your hard
25 work.

1 Any other comments or questions from the group?

2 MS. WOODS: I would just point out --

3 CHAIRMAN NEWTON: Go ahead.

4 MS. WOODS: -- to your point as well, I feel
5 like we can't consider last year because it was a
6 crisis year.

7 CHAIRMAN NEWTON: Right.

8 MS. WOODS: And so, I'd be in favor of a year
9 simply because we can kind of start fresh and in a
10 year we can look through and kind of decide did this
11 work or did it not, and then maybe at that point do a
12 two- or a three-year. But that's just my opinion on
13 that, so --

14 CHAIRMAN NEWTON: Okay.

15 MS. WOODS: I'm willing to do the work, is what
16 I'm volunteering for.

17 CHAIRMAN NEWTON: Okay.

18 MS. WOODS: If we have to do this all again in a
19 year, I'm willing to sit here and do it.

20 CHAIRMAN NEWTON: Okay. All right. Because I
21 think we realize that everything that we do is for
22 the students and they are worth any amount of time
23 that we have to put in and any amount of effort that
24 we have to put into it.

25 I think my other concern was the huge numbers

1 that we saw in some of these plans, the big teaching
2 load and some of the larger class sizes. That was
3 another one of my concerns with a few of these plans.
4 And so, you know, I would be hesitant to approve
5 those without at least hearing from the district of
6 how they were going to insure that every student was
7 going to be engaged and every teacher was going to be
8 listened to and not have too much put on them.
9 Because this year for teachers has been very
10 stressful, has been very hard, and we don't want to
11 do anything to continue that for teachers. So that's
12 another thing that I had a little bit of -- not a
13 little bit, but some difficulty thinking through
14 without being able to hear from the districts. So,
15 you know, I don't know what the pleasure of the Board
16 is on that issue, but that was another one of my
17 concerns.

18 DR. MOORE: Is there a reason -- could -- we're
19 having a special meeting at the end of the month to
20 cover the rest of the applications. Is that correct?

21 CHAIRMAN NEWTON: 27th of May, I believe.

22 MS. SMITH: So we're going to have another
23 meeting, but it won't be all of them; it will
24 probably be about half of them at the next one --

25 DR. MOORE: Okay.

1 MS. SMITH: -- because we're still going through
2 this back-and-forth. Again, we're kind of still at
3 the point of this, in May, where they're only coming
4 -- we're only recommending them if we've gotten to a
5 point where we're like, okay, we feel like we have
6 vetted this and talked to them, they've responded.
7 Because we've had people interviewed them on the
8 phone, we've had people going back and forth with
9 questions. And so you will probably be continuing to
10 have these hearings all the way into July.

11 DR. MOORE: Part of me wants to delay until we
12 have the totality, but the other part of me knows
13 that if districts are putting this in place in August
14 they need it, you know, six months ago to have this
15 planned out.

16 CHAIRMAN NEWTON: Yeah.

17 DR. MOORE: So I'm torn about that.

18 MS. SMITH: And our commitment -- so held tight
19 to the May 1st deadline. So we told districts they
20 had to submit their applications to us by May 1st,
21 with the commitment that we were going to do our due-
22 diligence to review, get feedback, get them to the
23 State Board, to try to have these with decisions in
24 July. We've had some districts who didn't hit the
25 May 1st deadline, and they've been told they're not

1 going to be a part of this expedited process and they
2 will be after other -- after districts who met their
3 timeline. So that's just kind of how we're
4 organizing this for you.

5 DR. MOORE: Can we -- if we shorten the time
6 period and ask for a one-year or two-year, is there a
7 mechanism that we could get a report from you-all or
8 another entity to show us the research of what's gone
9 on? I mean, not just like student test scores, but
10 more qualitative research of, you know, districts are
11 using this curriculum, this is what it looks like;
12 districts that are doing synchronous, this is what it
13 looks like. Do y'all have the ability or does anyone
14 have the ability to do that, not the districts
15 themselves but --

16 MS. SMITH: I could like to say that we have the
17 ability to do that. I mean I think we could probably
18 come up with something. But to the depth that you're
19 asking, I'm not sure.

20 DR. MOORE: Yeah.

21 MS. SMITH: We do have lots of data pieces going
22 on as far as who's online, who's in person, who's in
23 a hybrid model, tying that to number of days that
24 their schools -- I mean, we've got lots of data
25 pieces going. But drilling it down to their

1 platform, their curriculum, I don't know that we'll
2 get there in a year.

3 DR. MOORE: I would want -- you know, in an
4 ideal world if we shorten the timeline and then
5 expect them to come back in a year or two I'd want us
6 to be much -- armed with much more information in
7 that year or two with what's going on.

8 MS. SMITH: So in a year from now -- so right
9 now, we've got current testing going on for summative
10 assessment. And next year that summative assessment
11 -- after you approve these programs, they'll have
12 testing going on in May of next year. So by the time
13 next year gets here, and you're wanting summative
14 data, that won't be here until late in the summer.

15 DR. MOORE: Right.

16 MS. SMITH: So the only thing districts would
17 have to go by is their formative assessment data,
18 which we will not -- we wouldn't have a way to
19 compile that from --

20 CHAIRMAN NEWTON: In this year's testing is
21 there going to be -- is it going to show who was in-
22 person and who was -- who was --

23 MS. SMITH: We're working --

24 CHAIRMAN NEWTON: -- virtual?

25 MS. SMITH: We're working with Dr. Airola --

1 CHAIRMAN NEWTON: Okay.

2 MS. SMITH: -- to be able to try to desegregate
3 some of those pieces. It will take time to kind of
4 go through those pieces, but we're hoping to be able
5 to have some reports like that in the Fall, because
6 we're as interested in that as anyone else.

7 MR. LOOKADOO: But I do think, to that point
8 too, like the -- that data that we have from this
9 year is going to look very different from what we
10 would expect in the future, as so many students were
11 virtual who will not be virtual students. So, you
12 know, that's going to be skewed in some ways, so I
13 think using that as a reference point is a little --
14 take some caution with that.

15 CHAIRMAN NEWTON: Okay. What's the pleasure of
16 the Board with -- because I'm assuming that we need
17 to take them as a batch instead of individually?

18 SECRETARY KEY: I think unless you wanted to
19 pull any out --

20 CHAIRMAN NEWTON: Yeah.

21 SECRETARY KEY: -- specifically, I believe we
22 would -- make it easier --

23 MS. SMITH: That's kind of why we split it up as
24 a section. So if you want to pull somebody --

25 SECRETARY KEY: Right.

1 MS. SMITH: -- you can. And then what we would
2 do is ask that district to come back and be with us
3 on the next board meeting.

4 CHAIRMAN NEWTON: I wish I had taken more notes
5 as I went through there now.

6 MS. WOODS: Can we pull the one with the 300,
7 which I think is Rogers?

8 CHAIRMAN NEWTON: Yes. Rogers was 300.

9 I wish I had taken more notes on some of the
10 others as far as numbers.

11 So Rogers has been asked to be pulled.

12 MS. McFETRIDGE: Pea -- excuse me -- Pea Ridge
13 is a 220.

14 CHAIRMAN NEWTON: Okay.

15 DR. MOORE: The thing about that is a few of
16 them will be using Virtual Arkansas --

17 CHAIRMAN NEWTON: Yeah.

18 DR. MOORE: -- and we don't know what their
19 teacher load is.

20 CHAIRMAN NEWTON: Right. And then those that
21 said large group instruction --

22 DR. MOORE: Right.

23 CHAIRMAN NEWTON: -- which is I guess unlimited,
24 you know, so -- and I didn't write those down.

25 This is only 10; right? Would you --

1 MS. SMITH: Right.

2 CHAIRMAN NEWTON: Would you be throwing rocks at
3 us if you gave us a little bit more time? I know --
4 I know --

5 MS. SMITH: I won't throw rocks at you face-to-
6 face; I may talk about you later behind your back.

7 CHAIRMAN NEWTON: Okay. That's fine.

8 MS. SMITH: As long as you're okay with that,
9 we're good.

10 CHAIRMAN NEWTON: That's happened to me many
11 times.

12 MS. SMITH: Okay.

13 CHAIRMAN NEWTON: So that's not a big deal.

14 MS. SMITH: As long as we're good on that, and
15 you're good with that, we can do that.

16 CHAIRMAN NEWTON: So I mean --

17 MS. SMITH: I guess my question would be -- this
18 is what I want to clear -- do you want all 10 of
19 these districts here and then all the -- I mean,
20 that's what I'm just trying to get to the --

21 CHAIRMAN NEWTON: Yeah.

22 MS. SMITH: -- the point of --

23 CHAIRMAN NEWTON: I guess my concern is when it
24 goes over 200 and when it's more than what the
25 maximum class -- for me, now I'm not speaking for the

1 Board. Okay? When the maximum class size goes over
2 about 50% of what we normally think of. You know,
3 when we get those and, you know, then I would really
4 want to know exactly what are you going to do to make
5 sure those students are engaged, what are you going
6 to make sure those teachers have all the supports
7 that they need. That's me. I'm not speaking for
8 anybody else.

9 MS. SMITH: So let me ask this question to
10 Karli's group and to Joel, because you guys were
11 digging into those questions. So I know y'all were
12 kind of asking those questions anyway. So, do one of
13 you want to come and address how we asked those
14 questions and the responses we got and what got you
15 to the point where you recommended this to begin
16 with? And then, we can clarify the question that we
17 need to go back and ask the districts so that we have
18 that information for you before we get here.

19 CHAIRMAN NEWTON: Okay.

20 MS. SMITH: Is that okay?

21 DR. MOORE: May I ask a question real quick?

22 CHAIRMAN NEWTON: Yes.

23 DR. MOORE: Is there a way to -- a waiver that
24 says you are granted a waiver but no more than X?

25 MS. HYATT: This is Mary Claire on the Zoom. I

1 think something needs to be clarified. So large
2 group instruction virtual courses, Teaching Load does
3 not apply. You're not granting a waiver of Teaching
4 Load to allow them to go over Teaching Load.
5 Teaching Load doesn't apply. So in the 100% virtual
6 courses they are permitted already without a waiver
7 to go over the Teaching Load. That does not require
8 you to approve it and it doesn't require a waiver.
9 So when there is a Class Size and Teaching Load
10 waiver on the application a lot of the schools didn't
11 request it, and some did because they're doing a more
12 blended model or because they're doing courses that
13 don't qualify for large group instruction or there
14 was some sort of Class Size piece. But if it's a
15 100% virtual courses, Teaching Load, the 150 is not
16 applying; so you are not granting any waivers for
17 that. Those schools are able to go over the 150
18 without permission from the Board.

19 DR. MOORE: Mary Claire, is that in rule or in
20 law?

21 MS. HYATT: It's in -- so I'll have to check on
22 the digital learning piece. The large group
23 instruction definition that exists is in the Class
24 Size and Teaching Load rules. It's not reiterated in
25 law. We're given broad authority by the statute to

1 determine what the Class Size and Teaching Load is.
2 I will have to go back and look at the specific
3 digital learning piece because I'm just not as
4 familiar with that one, that set of rules as I am
5 with Class Size rules. So I'll email you the answer
6 to that question. But in terms of how we define
7 large group instruction, how it's applied, it's in
8 the rules.

9 DR. MOORE: Thank you.

10 MS. WOODS: I think one of the things that I
11 have an issue with is how these waivers are
12 structured under 12 -- Act 1240, is we're just
13 basically giving you whatever access you want. So
14 while they can come to us and say "well, it will only
15 be 150," they could get in the middle of the year and
16 see that it needs to be 200 and there's nothing we
17 can do about that. So I think that's just where my
18 heartburn is on this, like -- and without them being
19 here and like looking at us and saying "yes, for
20 sure" -- I don't know. I just --

21 MS. SMITH: So, Mary Claire, let me see if I
22 understood you correctly. Class Load now is not --
23 is really not an issue for digital; it's already
24 waived. They can already go over 150?

25 MS. HYATT: As long as it's a 100% virtual

1 course --

2 MS. SMITH: Hundred percent.

3 MS. HYATT: -- and the teacher is teaching 100%
4 virtually. Now if the teacher is teaching some in-
5 person and some virtual, that's not what I'm talking
6 about. But if it is on the virtual teacher and you
7 guys are my virtual class, Class Size would not -- I
8 mean Teaching Load would not apply in this instance.

9 MS. SMITH: So if one is doing both.

10 MS. HYATT: Right.

11 And just to respond to Ms. Woods, any time -- in
12 any 1240 waiver, not just these, if you make
13 representations to the Board in your application or
14 during their hearing, they're bound by those
15 representations. So if a school district says to you
16 "we want this waiver so that we can do X," and they
17 say "we're not going to go over 40 students per
18 class" -- if they start using it for 50 or 60
19 students per class, and that's discovered during some
20 sort of monitoring, then they can be called in for
21 review of their waivers. And at any time in any 1240
22 waiver the Board has the authority if we see -- if,
23 you know, Deb's group or Kiffany's group or Don's
24 group during their risk assessment see that a school
25 is struggling, as long as you give proper notice you

1 can call any of these schools back in at any time to
2 review their waivers. You can revoke them, you can
3 modify them, you can do whatever you want.

4 MS. WOODS: Thanks, Mary Claire. I didn't know
5 that. But thank you. That's helpful.

6 DR. MOORE: There's a district that -- one that
7 stood out to me said they will only go over in 11th
8 or 12th grade and it will be only by a specific
9 number of students. That to me is very thoughtful.
10 You know, they thought of this is when teachers can
11 -- or more so, this is when students can handle it
12 too, thinking about the student perspective of it.
13 And I feel good about that. It's the ones that are
14 more of a blanket -- that we're just giving a blanket
15 authority to. But hopefully they will act in good
16 faith and take care of both their teachers and
17 students. But I know sometimes time is crunched too,
18 or teachers are -- they can't find someone else, so
19 --

20 CHAIRMAN NEWTON: Any other comments?

21 MR. LOOKADOO: I'm just going to add -- and
22 Karli can go for it too -- you know, I think one of
23 the things, just looking back through, you know, the
24 spreadsheet, the specific things, I think that was --
25 like getting specific was a big part of the

1 revisions. And it was like -- because a lot of times
2 you might see these applications first come in and
3 it's like "we will provide additional support, if
4 needed."

5 CHAIRMAN NEWTON: Yeah.

6 MR. LOOKADOO: What does that mean? And so, you
7 know, it's like let's see the specifics. And that
8 was usually addressed -- okay -- address specific
9 support, what does that look like, how are you going
10 -- especially in regards to Teaching Load and Class
11 Size, that was specifically on that application. It
12 is asking that. So that should be provided in there,
13 and that was oftentimes the case with our group, you
14 know, what is the specific support that you're doing.
15 But --

16 MS. SARACINI: And we went back and forth on
17 that. And we would also -- once they meet that
18 threshold of 150 and going above, what extra supports
19 would you provide that teacher. So there was a whole
20 section for just teacher supports -- and also,
21 student engagement. When they just had a blank or
22 "will provide as needed," we would write back our
23 concerns are student engagement and then how the
24 teacher would engage the students and engage families
25 as well. So when we would go back and forth, we

1 would ask specific questions on how are you
2 specifically going to help the teacher be successful
3 in this environment with this load.

4 DR. PRIDE: And I'll just add a little bit about
5 how we balanced that in terms of if we saw, you know,
6 that there was a concern around Class Size. We did
7 go back into Student Supports to see, you know, how
8 that was balanced out, if the plan was sufficient,
9 and that's how we were able to reconcile. Say, for
10 example, they're doing -- with the check-ins they're
11 designing small group sections for kids; so they had
12 a plan to break each large group down throughout the
13 week or throughout every -- bimonthly, or say each
14 student would get a small group session every-so-
15 often. So if we saw large numbers like that we were
16 going and looking at the student supports and the
17 teacher supports to see how those offset those
18 numbers. So we too were very attentive to that. And
19 we went in to look -- and especially in my area that
20 was some of the big questions: having the student
21 supports in place, having the teacher supports, is it
22 clear about expectations or responding to student
23 needs if there were large class sizes. So we did
24 give them extensive feedback for that and we looked
25 for that in their response. And if it wasn't there,

1 we would send it back again and say "we still have
2 remaining concerns about this, this portion; here's
3 what you did recognize, but we still are concerned
4 about this piece." So we were very attentive to
5 those, those types of risk levels.

6 CHAIRMAN NEWTON: One other question that I had
7 was y'all have said several times that these are
8 going to be closely monitored throughout the year. I
9 know here at the Department y'all already have a lot
10 on your plates, kind of like teachers. You know, and
11 so I'm a little bit concerned about adding something
12 else to your plates to monitor. Can you describe
13 maybe that process a little bit? Maybe that would
14 make us feel a little bit better about it.

15 MS. SMITH: So recognizing that this is of
16 utmost importance, we're actually talking about what
17 are some of the things that we can maybe not monitor
18 next year in some areas, where this would take its
19 place for the moment. So can we back off on some of
20 the website pieces that we're monitoring; can we --
21 and how can we leverage and use our folks more
22 effectively. Also, I mean -- and we -- Don and I
23 have talked about we've got Team Digital who are out
24 at the co-ops and looking at the different digital
25 content and curriculums, and how are they being

1 pushed out and assisting. That's one of the reasons
2 we got co-ops involved in this. The first layer of
3 this application had to go through their co-op for
4 approval before it even got to us. And when we gave
5 feedback, we gave it back to the co-op because we
6 were trying to build, you know, a community of
7 practitioners that were working together in a region.
8 And if you kind of look at that map, you'll see in
9 some regions, you know, there's a -- there's a lot of
10 people who've applied because all their districts
11 around them are, and so there's this pressure that
12 they need to have a program too. So the idea is that
13 they're working together, and you're going to see
14 some of those same curriculums and pieces coming
15 through.

