

ARKANSAS STATE BOARD OF EDUCATION

MARCH 9, 2023

9:00 a.m.

A P P E A R A N C E S

BOARD MEMBERS:

MS. OUIDA NEWTON, Chairman
DR. SARAH MOORE, Vice Chairman
MS. KATHY McFETRIDGE
MS. ADRIENNE WOODS
MR. RANDY HENDERSON
MS. LISA HUNTER
MR. JEFF WOOD

NON-VOTING PARTICIPANTS:

MR. JACOB OLIVA, Secretary of Education
MS. JESSICA SAUM, Arkansas Teacher of the Year

DESE LEGAL COUNSEL:

MS. SHASTADY WAGNER, ADE Legal Counsel
MS. WHITNEY JAMES, ADE Legal Counsel

LOCATION:

ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
- Auditorium
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Little Rock, AR 72201

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P R O C E E D I N G S

1
2 1) EDUCATIONAL SERVICE COOPERATIVE EVALUATIONS

3 CHAIRMAN NEWTON: We are going to move on to our
4 action agenda. Ms. Smith, you're up again. The
5 first item is our evaluations of the educational
6 service cooperatives.

7 MS. SMITH: So on the agenda I submitted two
8 different evaluations, one for Wilbur Mills Co-op and
9 one for Arch Ford Co-op. Both were favorable
10 evaluations, doing a great job in our state
11 supporting our schools. And so I just ask for an
12 approval of the evaluations.

13 CHAIRMAN NEWTON: Any questions on the
14 evaluations?

15 Dr. Moore.

16 DR. MOORE: Thank you. Thank you for doing
17 this.

18 How many of the co-ops have we done now -- have
19 you all done?

20 MS. SMITH: Twelve. I have -- we have three
21 more that are scheduled in April --

22 DR. MOORE: Okay.

23 MS. SMITH: -- and then we'll be done.

24 DR. MOORE: I did -- this is a question about
25 Arch Ford. Arch Ford houses Virtual Arkansas. Is

1 that correct?

2 MS. SMITH: They house one of our grants for
3 Virtual Arkansas. And, yes, that's where most of the
4 grant goes through. Yes.

5 DR. MOORE: So are there -- the Virtual
6 Arkansas, are they employees of the Arch Ford co-op?

7 MS. SMITH: Yes.

8 DR. MOORE: Okay. I know there's a little bit
9 of that mentioned here. Has there been any thought
10 as to whether we need to do a further evaluation of
11 that program specifically? Would that be included in
12 here or would that be sort of a separate --

13 MS. SMITH: Yeah. So that goes with the Virtual
14 Arkansas grant. So we do give that program funding.
15 That is a separate grant that runs through the co-op
16 and there's an evaluation that goes with that grant.

17 DR. MOORE: Okay.

18 MS. SMITH: So each year they have to submit a
19 report to us, their outcomes, their goals, that type
20 of thing. So I can pull that for you.

21 DR. MOORE: Okay. And then, you know, the
22 conversations that we're having about LEARNS that
23 passed there's an emphasis on reading, as we all
24 know. There is, you know, in the legislation that
25 there will be reading coaches. Can you speak to me a

1 little bit about reading coaches at co-ops currently
2 and what they do? And if they were -- I mean how --
3 I know this is sort of a more general evaluation and
4 not an evaluation specifically of each program in the
5 co-ops.

6 MS. SMITH: Uh-huh.

7 DR. MOORE: But if y'all were able to dig into
8 the literacy --

9 MS. SMITH: Yeah, absolutely. So right now when
10 -- actually, when we launched RISE Arkansas one of
11 the pieces -- one of the things that we did is we
12 made a commitment to put three literacy specialists
13 at each of the co-ops throughout the state. So we
14 re-focused our grant funding for literacy specialists
15 during that time to support that training. And so
16 all the co-ops have three literacy specialists that
17 are directly tied to RISE Arkansas and supporting
18 their areas, specifically -- the main emphasis in the
19 beginning was getting the training to get our
20 teachers to proficiency and awareness. And so you
21 saw our K-2 RISE Academy, the 3-6 Academy, and then
22 the awareness training. Part of that was direct
23 coaching in those classrooms with teachers who were
24 going through that smaller K-2 piece. I think now
25 with Arkansas LEARNS -- and plus, now we're at the

1 end of the time where teachers had to have
2 proficiency in that initial training. Most of our
3 teachers have had that training. I think what
4 Arkansas LEARNS really does for us right now is it's
5 the accountability of outcomes; just because you've
6 been training, what are you implementing in your
7 classroom, and how do we support that work. So I
8 think the vision of being able to provide direct
9 coaches in schools to actually support teachers and
10 actual true implementation for student outcomes is
11 the next phase.

12 DR. MOORE: Okay.

13 MS. SMITH: And so what that exactly looks like
14 today and how the co-ops play a role in that, I'm not
15 a hundred-percent sure. But they're our partners and
16 I'm sure they'll be at the table as we kind of design
17 that plan.

18 DR. MOORE: Thank you.

19 MS. SMITH: Does that help?

20 DR. MOORE: Yeah.

21 MS. SMITH: Okay.

22 CHAIRMAN NEWTON: Any other questions?

23 MR. HENDERSON: Yeah. Stacy, I noticed that
24 they only have like -- based on the demographics they
25 only have like two postsecondary education

1 institutions. How is that determined and decided?

2 MS. SMITH: Those are partners that they
3 themselves have connected with. So Arch Ford does a
4 lot of work with like UCA; that was one of their main
5 partners, and some of the colleges in the Conway
6 area. And a lot of that is by proximity. And then
7 when you look at Wilbur Mills and partnerships with
8 like Harding -- you know, again, proximity. So a lot
9 of that is proximity related.

10 MR. HENDERSON: Gotcha. Thank you.

11 CHAIRMAN NEWTON: Any other questions?

12 Okay. Ms. McFetridge.

13 MS. MCFETRIDGE: I was looking at these user
14 satisfaction surveys, and they were both rated very
15 high. My question is several of the line items, like
16 dyslexia, some of the math programs, haven't gotten
17 as high a rating. Does the Department look at that
18 and go, Gosh, maybe we need to focus a little bit
19 more on those areas that they haven't ranked as high?

20 MS. SMITH: Actually, we do. So I'll talk
21 specifically about dyslexia. One of the things that
22 we did is when we annually report -- look to see how
23 many students are being served in an area that local
24 districts are reporting, we look for districts who
25 are reporting extremely low numbers or have low

1 outcomes. And our dyslexia specialist here, Vicki
2 King, works directly with those co-ops and those
3 districts to make sure, one, that we're actually
4 doing the screening, that kids are getting identified
5 -- and a lot of that is based off of survey data like
6 that.

7 CHAIRMAN NEWTON: Any other questions?

8 MS. McFETRIDGE: That's great.

9 MS. SMITH: And --

10 MS. McFETRIDGE: That's great information to
11 have.

12 MS. SMITH: And I will say too, in deep
13 recession; so each time we do an evaluation I sit
14 with the co-op director afterwards and we go through
15 some of those datapoints as a group and what their
16 next steps are. And part of the evaluation has to do
17 with them, themselves, doing a needs assessment and
18 determining their next steps and how they respond to
19 that. And they have to show evidence of that, like
20 what did they -- oops -- what did they show before
21 that was low and what have they done to respond to
22 that data. So that's part of it.

23 MS. McFETRIDGE: All rightee. Thank you.

24 CHAIRMAN NEWTON: Any others?

25 I have one question, and it was really not about

1 the co-ops but it's going back to what you were
2 talking about with the RISE training. And we're at
3 the end of the cycle and hopefully our teachers are
4 trained. So what will it be going forward? Are we
5 relying on institutions of higher learning or are we
6 still going to actively train and make sure our
7 teachers are prepared?

8 MS. SMITH: So I do believe Arkansas LEARNS put
9 an emphasis on the 120 coaches supporting our schools
10 as part of that work. While we have to -- it has to
11 be a comprehensive plan that does include higher ed.,
12 making our higher ed. programs better -- not better
13 -- making our higher ed. programs more laser-like
14 focused on making sure that we're teaching the
15 Science of Reading and what that looks like. I think
16 it also encompasses our high quality instructional
17 materials, making sure that materials that are being
18 used in our classrooms are aligned to the Science of
19 Reading and teachers are implementing with fidelity.
20 That's some of the work that Dr. Pride's team has
21 done a phenomenal job with. And I think that's where
22 we have to grow. I mean I think I've shared with you
23 before if I had to do it all over again I would've
24 made sure and coupled the high quality instructional
25 materials on the front-end --

1 CHAIRMAN NEWTON: Yes.

2 MS. SMITH: -- with our training. We brought
3 people in, we gave them training on Science of
4 Reading and best practices, and sent them back to
5 their classrooms without literacy programs; and so
6 teachers were left on their own to try to figure out
7 what do I do different in my classrooms with
8 materials and resources. And that's where you have a
9 lot of teachers creating their own; you get out of a
10 clear scope and sequence. And we're asking them to
11 do something a little bit different than they've been
12 doing before.

13 So if I had to do it all over again -- if we --
14 and other states that we talk to about that, that's
15 one of those pieces we talk about -- pair it with a
16 high quality curriculum as you're going through and
17 getting that training.

18 CHAIRMAN NEWTON: Okay. All right. Any --

19 Thank you.

20 Any other questions?

21 All right. So we do need a motion to approve
22 these evaluations.

23 MS. McFETRIDGE: I'll make the motion to
24 approve.

25 CHAIRMAN NEWTON: Okay. Have a motion by Ms.

1 McFetridge.

2 DR. MOORE: Second.

3 CHAIRMAN NEWTON: Seconded by Dr. Moore.

4 All in favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN NEWTON: Any opposed?

7 All right. Motion passes.

8 2) MARVELL-ELAINE SCHOOL DISTRICT

9 CHAIRMAN NEWTON: All right. We've moved
10 Marvell-Elaine.

11 3) CONSIDERATION OF CHARTER AUTHORIZING PANEL'S DECISION
12 REGARDING CHARTER AMENDMENT REQUESTS

13 a) ARKANSAS LIGHTHOUSE CHARTER SCHOOLS

14 CHAIRMAN NEWTON: So we are to the charter
15 amendment request. Ms. Wagner.

16 MS. WAGNER: Good morning, again.

17 CHAIRMAN NEWTON: Good morning.

18 MS. WAGNER: So the first one up is Arkansas
19 Lighthouse. And Lighthouse is coming to us to amend
20 their charter to transfer three of their campuses to
21 Friendship. And with that transfer those campuses
22 are also asking to reduce their enrollment cap by
23 500. This went to the CAP; the CAP had no issues
24 with it. We spent a long time going through
25 everything piece by piece. There's a transition plan

1 in place. Both sides have come to the table and
2 talked through just about I think everything they
3 can. We have no issues with it. And so it is just
4 up to this board to review or not review the CAP's
5 decision.

6 CHAIRMAN NEWTON: All right. Any questions on
7 this transfer?

8 Okay. Your motion is to --

9 MS. WOODS: I just --

10 CHAIRMAN NEWTON: Okay. I'm sorry. Ms. Woods.

11 MS. WOODS: I'm sorry. I was just going to ask
12 why are they reducing their cap by 500?

13 MS. WAGNER: So they're reducing their cap
14 because they are -- the kids that are transferring --
15 it's reducing by those kids that are transferring out
16 of that school.

17 MS. WOODS: Oh, got it. Okay. Thank you.

18 MS. WAGNER: You're welcome.

19 CHAIRMAN NEWTON: Okay. We are -- your motion
20 would be to review or not review the Arkansas
21 Lighthouse amendment.

22 DR. MOORE: May I ask a clarifying question too
23 --

24 CHAIRMAN NEWTON: Sure.

25 DR. MOORE: -- since it's to review. How many

1 charters does Lighthouse currently have? How many
2 schools?

3 MS. WAGNER: So they currently have six.

4 DR. MOORE: And it's always in that one charter?

5 MS. WAGNER: Yes.

6 DR. MOORE: Okay.

7 MS. WAGNER: It's all within the one charter.

8 DR. MOORE: So there will be three campuses
9 remaining --

10 MS. WAGNER: Yes.

11 DR. MOORE: -- on their charter?

12 MS. WAGNER: Yes. They are all within
13 Jacksonville -- which the Lighthouse director is
14 actually here as well.

15 DR. MOORE: Okay. And we're not changing any of
16 the pieces of their current charter with those three
17 schools?

18 MS. WAGNER: No.

19 DR. MOORE: Okay. That's what I thought. Just
20 wanted to clarify. Thank you.

21 MS. WAGNER: You're welcome.

22 CHAIRMAN NEWTON: Anything else?

23 Okay. We're ready for a motion.

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

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

1 Henderson now to review.

2 DR. MOORE: I'll second that.

3 CHAIRMAN NEWTON: Seconded by Dr. Moore.

4 All in favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN NEWTON: Any opposed?

7 Okay. Motion passes.

8 b) FRIENDSHIP ASPIRE ACADEMIES OF ARKANSAS

9 CHAIRMAN NEWTON: So the next, we need to have a
10 place for those kids to go.

11 MS. WAGNER: Yes. The next is where they're
12 headed to which is Friendship Aspire Academies of
13 Arkansas. So they are going to be receiving the
14 three Lighthouse campuses, which includes increasing
15 their cap by 500 because they are receiving those
16 students.

17 Another thing they had asked for is a request
18 for -- to waive the A through F scores for the
19 Capital City campus that they will be receiving.
20 That is something that we are actually required to do
21 by law because they are -- [clearing throat] excuse
22 me -- it's a transfer and they're opening a new LEA
23 at that location. So, but it will only be for one
24 year and it will only be for the one Capital City
25 location; it won't be for their charter as a whole.

1 But, again, the transition plan is in place. We
2 went through all of this piece by piece. The CAP is
3 very confident in their ability to do this. And if
4 you have any questions of Friendship, they are all
5 here as well.

6 CHAIRMAN NEWTON: Okay. Any questions for
7 Friendship?

8 DR. MOORE: Yeah. I think reading through the
9 materials and the prior meeting there is a strong
10 plan in place. I just wanted to take a moment to
11 emphasize the parent communication and what that
12 looks like as things go on. And I think from what I
13 see that that is certainly there, but want to make
14 sure that's very strong in the months to come.

15 CHAIRMAN NEWTON: Mr. Wood.

16 MR. WOOD: The only question I had was regarding
17 Friendship's request to waive letter grade
18 accountability for this North Little Rock campus next
19 year. But it's my understanding that if they
20 requested that waiver it must be granted --

21 MS. WAGNER: Yes.

22 MR. WOOD: -- under the law. Is that correct?

23 MS. WAGNER: Yes.

24 MR. WOOD: So there's really no discretion on
25 this board on granting that?

1 MS. WAGNER: No.

2 MR. WOOD: Okay.

3 MS. WAGNER: It's in the law, if they request
4 it. So I mean unless you wanted to review it for
5 some reason -- but it is in the law that since they
6 are doing a -- it is a voluntary transfer -- that was
7 written into the law I believe in 2021. So since
8 it's a voluntary transfer and they're going to be
9 opening a new LEA at that location that they get a
10 waiver just for that location. Now it's not for
11 their entire charter; it's just for the one school.