16 Another thing that I want to -- these
17 applications that are coming to you have already had
18 to go through their local board and be approved. And
19 I would hope that if local teachers had concerns
20 about the way they were treated, their class loads,
21 that they would speak up and talk to their local
22 boards as well, and, I mean, I would hope local
23 boards would listen. So this group is checking to
24 see if they've been approved or not. Okay. In fact,
25 I've seen a couple of applications where links were

1 on there, but it didn't show their approval of the
2 board. And they sent it back and said, "It doesn't
3 have approval yet." And so that's another -- that's
4 just another layer. Now I'm not saying that --
5 because you're the ones who had the authority to give
6 waivers, not their local boards. Okay. But I would
7 hope their local boards would be asking some of those
8 really detailed questions about how are you insuring
9 that our kids are learning, how are you insuring that
10 our teachers are not being double-done. I mean, and
11 earlier, Ms. Newton, you said something about kids
12 sitting in classrooms on computers.

13 CHAIRMAN NEWTON: Uh-huh.

14 MS. SMITH: We don't want to see that anywhere.
15 I mean, I've seen it in some of the schools that are
16 under state authority. And I think we -- you know,
17 it evolved there just because of the pivoting and
18 then you had half the kids over here and half the
19 kids over there, and everybody agrees that was the
20 course model. And at the beginning, when Kiffany did
21 her presentation and she showed those three tiers, we
22 actually -- Dr. Pfeffer and everybody here talked
23 about this model over here, we had the teacher doing
24 both and the camera is in the room and you've got
25 kids -- it wasn't working. And if we saw that

1 happening, especially in elementary it was a much
2 higher risk. When you got up to high school, it
3 depends on the risk; it depends on what the course
4 is; it depends -- I mean, there's lots of different
5 -- lots of different factors there.

6 And so every concern you're saying -- I won't
7 point to just you; every concern y'all are laying out
8 here for us here, we feel it too. We feel an intense
9 pressure. And what's funny was I was in northwest
10 Arkansas presenting last week and was talking about
11 the state application for ARP funds, and someone
12 said, "Please don't make it as complicated as that
13 digital application." And I kind of laughed, and I
14 thought, y'all haven't seen anything yet because it
15 hadn't gotten through State Board.

16 CHAIRMAN NEWTON: Yeah.

17 MS. SMITH: But the concept was we were trying
18 to be -- and we have made it difficult. Districts
19 have had to go over a pretty high bar to get it to
20 this point. And this team back here, this has been
21 going on for months. I mean it's great that I'm
22 standing at the microphone, but I haven't reviewed or
23 -- I mean, but these are the guys that are -- they're
24 doing the work. There's a team of 17 that were
25 primary folks reviewing and then plus more than that.

1 So I'm confident in the ones we're bringing to
2 you. I do know -- I am listening to you about the
3 numbers, and those are higher risks that will be
4 monitored.

5 CHAIRMAN NEWTON: Okay.

6 DR. MOORE: Before you ask a question --

7 CHAIRMAN NEWTON: Go ahead.

8 DR. MOORE: -- I wanted to share -- and I really
9 appreciate all y'all have done and I don't think my
10 disgruntlement is with y'all's work; it is probably
11 -- I think when I get to the root of it, it's more
12 just digital learning and how are we doing digital
13 learning well. I speak to one application where if
14 you're in first grade you have math face-to-face on
15 Thursday morning for an hour. And so, what does that
16 look like for my 6-year old to only see a teacher --
17 you know, to have that talking for math one day a
18 week? I think that can be done really well, but I
19 also can see how it can't be done well. And so it's
20 not even -- the whole policy of it is getting down to
21 how -- do I feel comfortable with digital learning in
22 K-8 when it is not a course; you know, when you don't
23 have to have it, knowing that maybe every -- there
24 are families that have to have it in the state, pre-
25 pandemic/post-pandemic, and that option is already

1 there. So, I like to ramble, but that's my --

2 CHAIRMAN NEWTON: All right. Any others?

3 Okay. So do we -- I don't want to lead the
4 Board in any way at all. Okay. And I don't want to
5 do that at all, so I'm going to be quiet. How about
6 that?

7 MS. WOODS: I think I would like to have
8 districts here to explain these, at least for the
9 first couple, because we've not done this before.
10 And maybe as we know -- that's just me. As a non-
11 educator, I think that's my preference, because I
12 just do have questions -- like these liaisons out of
13 Trumann, I'm like, "Well, why wouldn't you just like
14 bundle this together and hire another teacher?" I
15 guess I just want to be able really to talk to
16 people.

17 DR. MOORE: Yeah. And maybe I -- my preference
18 maybe is to push these until our next meeting so we
19 have the time to ask the Department or the district
20 questions and then we'll wrap our minds around it
21 better and we can make a decision for more of them,
22 versus making a rush decision now and tweaking it.
23 You know, just treating the districts fairly in that
24 sense is my inclination.

25 CHAIRMAN NEWTON: Okay.

1 SECRETARY KEY: Madam Chair --

2 CHAIRMAN NEWTON: Yes, go ahead.

3 MR. SUTTON: Can I make one more comment?

4 SECRETARY KEY: Yeah.

5 MR. SUTTON: Does it -- would it make sense also
6 -- I'd be interested in districts that are not going
7 to apply for reasons that we don't know, but they
8 know, based on results from this past year. I'd like
9 to know what they see as shortcomings.

10 CHAIRMAN NEWTON: Mr. Secretary.

11 SECRETARY KEY: And, again, not to influence how
12 you move forward, I just want to bring this back to
13 -- when we presented this concept to you, an
14 expedited 1240 process for this, it was expedited not
15 just for the districts but for y'all. Because if you
16 think about bringing 150 individual districts in here
17 for 1240 waivers, that every one of those are going
18 to have similarities but every one is likely to have
19 differences. So just keep that in mind as you
20 consider how you want to move forward. But just --
21 you know, this is a process we try -- we developed to
22 try to help both parties, the authority, which is
23 y'all, and our districts who, you know, we're trying
24 to lead to make the right decisions in some of these
25 with a lot of the interaction that's taking place.

1 So just give that consideration as you decide how you
2 want to move forward.

3 CHAIRMAN NEWTON: We haven't been very expedited
4 today, have we?

5 SECRETARY KEY: Well, we anticipated that
6 because -- and it's not because we -- we just know
7 how diligent every member here is about wanting to
8 make the right decision, and we get that. We were
9 prepared for that and that's why when you saw more
10 members of the leadership team in here today than
11 we've had in sometime, because we wanted to get your
12 questions answered. And that's why we said, "Okay,
13 we're going to bring these 10 to you," so we can --
14 it could be that trial run in a way. But, you know,
15 so, no, we didn't expect that this would be a short
16 conversation, Ms. Newton. So it's fine.

17 MS. WOODS: I may be going out on a limb, but I
18 -- from what I'm gathering, if the whole Class Size
19 wasn't on there I feel like this would be a whole lot
20 easier. Maybe I'm wrong, but I feel like the Class
21 Size is the hang-up.

22 CHAIRMAN NEWTON: But, you know, I understand
23 why they want it for the virtual, you know, because
24 it makes sense. And it's just -- at -- when it gets
25 really huge, you know, that's when I start getting

1 concerned.

2 If we were to approve these today for one year,
3 then they come back with some sort of detailed report
4 and data in a year. But as y'all go forth maybe on
5 the applications from now on maybe y'all could really
6 give a -- put a bee in their bonnet that we are
7 really concerned about Class Size and Teaching Load
8 and when they get really huge that it gives us great
9 pause.

10 And then, maybe we pull some that we have
11 concerns about now. You know, I don't know what the
12 answer is. I don't -- I don't want to -- sorry.
13 Okay. I don't want y'all to think that we don't
14 appreciate your hard work and that we don't trust
15 you. I mean I don't want it to come there, because
16 we do. It's just that we want to make the right
17 decision.

18 SECRETARY KEY: I'll speak for the team. We
19 don't think that.

20 CHAIRMAN NEWTON: Okay.

21 SECRETARY KEY: I mean, please don't think for a
22 moment that we're going to -- well, except for Stacy.
23 But this is a burden on y'all; I mean, it's
24 definitely a burden for the decision-making -- and
25 looking at what we're trying to create, that now we

1 don't have to create it under an emergency type --

2 CHAIRMAN NEWTON: Yeah.

3 SECRETARY KEY: -- situation. So we understand
4 that you want to get it right. I wish I could
5 guarantee you that everything we are doing is -- that
6 we're getting it all right, in some of these
7 processes that we're dealing with. But we do know
8 that when we figure out something wasn't exactly
9 right we come back and do our best to fix it. I
10 trust that that's what these districts are going to
11 do.

12 Stacy just mentioned to me Jody Wiggins,
13 Superintendent of Siloam Springs, is on and he's been
14 listening to the conversation and is willing to
15 answer questions that y'all might have about their
16 proposal. And if you want, we can have that
17 conversation and Mr. Wiggins can come on. And, you
18 know, you might get a feel for how at least that one
19 district is handling it and their mindset and their
20 thought process as they developed their request.

21 CHAIRMAN NEWTON: That might help.

22 SECRETARY KEY: Okay.

23 CHAIRMAN NEWTON: That really would, if we could
24 hear from a district. Yeah.

25 SECRETARY KEY: Okay. Mr. Wiggins is on there.

1 A-4: ACT 1240 DIGITAL LEARNING APPLICATIONS WITH REQUEST FOR
2 ADDITIONAL WAIVERS

3 MS. COFFMAN: This is Item Number 4 on your
4 agenda, Digital Learning Waiver Application With a
5 request for Additional Waivers.

6 CHAIRMAN NEWTON: Okay.

7 SECRETARY KEY: So this one is a little
8 different.

9 MS. COFFMAN: This one is a little different,
10 but they went through the same process. And, as you
11 know, they also have a charter school that the
12 Charter Panel will be hearing next week. So they've
13 been through this process with us many, many times
14 before. Siloam Springs School District.

15 SECRETARY KEY: Yeah. And so, this one isn't
16 part of the expedited.

17 MS. COFFMAN: It is.

18 SECRETARY KEY: Well, it is but --

19 CHAIRMAN NEWTON: They're having --

20 SECRETARY KEY: Yeah, I said it wrong. It's
21 part of the expedited, but with other things that the
22 other groups are not asking for.

23 MS. COFFMAN: Correct. So we've packaged them
24 as in strictly the expedited waiver process. And
25 then anybody that's asking for additional waivers, we

1 separated those out. And then, as I mentioned
2 before, we'll have some probably at your next meeting
3 that is a review from the Charter Panel. And then a
4 fourth category would be to have any of these that we
5 have concerns about, if we've not -- if we are not
6 getting the response back, if we're not feeling very
7 confident about, we're going to bring those to you
8 with the superintendent to say "this one is going to
9 have to have a full conversation."

10 CHAIRMAN NEWTON: All right. Okay. This -- but
11 this Siloam Springs is just K-8, if that's -- if I'm
12 reading that right?

13 SECRETARY KEY: And we've got a request to
14 members, please don't forget to speak right in your
15 microphone and make sure it's on before you start
16 speaking.

17 MS. COFFMAN: Ms. Newton, you're correct,
18 because their 9-12 is a charter --

19 CHAIRMAN NEWTON: Okay.

20 MS. COFFMAN: -- and it will have to go through
21 Charter Panel before it can come to you.

22 CHAIRMAN NEWTON: Okay, so this is just the K-8.
23 All right.

24 Mr. Wiggins?

25 SUPT. WIGGINS: Yes, sir. Yes, ma'am. Can you

1 hear me?

2 CHAIRMAN NEWTON: Yes, I can.

3 All right. Would you like to just kind of give
4 us an overview of your thought process, the
5 application process, how you involved your staff and
6 your team in getting where you're at today?

7 SUPT. WIGGINS: Yes. So, first, you're correct,
8 the application is K-8 today, but we've actually
9 submitted for K-12. Our 9-12 is a conversion
10 charter, so it will come to you later. It's going to
11 look exactly the same.

12 The application process was very strenuous, as
13 Stacy and Deborah have mentioned. We have a team of
14 administrators in our district that worked on it for
15 literally hundreds of hours. A couple of them are
16 sitting behind me, to help me if I stumble. But we
17 submitted; we had questions asked back to us;
18 resubmitted; and questions asked back to us from the
19 specialists at the Department of Ed.; and resubmitted
20 a third time to clarify anything that they had
21 concerns about.

22 I know some of your concerns are the five-year
23 process. I will say we have a charter in our high
24 school that was approved for five years and we needed
25 the same waivers that we're requesting in this. We

1 were approved with very little question on our
2 charter. We have permission at our high school to go
3 over the 150 with our charter waivers and we have put
4 the same number into this plan for our amendment to
5 the charter, and that's 180. 180 is just what we
6 chose because that was what we had asked for the
7 previous time.

8 For elementary K-8, we will be 100% virtual; the
9 students will be 100% virtual. And we will cap our
10 numbers for those K-8 teachers at basically double
11 what they could have if they were onsite, and I know
12 -- we base that off of the other charters, the
13 digital charters that are approved in the state of
14 Arkansas. And our numbers are actually smaller than
15 the digital charters that are approved, and that
16 doubled in class size. So we thought that was well
17 within the bounds.

18 We learned a lot this year. We were all kind of
19 thrown into digital learning this year and virtual
20 learning this year by necessity. And we have
21 actually been planning on starting a virtual school,
22 but had planned on taking two to three years to plan
23 that, and we were thrown into that by a very quick
24 development last summer. And we had planned
25 originally that we would have somewhere in the 150 to

1 200 students involved; that would be about 3% to 5%
2 of our student population. And last year we
3 ballooned to almost 700 at the beginning of the
4 school year. That created a lot of problems for us
5 and we tried to learn on the fly. And to be honest,
6 our application to you-all for this plan is a result
7 of everything we've learned by making mistakes this
8 year. And we feel like we have a very good plan
9 based on what we were successful in the second
10 semester of this year. The first semester we did
11 some things that we will not do again, just because
12 it didn't work, and so we've put a lot of safeguards
13 into the plan. And I think -- I can't speak for
14 every district, but I know every district went
15 through the same process that we did in this
16 application process. And so we had to think of
17 everything -- and if we didn't think of everything,
18 specialists at the Department of Ed. asked specific
19 questions for us for additional feedback or
20 additional information for the plan.

21 CHAIRMAN NEWTON: Okay.

22 Dr. Hill, do you have a question?

23 DR. HILL: No questions.

24 CHAIRMAN NEWTON: Dr. Moore?

25 DR. MOORE: Yes. Thank you all for being here.

1 And I know that we feel like you sort of have a leg-
2 up having that charter school previously.

3 I saw that, I think, in your application that
4 you're going to be using the Florida Virtual School
5 curriculum. Is that a curriculum y'all have used in
6 the past?

7 SUPT. WIGGINS: It is not. However, we used a
8 different curriculum, a different company this past
9 year and found out since that the Florida Virtual
10 curriculum is the exact same curriculum that we paid
11 for from another company with a mark-up. And so we
12 prefer this curriculum; it's what we've used, and
13 this is actually a newer version than we had
14 purchased last year from a different company.

15 DR. MOORE: Will that require a lot of training
16 for your teachers this summer or -- it sounds similar
17 to what they've done before.

18 SUPT. WIGGINS: For most of our teachers, they
19 will be -- well, K-8 especially, they will be
20 continuing because they enjoyed what they did,
21 especially (inaudible) this year. So there will be a
22 little bit of training on the platform, but not much
23 required. With Florida Virtual, we have already
24 contacted them and are setting up dates in June to
25 begin our teachers training in that. At the high

1 school level or secondary level, it will require more
2 training because those teachers did not participate
3 in the Florida Virtual this last year. So - but
4 we're -- like I said, we are setting up dates for
5 them to participate in June. And we have also, just
6 to make it a little bit more attractive for our
7 teachers, put a little bit of a stipend if they
8 volunteered to teach a virtual class.

9 DR. MOORE: Okay. Yeah, and what does that look
10 like for planning purposes? Will you have your --
11 especially the elementary K-4, 5, will they be 100%
12 virtual?

13 SUPT. WIGGINS: K-8 will be 100% virtual
14 teachers. Yes.

15 DR. MOORE: Okay. So that teacher is not
16 teaching any in-person next year; they will just
17 teach virtual?

18 SUPT. WIGGINS: Correct.

19 DR. MOORE: And do you plan -- I guess do y'all
20 have an idea of class -- of number of student
21 participation? Will some of those teachers be
22 teaching, you know, kindergarten and 1st grade, or do
23 you plan for them to be strictly on that grade no
24 matter --

25 SUPT. WIGGINS: We have had 175 students sign up

1 for next year. We've already run the process of
2 signing up. And as I said, we had 700 at one time
3 this past year. We had one teacher per grade, K-8,
4 last year, and that worked pretty well. Our numbers
5 don't support that this year from a financial
6 standpoint, so we are doubling up. So we have a
7 teacher -- for example, for 5th and 6th grade, one
8 teacher teaching those classes. We have a teacher
9 for 3rd and 4th grade. And our numbers currently for
10 those teachers are probably -- 33? They're probably
11 at the low end 25, and at the upper end 40 for each
12 of those teachers, split between two grades.

13 DR. MOORE: Okay. And, sorry, last question.

14 The waiver -- the extra waiver y'all are asking
15 for is for art and music classes, to not be a
16 licensed art teacher?

17 SUPT. WIGGINS: Correct.

18 DR. MOORE: But your students will still receive
19 art and music instruction?

20 SUPT. WIGGINS: I was actually in front of you
21 last Fall for this exact same waiver and you granted
22 it to us for one year so that our 100% virtual K-8
23 teachers could provide the required art and music
24 during the day in a virtual setting, with curriculum
25 either provided by Florida Virtual or that our own

1 music department creates. That way, we don't have to
2 have art and music teachers coming out of the regular
3 onsite classes to do something virtual. We're going
4 to provide the curriculum and our virtual teachers
5 will provide that for our kids.