12 CHAIRMAN NEWTON: This transfer -- in thinking
13 about the Charter Office keeping an eye on the
14 transfer, when will this charter be back up for
15 review?

16 MS. WAGNER: So I'll turn that -- I mean we
17 monitor them constantly; they're going to be
18 continually monitored. But as far as --

19 Lighthouse just renewed for 10 years; correct?

20 MR. HARRIS: Friendship.

21 MS. WAGNER: Friendship. I'm sorry; Friendship.
22 Mr. Harris is right here.

23 CHAIRMAN NEWTON: Okay. So you're the expert.

24 MS. WAGNER: He was -- they were just renewed
25 for 10 years. But we will keep -- we'll keep an eye

1 on them; we will be monitoring them, you know. And
2 any time, of course, that they want to reach out for
3 support, our office is always here to assist. But we
4 will definitely be keeping an eye on them.

5 CHAIRMAN NEWTON: So during the transfer process
6 y'all are going to keep a close watch on what goes on
7 and how the kids are performing?

8 MS. WAGNER: Yes.

9 CHAIRMAN NEWTON: Okay. All right. Any other
10 questions or comments?

11 Okay. So, remember, your motion is to review or
12 not review.

13 MR. WOOD: I move to not review.

14 MS. WOODS: I'll motion to not review.

15 CHAIRMAN NEWTON: Okay.

16 MS. WOODS: Or I'll second that.

17 CHAIRMAN NEWTON: All right. So we have a
18 motion from Mr. Woods and a second from Ms. --

19 MR. WOOD: No, no. From Wood.

20 CHAIRMAN NEWTON: I was going to get it right,
21 and I did it wrong.

22 MR. WOOD: And you did it wrong.

23 CHAIRMAN NEWTON: I did it wrong. I'm sorry; I
24 apologize.

25 A motion from Mr. Wood and a second from Ms.

1 Woods.

2 Did I do it wrong again?

3 MR. WOOD: No, you got it right.

4 CHAIRMAN NEWTON: Okay. All in favor?

5 (UNANIMOUS CHORUS OF AYES)

6 CHAIRMAN NEWTON: Any opposed?

7 It's always good when we can laugh at ourselves,
8 isn't it -- I hope.

9 All right. Thank you.

10 MS. WAGNER: Thank you.

11 4) CONSIDERATION OF STANDARDS FOR ACCREDITATION VIOLATION OF
12 STANDARD 1-C.1.1

13 CHAIRMAN NEWTON: All right. We are going to
14 move on to Accreditation Violations. Ms. Coffman.
15 Welcome.

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

18 CHAIRMAN NEWTON: Just give them just a second
19 to clear out.

20 MS. COFFMAN: Today I'm going to ask you to
21 provide a citation for schools that did not meet 95%
22 tested, or it's also called the participation rate,
23 in our accountability system.

24 And this slide is -- these slides are on your --
25 Give me a hand, Dan.

1 CHAIRMAN NEWTON: He may not be turned on.
2 There it goes.

3 MS. COFFMAN: There we go. All right.

4 So this requirement is a part of the Arkansas
5 Educational Support and Accountability Act, which was
6 Act 930 of 2017, and that's when we made the big
7 overhaul to ESSA -- from No Child Left Behind to ESSA
8 and had to revamp our Arkansas accountability system
9 to align. And so at that time, as a follow-up to the
10 federal requirement that says that we must test all
11 students, in our state code it says that we must test
12 all students.

13 Now some of you were here last year and you
14 remember that I came and asked you for a waiver
15 because schools were struggling to get their kids
16 back after Covid. And we said at that time "next
17 year there will be no waivers." So failing to test
18 95% is an issue because we want a valid and reliable
19 accountability system. And when school districts are
20 not assessing 95%, then they are leaving students out
21 that should be included in the accountability. Now
22 it certainly has an impact on our federal
23 accountability, but specifically today I want to talk
24 about the impact on our state accountability and
25 that's in the Standards for Accreditation.

1 So we did provide I believe ample communication
2 to the school districts regarding the requirement to
3 test all students. It came out in numerous
4 Commissioner Memos, as I have listed here. We talked
5 to our district test coordinators time and time and
6 time again about the timelines; it's in our business
7 rules that we put out publicly on our website and out
8 by Commissioner Memo. So I believe that we've really
9 gone short of just calling everybody individually and
10 saying, "Hey, hey, hey, you've got to test." I think
11 we've done quite a bit to communicate.

12 What I wanted to talk to you about is we do have
13 written assessment policies and procedures which has
14 allowed quite a bit of flexibility with assessments.
15 So, there are really not valid excuses for why you
16 can't test. Now, do we have some parents that refuse
17 to send their child for assessment? Yes. But we
18 have a nice long window for assessment, and our
19 recommendation is always test early and start make-up
20 immediately, because you know who wasn't there. And
21 our systems are very easy to use to monitor who has
22 and has not taken the state assessment.

23 We then ask -- so there was one chance: take the
24 test, note in the system whether or not the student
25 tested and why; and then, we follow-up with another

1 opportunity to make sure that we have accurately
2 reported the reasons that a student might not test.
3 So maybe the student didn't take the test; you now as
4 a school district have an opportunity to go into the
5 ACE correction engine in August and note with
6 documentation any student who did not test.

7 Who is expected to test? Everyone. And if we
8 go off of our guidance that we have, we are required
9 by federal law and of course state law to insure that
10 everyone tests. So we're very clear with the
11 documentation to school districts who is required to
12 test. Even a student that is absent on every day of
13 the window for testing, six weeks -- any student
14 that's absent every day is still required to test.
15 And we say that because you can't send somebody home,
16 say, "Sarah, go home; I'll see you in six weeks," to
17 avoid testing a student. Now, are there cases where
18 that student might be excluded? Yes. I'll show you
19 those. Expelled students, suspended students,
20 students who refuse to test, students that are
21 homebound, students that had Covid -- any of those
22 things that can cause a student not to be onsite or
23 at one of those flexible locations is required to
24 test. So, let's just start there.

25 So who is not required to test? If you can show

1 documentation the student has had a medical emergency
2 or has been hospitalized for the entire testing
3 window, they can be excluded. But if you said the
4 child missed the test and then something later on
5 happened, the window was there to test. Incarcerated
6 students, students in residential treatment,
7 deceased, students that withdrew before we pulled the
8 data of who should be testing -- and that's important
9 because as you go further into this you'll see some
10 schools say, "Well, these kids shouldn't have
11 tested." If they had been moved out of that grade
12 level prior to the data pull, they wouldn't have been
13 on the list to test. If they were then corrected
14 during the correction window, they would've been
15 caught then. So homeschool, private school, of
16 course, they do not test. And then students that are
17 in National Guard Youth Challenge or if they're under
18 a tuition agreement, they do not test. All we need
19 is just some documentation to show those things and
20 we can exclude the students with documentation.

21 So, today, what I'm asking you to do is to do an
22 accreditation citation status for the schools that
23 I'm about to list for you. And the reason that we're
24 doing it today is because -- we could just wait and
25 do it with all the standards for accreditation

1 citations, but these schools receiving a citation is
2 basically a warning. That's all it is. They don't
3 have to publicly report, they don't have to do
4 anything. It's a warning; get a plan, work your
5 plan. Right? So they are going to have to submit
6 their testing schedules to the office of student
7 assessment by March 17th. So now we're trying to say
8 test early, start your make-up as soon as possible,
9 communicate with your parents; we will help in any
10 way that we can to assist the school, but we have to
11 be serious about testing 95% or more.

12 So, today, I want to start with our first
13 motion, and I'm requesting a motion to assign
14 accredited citation to the 10 schools listed here for
15 reasons of not meeting 95% testing in both math and
16 English Language Arts for all students.

17 CHAIRMAN NEWTON: Okay. All right. Do we have
18 any questions before we look at a motion?

19 Mr. Henderson.

20 MR. HENDERSON: Yeah, I have a question. Once
21 the first citation is issued where we vote on it and
22 approve it, what is the next step? Is there a
23 progressive step following or what happens at that
24 point?

25 MS. COFFMAN: Yes. So for this school year they

1 would be noted as accredited -- accreditation
2 citation. That would just go on their record. And
3 what we would watch is then next year do they repeat
4 this behavior. So if next year they did not test 95%
5 and we went through all the corrections periods, they
6 couldn't correct it, they haven't made those
7 adjustments, then we would come back next spring and
8 ask you to put them on accreditation probation. So
9 it has to progressively get more. And then after
10 that, you know, if they continue that pattern, then
11 you would have to make a decision about something
12 more corrective action-wise.

13 MR. HENDERSON: Thank you.

14 CHAIRMAN NEWTON: Any other -- Ms. Hunter.

15 MS. HUNTER: So you said that the testing window
16 is six weeks long. How long is the test? I mean
17 does it take just like a day or two days?

18 MS. COFFMAN: Five weeks.

19 MS. PRIDE: Four to five hours.

20 MS. COFFMAN: Total.

21 MS. HUNTER: Okay, so not a full day. Okay.

22 MS. COFFMAN: No.

23 MS. HUNTER: Thank you.

24 CHAIRMAN NEWTON: Anything else?

25 Dr. Moore.

1 DR. MOORE: Yes. To me, this is indicative of a
2 greater problem in some instances in which if a
3 student is not there for six weeks. Does this sort
4 of trigger any sort of further review? Not all of
5 these. But were some of these of student attendance
6 and that conversation? What does that look like?

7 MS. COFFMAN: So we certainly haven't gone
8 through every transcript. But we did go through some
9 of the transcripts and looked to see what's
10 happening. We're not seeing those kids as being
11 absent. We're seeing in many cases those kids were
12 present but maybe they were doing an online course or
13 something; they just did not take the test.

14 DR. MOORE: Because I would worry, if they're
15 not able to do that, then they're not getting
16 educated outside because they're not there. But you
17 feel confident that --

18 MS. COFFMAN: No. I worry about that.

19 DR. MOORE: Yeah.

20 MS. SMITH: And I want to speak specifically and
21 give you an example. So Pine Bluff High School is
22 under state authority, so that was one of our
23 districts last year. All of our other schools in our
24 districts tested 95%, except one school. They didn't
25 have their procedures tight. We didn't -- we thought

1 we were following up and insuring that folks were
2 getting tested. When we went back and looked at the
3 list of kids that -- they were present on other days;
4 we didn't do our due-diligence to get make-ups done
5 and that's -- on that campus. So when you look at
6 all these different districts here, most of them are
7 more than one -- it's one school within a large
8 district or -- so there's probably a procedural thing
9 that happened at that school. But they're going to
10 be paying attention to this next year.

11 MS. HUNTER: So not a systemic thing
12 necessarily.

13 DR. MOORE: I have another follow-up question
14 too. I know -- and this is something that I probably
15 should've pre-asked. But at some point there's
16 legislation sort of protecting counselors. I know,
17 traditionally, a lot of times a school counselor was
18 the one that was in charge of administrating the
19 test. Is that still the case, or because of
20 legislation they've sort of shifted their jobs? And
21 who is it in most schools that's over testing?

22 MS. SMITH: I'm just going to help you. Is that
23 okay? We'll be partners in this.

24 MS. COFFMAN: I love it.

25 MS. SMITH: Is that okay?

1 So District Testing Coordinators, DTC's, are
2 something that most districts have gone to and have
3 pulled that away from their school counselors.

4 DR. MOORE: That's good.

5 MS. SMITH: Previously, you saw most counselors,
6 they were their district's CTC.

7 DR. MOORE: Right.

8 MS. SMITH: In districts where that's still
9 occurring, they've either added a stipend in -- and
10 in some cases, you still have it but they've pulled
11 other administrative duties away. So, but every
12 district has a District Testing Coordinator.

13 DR. MOORE: Does this trigger any conversations
14 with that person in that way and maybe in future
15 years? I mean that's a district personnel decision.
16 But not necessarily their fault, but maybe their role
17 --

18 MS. SMITH: Yes, the assessment --

19 DR. MOORE: -- with other roles that they have?

20 MS. SMITH: The Assessment Office is aware of
21 each school that did not -- in each district, Testing
22 Coordinators, and they're working directly with them
23 to make sure that they have cohesive plans. For
24 example, again, assessing windows; starting to test
25 early.

1 MS. COFFMAN: So I kind of skipped over the
2 federal requirement. But under the federal
3 requirement, as we get further on to the ones that
4 are appealing you'll see there's a letter that goes
5 out to any school district that did not test 95% --
6 not just for all students, but for any subgroup. And
7 if you repeat that pattern twice you go onto an
8 automatic participation plan of action that our
9 school performance office reaches out. As Stacy
10 said, they work very closely with our Assessment
11 Office -- School Performance and Assessment. They've
12 been doing trainings together; they talk to people;
13 they call people; they email people. So I -- we've
14 done a lot to try to help schools do this. But, as
15 Stacy said, it takes a very strategic plan to get all
16 the students tested. Make-up tests requires a lot of
17 people doing their job cohesively, making sure kids
18 are enrolled in the right grade levels at the right
19 times, that everything -- that our data are clean.
20 If they're clean, then you don't have an issue. When
21 it's not clean, we've got correction periods. And so
22 if you don't respond to those, then you may be here
23 to be on the list.

24 DR. MOORE: Yeah, that's very challenging.
25 Thinking about the federal side, is there any

1 consequences with funding?

2 MS. COFFMAN: No.

3 DR. MOORE: Okay.

4 MS. COFFMAN: Not with funding. There is
5 consequence for having put an action plan -- if you
6 were just continually participating or not
7 participating at the rate, and you receive 10-03
8 dollars, we could make that a stipulation.

9 DR. MOORE: Thank you.

10 CHAIRMAN NEWTON: Sometimes in a classroom a
11 student had to -- not had to, but received a grade
12 maybe a parent wasn't happy with or the child wasn't
13 happy with and the teacher wasn't happy with, you
14 know, that pointed out, "Hey, we've got a problem;
15 let's work together and see if we can fix it." And I
16 think that's what this will do for these districts
17 and schools.

18 MS. SMITH: Correct. And I just want to point
19 out these districts right here did not appeal.

20 CHAIRMAN NEWTON: Yeah.

21 MS. SMITH: So they -- I mean they did not
22 appeal, so they have recognized and they are
23 accepting the citation.

24 CHAIRMAN NEWTON: Yeah. Okay. All right. Mr.
25 Wood.

1 MR. WOOD: I appreciate the point you just made
2 because that differentiates my approach to who we're
3 talking about. The group that didn't appeal, I don't
4 have much to say. I will have some things to say
5 about the group, the schools that did appeal. But in
6 general we talk about the citation, you know, it's
7 just a warning and this and that. But does it impact
8 their school accountability rating?