6 DR. MOORE: Okay. Thank you. I'll let someone
7 ask.

8 CHAIRMAN NEWTON: Mr. Lookadoo?

9 MR. LOOKADOO: No questions.

10 CHAIRMAN NEWTON: Ms. Woods?

11 MS. WOODS: I'm curious for your charter school
12 -- I'm sitting here looking at the requested
13 Teacher/Student Class Ratios. Like for kindergarten
14 you have 40-to-1. Do you currently have that at your
15 charter school? And how do teachers feel the
16 workload is, having 40 students?

17 SUPT. WIGGINS: The charter school was specific
18 to our secondary, our high school.

19 MS. WOODS: Oh.

20 SUPT. WIGGINS: So the charter school is a 9-12
21 charter school --

22 MS. WOODS: Okay.

23 SUPT. WIGGINS: -- so we have not had that
24 previously. This year we had probably greater
25 numbers per grade at the beginning of the year, and

1 then we currently have two grades each.

2 MS. WOODS: And have you -- what do the teachers
3 say about their current class size that are doing the
4 virtual with larger numbers?

5 SUPT. WIGGINS: If it says anything, all of our
6 virtual teachers want to stay virtual.

7 MS. WOODS: Okay. That's -- and that's helpful.
8 I mean I know we keep talking about like "well, last
9 year y'all granted this." Well, I feel like last
10 year was the chaos year -- not that we can't be held
11 to what we did last year, but that's just -- this is
12 all fresh. And so, thank you. That's very helpful
13 to know that that's how they feel about that. But I
14 know I can only speak for myself, but I feel like
15 right now is a fresh start. And if virtual is going
16 to be a thing, we need to do it as well and not under
17 the chaos of the pandemic. All right. Thank you.

18 SUPT. WIGGINS: You're welcome.

19 CHAIRMAN NEWTON: Dr. Rankin?

20 DR. RANKIN: I just want to say thank you for
21 jumping in and answering some of our questions today.
22 I know you've provided valuable insight from the
23 trenches, so we certainly do appreciate that.

24 No questions, Madam Chair.

25 CHAIRMAN NEWTON: Okay. Ms. McFetridge?

1 SUPT. WIGGINS: Thank you.

2 MS. McFETRIDGE: Mr. Wiggins, I do appreciate
3 you being here with us today. I am struggling with
4 your class size ratios that are listed out in your
5 application. It says, "Class size restrictions are
6 in place for many reasons, including classroom
7 management, physical space limitations" -- I
8 understand both of those. But then it goes on to
9 say, "And the ability to give students individualized
10 attention," and that's the issue I'm really
11 struggling with. How do you plan on giving
12 individualized attention to your virtual students,
13 and especially like in a kindergarten classroom where
14 you've got 40-to-1?

15 SUPT. WIGGINS: So we will have specific times
16 set up for group Zooms during the course of the week.
17 That will vary by grade and by teacher, as far as how
18 many are required and at what times. And those can
19 be done synchronous preferably with the students
20 involved in the Zoom, but they would also be -- it
21 would also be for asynchronous participation for kids
22 who wanted that. But we will also -- those teachers
23 will have to have -- we'll probably have to have
24 small group instruction for -- and group kids by
25 ability or by problem area; and so they will have

1 separate Zooms in small groups and we will have one-
2 on-one Zooms as well with students specifically
3 addressing specific needs of kids. So is Zoom the
4 same as onsite instruction and one-on-one interaction
5 onsite? It's not the same. But our teachers have
6 been successful, especially this second semester, as
7 long as they have made reconstruction required and
8 then given opportunities for small group instruction
9 and one-on-one through Zoom.

10 We will also have the opportunity for students
11 to make appointments -- for parents to make
12 appointments to come onsite and have small group or
13 one-on-one, which is something that our digital
14 charters across the state do not have the opportunity
15 to do. All of theirs is 100% virtual. And so we
16 want to have those opportunities. We will serve the
17 students with special ed., ELL services, and GT
18 services, either virtually or onsite; we can do both.
19 And our students will have the opportunity to
20 participate in things onsite like choir, band,
21 athletics at the upper end. We're not talking about
22 secondary in this instance specifically. But at the
23 high school level we will have opportunities for them
24 to go onsite for upper-level classes that we might
25 not be able to financially support in a virtual

1 setting just because of (inaudible).

2 Did that answer your question? I'm sorry.

3 MS. McFETRIDGE: Yes, very well. Thank you.

4 SUPT. WIGGINS: Okay.

5 MS. McFETRIDGE: Also, how about your -- really
6 working with your parents, getting them onboard,
7 teaching them how to really help their students --
8 that's one of the things that I've heard from
9 parents, "It's been a real struggle" -- and giving
10 them the tools that they're going to need when
11 they're at home working with their child?

12 SUPT. WIGGINS: So before a student can be a
13 virtual student for us, their parent and student
14 themselves will have to come in for an orientation
15 session this summer. We learned that last summer,
16 because we did not have all of that happen and we
17 fought for the first nine weeks just trying to get
18 everybody on and for them to know how to use the
19 system and platform. So that's going to be a
20 requirement on the front-end that they come in and we
21 go through those steps with them. So we'll train the
22 teacher -- I mean we'll train the parents on the
23 platform and we'll train the kids on the platform
24 before we ever start. And then during the course of
25 the year we will have ongoing meetings as needed with

1 parents.

2 MS. McFETRIDGE: Thank you for that. I
3 appreciate your comments.

4 CHAIRMAN NEWTON: Mr. Sutton?

5 MR. SUTTON: (Shaking head from side to side)

6 CHAIRMAN NEWTON: I don't know about the rest of
7 the Board, but, Mr. Wiggins, you've made me feel much
8 better about the process and I appreciate your
9 comments and appreciate the work.

10 I just had one other question about the process
11 itself. How involved were staff members and
12 stakeholders in the community in the development of
13 your plan?

14 SUPT. WIGGINS: We had Zoom meetings to discuss
15 the plan and -- actually going back to last summer
16 when we were having our Ready for Learning committee,
17 as we were preparing for the year. A big part of
18 that committee discussion was our virtual school at
19 the time. And so there was quite a bit of
20 involvement around that at the time because a lot of
21 our parents -- with 700 kids, there were a lot of
22 those kids' parents who were part of that committee
23 and so we have a lot of discussion now. We had a lot
24 of discussion through that first semester as we were
25 working through the problems of platforms and kids

1 being able to have access and so-forth. We had a lot
2 of feedback (email, phone, and in person) there. And
3 then over the spring here, as we were developing this
4 plan, our virtual school coordinator had two, three
5 -- three different Zoom opportunities for parents to
6 become involved and give feedback on what we were
7 doing currently and what they would like to see going
8 forward. And so, all of that has happened. We've
9 also had -- presented it to our school board.

10 And I will -- I know you all have questions in
11 your mind about the process. I will say that this
12 has been the most strenuous process we have ever been
13 through with the Arkansas Department of Education.

14 CHAIRMAN NEWTON: Okay.

15 SUPT. WIGGINS: And very -- almost it's been
16 very frustrating to us at times because we thought
17 that we had answered everything very, very well and
18 were told that we did not. So, and we had gone back
19 and put more detail in the plan. And I know every
20 district that I've spoken to in our co-op area feels
21 the same way; they feel like it's been a very, very
22 strenuous process.

23 CHAIRMAN NEWTON: Okay. All right. Thank you,
24 Mr. Wiggins. Thank you for volunteering to speak to
25 us and give us your time, because I think it has

1 helped and so I appreciate that.

2 SUPT. WIGGINS: You're welcome.

3 CHAIRMAN NEWTON: So any other comments from the
4 Board?

5 Okay. Since his is separate, do we want to take
6 this up now?

7 Would that be appropriate, Ms. Freno?

8 SECRETARY KEY: You're just taking an item out
9 of order, so there's nothing that would --

10 CHAIRMAN NEWTON: Okay.

11 SECRETARY KEY: -- prevent y'all from doing
12 that.

13 CHAIRMAN NEWTON: His is in a section by itself;
14 his was not included with the other 10. So does the
15 Board have a preference in this one?

16 MS. McFETRIDGE: I'll make the motion that we
17 approve the waiver for the Siloam Springs School
18 District.

19 CHAIRMAN NEWTON: Okay. A motion by Ms.
20 McFetridge.

21 Any second?

22 MS. WOODS: Is this for five years?

23 CHAIRMAN NEWTON: Oh, we didn't talk about time.

24 MS. McFETRIDGE: I would prefer to say one year
25 at this point. Can I amend my motion?

1 CHAIRMAN NEWTON: Yes.

2 MS. McFETRIDGE: Okay.

3 CHAIRMAN NEWTON: All right. Do we have a
4 second?

5 MR. SUTTON: Second.

6 CHAIRMAN NEWTON: Thank you, Mr. Sutton.

7 Okay. It would probably be best to do a roll-
8 call again.

9 SECRETARY KEY: Dr. Moore.

10 DR. MOORE: Yes.

11 SECRETARY KEY: Mr. Sutton.

12 MR. SUTTON: Yes.

13 SECRETARY KEY: Ms. McFetridge.

14 MS. McFETRIDGE: Yes.

15 SECRETARY KEY: Ms. Woods.

16 MS. WOODS: Yes.

17 SECRETARY KEY: Dr. Rankin.

18 DR. RANKIN: Yes.

19 SECRETARY KEY: Dr. Hill.

20 DR. HILL: Yes.

21 CHAIRMAN NEWTON: Okay.

22 SECRETARY KEY: Six yea votes.

23 CHAIRMAN NEWTON: Congratulations, Mr. Wiggins.

24 I think your time was worth it.

25 SUPT. WIGGINS: Thank you.

1 A-3: ACT 1240 DIGITAL LEARNING APPLICATIONS WITH REQUEST FOR
2 ADDITIONAL WAIVERS (continuing)

3 CHAIRMAN NEWTON: All right. I think -- I don't
4 know if the Department gets the feeling that being
5 able to talk to the superintendent made us feel much
6 better about this process. And I know we can't do
7 that 160 times, or I don't think we can. I guess we
8 can, but --

9 SECRETARY KEY: Y'all could if you --

10 CHAIRMAN NEWTON: Yeah.

11 SECRETARY KEY: And we'd be right here with you,
12 so --

13 DR. MOORE: Could we potentially table the 10
14 till our next meeting and email in the ones that we
15 would like to ask questions for?

16 SECRETARY KEY: That's certainly an option, yes.

17 MS. WOODS: Not to add time to our meeting, but
18 we do have tomorrow if we need -- could figure out
19 who we wanted. I'd be willing to do it tomorrow.

20 SECRETARY KEY: Tomorrow is --

21 MS. WOODS: I know tomorrow is reports, so I
22 didn't --

23 SECRETARY KEY: Reports day. Well, and I'm not
24 sure we're within the window to cover all the
25 announcements that we have to make for a business

1 meeting. I don't know that.

2 MS. WOODS: I'm just trying to get us extra time

3 --

4 SECRETARY KEY: I understand. Yeah.

5 MS. WOODS: -- to try and not punt it --

6 SECRETARY KEY: A lot of things -- we have to
7 make sure we're --

8 MS. WOODS: That's fair.

9 SECRETARY KEY: -- within the press --

10 MS. WOODS: Yes, sir.

11 SECRETARY KEY: -- announcement window.

12 CHAIRMAN NEWTON: Could someone -- before we
13 talk about which ones we might want to pull, could
14 someone go back and tell me again -- we had some that
15 -- and I can't remember how they phrased it, but said
16 they did not need a waiver because of large group.
17 Why did some say that and some didn't say that?

18 MS. COFFMAN: As Mary Claire was explaining to
19 you, if the teacher is a virtual-only teacher under
20 the digital learning rules -- Mary Claire jump in
21 here -- those are already waived in rule.

22 MS. HYATT: Yeah, that's right. And the class
23 has to be 100% virtual also. So, if you're seeing a
24 blended virtual model or teachers that will be in-
25 person and virtual at different times in the day or

1 at the same time, then they would need a waiver to
2 move forward with the larger teaching load. If it is
3 a teacher that's 100% virtual, their courses are 100%
4 virtual, they will -- the digital learning will
5 exempt that from the Teaching Load requirements.

6 So if you want -- and it might be helpful -- I
7 can type up something with the documents attached to
8 it that is more succinct so that you can see
9 everything that -- so that you have that as these
10 start to come in, because you guys have asked a lot
11 of questions about that today. So I'll get something
12 together and give it to you-all so that you have it
13 and you can look over those pieces.

14 DR. MOORE: I think that would be great. Thank
15 you.

16 I -- one question that came to mind -- so I know
17 some districts, they contracted with a provider to do
18 their online education; so if you were in a school
19 you were dealing with teachers who aren't even in the
20 state. Do we have -- I don't think any of these 10
21 today have that, but I expect some to do that. Do we
22 -- do they -- do we even regulate that? You know, do
23 these Class Size limits fall under them or does that
24 just sort of -- they can do that?

25 SECRETARY KEY: I think I can answer your

1 question. Make sure -- let me hear your question
2 again to make sure I'm --

3 DR. MOORE: So --

4 SECRETARY KEY: -- because I'm looking at
5 statute.

6 DR. MOORE: -- if a district contracted with
7 someone else to provide their online education, what
8 do we do with that?

9 MS. SMITH: So that falls under our digital
10 provider --

11 SECRETARY KEY: Yeah.

12 MS. SMITH: -- for a digital provider. And
13 there's a process to go through to become a digital
14 provider if you're an out-of-state teacher.

15 DR. MOORE: Okay.

16 MS. SMITH: And they have to submit an
17 application that's reviewed by different parties here
18 at the Department to be an established digital
19 provider.

20 DR. MOORE: Okay.

21 MS. SMITH: And then that teacher is listed as
22 teacher-of-record. Class Size does not apply to that
23 teacher.

24 DR. MOORE: Okay.

25 SECRETARY KEY: And it does not apply -- and

1 this particular section we keep going back to that
2 they're asking a waiver from doesn't apply to a
3 public school that operates primarily as a virtual
4 school. And that's expressly written in the statute.
5 So Connections --

6 DR. MOORE: So are we --

7 SECRETARY KEY: -- is part of the --

8 DR. MOORE: But are we saying that now these 160
9 will have public schools that operate as -- because
10 we're not creating new schools.

11 SECRETARY KEY: No, we're not creating --

12 DR. MOORE: Yeah.

13 SECRETARY KEY: -- different LEAs. No. It's a
14 program. It's a program within the existing school.

15 MS. WOODS: So, but -- Mary Claire, this may be
16 a question for you -- are people using this large
17 group instruction as a way to not have to ask for a
18 waiver for Class Size? That's what they're doing?

19 MS. HYATT: I mean I don't think --

20 MS. WOODS: I'm not going to talk.

21 MS. HYATT: I mean there's no need that they --
22 there's no reason why they would have to ask for a
23 waiver, because larger -- it's already permitted by
24 law, so they wouldn't have to ask for a waiver. I
25 don't think anyone is trying to like use a loophole

1 or be fishy or anything like that. I think some of
2 the programs are designed in a way where they fall in
3 a legally recognized exception to Class Size and
4 Teaching Load, and so therefore they don't need a
5 waiver. And other programs are designed in a way
6 that they don't necessarily meet the requirements for
7 the exception that's already legally allowable.

8 MS. WOODS: Okay. So hypothetically here, we
9 have a kindergarten class that could have 50 students
10 under the large group instruction, if they're 100%
11 virtual -- just to make sure I understand. Is that
12 right?

13 MS. HYATT: Say that again. Sorry.

14 MS. WOODS: No. No, no, no. So if we have --
15 I'm just -- I'm from Rogers. So Rogers says we're
16 going to have a 100% virtual program; we want to have
17 50 kindergarten students to one teacher. Would they
18 ask for a waiver of Class Size or would they ask for
19 a large group instruction, and is that an option?

20 MS. HYATT: So --

21 MS. WOODS: Or is it really just up to them?

22 MS. HYATT: So, first, they don't have to get --
23 and somebody that is more familiar with eSchool might
24 help me out on this one. But it's my understanding
25 that the courses that are approved for large group

1 instruction are somehow coded in the system. So
2 they're not actually asking us permission to deem a
3 course large group instruction; it's already been
4 designated that way, if that makes sense. And I
5 believe that the -- and, again, I'll have to double-
6 check this because lawyers and eSchool, not -- you
7 know -- not my specialty area.

8 MS. WOODS: Mine either.

9 MS. HYATT: But I do think that those course
10 codes somehow indicate that it is a large group
11 instruction course.

12 Oh. So many have messaged me -- thank you so
13 much, Kelly -- and said there is a checkbox for
14 courses that are digital in the system.

15 MS. WOODS: Okay.

16 MS. SMITH: So one place you would need a waiver
17 --

18 MS. WOODS: Yes.

19 MS. SMITH: So I'm a middle school teacher and I
20 teach math. First period is a virtual class; kids
21 are remote, they're at home. Second period, they're
22 there in person. So, I'm doing both. But my first
23 period virtual class may have 40 students in it. My
24 second period in-person class is going to follow my
25 class ratio. At the end of the day I may have more

1 than 150 students, or I may not. But my class size
2 for that first class was -- you know, when I add all
3 my kids together I'm over 150. Okay. So that would
4 be a situation in which they would need that waiver.

5 If I'm the teacher and I'm teaching virtual all
6 day long, no waiver is required. I can teach more
7 than 150 kids and law and rule already allow me to.

8 MS. WOODS: They allow you to because it's
9 written or because we don't have a rule? It's a law?

10 MS. SMITH: It's in rule; it's already allowed
11 that if -- large group instruction. I mean it is
12 allowed already.

13 MS. HYATT: Yes. But in law -- in law and rule.

14 MS. WOODS: In law, okay.

15 MS. SMITH: So there's no waiver needed for
16 that. So right now, a 100% virtual teacher does not
17 need a waiver; they can teach as many kids as they
18 want. Okay?