9 MS. COFFMAN: As in A to F?

10 MR. WOOD: Correct.

11 MS. COFFMAN: No, not at this time.

12 MS. SMITH: But it does impact -- when students
13 don't test that does impact because it affects --

14 MS. COFFMAN: Right. It would -- it might
15 affect their overall ESSA School Index which is --

16 MS. SMITH: Yeah.

17 MS. COFFMAN: -- directly attributed to their
18 letter grade.

19 MR. WOOD: So, yes?

20 MS. COFFMAN: Yes.

21 MR. WOOD: Okay.

22 MS. COFFMAN: But not as in -- it's not one of
23 the specific considerations; it's just a part of the
24 overall assessment accountability system.

25 MR. WOOD: Okay. So it's just part of the

1 larger algorithm as opposed to a specific line item
2 like deduction or something?

3 MS. COFFMAN: Correct.

4 MR. WOOD: You get two points deducted from your
5 overall score because you didn't meet the 95%.

6 MS. COFFMAN: Right.

7 MR. WOOD: That's not --

8 MS. COFFMAN: Correct.

9 MR. WOOD: Right. I understand. So it just
10 changes the -- I don't know; it's complicated. But
11 --

12 MS. COFFMAN: It changes --

13 MR. WOOD: -- it can have a --

14 CHAIRMAN NEWTON: Yeah.

15 MR. WOOD: It can have an impact --

16 MS. COFFMAN: Correct. It has -- in effect, in
17 the denominator of achievement -- so you see weighted
18 achievement in our --

19 MR. WOOD: Yeah.

20 MS. COFFMAN: -- ESSA Index Score.

21 MR. WOOD: But it's not because of the failure
22 to meet 95%; it's because the students didn't test?

23 MS. COFFMAN: Yes.

24 MR. WOOD: The citation doesn't have an impact
25 on the score?

1 MS. COFFMAN: Correct.

2 MR. WOOD: Okay. All right.

3 CHAIRMAN NEWTON: Okay. Ms. Saum.

4 MS. SAUM: Is there a difference in how you
5 approach the citation? When we're looking at these
6 schools that are close to the 95, or even in the 90's
7 versus 42, is there a different approach with that,
8 or is it all just below 95%?

9 MS. COFFMAN: So for the citation it is below 95
10 for math and English Language Arts for all students.
11 That's the standard.

12 CHAIRMAN NEWTON: Anything else?

13 Okay. We're ready for a motion. And this would
14 be the motion to apply the cited status.

15 MS. WOODS: Can I ask a question? I'm sorry.

16 CHAIRMAN NEWTON: Yes.

17 MS. WOODS: Okay. Mr. Wood actually asked my
18 identical question. But I was just going to -- to
19 clarify, are we citing the district or are we
20 actually citing the school?

21 MS. COFFMAN: You're actually citing the school.

22 MS. WOODS: Okay. And then my second follow-up
23 was whether or not it affected their letter grade,
24 but he answered that.

25 CHAIRMAN NEWTON: Okay. Any other questions?

1 All right. We're ready for a motion.

2 MR. HENDERSON: I make a motion to grant the
3 cited --

4 CHAIRMAN NEWTON: Cited status?

5 MR. HENDERSON: Yeah -- status for the schools
6 listed.

7 CHAIRMAN NEWTON: All right. We have a motion
8 by Mr. Henderson.

9 MR. WOOD: I'll second that.

10 CHAIRMAN NEWTON: Seconded by Mr. Wood.

11 Any more discussion?

12 Okay. All in favor?

13 (UNANIMOUS CHORUS OF AYES)

14 CHAIRMAN NEWTON: Any opposed?

15 Okay. Motion passes.

16 b) CONSIDERATION OF APPEAL FOR STANDARDS VIOLATION OF
17 1-C.1.1

18 CHAIRMAN NEWTON: Okay.

19 MS. COFFMAN: On our next item, I believe our
20 attorney is coming to give us the guidelines.

21 MS. WAGNER: Hello again.

22 CHAIRMAN NEWTON: Good morning.

23 MS. WAGNER: Good morning. So, on these
24 appeals, I'll give you guys the procedure. So,
25 everyone timely appealed. And I believe that all of

1 the districts are either -- I don't know if anybody
2 is present in person, but they're either present or
3 on Zoom. So what we will do is the Board will swear
4 everybody in who is testifying, except the attorneys.
5 The Division shall have 20 minutes to present its
6 case to you guys, and then the appealing school
7 district shall have 20 minutes to present their case.
8 After that, you may pose any question to any party,
9 and then you deliberate and discuss. And then we
10 take a vote, and then we'll have a written order
11 after that.

12 CHAIRMAN NEWTON: Okay. All right. We'll go
13 ahead and swear in -- what have we got, six of these
14 -- or five? Five?

15 MS. WAGNER: We've got four -- so there are four
16 districts, five schools. So five individual cases.

17 CHAIRMAN NEWTON: Okay. So if you're planning
18 on speaking in any one of these five schools or
19 districts, would you stand and raise your right hand?
20 Do you swear or affirm that the testimony you're
21 about to give shall be the truth, the whole truth and
22 nothing but the truth?

23 (ALL SPEAKERS ANSWERED AFFIRMATIVELY)

24 CHAIRMAN NEWTON: Thank you.

25 UNKNOWN PERSON ON ZOOM: I do.

1 CHAIRMAN NEWTON: All right. Thank you.

2 B1) DUMAS HIGH SCHOOL

3 CHAIRMAN NEWTON: So the first one is Dumas.

4 MS. COFFMAN: Yes. Dumas High School, as you
5 can see, did not meet 95% tested for English Language
6 Arts and Math. This is the first time since 2018
7 that they have fallen into this grouping. And they
8 started testing on April 25th, was -- which was the
9 second week of testing, not the first week. They did
10 not submit any corrections during the corrections
11 window, so they didn't come back and say, "Oh, we
12 have a group of kids we need you to look at,"
13 anything like that. The Superintendent did certify
14 there are no corrections. You have to go into the
15 system and certify, the Superintendent does. And
16 they have not submitted any type of corrective action
17 plan. You will see the letters that were sent to
18 them on your agenda and the letter that they sent
19 back in the appeal. I can talk to the six students;
20 we did go over their letter and put Student 1,
21 Student 2 to protect any student names. These
22 students, we did look at all six of those. They were
23 never submitted during corrections or during the
24 testing window. But we did go back and pull each
25 transcript; each one of those six students do show

1 that they were in the 11th grade last year. But
2 what's interesting, they had taken the 10th grade
3 test the year prior; so why they were enrolled as
4 10th graders last year doesn't make any sense to us
5 whatsoever, other than they have an issue with clean
6 data which could have been cleaned up during the
7 corrections period. But now, it's gone much further.
8 So without a correction plan to know how they would
9 continue to have accurate data in their systems,
10 we're stuck with this issue. So even removing those
11 six kids, it would have improved their math score,
12 percent tested above 95, but it would not have raised
13 their English Language Arts enough if those had been
14 approved.

15 And Superintendent Camille Sterett is the
16 superintendent. I'm not sure who's online.

17 CHAIRMAN NEWTON: Do we have someone online from
18 Dumas?

19 SUPT. STERETT: Yes. This is Dr. Sterett,
20 Superintendent. I have several online. I have our
21 District Test Coordinator, Dr. Arthur Tucker. And we
22 also have representation from Dumas High School here.

23 CHAIRMAN NEWTON: Okay. Thank you. We'll see
24 if we have -- first, do you have a presentation you
25 would like to make?

1 DR. TUCKER: Yes, just a point of clarification.
2 First, the data speaks for itself [Zoom audio
3 distortion]. If we could [Zoom audio distortion] we
4 have to withdraw the appeal for that. But part of
5 our issue is the way that our policy states, the
6 student [Zoom audio distortion] in order to be
7 certified as a [Zoom audio distortion]. And that
8 caused some of the confusion, which we've shored that
9 up this year. So we are -- that's just a point of
10 clarification. And I think we have this straightened
11 out.

12 CHAIRMAN NEWTON: So you found the problem and
13 you're addressing it, it sounds like?

14 DR. TUCKER: Yes. Yes, we are.

15 CHAIRMAN NEWTON: Okay.

16 MS. ANTHONY: Yes. If I -- I'm the counselor
17 and building test coordinator. For those six
18 students, when I -- I was advised that there were two
19 ways that we could roll them up. And I didn't roll
20 them up at semester, necessarily; in eSchool, I just
21 put the notes in there. And I thought -- I
22 understood in the portal that I just had to check
23 "did not test" or something. This year, I completely
24 did it the opposite way; any students that rolled up
25 at semester have already been rolled up in eSchool.

1 I have been triple and quadruple checking the roster
2 in the Aspire portal to make sure that those are the
3 students that will be testing, and it has not pulled
4 in any extra students that should not be testing.
5 I'm checking that daily, actually. I have -- we're
6 testing the first week, making sure that we have
7 plenty of time to do make-ups. Because the other
8 students -- if you saw, there was suspensions, there
9 was a lot of absences, there was a surgery. And so
10 we've also talked as a building that no suspensions,
11 none of that will take place during the week of
12 testing. We've already gotten together our testing
13 schedule; I've sent that to Dr. Tucker, our District
14 Test Coordinator, and I've already started working
15 with my teachers, making sure who's going to be
16 testing where. I've already started working on the
17 PNPs. I'm trying to get everything done early this
18 year, making sure that, you know, we don't miss a
19 beat and that none -- this doesn't happen again.

20 CHAIRMAN NEWTON: You have made Ms. Coffman
21 smile. She's over here -- that's exactly what she
22 wanted to hear.

23 Any --

24 MR. LANEHART: Good morning. I'm Jacob
25 Lanehart; I'm the High School Principal.

1 Dr. Tucker and Ms. Brandi has pretty much
2 clarified the issue. And I know that one thing that
3 I'd like for you guys to take into clarification
4 [sic] is that in the schools and stuff that I hear
5 that you guys are talking about, we do have a lot of
6 turnover down here. And you get into a position as
7 high school counselors or other guidance counselors
8 and jobs -- it's a lot of turnover. And we work
9 diligently in that testing. There's a lot of
10 technical things that go into testing the students
11 and coding students and accommodations that go into
12 students. And when we called the co-op -- between
13 the co-op and the State Department and regulations,
14 what to do, how to do it, there can be things missed,
15 you know. And so I just ask that you guys take that
16 into consideration when you're getting into it. When
17 you have testing you have people that -- we've put in
18 the building level testing coordinator position and
19 district level testing coordinator position -- it's
20 her first year. So that's my spiel.

21 CHAIRMAN NEWTON: Does the District have
22 anything else?

23 From what I hear --

24 SUPT. STERETT: No. Thank you.

25 CHAIRMAN NEWTON: I'm sorry?

1 SUPT. STERETT: No. Thank you. We don't.
2 Thank you.

3 CHAIRMAN NEWTON: Okay. Thank you.

4 MS. ANTHONY: I'm sorry. I do. When it comes
5 to the corrections, I think that goes back to what
6 Mr. Lanehart was saying. I was unaware, actually,
7 that I had to go in and do corrections. I think
8 there was a lack of just communication on our part
9 there. I didn't know that that was my
10 responsibility; I thought Dr. Tucker was doing that,
11 and I think that just really got missed. And that's
12 another thing that we're going to make sure this year
13 -- we know whose responsibility that is, if there's
14 corrections to be made in the system. We do that
15 [Zoom audio distortion].

16 CHAIRMAN NEWTON: Okay. I think that's the
17 purpose of the citation is to get your attention and
18 to get you on the path that it sounds like that
19 you're already on. So we appreciate that. And I
20 don't expect, from what I'm hearing, that you'll be
21 on the citation list next year, if y'all follow
22 through with that.

23 Let's see if there are any questions with --
24 from the Board.

25 MS. HUNTER: I do.

1 CHAIRMAN NEWTON: Okay. Ms. Hunter.

2 MS. HUNTER: I just want to clarify one thing.
3 At any point during the process a district can log in
4 and see their progress toward the 95%; is that
5 correct? Or do they have to wait till the end of the
6 six-week period to see if they've achieved the 95%?

7 MS. SMITH: They can see within the testing
8 portal who has tested and who has not. Yes.

9 MS. HUNTER: So at any point in time --

10 MS. SMITH: Yes.

11 MS. HUNTER: -- the data is available?

12 MS. SMITH: Yeah, because you have to load the
13 students into the system because it's an online test;
14 and so it shows you who has completed the assessment
15 and who has not.

16 MS. HUNTER: Okay. So, no surprises?

17 MS. SMITH: Correct.

18 MS. HUNTER: Thank you.

19 CHAIRMAN NEWTON: Yeah. Dr. Moore.

20 DR. MOORE: When we're talking about 11th grade
21 students, are we talking about the ACT? 11th grade
22 students, we're talking about the ACT?

23 MS. COFFMAN: No. This is only for 9th and 10th
24 grade, in their case, for ACT Aspire.

25 DR. MOORE: Okay. Okay. So the six students

1 here -- which this is very difficult in a small
2 district -- but the six students here are students
3 who they're saying shouldn't be classified in 10th
4 grade?

5 MS. COFFMAN: Correct.

6 DR. MOORE: Had they gone through the correction
7 window, would that have been their chance to clear
8 that up at that point in time?

9 MS. COFFMAN: Yes. Actually, if they had --
10 one, as Ms. Brandi said, if she had entered that into
11 eSchool, the students would never have pulled.

12 DR. MOORE: Okay.

13 MS. COFFMAN: Number one. Number two, if they
14 had submitted those during corrections, we would have
15 excluded those kids.

16 DR. MOORE: Okay.

17 MS. COFFMAN: But it's a part of accurate data-
18 keeping, accurate data-reporting.

19 DR. MOORE: Okay. And 11th grade, the ACT,
20 that's not included as part of this?

21 MS. COFFMAN: It's not included.

22 DR. MOORE: Because it's not required?

23 MS. COFFMAN: Correct.

24 DR. MOORE: Okay. Thank you.

25 CHAIRMAN NEWTON: Ms. Hunter, you have another

1 question?

2 MS. HUNTER: And, I'm sorry, I have one more
3 question. And this 95%, that is for both -- that is
4 ELA and math?

5 MS. COFFMAN: (Nodding head up and down.)

6 MS. HUNTER: So if they were 95% or above in one
7 category and below in the other, they would not be
8 here?

9 MS. COFFMAN: They would not be here today, and
10 we would have taken care of it with our support.

11 MS. HUNTER: Thank you.

12 CHAIRMAN NEWTON: Anything else?

13 Okay. We need a -- the correct motion would be
14 to -- they're asking for a waiver. Is that correct?

15 MS. COFFMAN: Yes.

16 MS. WAGNER: No.

17 CHAIRMAN NEWTON: Okay. So help me with the
18 correct motion, what we need to do here.

19 MS. WAGNER: So the correct motion would be to
20 either approve the Department's recommendation to
21 cite them, give them the accredited cited status, or
22 to sustain the appeal.