19 DR. MOORE: And they're exempt from any
20 additional pay?

21 MS. SMITH: Yes. So then you have hybrid in our
22 applications right now.

23 MS. WOODS: That's super helpful. Thank you.

24 MS. SMITH: Okay. So now we've got hybrid
25 options going on right now where we -- teachers are

1 doing both. What we were discouraging and what we
2 ranked as higher risk was doing both at the same
3 time. Okay. Although we do think it's okay for a
4 teacher to have a virtual class for a period or even
5 an asynchronous class that's meeting at different
6 times and they're uploading videos of themselves
7 teaching and then they're checking in with those kids
8 at different times. They might be able to have a
9 larger caseload. When you think about virtual
10 teaching for elementary school kids, they're not
11 getting on the computer all day every day for six
12 hours. Okay. Teacher in her classroom with
13 kindergarten students who has 20 kids, she's with
14 them all day. She's mainly with them in her room,
15 she's taking them to lunch, she's getting their
16 bathroom breaks, washing their hands, doing all their
17 instruction. Teacher for digital students for
18 kindergarten -- if it's synchronous, you have
19 scheduled times that you're getting on and meeting
20 with me in small group. So I might be able to handle
21 more students because I don't have the classroom
22 management piece of going to recess, taking them to
23 lunch. I mean we're logging on and off. They're at
24 home eating lunch.

25 MS. WOODS: Uh-huh.

1 MS. SMITH: So I might be able to handle more
2 students than just the 20 traditional teacher that's
3 virtual.

4 So it's when you get into the hybrid where
5 they're being mixed is where we have lots of
6 questions for our districts, because that's where you
7 are getting over that number and you need that
8 waiver.

9 MS. WOODS: Okay. That was very, very helpful.

10 MS. SMITH: I wish I would've come up with that
11 three hours ago.

12 MS. WOODS: I'm so sorry.

13 MS. SMITH: No, I'm sorry.

14 Dr. Pfeffer, come up.

15 DR. PFEFFER: Tell them about the different
16 options on the video -- with the videos and all that.

17 MS. SMITH: Yeah. So --

18 DR. PFEFFER: (inaudible)

19 MS. SMITH: Yeah. So going back to the very --
20 Kiffany's presentation talked about asynchronous,
21 synchronous, and hybrid. And on their applications
22 -- and it's on your applications, that you can see
23 what the district is saying they're doing. So
24 asynchronous is different times; teacher is uploading
25 lessons, doing -- they're doing it at different

1 times. You may have high school students doing their
2 work in the evening. Okay. Synchronous is face-to-
3 face; I'm on, you're on at the exact same time. And
4 hybrid is this mixed model where you could have kids
5 coming in person and digital at the same time.

6 Yeah, do you want to --

7 DR. PRIDE: Well, I was just making sure I --

8 MS. SMITH: Yeah. And this is the master of all
9 this.

10 We had videos explaining all these. The schools
11 went through professional development on all these
12 different models.

13 You want to add something?

14 DR. PRIDE: No, I would just say we gave them
15 various scenarios of how it would work, and then when
16 you think about the supports based on the combination
17 of whether you're going to just do virtual/online.
18 So, for example, if you're just going to do virtual
19 but it's synchronous, that's -- there's some more
20 risk there because you're seeing the kids each day.
21 And so we gave them various examples. But they also
22 could take these and be a bit innovative based on the
23 supports in their schools.

24 MS. SMITH: And that was another way that we
25 identified risk.

1 DR. PRIDE: Uh-huh.

2 MS. SMITH: Okay. So where we saw asynchronous
3 in elementary, okay, that was a higher risk. It's
4 like how are you monitoring that if you're not
5 actually seeing the kids. I think earlier you talked
6 about one time a week. That's a higher risk. How
7 are you actually monitoring that. There's also an
8 equity piece here too, okay, especially for younger
9 kids. I mean you're going to have to have a lot of
10 parental support or adult supervision assisting,
11 whether they're at home or at a location where there
12 is an adult helping them on and off. Again, higher
13 risk. Those are things that we have to monitor. Can
14 you be successful having a virtual school for
15 elementary students? We already -- we have some of
16 those models already, and they are successful, but
17 it's a higher risk. Those are some of the things
18 that we heard from school districts this year. And
19 we saw a lot of our districts not even apply for
20 elementary; they only did it for their secondary
21 students. So I think --

22 MS. WOODS: And I would say I have a comfort
23 level with secondary versus elementary. But then
24 again, just with the compensation piece, Dr. Moore,
25 these rules were all written before we did virtual.

1 Right?

2 MS. SMITH: Right. And I think the compensation
3 piece --

4 MS. WOODS: Not that that's what we're here to
5 talk about, but those are the questions.

6 MS. SMITH: No. Right. Right. And I don't
7 know that compensation is always based on number.
8 Our laws put it that way for in-person instruction if
9 you have over 150, you've got grades, you've got
10 this, you've got that. But I do think it tilts a
11 little bit when you think about responsibility for
12 in-person and virtual and, you know, the different
13 supervisory duties and things like that. I mean I
14 think these shift a little bit.

15 DR. PRIDE: I just want to add that when we did
16 make suggestions or recommendations around those K-2
17 students and the Science of Reading, which that was
18 our biggest marker -- because we knew that, you know,
19 some kids you need to see their lips, especially when
20 you think about phonological awareness. And most of
21 the applicants, they did respond to that these kids
22 are -- K-2 students are going to get 45 minutes a day
23 of phonics instruction, phonological awareness
24 instruction, just making sure they can learn to read.
25 So they did take our recommendations in terms of

1 making sure that if they were thinking "oh, we're
2 going to do all asynchronous," we said, "Here's the
3 recommendation. Think about the students. You've
4 got to see their lips; it makes it a lot" -- we got
5 the responses back; we saw where they adjusted to
6 insure that students were going to be for sure
7 readers in that K-2 band. Extremely -- it was a
8 comfort with how they responded.

9 CHAIRMAN NEWTON: Secretary Key.

10 SECRETARY KEY: Thank you, Madam Chair.

11 So a suggestion I think between Gina and Ivy --
12 I'm not sure who else was collaborating on this --
13 but maybe this is something that would be helpful,
14 that we not ask you to make a decision on any of
15 these today but that we schedule a work session. It
16 can be a Zoom work session and take like the three
17 different types of asynchronous, blended and the
18 regular digital and have a sampling of those. And at
19 least bring one of each and those superintendents and
20 the teams with those districts to talk through their
21 application or y'all can ask questions and talk
22 through with the team what the different -- you know,
23 the nuances of each type are. And that can help --
24 and we'd do that before the next meeting on the 27th
25 and that would help y'all get a better feel for, you

1 know, the differences and how these waivers apply in
2 each of those situations. So that would be something
3 we would -- an idea we would throw out there.

4 CHAIRMAN NEWTON: I think it's a great idea. I
5 think it would make us all feel better if we saw
6 specifics, because I know just speaking with Mr.
7 Wiggins helped us get through the process a little
8 easier. So if we could see examples of districts and
9 their thought process and what they were doing, I
10 think that would make us all feel a little bit better
11 about that.

12 Do we need to do tabling or what do we need to
13 do? Table these 10?

14 SECRETARY KEY: I would just -- I think -- I
15 don't think you -- I think -- well, I don't know what
16 you officially call it, but Mary Claire can help us
17 with that. We're just moving those to the next
18 agenda. I mean like you could pass over them and
19 we'd put them on the next meeting agenda, on the
20 27th, along with --

21 CHAIRMAN NEWTON: Ms. Freno, do you want to give
22 us some guidance here?

23 MS. FRENO: Ms. Newton, I think we could do
24 either, I think. I mean in accordance with our
25 Standard Operating Procedures probably just tabling

1 this whole issue would be a good idea and then we can
2 un-table it at the next meeting.

3 CHAIRMAN NEWTON: Okay. All right. And would
4 our next meeting be the 27th meeting?

5 MS. FRENO: Yes. And we would need a motion for
6 that.

7 CHAIRMAN NEWTON: Okay. And then are we
8 planning the 27th meeting to be in-person or virtual?

9 MS. SMITH: We were planning virtual just to go
10 through the expedited process, but --

11 CHAIRMAN NEWTON: I promise you (inaudible).

12 MS. SMITH: I'm telling you. So, if we're
13 needing to hear more districts -- I mean if we can
14 work that out at the next board meeting and you guys
15 are comfortable doing expedited, then I think virtual
16 would be fine. If we get to the work session and you
17 need us to bring people in, then we'll start
18 scheduling people to come in and we'll have you guys
19 here and have people Zooming in and presenting.

20 CHAIRMAN NEWTON: Okay. All right. So we can
21 kind of work that out at the work session. Okay.

22 MS. SMITH: Yeah. Yeah, I don't want to say
23 that we --

24 CHAIRMAN NEWTON: Don't look at me like that.

25 MS. SMITH: I'm not. No, I'm going to start

1 staring at Joel.

2 CHAIRMAN NEWTON: Okay. So is that agreeable to
3 the Board to table then to our next meeting? If so,
4 we need a motion.

5 DR. MOORE: I'll move to table Action Item 3 to
6 the next meeting.

7 CHAIRMAN NEWTON: Okay. Do I have a second?

8 MS. WOODS: I'll second.

9 CHAIRMAN NEWTON: All right. Motion and a
10 second.

11 All in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN NEWTON: Any opposed?

14 Okay. So we are officially tabled.

15 And thank you, Team. Again, I've joked about
16 this and I know it's not funny to you because you've
17 put in too much time. Thank you so much for your
18 hard work and effort. And I think when we talked to
19 Mr. Wiggins we got a big picture of that, that -- you
20 know, things that he saw, that it was a very involved
21 process and was very thorough. And so I appreciate
22 your time and your efforts. So thank you very much.

23 Do any of you need a break before we move on to
24 the next part? Do we need a break?

25 No. Okay. So we're going to move on. That was

1 all of Section 3, and we voted on Section 4.

2 A-5: CONSIDERATION OF DISTRICT WAIVER EXTENSION REQUEST -
3 LINCOLN SCHOOL DISTRICT

4 CHAIRMAN NEWTON: So we are now to Item 5, a
5 District Waiver Extension Request, Lincoln School
6 District. Ms. Webb.

7 MS. COFFMAN: Replaced by Ms. Coffman.

8 CHAIRMAN NEWTON: Okay. Ms. Coffman.

9 MS. COFFMAN: The Lincoln School District is
10 requesting an extension of a waiver for Class Size
11 and Teaching Load, Library Media Specialist time
12 requirements, and daily planning period of the 40-
13 minute increments. These waivers are being requested
14 for an additional five years.

15 We have -- the Division has reviewed and
16 supports this waiver request. And hopefully online
17 is Michele Price, the middle school principal for
18 Lincoln School District.

19 CHAIRMAN NEWTON: Good afternoon, Ms. Price.
20 Thank you for staying with us.

21 MS. PRICE: Yeah. Good afternoon. We actually
22 drove all the way back and we made it back in time,
23 but we have been on the board meeting the entire
24 time. So we appreciate you this morning with our
25 award and everything. But we are just going to talk

1 real quick about the extension of our waiver.

2 So through Opportunity Culture we have what we
3 call multi-classroom teachers. Those are leaders
4 within our school, teacher leaders within our school,
5 and then we have Direct Reach teachers, and we have
6 Reach Associates which are instructional aids.

7 So what that looks like for class size -- so the
8 model for Opportunity Culture allows for a Direct
9 Reach teacher to reach more students. So they are
10 very high-quality in their teaching and it allows
11 them to reach more students. So what that means is
12 we have a class and the classroom -- that teacher
13 teaches, say, 4th and 5th grade science; so she
14 teaches all of 4th and 5th grade science. If she has
15 -- we do not extend our class size any higher than
16 33, but she always has a Reach Associate in there
17 with her, which is an instructional aid that is
18 trained through Opportunity Culture, and then along
19 with a multi-classroom teacher, which is a leader
20 that also supports her. So when you think about a
21 class size, that's a little bit bigger in that sense.
22 It does not exceed 33, but there are many people
23 within that that support those students. So that's
24 kind of what it looks like. That's an example of
25 what it looks like for class size, just extending

1 that waiver for our class size.

2 Let me talk just -- and then I'll answer
3 questions, if that's okay.

4 The daily planning period is just, again, with
5 Opportunity Culture. What that looks like is we
6 might need an extended time within a day to plan with
7 a teacher. Because through Opportunity Culture each
8 of our content teachers have an individual teacher
9 leader that supports them and that planning time
10 might need to extend to 75 minutes one day and might
11 be a little bit shorter on another day of 30 minutes,
12 depending on what the week holds. So they always get
13 a planning period; it's just the flexibility within
14 the week is what that looks like for them.

15 And then last -- our last waiver was for our
16 Library Media Specialist. She still has the classes
17 that come to her class and she teaches the library
18 media standards. But on the time that she doesn't
19 have her classes we have an aid that comes in and
20 checks out the library books and she supports us with
21 our RTI program, the RISE piece. We were all, of
22 course, trained in that and she helps support those
23 students with her literacy knowledge and growing
24 those students. So for her -- we are also a School
25 of Innovation and so we push that out for her to

1 support those RTI kids when she doesn't have her
2 library students. And then we have somebody in the
3 library to support her and they're able to check out
4 library books for our students.

5 Do you have anything, Ms. (inaudible)?

6 Okay.

7 CHAIRMAN NEWTON: Okay. Thank you.

8 Mr. Sutton, do you have questions?

9 MR. SUTTON: No questions.

10 CHAIRMAN NEWTON: Ms. McFetridge?

11 MS. MCFETRIDGE: I'm trying to figure out what
12 the real advantage of this having a lead teacher with
13 possibly two other people in the classroom that are
14 not licensed. Can you maybe talk a little bit more
15 in-depth about that and what the advantage is?

16 MS. BOUNDS: Hi. My name is Lindsey Bounds and
17 I am one of the multi-classroom leaders that Ms.
18 Price was referencing in the waiver. And so, my job
19 is to support 6th through 8th grade math and science
20 teachers. So I have a team of teachers that I
21 directly work with. I help them plan lessons, we co-
22 teach. And so I am a licensed teacher and I help
23 hold small groups, I might teach whole group while
24 the teacher teaches small groups, and I might
25 actually be the one doing the small group, I might

1 work one-on-one. So the RA is an instructional aid
2 which isn't a licensed person but they have been
3 trained through Opportunity Culture, as well as they
4 sit in the meetings with us. So those RAs are taught
5 classroom management skills, they help us to dig
6 through student data and make sure that students are
7 growing in the right directions. We help them with
8 just different instructional things, if a student
9 might ask them a question. So we make sure that they
10 are fully able to support the students in the
11 classroom. So that's kind of what it looks like, is
12 all three of us working together to grow every
13 student in that classroom.

14 MS. PRICE: A Direct Reach teacher is also a
15 licensed teacher.

16 MS. BOUNDS: So the only one that is not is the
17 RA, which is the Reach Associate.

18 MS. McFETRIDGE: Okay. Because your application
19 says if the classroom teacher is not licensed, and I
20 guess that to me is confusing, that comment in that.
21 So the classroom teacher will be licensed. Is that
22 correct?

23 MS. BOUNDS: Yes, ma'am.

24 MS. PRICE: Yes.

25 MS. McFETRIDGE: Okay. Well, that statement

1 then is not correct, unless I'm just not reading it
2 right. Will that need to be adjusted then?

3 MS. BOUNDS: I think what that refers -- I think
4 what that is referring to, I do see what you're
5 saying about that statement. But I think what it's
6 referring to is in the model of Opportunity Culture
7 with the Direct Reach teacher, who is licensed, and
8 the Reach Associate, who is a classified teacher, it
9 allows us for the Direct Reach teacher to do a small
10 group while the Reach Associate stays with the rest
11 of the students. So those two teachers in the
12 classroom work together. So I think that statement
13 is really just to cover us in the aspect of the Reach
14 Associate is qualified -- you know, we have complete
15 faith in that teacher, we train them, we work with
16 them. So I think that that's what that statement is
17 referring to.

18 MS. McFETRIDGE: Okay.

19 CHAIRMAN NEWTON: I think there's two teachers
20 and then one aid, and they're saying the aid may at
21 times take part of the class while the other teacher
22 maybe takes a small group and works with that, if I'm
23 understanding that right.

24 MS. PRICE: Yes, ma'am.

25 MS. McFETRIDGE: Okay. All right. Thank you.

1 CHAIRMAN NEWTON: Dr. Rankin, questions?

2 Ms. Woods? Mr. Lookadoo? Dr. Moore?

3 DR. MOORE: Yes. On the planning time, that's
4 something y'all have been implementing for the past
5 couple of years. Is that correct?

6 MS. BOUNDS: Yes.

7 DR. MOORE: And how do your teachers feel about
8 that? Are there any concerns?

9 MS. BOUNDS: I feel like our teachers are very
10 receptive to that. What it really allows us to do is
11 to do some nice data digs at times. So if they've
12 just given an assessment, for instance, we need more
13 time to dig through that assessment to determine what
14 our strategy is going to be for re-teaching or moving
15 forward or back-filling. And just in a regular
16 planning period time it's hard to accomplish that in
17 40 minutes. And so having the ability to go 75
18 minutes to really be super-productive and feel really
19 good when you leave that, that's -- one of the
20 teachers' biggest pet peeves is using their planning
21 time ineffectively. And that is something that isn't
22 the case with our Opportunity Culture model; it's
23 very purposeful. In fact, our teachers -- on the
24 planning time we get so much done that there's little
25 left for them to do on their own. So that support

1 piece is huge and I don't think you would find a
2 single content teacher in our building who doesn't
3 like the flexibility that this waiver provides for
4 us.