23 CHAIRMAN NEWTON: Okay. All right.

24 DR. MOORE: I just had a question.

25 CHAIRMAN NEWTON: Okay.

1 DR. MOORE: I'm having a hard time deciding,
2 because I mean at this point in time there are no
3 real consequences for getting that citation. But,
4 potentially, would that district get a little bit
5 more support in making their plan for next year?
6 There are no negative consequences at this point in
7 time?

8 MS. COFFMAN: There's not a negative consequence
9 at this time. We support any school at any time. So
10 we're trying to reach out, help them. I think Ms.
11 Brandi just explained everything that needed to
12 happen. So it's about putting in those proper
13 procedures within the school. We're -- listen, we're
14 available by phone 24/7. So we'll help anyone. I've
15 got team members that go out to schools that request
16 support. The issue is once you start the citation,
17 next year, if they're still doing the same thing,
18 with the same standard, then we would request
19 probation, which gets a little more --

20 DR. MOORE: So, but if we waive this, or suspend
21 this --

22 MS. COFFMAN: Then we start all over again.

23 DR. MOORE: -- and next year they do the same
24 thing, then they can be placed on probation?

25 MS. COFFMAN: Correct.

1 DR. MOORE: Is that correct?

2 MS. COFFMAN: That's correct.

3 DR. MOORE: Okay.

4 CHAIRMAN NEWTON: Okay. Are you okay?

5 DR. MOORE: Yeah.

6 CHAIRMAN NEWTON: Dr. -- Mr. Henderson.

7 MR. HENDERSON: Just for my own clarification,
8 do I understand -- did I understand you to say that
9 if the six students wasn't a factor in the equation
10 that the scores wouldn't reflect an overall input on
11 that as well?

12 MS. COFFMAN: That's correct. They would not
13 have been here today. They would have just -- we
14 would have been dealing with them under the federal
15 accountability, but not under Standards for
16 Accreditation. So they still have not met their --
17 the expectation of our state or federal; that's a
18 fact.

19 MR. HENDERSON: Okay.

20 MS. COFFMAN: But in this particular issue --
21 and that's why we have all of these documented stages
22 to insure that school districts are reporting the
23 most accurate data.

24 MR. HENDERSON: Thank you.

25 MR. WOOD: Can I follow-up on that? I don't

1 think I understood what was just said there. If we
2 were to give them credit for the six that by the time
3 the test came around were actually 11th graders, they
4 wouldn't be here today?

5 MS. COFFMAN: That's correct.

6 MR. WOOD: So by my math, they would have had 91
7 total students instead of 97. And they would not
8 have met the ELA 95% testing requirement, but they
9 would have met the 95% on math. So given that, they
10 would not be here today?

11 MS. COFFMAN: That's correct.

12 MR. WOOD: If you meet 95% on one of the two,
13 then you don't come to this proceeding?

14 MS. COFFMAN: You don't come for a standards
15 violation.

16 MR. WOOD: Okay.

17 MS. COFFMAN: You still -- you still suffer all
18 of the consequences under the federal.

19 MR. WOOD: Yeah.

20 MS. COFFMAN: And we still reach out and try to
21 support you. We send everything that we can do
22 otherwise. But to come to you for a Standards for
23 Accreditation citation, it's very explicit in the
24 standard.

25 MR. WOOD: I see.

1 CHAIRMAN NEWTON: So what the -- and I want to
2 use -- the citation or warning does, it gets the
3 attention of the district and says, "Hey, you've got
4 a problem." And you can hear from the district
5 presentation, it's got their attention and they are
6 addressing the problem. If you let it go, then --
7 you know, if you have a problem and, you know, you're
8 not aware of it or you're not paying attention to it,
9 sometimes that problem continues.

10 MR. WOOD: Can I ask one more question?

11 CHAIRMAN NEWTON: Sure.

12 MR. WOOD: Has anyone done the math to determine
13 whether considering -- giving the District credit for
14 those six students would make a difference in their D
15 letter grade moving up to a C letter grade?

16 MS. COFFMAN: It will not. It does not -- this
17 is only a Standards for Accreditation conversation.
18 They have passed every correction period to change
19 their ESSA Index Score.

20 MR. WOOD: Oh.

21 MS. COFFMAN: That -- this will not affect their
22 federal ESSA Index Score or their letter grades.
23 Those are done; they've been through the processes.
24 This is now just for Standards for Accreditation
25 only.

1 MR. WOOD: Okay.

2 CHAIRMAN NEWTON: Okay. So the motion -- make
3 sure I'm saying it correctly -- is to place Dumas on
4 cited status or to sustain the appeal. Is that
5 correct?

6 MS. WAGNER: Yes. Accredited cited.

7 CHAIRMAN NEWTON: Accredited cited or sustain
8 the appeal. Okay. Everybody clear on what the
9 motion would be?

10 All right. So we are ready for a motion.

11 Dr. Moore, are you -- you're reaching?

12 DR. MOORE: This is hard because it's a small
13 district, and so small numbers matter. At the end of
14 the day, to me, we want to make sure students are
15 getting served and student needs are being met. And,
16 you know, having the citation status, at the end of
17 the day, is just going to make them better for next
18 year.

19 CHAIRMAN NEWTON: Yes.

20 DR. MOORE: So I don't see a reason to sustain
21 it at this point in time. I know it's hard, and it's
22 hard because -- I would also advocate -- I hate that
23 counselors have to do this. You know, I wish
24 districts could hire someone else who could do this,
25 otherwise. I know everyone has a lot on their plate,

1 but at this point in time it seems like, you know, we
2 get this and we move on; we get a plan and we'll be
3 stronger for next year. And there's not a solid
4 reason to waive that.

5 So I'll just say -- I like to ramble -- I will
6 make the motion to maintain the citation -- or
7 provide a citation status.

8 CHAIRMAN NEWTON: Accredited cited.

9 DR. MOORE: Accredited cited.

10 CHAIRMAN NEWTON: Okay. We have a motion by Dr.
11 Moore. Do we have a second?

12 MS. HUNTER: Second.

13 CHAIRMAN NEWTON: Seconded by Ms. Hunter.

14 All in favor?

15 (MAJORITY CHORUS OF AYES)

16 CHAIRMAN NEWTON: Any opposed?

17 MR. WOOD: Nay.

18 CHAIRMAN NEWTON: Okay. One opposed. All
19 right. Motion passes.

20 So from what I'm hearing, your plan is in place,
21 you know what you've got to work on. And if I'm
22 hearing you correctly, I have no indication that
23 y'all will be on this cited status next year.

24 SUPT. STERETT: (inaudible)

25 CHAIRMAN NEWTON: Thank y'all for being here

1 this morning.

2 B2) FAYETTEVILLE VIRTUAL ACADEMY

3 CHAIRMAN NEWTON: All right. So, Fayetteville
4 is our next one.

5 MS. COFFMAN: Yes, Fayetteville Virtual Academy.
6 They did use -- according to the documents that we
7 received, they did test within the full window, and
8 they did start their testing at the beginning. They
9 did correct -- put corrections into the ACE system;
10 in fact, School Performance noted that they submitted
11 early. In their letter, you do see that they have a
12 standard operating procedure in place to make these
13 corrections. What is interesting about Fayetteville
14 Virtual Academy is they did not meet 95% tested last
15 year, which we waived that. So they're here today
16 for accreditation citation because they still
17 continue to not meet 95%. And you can see their
18 numbers here. They would probably have needed about
19 three more students to meet 95% tested.