5 DR. MOORE: Thank you.

6 CHAIRMAN NEWTON: Dr. Hill?

7 DR. HILL: No.

8 CHAIRMAN NEWTON: Okay. Again, I want to
9 congratulate you ladies and your district of being a
10 model school and the hard work that I know that y'all
11 have put into this and the thought process. So,
12 congratulations again.

13 MS. PRICE: Thank you. We appreciate it.

14 CHAIRMAN NEWTON: Anyone else have a question?
15 Okay. What about a motion?

16 DR. MOORE: I'll move for approval.

17 CHAIRMAN NEWTON: Okay. Move to approve by Dr.
18 Moore.

19 MS. McFETRIDGE: Second.

20 CHAIRMAN NEWTON: Second by Ms. McFetridge.
21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN NEWTON: Any opposed?

24 Okay. Motion passes.

25 Congratulations, Ladies.

1 MS. PRICE: Thank you very much.

2 DR. MOORE: Can I say one more thing too?

3 I did appreciate that they put student
4 assessment and student focused results --

5 CHAIRMAN NEWTON: Yes.

6 DR. MOORE: -- in their application.

7 CHAIRMAN NEWTON: Yes. Yes.

8 DR. MOORE: I just want to point that out.

9 CHAIRMAN NEWTON: Yes. That was very good.

10 MS. PRICE: Thank you.

11 A-6: CONSIDERATION OF DISTRICT WAIVER EXTENSION REQUEST -
12 SMACKOVER-NORPHLET SCHOOL DISTRICT

13 CHAIRMAN NEWTON: Okay. Our next item is a
14 consideration of a district waiver extension request,
15 Smackover-Norphlet School District. And Ms. Coffman.

16 MS. COFFMAN: The Smackover-Norphlet School
17 District is requesting an extension of their K-12
18 waiver for Teacher Licensure. The waiver is being
19 requested for an additional five years. The Division
20 has reviewed and supports the waiver request. On the
21 Zoom today is Jennifer Lee, Curriculum Coordinator,
22 and Holly Strickland, Elementary Principal.

23 MS. LEE: Hello. I'm not quite sure how to show
24 my face on this.

25 CHAIRMAN NEWTON: Well, we can hear you.

1 MS. LEE: I might need guidance.

2 CHAIRMAN NEWTON: Okay.

3 MS. LEE: There we are.

4 CHAIRMAN NEWTON: Okay.

5 MS. LEE: Okay. Fantastic. I'm sorry.

6 Apparently I have some technology issues, even in
7 spite of the pandemic.

8 The Smackover-Norphlet School District has had
9 an Act 1240 waiver regarding Teacher Licensure for
10 the past five years and it has been extremely helpful
11 to us as we have been trying to hire qualified and
12 effective teachers in our school district. We are a
13 small rural school district in south Arkansas, and
14 there are three major universities who serve --
15 public universities who serve our area; we have
16 Southern Arkansas University, we have Henderson State
17 University, and the University of Arkansas at
18 Monticello. Most of the time when we are using an
19 Act 1240 waiver for Teacher Licensure the
20 circumstances are such that we just cannot find a
21 licensed person in this area, because there are not
22 large numbers of students going through the
23 university getting a secondary education teaching
24 license. And that's a huge issue for us, especially
25 in the areas of math and science.

1 We in our original application of our waiver
2 stated that anybody who was going to be there through
3 an Act 1240 waiver, they would absolutely have to be
4 an Arkansas qualified teacher. So that means that
5 they either have to have one year of related work
6 experience or they had 18 hours of undergraduate
7 credit or they had passed the content area exam. Our
8 original waiver stated that we expect all -- anybody
9 who is on an Act 1240 waiver to be working towards
10 teacher licensure. We mean business. We have a plan
11 that in addition to the contract that they sign, we
12 have an addendum to their contract and we set out a
13 plan for "this is what you're going to do, so that
14 every year you are making progress towards teacher
15 licensure." One time -- we've had 14 Act 1240 waiver
16 teachers in the past five years. Typically, we have
17 them on a -- have them minimally with a provisional
18 license usually within six months to a year,
19 sometimes faster. We have some who take a little bit
20 longer. But the one time that we had someone who
21 made no progress their contract was not renewed and
22 they turned in their resignation, because we expect
23 you to be working towards licensure. It has come in
24 -- it has been a life-saver for us. Many of the
25 times that we're doing this it's a matter of that

1 they were already interested in becoming a teacher,
2 they were working on getting enrolled in a MAT
3 program, but they needed one more piece of
4 documentation before they could get a provisional
5 license. So many of the times that's what our
6 scenarios are. So it has really helped us. In the
7 past five years we've probably had to use a long-term
8 sub for a teacher-of-record maybe twice and then that
9 was taken care of very quickly by getting someone on
10 an Act 1240 waiver once they met the requirements.
11 So by having this waiver we've had licensed -- or
12 we've had Arkansas qualified teachers in our
13 classrooms K-12 for five years, and we really
14 appreciate what that has done for our district.

15 Do y'all have any questions that I could answer
16 for you?

17 CHAIRMAN NEWTON: Okay. We'll check and see.

18 Mr. Sutton?

19 MR. SUTTON: No questions.

20 MS. McFETRIDGE: (Shaking head from side to
21 side)

22 CHAIRMAN NEWTON: Dr. Rankin? Ms. Woods? Dr.
23 Moore?

24 DR. MOORE: Yes. I noticed on the application
25 you did a great job, and you did a great job

1 explaining the teacher side of things and their
2 pathway and how they receive that licensure. But I
3 want to hear your perspective of the student side of
4 things, how are students doing in these waiver
5 teacher classrooms, has there been feedback or
6 concerns from the community, and what that looks
7 like.

8 MS. LEE: Well, I can actually speak
9 specifically to that because my son this year is in
10 6th grade. He actually has three teachers who have
11 -- or had either been on -- or actually they are
12 currently on an Act 1240 waiver. And two of the
13 three are ones that within this timeframe or this
14 school year moved and have been issued a provisional
15 license. And my son -- those are some of his
16 favorite teachers. They are some of the ones who he
17 has been working with the most. His band instructor
18 is -- has been on an Act 1240 waiver. And I want to
19 tell you my son went into his class with a saxophone,
20 beginning band -- oh my stars -- and I did not know
21 what to expect at the house. In the first month or
22 two we all wore the headphones; it was awful. And
23 now, he is playing amazingly. I mean it's -- this --
24 Mr. Walker is an amazing band instructor and he's
25 just trying to get his test passed and that's all he

1 has left to be able to get licensed as a teacher.
2 And he is amazing. And if you saw what his band
3 looks like and how -- you know, how his students are
4 marching and performing, the students absolutely
5 adore him. One of our new English teachers this year
6 at the middle school is on that. She has amazing
7 rapport with her students. When I've been looking at
8 her interim test scores, I feel sorry for her because
9 as a -- you know, I'm a momma but I'm also the
10 Curriculum Director. I see her test scores and she
11 has been doing quite well. I see her students
12 reading; I see her students actively engaged in the
13 process. So when I see the students and the way that
14 they interact with the teachers, when I see my son
15 coming home and talking about his relationship and
16 what he's learning in his classes, I feel very
17 confident in what is going on from the student aspect
18 -- and that's coming as a momma, not as a Curriculum
19 Director at that moment.

20 DR. MOORE: Thank you.

21 MS. LEE: You're welcome.

22 DR. MOORE: Are any of them -- do you have any
23 early elementary Act 1240?

24 MS. LEE: No, we do not have any that are -- in
25 fact, I don't think in this whole time we've ever had

1 one that is early elementary. We have had a few that
2 -- the youngest that we've gotten has been a 4th
3 grade teacher.

4 DR. MOORE: Okay.

5 MS. LEE: And --

6 DR. MOORE: Because I was concerned about
7 reading training.

8 MS. LEE: Yeah. It's not been an issue. We can
9 typically get a K-4 teacher. It's when we start
10 getting into middle school and especially high school
11 with content areas. There's pretty much two ways we
12 get teachers: we either -- they get shifted between
13 school districts, when they want to make a change
14 between school districts, or they're coming to us and
15 we cannot get a -- we cannot find traditionally
16 licensed teachers anymore. And so they're having to
17 go through MAT, provisional professional teaching
18 license, or the APPEL program. And we have gotten
19 very skilled at getting them through those processes,
20 but sometimes it's like they have to finish two
21 classes before they can get their provisional
22 license. And so it's like that Act 1240 waiver gives
23 us that semester so that they can take those two
24 classes and start that process.

25 DR. MOORE: Thank you.

1 MS. LEE: You're welcome.

2 CHAIRMAN NEWTON: Dr. Hill?

3 DR. HILL: I just want to commend Ms. Lee in
4 that situation because oftentimes we hear about a
5 qualified teacher, but then the other side of that
6 doesn't always connect to the relationship piece,
7 what we're talking about here. I want to commend
8 that. And I think -- I'm not sure on this number,
9 but I was talking to an educator earlier this month
10 -- and you may know, Mr. Secretary -- I think in the
11 past we've had really 23% of the majors were
12 education, and now we're down below 5 -- 4% of
13 college enrollees. So I think this is going to be an
14 ongoing problem that we're addressing here. And I
15 think strategically we're going to have to look at a
16 way or we just keep continuing to see these type of
17 waivers over and over and over. And I know you've
18 been trying to do that. But with that being in the
19 balance, I think seeing a district trying to meet the
20 needs of the students by any mean necessary is just
21 invaluable. And I appreciate y'all bringing that to
22 the Board.

23 SECRETARY KEY: Ms. Saracini and her team are
24 working very hard to make sure those numbers go up in
25 the future.

1 CHAIRMAN NEWTON: Any other questions or
2 comments?

3 Ms. Lee, I wanted to commend your district for
4 starting the new induction program in addition to
5 what the mentoring program was. And so I think that
6 was very wise and I hope that will be an example to
7 other districts around the state. So,
8 congratulations on doing that.

9 Just one comment that I had, I guess probably to
10 the Department, would be -- is if we could somehow or
11 another have student -- you know, we're getting good
12 teacher data on how many teachers are being certified
13 and -- but a little bit more on the student data, the
14 effects of a 1240 waiver teacher on students. Maybe
15 we could -- I don't know how districts include that
16 with their report. I think it would be good if we
17 could have some student data along that line.

18 Any other comments?

19 Okay. We're ready for a motion.

20 MS. McFETRIDGE: I'll make a motion that we
21 grant the waiver to Helena-West Helena School
22 District.

23 CHAIRMAN NEWTON: Smackover-Norphlet.

24 MS. McFETRIDGE: Smackover. I'm sorry.

25 CHAIRMAN NEWTON: That's okay.

1 All right. So motion to grant the waiver. Do I
2 have a second?

3 DR. RANKIN: Second it.

4 CHAIRMAN NEWTON: Okay. Dr. Rankin.

5 And all in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN NEWTON: Any opposed?

8 All right.

9 A-7: CONSIDERATION OF DISTRICT WAIVER EXTENSION REQUEST -
10 HELENA-WEST HELENA SCHOOL DISTRICT

11 CHAIRMAN NEWTON: Now we're ready for Helena-
12 West Helena waiver extension request.

13 MS. COFFMAN: This is Number 7, Consideration of
14 District Waiver Request for Helena-West Helena School
15 District.

16 The West -- Helena-West Helena School District
17 is requesting an extension of their waiver for K-12
18 Teacher Licensure. And just as a note, you may
19 remember, some of us that were around, that when
20 Helena-West Helena was first given 1240 waivers they
21 were giving -- given a long, wide list. Today, they
22 are coming just with one, so -- in their renewal
23 process. They are requesting a waiver of Teacher
24 Licensure. The Division has reviewed this waiver.
25 We recommend it be granted for one year to give the

1 Division time to go in and do a staffing audit with
2 them because they have a large number of teachers
3 working on 1240. So we really need to go in and help
4 them.

5 MS. SARACINI: We're going Thursday, next
6 Thursday.

7 CHAIRMAN NEWTON: Okay.

8 MS. COFFMAN: Superintendent Linda English is on
9 the Zoom with us.

10 SUPT. ENGLISH: Good evening to everyone. I
11 have a few staff members in here with me. We have
12 certainly struggled with having licensed staff
13 members in our classrooms. We certainly believe that
14 every child in this district deserves to have a
15 licensed teacher. When Covid hit, the concern was
16 more about students and staff safety. But we
17 realized that as the district we needed to step up
18 our game. On these waivers, teachers' contracts --
19 if they do not remain in APPEL or MAT or complete a
20 PPTL program, they will not be issued a contract.
21 But we still struggle with the need for teacher
22 support. We did surveys. We talk with the teachers.
23 We work with Great Rivers Education Service
24 Cooperative and some staff members from DESE. We had
25 to really put a lot of teeth into developing a

1 program called Helping Our Peers Excel. It is a
2 mandatory required program for every Act 1240 teacher
3 to be in, and we have a district administrator who
4 monitors that program and they have been working
5 since April on Saturdays, coming in face-to-face.

6 The Act 1240 teachers informed us that they were
7 struggling with passing the Praxis and passing the
8 test. We have strict guidelines in place to help
9 those teachers. Also, we have other degreed persons
10 in our district who are interested in becoming a
11 licensed teacher. So we are very ecstatic and we are
12 so looking forward to having DESE Licensure to come
13 in on Thursday, May 20th, to work with us on those
14 two schools.

15 Currently, we do have our staff, those Act 1240
16 waivers, either in the APPEL program, the MAT
17 program, or the PPTL. We do have two staff members
18 that are in critical -- a critical situation, meaning
19 that most likely the contract will not be issued for
20 the 21-22 school year. We have diligently tried to
21 pivot and help our staff to understand, those that
22 have been in the program for four to five years, it's
23 too long. So we wanted the five years, but we
24 understand that DESE needs to come in and help to
25 support us and do an audit and see what is needed in

1 the district, because we want what's best for our
2 students. And we do have some data.

3 We have Ms. Felita Reed in the room who did do a
4 comparison of data between the Act 1240 waiver
5 teachers and the certified licensed teachers, as well
6 as we have Ms. Anderson who -- district office staff
7 member who is the coordinator and lead of that whole
8 program, Helping Our Peers Excel, which has high
9 accountability. We also have Ms. Block, who's our
10 Federal Programs Coordinator, here, as well as our
11 SPED director.

12 So we acknowledge that we do have a high number
13 of Act 1240 waiver teachers that have not progressed
14 as well as we had hoped. We do have some that have
15 become licensed, but several have moved on to other
16 districts -- and that is our problem fear in the
17 delta and the Helena-West Helena School District and
18 the school and the town. We are a very rural
19 district. We don't have the theater; we don't have
20 the upscale restaurants; we don't have the bowling
21 alley. It's very difficult to recruit young people
22 to come, or anyone to come. So what we have started
23 doing is we have, and have been, is using the Cadet,
24 Teacher Cadet program, which is down Educator Rising,
25 which Ms. Felita Reed is also a part of, and we'll be

1 going to that training. As a matter of fact,
2 yesterday, I met with a young man who just graduated
3 and he's a long-term sub. He has a biology degree
4 and he will be meeting with staff from DESE on the
5 20th because he has told me he wants to remain here.
6 He graduated from Central. He wants to make an
7 impact. So we're very ecstatic. We want to grow our
8 own because we believe that our own will stay here
9 and be best here. But any licensed teacher that is
10 best for students we're going to go after and
11 recruit. We put it in the newspaper, we put it on
12 the AAAE website, it's on our website, but it still
13 is a struggle.

14 I'll take any questions. Thank you.

15 CHAIRMAN NEWTON: Okay. Thank you.

16 Dr. Hill.

17 DR. HILL: No, I don't.

18 CHAIRMAN NEWTON: Dr. Moore.

19 DR. MOORE: Yes. And so I don't know if it's a
20 Department or them question. Do we know what
21 percentage of teachers in the district currently is
22 on a waiver?

23 MS. SARACINI: I've left it upstairs because
24 we're going next week.

25 DR. MOORE: Okay. I feel like it's very high.

1 MS. SARACINI: It is very high. I want to say
2 it's close to 40%, I'm thinking.

3 SUPT. ENGLISH: We have approximately 17 -- we
4 have 17 out of over 100-something staff members.

5 DR. MOORE: In this current school year, on the
6 waiver?

7 SUPT. ENGLISH: What was that?

8 About 9% of our teachers. But here's our caveat
9 to that: we have had 10 licensed veteran teachers to
10 retire, and I'm hearing that we're going to get more.
11 So here we go again. It does stay -- it's a
12 frustrating thing, but we're going to keep on pushing
13 because it's worth it for our students. And we
14 believe the best way is to grow our own. But you
15 know, it's going to take about four years or longer,
16 depending on what grade those students are that enter
17 that Educator Rise, Uprising program or Rise-up. And
18 we hear a lot of talk -- we have educators here at
19 the district level and in the different buildings who
20 know these students who are coming from these
21 different four-year universities. And many of them
22 are coming home. They want to be invested here.
23 They are hearing about the challenges that we're
24 having in locating teachers.

25 CHAIRMAN NEWTON: Okay. Mr. Lookadoo?

1 MR. LOOKADOO: No questions.

2 CHAIRMAN NEWTON: Ms. Woods?

3 MS. WOODS: No, ma'am.

4 CHAIRMAN NEWTON: Dr. Rankin?

5 DR. RANKIN: No.

6 MS. McFETRIDGE: No.

7 CHAIRMAN NEWTON: Mr. Sutton?

8 MR. SUTTON: No.

9 CHAIRMAN NEWTON: Okay.

10 DR. MOORE: I do have another one. I'm sorry.

11 CHAIRMAN NEWTON: Okay. Okay. Dr. Moore.

12 DR. MOORE: Again, and I think we've seen this
13 from most districts, but the fourth question asked
14 how the waiver has insured success in the school.
15 And I know, certainly, you're in a rock and a hard
16 place not being able to find teachers to begin with.
17 But could you speak to, a little bit, of any student
18 data around this student success and what that looks
19 like for your school and community?

20 SUPT. ENGLISH: I'm going to let -- Dr. Moore,
21 I'm going to let Ms. Felita Reed speak about it since
22 she did a big research on that.

23 MS. REED: I'm just going to first ask you to
24 repeat the question and make sure that I answer it
25 accurately, if that's okay.

1 DR. MOORE: Yes. I would like to hear how the
2 Act 1240 teachers have impacted students.

3 MS. REED: Okay. I would like to start with the
4 data. We did a comparative analysis of the STAR math
5 and literacy scores, and we found that, well, in the
6 cases where we compared the waiver teachers to the
7 certified staff, that there was not a significant
8 difference in the test scores. Also, I've had the
9 opportunity to work with several of the waiver
10 teachers and I find that they are dedicated and they
11 also have an excellent rapport with the students
12 (Zoom sound cuts out) and they're very diligent about
13 helping their students. As a matter of fact, I too
14 have a son that graduated from Central High School a
15 few years ago, and at that time that's when we first
16 began to struggle with finding certified teachers in
17 the areas of science and math. But he did graduate
18 from UALR with a degree, he's gainfully employed as a
19 product analyst with U.S. Able Life. So I have seen
20 the students in this area -- despite the fact that we
21 have a large number of waiver teachers, I have seen
22 them excel.

23 DR. MOORE: Thank you.

24 CHAIRMAN NEWTON: Okay. Ms. Saracini, did you
25 have some data that you wanted to share?

1 MS. SARACINI: I'm about to be finished.

2 CHAIRMAN NEWTON: Okay.

3 SUPT. ENGLISH: Dr. Moore -- Dr. Moore -- Dr.
4 Moore, I'm also, as superintendent of the great
5 Helena-West Helena School District, doing class walks
6 and -- with the principals and going to those Act
7 1240 teachers' classrooms. I can't tell the
8 difference in the rapport of the students, the level
9 of engagement. Over the years, the Helena-West
10 Helena School District has provided quite a bit of
11 training to all of its staff in various areas --
12 strategies, best practices, book studies. So I'm
13 seeing where these teachers are committed, but there
14 is a struggle to pass the Praxis. And that's what
15 we're doing with this Helping Our Peers Excel
16 program. Once they get their test scores back,
17 they're paired with a content area or a grade level
18 teacher and they drill down into the test results to
19 help them to understand that question. Although we
20 know that when they go back and take the test it will
21 be a different version, but at least they'll have a
22 deeper understanding and whatever support else that
23 they need.

24 CHAIRMAN NEWTON: Okay. Thank you.

25 Ms. Saracini.

1 MS. SARACINI: It looks like 43 -- I knew it was
2 in the 40s, but I didn't know for sure till I re-
3 checked my numbers -- that are on Act 1240. And we
4 have 6 long-term subs. And that's why the request
5 for one year and for us to go in and work with them
6 to get them on track and meet with them one-on-one.
7 We did this at Lee County. And we take a team and we
8 go in and we schedule 30 minutes for each person that
9 are on these waivers and long-term subs, so that we
10 can have one-on-one -- go through and have a
11 conversation and get them on the right path to see
12 what is best for them.

13 And we are working -- we are looking at the data
14 for the Praxis, that we know that there are vices on
15 that Praxis, and so we are trying to watch in June.
16 There will be a Commissioner's Memo come out for a
17 licensure ready assessment course and it's -- we're
18 going to have a week boot camp in June, one in July,
19 and then again in November and try to get it around
20 those times when people need to pass the Praxis to
21 get positions. And so we hope to launch that by the
22 end of the month because we know we need to address
23 that problem and help them. But we're working with
24 Higher Ed., we're working with our recruitment and
25 retention coordinators at the co-ops, and then we're

1 also bringing in teachers to help us. So we're going
2 to teach them how to take the test; then we're
3 working with Learning Services for those math/reading
4 specialists, science specialists to work in the
5 content areas. So we're trying to hit all components
6 of that test --

7 CHAIRMAN NEWTON: Excellent.

8 MS. SARACINI: -- for them to be successful.

9 CHAIRMAN NEWTON: Yes.

10 MS. SARACINI: Because we know we have to give
11 them the tools to do so.

12 CHAIRMAN NEWTON: Yes. Great. Thank you.

13 Any other questions or comments?

14 Okay. We need a motion.

15 MR. SUTTON: So moved.

16 CHAIRMAN NEWTON: Okay. Moved to approve the
17 waiver for one year.

18 DR. HILL: Second.

19 CHAIRMAN NEWTON: Second by Dr. Hill.

20 All in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN NEWTON: Any opposed?

23 Okay. Motion passed.

24 Thank you, Ms. English.

25 SUPT. ENGLISH: Thank you.

1 A-8: CONSIDERATION OF ONE-YEAR STANDARDS FOR ACCREDITATION
2 WAIVER REQUEST - NORTH LITTLE ROCK SCHOOL DISTRICT

3 CHAIRMAN NEWTON: All right. Now we have
4 Consideration of a One-Year Standard Accreditation
5 Waiver for North Little Rock.

6 MS. COFFMAN: The North Little Rock School
7 District is requesting a one-year Standards for
8 Accreditation waiver. You don't see these very
9 often; we use them very sparingly. This waiver is
10 for Principal Licensure for the remainder of this
11 school year, 2021. Their principal resigned April
12 1st. They've put in another principal that's not
13 licensed for that age group and that principal is
14 only staying to help them out through the remainder
15 of the school year. So this is the most effective
16 waiver.

17 Dr. Greg Pilewski is the new superintendent at
18 North Little Rock, and he is available.

19 CHAIRMAN NEWTON: Welcome.

20 SUPT. PILEWSKI: Thank you. Good afternoon,
21 Members of our State Board of Education and
22 Commissioner Keys. For the record, my name is Greg
23 Pilewski, the proud superintendent of North Little
24 Rock School District.

25 And that was a great summary. I am more than

1 happy to take any questions for this request, just to
2 get us through the remainder of the school year.

3 CHAIRMAN NEWTON: Okay. Does anyone have a
4 question?

5 Okay. What about a motion?

6 DR. MOORE: I move to approve.

7 CHAIRMAN NEWTON: Move to approve by Dr. Moore.

8 A second?

9 MS. McFETRIDGE: Second.

10 CHAIRMAN NEWTON: A second by Ms. McFetridge.

11 All in favor?

12 (UNANIMOUS CHORUS OF AYES)

13 CHAIRMAN NEWTON: Any opposed?

14 All right. You have your waiver.

15 SUPT. PILEWSKI: Thank you.

16 CHAIRMAN NEWTON: Thank you.

17 SUPT. PILEWSKI: Have a great rest of the school
18 year. Thank you.

19 CHAIRMAN NEWTON: All right.

20 A-9: CONSIDERATION OF CLASSIFYING THE LEE COUNTY SCHOOL
21 DISTRICT AS IN NEED OF LEVEL 5 - INTENSIVE SUPPORT

22 CHAIRMAN NEWTON: Okay. Item 9, Consideration
23 of Classifying the Lee County School District in Need
24 of Level 5 Intensive Support. Ms. Smith.

25 Okay. Any of -- do we need a break? Does

1 anyone need to move around and get a drink?

2 Okay. Let's take -- let's take about a 10-
3 minute break. Yeah, okay. Thank you.

4 (BREAK: 3:47 P.M. - 3:57 P.M.)

5 CHAIRMAN NEWTON: Are we all back?

6 So, Ms. Smith.

7 MS. SMITH: All right. Well, good afternoon.
8 Stacy Smith.

9 Okay. So we're going to give you a little bit
10 of information. And I put together a presentation
11 and everything that's in this presentation is data
12 that you've had access to in previous legislative
13 reports or data that you have heard over the last two
14 years regarding Lee County. Okay. But I wanted to
15 just kind of pull together a narrative and a why of
16 why we're asking for this today.

17 So today we're requesting for the classification
18 of Level 5 - Intensive Support for the Lee County
19 School District.

20 The current status is that in April 2020 --
21 well, actually, back on March 25, 2019, Lee County
22 was placed under state authority and the
23 superintendent and the school board were removed back
24 in 2019, for Standards for Accreditation violations,
25 and they centered primarily around graduation

1 credits. Okay. We had lots of students who didn't
2 have the credits needed to graduate, students who had
3 graduated that didn't have the credits to graduate,
4 just lots of issues around that. So that's why the
5 district was placed under state authority.

6 Last year, we continued state authority due to
7 assessment violations, and that had to do with ELPA21
8 state assessment last year. And with that
9 continuation of state authority due to a Standards
10 for Accreditation violation, they were put on a
11 corrective action plan. Okay. And the corrective
12 action plan centered around the assessment
13 violations. So when you have a violation for
14 Standards for Accreditation, you have to fix it.
15 Right? And so the first year it was around
16 graduation requirements and course credits. We fixed
17 that. And then we had an assessment issue, and so
18 this year we have focused and we have fixed that. So
19 right now, they're on track to not have -- to have
20 that particular violation cured. Okay.

21 However, in working with the district this last
22 year -- and Ms. Murdoch is the superintendent of Lee
23 County and she is here with us today, and I'll give
24 her an opportunity to speak to you guys in just a
25 minute. In working very closely with the district

1 this year we had seen that there are other areas of
2 concern that we both share, and we feel like we have
3 got at least a good foundation started for
4 improvement and that that work needs to continue. So
5 that's what we're requesting today.

6 So some data information I wanted to share with
7 you -- in 2020, last year, the school's graduation
8 rate was 80% of their students compared to 89% of the
9 state. And you can see in the two previous years
10 before that they were behind the state average.
11 Other school data that I think is important, if you
12 look at their college readiness, their ACT reading
13 average score for the juniors in the last -- was a
14 14; English was a score of a 12 average score; math,
15 15; overall composite was a 14, all well below the
16 state average. So for -- to enter into college
17 without taking remediation classes you need a 19,
18 okay, in the state of Arkansas. So we're well below
19 that entry piece. And just as a side-note, when I
20 went through and really looked at the number of
21 juniors that they had take their last ACT for 11th
22 grade, they only had 35 students who actually took
23 the assessment. And most of their grades have around
24 50-something students in it, or so. Would you say
25 that?

1 SUPT. MURDOCH: Uh-huh.

2 MS. SMITH: Around 50 or more students in it.
3 And of those 35 students the bulk of them, okay --
4 like 16 to 17 were below that 14; they were down like
5 at 12. Right. And you had five students -- only
6 five who actually scored a 19 or above, and the
7 highest score being a 20. So, and that data right
8 there on the performance for ACT you're going to see,
9 as we look at ACT Aspire scores, it's all tracking
10 the same. Okay. Of their 14 students that took AP
11 exams, only 10 exams were taken and no student had a
12 qualifying score for college credit.

13 In high school right now -- these are the
14 numbers that were given to me this week -- 144
15 students in person; still have a very large number of
16 157 virtual. Enrollment for elementary, 196 in-
17 person; 133 virtual. Current enrollment was 617.
18 And the numbers are -- don't match up exactly. And
19 that's kind of one of those data pieces still on
20 accurate data and enrollment pieces and data
21 management that we know that's an area we still have
22 to clean-up in.

23 Overall ratings for Lee County High School and
24 for the elementary school in the last two -- '18 and
25 '19, both had Fs. Okay. And so to put that in

1 perspective, in 2019 I believe there were 38 schools
2 in the state that had Fs and Lee County had two of
3 those schools. In one year it was 44 and then one
4 year it was 38.

5 So looking at their summative data for ACT
6 Aspire, and just looking at their grades going
7 across, of course the last summative test data we had
8 is from 2019, but I did put the previous year's on
9 the chart. Again, if you're looking at 3rd grade --
10 and these are different cohorts on this grade level
11 -- very, very low percentage of students meeting
12 ready or exceeding. Okay. So this is the percent of
13 students -- so if you look at 10th graders, that very
14 last corner box, that's 9%. In 2019, of their 10th
15 grade class only 9% of their students either met
16 ready or exceeding on the ACT Aspire exam. In 9th
17 grade, 0%. So you can see we have very, very low
18 consistent scores across. I flipped it for you on
19 this one, in 2019. This is actually the percentage
20 of students that scored on the opposite side, either
21 In Need of Support or close. So ACT Aspire has the
22 four categories, so 87% of 3rd graders are scoring in
23 the two lowest categories on the summative
24 assessment. And then you look down at 10th grade and
25 you see 91%. Over 60% of them, the majority of the

1 school students, were scoring in the lowest category
2 of In Need of Support. And what we know from our ACT
3 Aspire test that has that trajectory all the way
4 through 10th grade that if you're in that lowest In
5 Need of Support your predictive score is between a 13
6 and a 14 -- 13 to 15 on the ACT, which is what's
7 happening. Okay. So we had this -- this is a
8 school-wide issue; it's not a specific grade level.
9 This is a chart that just shows cohorts across, so
10 you can see -- that's the math data; that was the
11 cohort across right there. I'm sorry. Oh, he
12 must've not -- he downloaded it, that's what it is.

13 Sorry, Jennifer. Thank you.

14 Math data, same thing. This chart shows the
15 students that met the ready or exceeding -- and
16 again, this is data that you've had shared with you
17 before. But again, you can see consistently low
18 numbers of percentage of students who were -- met --
19 or who met ready or exceeding on the ACT Aspire exam.
20 This chart right here is where I flipped it for you
21 again. This is the percentage of students that are
22 in the lowest two categories, In Need of Support or
23 close. So, again, the majority of the student
24 population.

25 IReady student data for reading -- this is from

1 this year; okay, so the only formative assessment
2 data that we have available to give to you from this
3 year. We're showing high numbers of students
4 participating in the assessments. In some grade
5 levels, we've got some that are a little bit short.
6 But one thing that we did notice, as the year went on
7 we were seeing increased numbers of students still
8 needing really strong interventions in Tier 2 and
9 Tier 3. And I think part of that for this year --
10 and Ms. Murdoch will probably share this as well --
11 the pandemic has been really hard on getting kids
12 back to school or getting kids engaged. I think Ms.
13 Murdoch one time shared with me, you know, in our
14 community the value of school -- "we had a hard time
15 pre-pandemic just getting kids to be at school on
16 time, and now we've given them permission to stay at
17 home. We're having a really hard time just getting
18 them back." And she took a very bold stand after
19 semester and said, "If you're not passing, you've got
20 to be back on campus," and going out and trying to
21 get people back in school where they need to be. So
22 I appreciate her for that. But, again, those -- the
23 trends on where the students are performing
24 academically are low, okay, and very much a concern
25 for us, as well as Ms. Murdoch and the district

1 staff.

2 Fiscal Services -- again, as you know, Lee
3 County was put in fiscal distress May 9, 2019, and
4 contracted with APSRC for district -- direct district
5 services and support. And Ms. Murdoch has been very
6 pleased with the services and the partnership that
7 she has with APSRC. You know, when I talk about data
8 management and business and standard operating
9 procedures, that's an area in the district that we
10 struggle with. Part of that is because of the
11 tremendous turnover. They had 100% of administrator
12 turnover this last year, from the entire central
13 office to every school administrator. And so when
14 that happens, that standard operating procedure of
15 making class lists, getting your data, counting your
16 attendance, business practices, checks, money -- all
17 those things are very difficult, and you're coming
18 back and having to establish those procedures. And
19 prior to that, we didn't have very good, strong
20 standard operating procedures to even follow. So
21 we're in the place right now of just trying to get
22 those established.

23 They had -- she actually had a management letter
24 with two findings this year, whereas previous years
25 they were actual findings. But in the management

1 letter, the recommendations really were about
2 improving your internal controls, and we recognize
3 that. Ms. Murdoch also recognizes that.

4 Human Capital -- again, we had 12 teachers who
5 were on Act 1240s. We had additional -- 10
6 additional licensure plans. You can kind of see our
7 novice teacher right there. When you look on the
8 other side there, that's where I talked about that
9 100% administrative turnover. However, we are
10 looking at consistency going into this next year. I
11 think we have one administrative change that will
12 occur for next year.

13 SUPT. MURDOCH: (Nodding head up and down.)

14 MS. SMITH: So we're going to be able to
15 maintain our central office staff, our elementary
16 principal, and we'll have one administrative change
17 within the district.

18 Operation Lee County, where Karli's team came in
19 and met with the staff, that is on 1240 waivers, and
20 created individual plans for teachers. That's what
21 we want. If we have a teacher who is starting in a
22 school district that is not licensed, we want to get
23 them licensed, okay, and we want them working towards
24 that. So Karli's team has been onsite I believe
25 twice and have a third trip planned -- again, all

1 about supporting teachers to get them across the
2 finish line. So that's that support piece.

3 Curriculum Instruction -- over here in the
4 corner I've got Ms. Jennifer Barbery.

5 Jennifer, wave at everybody.

6 She's an Assistant State Superintendent that
7 works in my office. And Dr. Brent Miller back there,
8 as well, he's a Curriculum Leadership Coach -- or --
9 I just gave you a new title. I kind of like that
10 though; didn't you? He's a Life Coach/Leadership
11 Coach. You can cry on his shoulder, you can do lots
12 of stuff with Brent.

13 But they actually completed 101 classroom walk-
14 thrus in two or three days on a specific -- just
15 collecting data. Okay. They were just going in and
16 out of classrooms. And in that, one of the things
17 that they saw was -- they didn't see any discipline
18 issues. Okay. Again, we still have pretty low
19 numbers. And they saw average engagement; however,
20 they felt like it was generally compliant, just
21 completing the assignments that were given. But over
22 61% of the time they marked that the assignments and
23 instruction were found not to be on grade level.
24 And, again, I think that matches with what we're
25 seeing in performance as well. And they also noted

1 that routines and procedures that a lack of --
2 expectations was lacking in a lot of the classrooms.
3 Okay. Again, well-behaved kids. Teachers -- just a
4 genuinely inviting environment. I've been there and
5 saw the exact same thing. I've seen Ms. Murdoch with
6 her teachers. There is definitely a relationship
7 piece. We've got to get the expectation and
8 instruction strategies at a higher level.

9 Standards Monitoring -- so across the -- this is
10 Deb's group -- they went in, in January, as well and
11 they did another Standards for Accreditation
12 monitoring on everything. And there was nine
13 specific corrections that needed to be made. That
14 was a pretty typical number for most districts when
15 they have that. They were all able to be corrected,
16 with support, and the district is working on those.
17 So we're not concerned about them having any
18 Standards for Accreditation violations this year.
19 Okay. And like I said in the beginning, they had a
20 corrective action plan for the assessment. We expect
21 this to be completed satisfactorily by the end of the
22 year. Okay.

23 So, Identified Areas of Support:

24 Maintaining Staff and Administration, which is
25 that retention and recruitment plan, the work we're

1 doing with the Lee County operations where we went in
2 and supporting teachers directly.

3 Improving student academic performance is a
4 must; that is a priority.

5 Improving classroom instructional practices with
6 high-quality curriculum -- in the walk-thrus that
7 Brent and Jennifer conducted, they said there is
8 plenty of evidence in the elementary school of
9 utilizing the phonics program that the district
10 purchased and that teachers were using that. Our
11 literacy team has been onsite multiple times,
12 coaching. They're there regularly with the co-op,
13 regularly working with teachers. So we're seeing an
14 improvement, but we only have about half the
15 curriculum in place. Okay. And, again, it's bite-
16 size pieces we're trying to move folks.

17 Again, setting up the standard operating
18 procedures, leveraging our external partners --
19 they've got a great relationship with Solution Tree
20 for professional learning communities. We've really
21 seen that take hold in the elementary school and
22 we're seeing progress in the high school, with
23 coaching and partnership there.

24 Establishing the school and classroom
25 expectations that I mentioned a minute ago is another

1 focus area.

2 And if I had to split between the two schools,
3 elementary and high school, elementary at this point
4 we can see clear evidence of improvement. Okay.
5 Still working with them, still have a long ways to
6 go. High school was a little bit slower start and we
7 still -- with Covid and the impact of Covid and
8 students not engaging and having the split of
9 virtual, we've got a lot of work to do. Okay. We
10 want our kids back onsite.

11 So basically we're asking for continued time and
12 support in classifying Lee County in need of Level 5
13 - Intensive Support.

14 I've got Ms. Murdoch here. I'm going to let her
15 give you a few comments. And if you have any
16 specific questions for Ms. Murdoch, myself, or any of
17 my team -- I've got John Hoy back here, who is in the
18 district weekly, from our OCSS team also working with
19 Ms. Murdoch.

20 So, Ms. Murdoch, do you want to visit?

21 SUPT. MURDOCH: Well, good afternoon. I didn't
22 know whether to cry when she was talking or just suck
23 it up and just get tough with it.

24 As you may know, I was the previous
25 superintendent at Lee County and worked for Higher

1 Ed. for a little while, and came back in May. And
2 that was tough, because that's my home. But we are
3 making progress, but we need more support. And so
4 we're getting that, but we need a little more time to
5 get it together. And as -- and I was listening to
6 Dr. English from Helena speak about her waiver. Our
7 issue is getting teachers, highly qualified,
8 effective teachers, as well as retaining those high-
9 performing administrators. So as Dr. -- as Ms. Smith
10 said, we will be losing our high school principal
11 after one year because she's taking an assistant
12 superintendent job somewhere; so we'll be starting
13 over again at the high school. And so our idea right
14 now is to recruit a highly qualified high school
15 principal.

16 But we are making strides at our elementary
17 school. If we can maintain our staff, our current
18 administrator there, we make her love us more, Brent
19 -- and she loves you, Brent, ridiculously, for
20 helping her as her first time being a head principal.
21 She's been an assistant principal before, but not a
22 head principal. But we're making headway at our
23 elementary school and we want to do the same at our
24 high school. We're making sure right now that our
25 students are -- will be graduating. Tomorrow is our

1 seniors' last day. It's Senior Day in Marianna.
2 We're very excited. I think we have about 46 that
3 will be graduating on time and some we'll be working
4 with this summer for credit recovery, and further on
5 as well.

6 So we're making good strides, as Ms. Smith said.
7 We're working with Solution Tree. They've become a
8 great partner with us this year. We're getting a lot
9 of training. Our staff needs training. Of course,
10 we have a lot of novice teachers, a lot of teachers
11 on waiver -- and I thank God for those waivers that
12 we have -- and trying to grow our own teachers.
13 Because, as you may know, if you've ever been to
14 Marianna, we have Jones Barbeque, which is right now
15 on the bend. But we don't have a lot of quality of
16 life, other than, you know -- if you don't have
17 enough money to put gas in the car to go to Memphis
18 or Little Rock, there -- after work, it's kind of
19 tough as a teacher. We've had a lot of success in
20 the past years with TFA and Arkansas Teacher Corp,
21 and hopefully we'll be able to utilize those. And,
22 of course, the Lee County ADE/DESE team that will
23 come to continue to support us as well and help our
24 teachers get on their pathway. Because where the
25 rubber really meets the road is in that classroom,

1 with the highly qualified effective teachers. We
2 need to give them the support they need and the
3 training they need to get our students where they
4 need to be. And so with all of that support, I think
5 we'll get there eventually. And hopefully we can
6 make sure that we take care of those kids that are
7 already with us.

8 As you know, we live in the delta and we're in
9 the middle of five or six other programs. School
10 Choice has not helped us a whole lot, but I
11 understand as a parent, because I'm a parent, that
12 parents have to make choices about where their
13 students go to school. And then when Lee County has
14 F's, if I had a choice between a B and A or C or D or
15 F, I would choose a better school program. So we're
16 trying to rebrand our district, trying to build our
17 program. And as you know, we did win the 2A State
18 Basketball Championship and that has brought some
19 community support back to the district, and hopefully
20 that will continue. And so we're trying to make sure
21 that our community comes together to support our
22 programs, and hopefully they will.

23 We're not only having those academic issues, we
24 are having some physical issues, needing some new
25 buildings. So a lot of that goes into the program of

1 trying to recruit teachers and retain them. Your
2 facilities are very important. The learning
3 environment has to be -- if I had a choice between
4 this new school or this school that's 50-plus years
5 old, I would probably go to the newer -- the newer
6 building.

7 So I just appreciate all the support you've
8 given us this year. I will support the ADE team,
9 OCSS. Mr. Hoy is irritating, but he's a friend.
10 He's a critical friend, and he's supporting us. And
11 if we can get some more folks in, in terms of
12 teaching for us, in terms of highly effective
13 administrators, we're going to be fine. We just want
14 our babies to do fine; that's our goal right now is
15 to make sure that they're fine -- and they get to
16 school, Moms and Dads.

17 Any questions for me?

18 SECRETARY KEY: Madam Chair, before we go to
19 questions let me just say -- because we have a number
20 of board members that might be -- it might be helpful
21 for you to know the history.

22 Lee County had been a school that, under
23 academic distress, had originally, several years ago,
24 been under state authority. Ms. Murdoch at that time
25 became the superintendent and in a year moved that so

1 that they were no longer classified under academic
2 distress. The -- it was returned to local control,
3 and this is -- this -- and I'm getting somewhere as
4 an example of why we do things differently now. It
5 was returned to local control and, unfortunately,
6 over a short period of time practices and decisions
7 were made, including Ms. Murdoch no longer being
8 allowed to be superintendent there, that necessitated
9 us to have to go back in. Those of you who remember,
10 you remember that a couple of years ago what we
11 brought to you was a situation where seniors --
12 nobody was keeping track; the seniors were not able
13 to graduate because they -- no -- the adults were not
14 taking care of business. There's just no other way
15 to say it. And so Ms. Murdoch is back and I'm
16 appreciative of her willingness to come back into
17 this role.

18 Under Level 5, you know, that was the challenge
19 before. Ms. Murdoch did a good job. They succeeded
20 in getting their test scores up, just enough to get
21 off of that sole test score based criteria of
22 academic distress. And now, as Ms. Smith presented
23 to you, it's multiple datapoints and you just see the
24 district continue to struggle. I mean we don't mince
25 words, whether we're talking about Mr. Hoy being

1 irritating or, you know, whether Ms. Murdoch wanted
2 to cry over this story. It's something to cry about.
3 All right. It really is, because these are students
4 that are represented behind these numbers.

5 And so that's why -- and I passed out this, what
6 we would recommend the action that the Board takes,
7 so that we can continue the progress -- because we
8 are making progress. We're making progress. Our
9 team that's over there -- I mean you think about the
10 quality of the education professionals that we have
11 through OCSS, under this leadership, under Ms.
12 Murdoch's leadership on the ground at the district.
13 We are making progress. We just -- based on the
14 data, we need some time to continue building the
15 foundation of long-term success there, and that's why
16 we have this recommendation we have before you today.

17 And so I will shut-up and let y'all ask whatever
18 questions of me, Ms. Murdoch, or Ms. Smith.

19 CHAIRMAN NEWTON: Dr. Hill, do you have
20 questions?

21 DR. HILL: I just wanted to let you know how
22 much we appreciate your -- what you're doing and, you
23 know, jumping into a situation that's challenging.
24 But when you look at why we're doing what we do, I'm
25 sure you're there for such a time as this, and

1 appreciate it. Any way we can be supportive or
2 helpful. And congratulations on your basketball
3 championship.

4 SUPT. MURDOCH: Thank you. Thank you, Dr. Hill.
5 Appreciate that.

6 CHAIRMAN NEWTON: Mr. Sutton?

7 MR. SUTTON: No questions.

8 CHAIRMAN NEWTON: Ms. McFetridge?

9 MS. McFETRIDGE: I again want to tell you how
10 much I appreciate you caring about your babies. I
11 love that. And Secretary Key has always been so
12 supportive and encouraging, and I always appreciate
13 that coming on this board; it wasn't about
14 punishment, it was about support.

15 CHAIRMAN NEWTON: Yeah.

16 MS. McFETRIDGE: And that's what I'm sure this
17 department and this board will give you as you go
18 forward. Thank you.

19 CHAIRMAN NEWTON: Dr. Rankin?

20 DR. RANKIN: I just want to say I really
21 appreciate the comprehensive nature and how y'all
22 have dug into this at such a depth. And you do see
23 the dedication just bubbling out. So thank you for
24 that.

25 No further questions.

1 CHAIRMAN NEWTON: Okay. Ms. Woods? Mr.
2 Lookadoo? Dr. Moore?

3 DR. MOORE: Yes, thank you. Thank you for your
4 work then and now, and all you've done. I do want to
5 make just a real quick comment. I heard the word
6 "support" over and over again, your perspective of
7 what this means for your district. And I hope that
8 we are able to support the ADE so they can support
9 you in that hard work.

10 I wanted to ask on teacher and leadership
11 turnover, do y'all have Act 1240 waivers?

12 SUPT. MURDOCH: We do.

13 DR. MOORE: Okay. Are you all going to be
14 applying for virtual option next year?

15 SUPT. MURDOCH: Well, we've submitted our Ready
16 for Learning plan, digital learning plan.

17 DR. MOORE: Okay. With such a high rate of
18 students doing virtual, do you expect the majority of
19 them to be back on campus? Are you going to have
20 conferences with students before that decision is
21 made? What will that look like?

22 SUPT. MURDOCH: Well, the effort is to get them
23 all back, but we know that we'll -- there will be
24 some students that thrive with digital learning, but
25 the majority of our students, as you can see from the

1 test scores, are not. And their parents are really
2 afraid of Covid.

3 DR. MOORE: Yeah. That's makes it really hard.

4 SUPT. MURDOCH: And that's the reason why
5 they're not there. The students love school --

6 DR. MOORE: Yeah.

7 SUPT. MURDOCH: -- but their parents want to
8 make sure they're safe first. We've tried to talk
9 with them all year-long about the safety of the
10 school, and we've been -- we've kept it pretty safe.
11 And next year we -- our goal is to get them all back.

12 DR. MOORE: Okay.

13 SUPT. MURDOCH: But we do have a plan in place
14 for those times where we have to be remote.

15 DR. MOORE: Are your teachers teaching both in-
16 person and virtual this year or were you able to
17 split them up?

18 SUPT. MURDOCH: We started out with a struggle,
19 as many districts did, training our teachers on how
20 to use the technologies. But they -- we started out
21 that way, but then it kind of developed in some
22 teachers doing all of the virtual. For instance, in
23 3rd grade they may have a 3rd grade virtual teacher
24 just for the virtual students. Of course, at the
25 high school the majority of our students are at home.

1 We used Edgenuity platform -- and, of course,
2 sometimes we think that the platform is teaching and
3 not the teacher. But at any rate, the students are
4 getting a lot of their core subject areas through
5 Edgenuity and the classroom teachers. So there's a
6 combination of both at the high school. But at the
7 elementary we've been fortunate enough to have some
8 teachers that do all of the virtual students. We
9 take care of them per grade. Because it's hard --

10 DR. MOORE: It's really hard.

11 SUPT. MURDOCH: -- to do both and do it well.
12 And I think it was mentioned this morning, you know,
13 where the onsite students and the virtual students
14 are both on computers, but then the teacher is at the
15 desk. That's an issue. So we want to make sure that
16 if we can get virtual teachers, we'll have virtual
17 teachers for our virtual students, and then onsite
18 teachers for our onsite students, so no student will,
19 you know, not have what they need.

20 DR. MOORE: Thank you.

21 SUPT. MURDOCH: You're welcome. Thank you.

22 DR. MOORE: Sorry.

23 CHAIRMAN NEWTON: Any other questions?

24 Okay. All right. I think we are ready for a
25 motion then.

1 DR. MOORE: I'll do it. I move that Lee County
2 be classified in need of Level 5 - Intensive Support.

3 MS. WOODS: I will second.

4 CHAIRMAN NEWTON: Do we need to do the whole
5 motion to get it on the record?

6 DR. MOORE: And that this board assume authority
7 over the district under Arkansas Code 6-15-2916, and
8 that we direct the Secretary of Education to assume
9 the authority of the Lee County School District board
10 of directors as may be necessary to operate the
11 school district.

12 MS. WOODS: I'll second again.

13 CHAIRMAN NEWTON: Okay. All right. I have a
14 motion, and a second by Ms. Woods.

15 Do we need to do roll-call on this one?

16 SECRETARY KEY: It's a good idea, Madam Chair.

17 CHAIRMAN NEWTON: Okay.

18 SECRETARY KEY: Dr. Moore.

19 DR. MOORE: Yes.

20 SECRETARY KEY: MR. Sutton.

21 MR. SUTTON: Yes.

22 SECRETARY KEY: Ms. McFetridge.

23 MS. McFETRIDGE: Yes.

24 SECRETARY KEY: Ms. Woods.

25 MS. WOODS: Yes.

1 SECRETARY KEY: Dr. Rankin.

2 DR. RANKIN: Yes.

3 SECRETARY KEY: Dr. Hill.

4 DR. HILL: Yes.

5 SECRETARY KEY: Six yea's, zero nays.

6 CHAIRMAN NEWTON: Okay. Motion passes.

7 SUPT. MURDOCH: Thank you.

8 CHAIRMAN NEWTON: Thank you, Ms. Murdoch, for
9 coming today. We appreciate you and all your hard
10 work.

11 MS. SMITH: Can I just say one thing? And I
12 know our day is long.

13 It is hard to get up here and just tell you all
14 the terrible things when there are so many things
15 that are going well and that we're starting and that
16 this team is working with. And my team will tell you
17 they love going to Lee County because there is
18 actually an excitement and momentum going right now.

19 So I appreciate you. Thank you.

20 CHAIRMAN NEWTON: Thank you.

21 All right. We're finally to our 1:00 agenda.

22 So at least we can laugh about it, I guess.

23 B-1: COLLEGE AND CAREER READINESS ASSESSMENT REQUEST

24 CHAIRMAN NEWTON: All right. We're needing our
25 college and career readiness assessment request. Ms.

1 Horn.

2 MS. HORN: Good afternoon. Rachel Horn,
3 Director of Curriculum Assessment, Office of Learning
4 Services.

5 This afternoon the Arkansas Department of
6 Education is requesting approval from the State Board
7 to amend the statewide assessment system to include
8 ACT Work Keys. And this is being requested to meet
9 Act 319 of 2021 of the 93rd General Assembly, which
10 states that a public school that serves any student
11 in grades 10-12 shall administer college and career
12 readiness assessments, including a career readiness
13 assessment that leads to a nationally recognized work
14 readiness certificate as determined by the State
15 Board.

16 We are recommending ACT Work Keys for multiple
17 reasons. Many Arkansas schools already use the Work
18 Keys curriculum and assessment. Work Keys will
19 compliment the ACT assessment currently offered to
20 all Arkansas juniors and numerous Arkansas employers
21 will recognize and hire employees based on the Work
22 Keys nationally recognized work readiness
23 certificate.

24 I'm happy to answer any questions you might have
25 about this assessment.

1 CHAIRMAN NEWTON: Okay. Do we have questions
2 for Ms. Horn?

3 DR. MOORE: I do.

4 CHAIRMAN NEWTON: Okay.

5 DR. MOORE: I wasn't sure -- and I -- anyways,
6 is it required in 11th grade? What grade do they do
7 --

8 MS. HORN: As far as ACT is concerned, it can be
9 offered in various grades. That would be a decision
10 for us to make. Our preference would be to offer for
11 this first year flexibility in how it is administered
12 in order to allow districts to administer it in
13 similar ways that they are already.

14 DR. MOORE: Okay. Is it taken at the beginning
15 of the year, end of year? What does that look like?

16 MS. HORN: There are multiple models. There is
17 a state model in which it is administered typically
18 in the spring. There's also a national model. It
19 gives a wider flexibility of how it can be
20 administered. It can be administered at any time
21 throughout the school year and in different ways.

22 DR. MOORE: Okay.

23 CHAIRMAN NEWTON: Okay. Any other questions?
24 Okay. Do we have a motion?

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

1 CHAIRMAN NEWTON: Motion to approve.

2 Do we have a second?

3 DR. RANKIN: Second.

4 CHAIRMAN NEWTON: Second by Dr. Rankin.

5 All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN NEWTON: Any opposed?

8 MS. HORN: Thank you.

9 CHAIRMAN NEWTON: All right.

10 B-2: CONSIDERATION FOR RELEASE FOR PUBLIC COMMENT CTE POLICIES
11 AND PROCEDURES FOR CAREER AND TECHNICAL EDUCATION

12 CHAIRMAN NEWTON: All right. I think this is
13 our first of maybe many to come in the near future --
14 Consideration of Release for Public Comment the CTE
15 Policies and Procedures for Career and Technical
16 Education. Mr. Dugan.

17 MR. DUGAN: Thank you, Madam Chair. Good
18 afternoon. Taylor Dugan with the Department. I've
19 got my colleague here, Mr. Ross White. He's our new
20 CTE Director. So we can answer any questions that
21 the Board has.

22 So we're asking for a motion today to repeal the
23 old rules and release these for public comment,
24 because these rules would align more with our Perkins
25 V plan that is, you know, going on right now.

1 Because in the past CTE was under the Department of
2 Career Education Board, and so now they've been put
3 under the State Board of Education. So that's why
4 we're just trying to clean these up and get these
5 moving, so they can be more in line with the federal
6 plan.

7 So we ask that those old ones be repealed and
8 these be released for public comment, pending
9 Governor's office approval. If there's any
10 questions, we'd be happy to answer. I've got Mr.
11 White here and I have Dr. Kremers also on the Zoom
12 for any questions.

13 CHAIRMAN NEWTON: Will you need a separate
14 motion to repeal and then a different motion to
15 release for public comment?

16 MR. DUGAN: I think that would be the cleanest.
17 Either way, either is fine.

18 CHAIRMAN NEWTON: Okay. All right. Do you have
19 any questions for Mr. Dugan?

20 DR. PFEFFER: Do we need to repeal now?

21 SECRETARY KEY: Yeah. I'm sorry. Do we need to
22 repeal them before we have the new ones ready to go
23 into effect?

24 MR. DUGAN: So I think they'd still be effective
25 because they haven't gone through the full

1 promulgation process.

2 Would that be correct, Lori?

3 Because they're still active and they're still
4 current law. But until they finally make it all the
5 way through, then they would still be good law.

6 MS. FRENO: Yes, Taylor is correct, because they
7 move together at the same pace. So they will go to
8 the Governor's office at the same time and they will
9 go through the public comment period at the same
10 time. So the rules -- current rules are not going to
11 be repealed until such time that the new rules are in
12 place.

13 SECRETARY KEY: Okay. Thank you for
14 clarification.

15 CHAIRMAN NEWTON: So if you got all that, I need
16 a motion.

17 DR. MOORE: I know this is a long time coming
18 and a lot of hard work on both agencies, now one's
19 part. So thank y'all.

20 I move to open the --

21 MR. DAVIS: Microphone.

22 DR. MOORE: I move -- I move to approve the
23 rules for public comment, pending Governor's office
24 review.

25 CHAIRMAN NEWTON: And to repeal?

1 DR. MOORE: And to repeal, pending Governor's
2 office review.

3 MR. DUGAN: That's perfect. Thank you.

4 CHAIRMAN NEWTON: Okay. All right. Do we have
5 a second?

6 MS. McFETRIDGE: Second.

7 CHAIRMAN NEWTON: All right. Second by Ms.
8 McFetridge.

9 All in favor?

10 (UNANIMOUS CHORUS OF AYES)

11 CHAIRMAN NEWTON: Any opposed?

12 MR. DUGAN: Thank you so much.

13 CHAIRMAN NEWTON: Thank you, guys.

14 SECRETARY KEY: So before Mr. White gets too far
15 away, I would like to introduce officially our new
16 Director of Career -- to the Division of Career and
17 Technical Education, Mr. Ross White. He's joining us
18 from Siloam Springs, and we're very excited to have
19 him here. And he has relocated -- or is in the
20 process of relocating.

21 MR. WHITE: Right.

22 SECRETARY KEY: But, Ross, we'd invite you to
23 give any introductory remarks, if you'd like.

24 MR. WHITE: I'm excited to be here. I'm Ross
25 White. I'm on day-nine, so it's been a whirlwind,

1 but it's going well and I'm excited for the work that
2 we can do for our students in the state of Arkansas.
3 My background is Career and Technical Education. I
4 spent 10 years in the classroom as a Career and
5 Technical educator in the Alma School District, and
6 then moved to Siloam Springs to lead their Career and
7 Technical programs and I did that for four years. I
8 also served as an administrator. I got to watch Mr.
9 Wiggins on here earlier with you-all, and actually
10 got to help write part of that plan that he talked to
11 you about this year. But, so I'm excited to be here
12 and use I think some of the knowledge that I have
13 gained in the classroom and in a leadership role at
14 the Division of Career and Technical Education.

15 CHAIRMAN NEWTON: Welcome. We're glad you're
16 here.

17 MR. WHITE: Thank you.

18 CHAIRMAN NEWTON: All right.

19 B-3: CONSIDERATION OF THE ARKANSAS BETTER CHANCE (ABC) FY22 -
20 AGENCY GRANT AWARDS

21 CHAIRMAN NEWTON: Okay. Consideration of the
22 Arkansas Better Chance Agency Grant Awards. Ms.
23 Tyler -- oh, and Ms. Bridges.

24 MS. TYLER: Good afternoon. Lisa Tyler,
25 Director of Student Support Services.

1 MS. BRIDGES: And good afternoon. I'm Lori
2 Bridges, the Director of Early Childhood Programs.

3 And today we would like to request funds for the
4 Arkansas Better Chance renewal grants that will
5 provide early childhood services for children birth
6 to 5 through 235 agencies, 502 program sites, serving
7 23,365 children in both center-based and home-
8 visiting settings. These programs will employ 3,535
9 early childhood staff, including teachers,
10 paraprofessionals, and coordinators.

11 ABC is also requesting the support -- to support
12 foster children, as well as homeless/displaced
13 children as the need arises. ABC will provide
14 waivers in order to -- for identified children to
15 receive immediate services under those circumstances.
16 The placement of a displaced child in an ABC program
17 would add an additional child to the total awarded
18 number of slots for that program.

19 So, a request for the Board to approve the
20 Arkansas Better Chance renewal grants for program
21 year 2021-2022 in the total amount of \$104,245,718.

22 CHAIRMAN NEWTON: Okay. Do we have questions
23 for Ms. Bridges?

24 Dr. Moore.

25 DR. MOORE: I do. I'm sorry.

1 I wasn't -- the reason for this question, I
2 wasn't aware -- so this is not just for 3- and 4-year
3 olds; it starts at birth. Is that correct?

4 MS. BRIDGES: Yes, ma'am.

5 DR. MOORE: What is the breakdown of the number
6 of each age group?

7 MS. BRIDGES: We -- okay. So we serve 91% of 3-
8 and 4-year olds, and then we do serve 9% infants and
9 toddlers. That's through the Arkansas Better Chance
10 old money. So it's like the original inception of
11 ABC served the infants and toddlers, and then over
12 the years that money has been more focused on pre-K,
13 the 3 -- preschool 3- and 4-year olds.

14 DR. MOORE: Okay. Thank you.

15 CHAIRMAN NEWTON: Any other questions?

16 Mr. Lookadoo.

17 MR. LOOKADOO: I have one, just out of my own
18 curiosity.

19 Do we have any idea on like the percentage of
20 slots from this year or that were left unfilled due
21 to circumstances? Do we -- and knowing that off the
22 top of your head would be super-impressive, but --

23 MS. BRIDGES: Well, we have monitored that.

24 During the pandemic we did give 100% award to
25 programs, regardless of enrollment, because of the

1 situation. They had already staffed and, you know,
2 planned and budgeted for that, so we did give 100%
3 awards to those programs. They know that the
4 expectation is for those programs to be fully
5 enrolled by November 1st of each year. And so they
6 -- we monitor that. We've got data from the last
7 four years, and so we didn't want to just use this
8 one year to determine enrollment or awards for next
9 year. So they know that the expectation is to have
10 full enrollment by November 1st, and we continue to
11 monitor enrollment, and that could affect funding in
12 awarded slots for the upcoming -- next year.

13 CHAIRMAN NEWTON: Any other questions?

14 Okay. We need a motion.

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

16 CHAIRMAN NEWTON: Okay. Move to approve by Dr.
17 Moore.

18 Do we have a second?

19 DR. HILL: Second.

20 CHAIRMAN NEWTON: Second by Dr. Hill.

21 All in favor?

22 (UNANIMOUS CHORUS OF AYES)

23 CHAIRMAN NEWTON: Any opposed?

24 Okay. Motion passes.

25 B-3(a): CONSIDERATION OF THE ARKANSAS BETTER CHANCE (ABC) FY22

1 - PROFESSIONAL SERVICE GRANT AWARDS

2 CHAIRMAN NEWTON: Consideration of Arkansas
3 Better Chance Fiscal Year 22 Professional Service
4 Grant Awards.

5 MS. BRIDGES: Yes. Thank you.

6 These ABC professional service grants, they
7 support the 3,535 ABC early childhood teachers,
8 paraprofessionals, coordinators, and school
9 administrators with training, coaching, technical
10 assistance, and services in order to provide high
11 quality early learning environments for our children.
12 ABC early childhood staff, they're required to
13 complete 30 hours annually of early childhood
14 professional development in the areas of trauma
15 informed care, child growth and development, social-
16 emotional learning, mental health, health and
17 wellness, emergent literacy, learning experiences in
18 the area of math and science, serving children with
19 special needs, family engagement, Arkansas develop --
20 or Arkansas child development and learning -- early
21 learning standards to support continuous quality
22 improvement. So these grants help us provide the
23 highest quality of early childhood environments.

24 The request is for the Board to approve the
25 Arkansas Better Chance professional service grants

1 for the program year 2021-2022, in the amount of
2 \$6,504,720.15.

3 CHAIRMAN NEWTON: Okay. Any questions for Ms.
4 Bridges on the grants?

5 DR. MOORE: Yes. I think I've asked this
6 before, but are any of these grants gone through RFP
7 or RFQ process or are they all just annual renewal?

8 MS. BRIDGES: They do go through that process.
9 And, Ms. Tyler, I'll let you step in here.

10 MS. TYLER: These are discretionary grants, so
11 they do not go through that process -- or they
12 haven't since they've come to us. We treat them as
13 our other discretionary grants for professional
14 development.

15 DR. MOORE: Okay. So do you get reporting --

16 MS. TYLER: Uh-huh.

17 DR. MOORE: -- on them?

18 MS. TYLER: Yeah. We have targeted objectives
19 and performance measures that we report on, and we've
20 worked with them to be a little more specific than
21 they were when they came to us. But, yeah.

22 DR. MOORE: Are there any new this year or is it
23 the same?

24 MS. BRIDGES: Yes, ma'am. We've got one new
25 grant, the Howard Dawson Educational Service

1 Cooperative for Early Childhood Regional Specialists
2 project. They're going to be curriculum specialists
3 to help support developmentally appropriate
4 curriculum that can support kindergarten readiness
5 for our 4 -- 3- and 4-year olds.

6 DR. MOORE: Thank you.

7 CHAIRMAN NEWTON: Any other questions?

8 Okay. I think we're ready for a motion.

9 MR. SUTTON: Motion to approve.

10 CHAIRMAN NEWTON: Okay. Motion to approve by
11 Mr. Sutton.

12 Do we have a second?

13 MS. McFETRIDGE: Second.

14 CHAIRMAN NEWTON: Second by Ms. McFetridge.

15 All in favor?

16 (UNANIMOUS CHORUS OF AYES)

17 CHAIRMAN NEWTON: Any opposed?

18 Okay. Motion passes.

19 Because of the craziness of this day, the
20 nominating committee hasn't had a chance to get
21 together yet. So we're going to take a short recess
22 and allow them to get together and -- so they can
23 have their recommendations for our next item. So
24 we'll take a short recess.

25 (BREAK: 4:43 P.M. - 4:50 P.M.)

1 B-4: ELECTION OF STATE BOARD CHAIR AND VICE-CHAIR FOR THE
2 PERIOD OF JULY 1, 2021 THROUGH JUNE 30, 2022

3 CHAIRMAN NEWTON: All right. Our next item on
4 the agenda is Election of State Board Chair and Vice-
5 Chair for the Period of July 1, 2021 through June 30,
6 2022.

7 MS. Freno, do you do this one or is it just the
8 committee?

9 MS. McFETRIDGE: Dr. Hill will be back in the
10 room in just a minute.

11 CHAIRMAN NEWTON: Oh, he's not in here.

12 MS. McFETRIDGE: I'm sorry.

13 CHAIRMAN NEWTON: I'm sorry; I shouldn't have
14 started if --

15 MS. McFETRIDGE: Well, that's okay.

16 CHAIRMAN NEWTON: I didn't realize he wasn't
17 there.

18 MS. FRENO: Yes. Once one of the co-members of
19 the committee shows back up, Dr. Fitz Hill, either of
20 the board -- either of the members of the committee
21 can just make the recommendations --

22 CHAIRMAN NEWTON: Okay.

23 MS. FRENO: -- for the full board's
24 consideration.

25 CHAIRMAN NEWTON: Okay. All right. We'll wait

1 a minute on Dr. Hill.

2 MS. McFETRIDGE: I'm sorry. Now that you're
3 sitting down, can you talk to maybe what board
4 members are not available to run at this time? I
5 believe they have to be on the board two years before
6 they can be considered.

7 MR. SUTTON: I think that's right.

8 CHAIRMAN NEWTON: I think we changed -- I don't
9 know.

10 MS. FRENO: I will look at the standard
11 operating procedures. But I'm thinking we removed
12 that provision from the operating procedures.

13 MS. WINDLE: Right. I think everybody needs an
14 updated copy. I'll send those back out to everyone.

15 MS. FRENO: Yes, I believe that was removed from
16 its -- the operating procedures. Any board member is
17 electable --

18 CHAIRMAN NEWTON: Okay.

19 MS. FRENO: -- is qualified.

20 CHAIRMAN NEWTON: Okay. All right. So with
21 that clarification, does the committee have
22 recommendations?

23 DR. HILL: Yes. Our committee would like to
24 recommend to the Board that -- we thought that Ms.
25 Newton, her on-the-job training as chair over the

1 last -- in Ms. Charisse's absences has given you the
2 apprenticeship -- like a student teacher -- you know,
3 you've been working in that position and you've done
4 a superb job. And your expertise in the classroom is
5 something I know that I personally defer to on
6 matters outside of my knowledge base. And our
7 committee thought that you would be the excellent
8 person to lead us in 2021 and 2022 as a chair. And
9 we also thought that, based on your work relationship
10 and knowledge base, that Dr. Sarah Moore would be an
11 excellent choice for the vice-chair. And you-all
12 work together; it would be a seamless -- in one
13 absence. And that's our recommendation from the
14 nominating committee.

15 CHAIRMAN NEWTON: Okay. Thank you.

16 I think we can also have nominations from the
17 floor, if I'm right, Ms. Freno?

18 MS. FRENO: Yes, that's correct.

19 CHAIRMAN NEWTON: Okay. Okay. Do we just vote
20 -- how do we do this? You tell me.

21 MS. FRENO: If there are no other nominations
22 from the floor, there can be a motion --

23 CHAIRMAN NEWTON: Okay.

24 MS. FRENO: -- and a second and a vote.

25 CHAIRMAN NEWTON: Okay.

1 MS. WOODS: I move to accept the recommendation
2 of the nominating committee.

3 CHAIRMAN NEWTON: All right.

4 DR. RANKIN: And I'll second.

5 CHAIRMAN NEWTON: All right. All in favor?

6 (UNANIMOUS CHORUS OF AYES)

7 CHAIRMAN NEWTON: Okay. Any opposed?

8 That was really awkward. But I -- especially
9 after today, after I've pulled the meeting to almost
10 5:00, I'm very appreciative of it. And I'll do my
11 best, that hopefully I won't drag them out so long
12 next time. But I appreciate the honor and I will do
13 my best to serve you. And if there's ever anything
14 that I can do to help you understand an agenda or an
15 agenda item, just feel free to let me know.

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18 (The Action Agenda was concluded at 4:55 p.m.)

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A-2: LICENSURE WAIVER REQUEST - KATHERINE HOYT

PLSB EXHIBIT ONE (1)

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A-2: LICENSURE WAIVER REQUEST - KATHERINE HOYT
EDUCATOR'S EXHIBIT ONE (1)

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A-2: LICENSURE WAIVER REQUEST - KATHERINE HOYT
EDUCATOR'S EXHIBIT TWO (2)

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A-3: ACT 1240 DIGITAL LEARNING APPLICATIONS AND WAIVERS

EXHIBIT ONE (1)

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A-3: ACT 1240 DIGITAL LEARNING APPLICATIONS AND WAIVERS

EXHIBIT TWO (2)

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A-3: ACT 1240 DIGITAL LEARNING APPLICATIONS AND WAIVERS

EXHIBIT THREE (3)

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 May 13, 2021, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

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

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

WITNESS, MY HAND AND SEAL, THIS DATE: May 21, 2021.

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

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