20 And Superintendent John Mulford is their
21 superintendent. They may have someone else online; I
22 don't know.

23 CHAIRMAN NEWTON: Do we have someone online for
24 Fayetteville?

25 MS. HYATT: Yes. Mary Claire Hyatt, General

1 Counsel for Fayetteville Public Schools.

2 CHAIRMAN NEWTON: Welcome, Mary Claire.

3 MS. HYATT: Hi. Nice to see you all. If it's
4 all right with you, Ms. Newton, I'll move forward.

5 CHAIRMAN NEWTON: Yes.

6 MS. HYATT: Okay. Thank you for giving us an
7 opportunity to present our appeal today.

8 As Ms. Coffman mentioned, we do test in the full
9 testing window, submit -- beginning in the first week
10 of testing. We do one-on-one testing for students
11 who need it. We try every single way possible to get
12 kids to come in and test. As it is a virtual school,
13 you know, we're dealing with a little bit of a
14 different population than a traditional public
15 school. We submitted corrections early. We
16 submitted all the corrections that were allowable.
17 Had the school tested three more students, as Ms.
18 Coffman said, we would've met the 95%.

19 I'd like to just break down these 14 students
20 that were not tested, to give you a little bit of
21 insight into what the district is dealing with. So
22 one of the students of the 14 was a missing person
23 during the time in the testing window, was eventually
24 located, thank goodness, and relocated to a different
25 state. One of the students withdrew to home-school

1 on April 18th, the day of the data pull. One of the
2 students moved out-of-state right after April 18th.
3 One of the students was moved to Mexico, because of a
4 family emergency immediately after the April 18th
5 date. Four students refused to come in for testing,
6 not because of their own medical condition but
7 because of a medical condition of someone in their
8 household -- and this was, you know, during Covid.
9 And, unfortunately, that is not an allowable medical
10 exemption; so the medical exemption applies only for
11 the student's medical condition. So the four
12 students who had someone in their household who was
13 very ill and extremely susceptible to Covid, they
14 refused to bring their children in for testing. So
15 that was four of the 14. One of our parents refused
16 to bring in their child, no matter how many times we
17 tried, because they do not believe in assessments;
18 they believe that assessments are eroding public
19 education. And then three refused based on a medical
20 condition but did not provide medical documentation,
21 and medical documentation is required to submit a
22 correction based on an allowable medical condition.

23 So I think it's clear, just from our procedures
24 -- I mean bringing your child in for testing is part
25 of our parent agreement, it's part of our

1 application; it's communicated to parents, the
2 testing dates are communicated to parents. We had
3 staff doing one-on-one testing in masks, sitting as
4 far away as allowed by the testing requirements, to
5 bring in people who were concerned about Covid.

6 We did every single thing possible, but,
7 unfortunately, some of these things really seem like
8 they should be allowable exemptions, like being a
9 missing person or moving out of the state. The
10 District doesn't have any ability to test someone who
11 is living in Mexico, or who cannot be found. And I
12 think I actually meant two students; so if you're
13 counting and realized I only said 12, let me tell you
14 the other two. Those two were dropped during the
15 testing window because they had missed 10 consecutive
16 unexcused days of school and could not be located; so
17 they were actually dropped pursuant to Arkansas law.
18 So no matter how often the school reaches out and
19 tries to get people to come in, sometimes there are
20 circumstances that are not allowed as an exemption
21 that precludes the District, despite all of its
22 efforts, from being able to do that.

23 Had we tested three additional students we would
24 have met that 95% and would not be here today. Of
25 course, we'll continue to test in the first week, to

1 test the full testing window, to really take a hard
2 line on this with parents. But because the student
3 population is so low -- you'll see 224 students
4 listed on the chart in front of you -- just a few
5 students really creates a detrimental impact to the
6 overall testing percentage.

7 So I hope -- and I want to say one thing too, is
8 that I kind of disagree that there's no negative
9 consequence to having an accredited cited status.
10 Because school choice is a real thing, and as we know
11 through the LEARNS Act, will continue. You know,
12 school choice is going to be a bigger issue for
13 schools moving forward, without the 3% cap. And
14 having a school with an accredited cited status
15 definitely impacts the number of students who are
16 going to choice in or choice out of that school or of
17 your school district. So the public perception of
18 that kind of designation is a real and realized
19 negative consequence to this kind of designation.

20 So the District would ask that you sustain the
21 District's appeal of this designation. I'm happy to
22 answer any questions. I also have with me the
23 Principal of Fayetteville Virtual Academy and the
24 District's Director of Assessment Research and
25 Accountability, if there are questions I can't

1 answer.

2 CHAIRMAN NEWTON: Okay. Thank you, Mary Claire.
3 Anyone over here have a question?

4 Dr. Moore.

5 DR. MOORE: In a small district, the Testing
6 Coordinator for the school, is that the same person
7 who does the corrections?

8 MS. HYATT: No.

9 DR. MOORE: Okay. And so, it sounds like
10 especially some of these students were dropped. If
11 they actually truly did drop, is it -- if they
12 dropped during -- they have to drop before the
13 testing window to not count. Is that correct? It
14 couldn't -- you couldn't have gotten the corrections
15 to fix that?

16 MS. HYATT: They have to drop before that April
17 18th data pull. So any of the students who moved
18 out-of-state, moved to homeschool -- the ones who
19 actually withdrew on April 18th moved to Mexico, or
20 were dropped, pursuant to Arkansas law, for 10
21 unexcused consecutive absences. All of those
22 students -- which let me just look -- is one, two,
23 three, four, five, six of the 14, those are all
24 students that, no matter how much we tried, we could
25 never get in contact with -- or when we did, they

1 said we're dropping, we've moved out-of-state, we've
2 moved out of the country, and there was no way for
3 the District to test those six students. Had we
4 tested those six students, obviously we would not be
5 here.

6 DR. MOORE: Okay. Were there any corrections
7 made during that window?

8 MS. HYATT: We did make corrections. In fact,
9 as Ms. Coffman said, we made our corrections early
10 and submitted all that were allowable. As Ms.
11 Coffman went over in her presentation during the
12 designation of those schools that did not appeal,
13 there's only certain allowable exemptions. So, for
14 instance, a medical condition is allowable, but
15 you're required to submit medical documentation. So
16 if you have someone who said, "I can't come in
17 because of a medical issue," but refuses to provide
18 you with medical documentation, you cannot submit a
19 correction for that student. And also, we can't
20 require families to produce medical documentation to
21 us. Also, medical conditions of your family members
22 are not allowable exemptions; so if we had a student
23 whose parent was immunocomprised because they were
24 undergoing dialysis or had cancer, and they did not
25 want to send their student to school to test --

1 again, this is a virtual school, so some people have
2 chosen that during the pandemic specifically because
3 they had medically fragile people in the home. So
4 the four students who had a family member who was
5 immunocompromised and refused to send their students,
6 we're not permitted to submit a correction for those
7 students because it's not the student's medical
8 condition; it's the medical condition of a family
9 member.

10 CHAIRMAN NEWTON: Ms. Coffman, are the -- is
11 that list, is that a state list or is that a federal
12 list?

13 MS. COFFMAN: It's a state list, but we have to
14 meet the federal guidelines --

15 CHAIRMAN NEWTON: Okay.

16 MS. COFFMAN: -- of all students testing. We
17 are monitored and audited over those numbers. We
18 turn over all of our corrections engines to auditors
19 to review, to make sure that we follow those written
20 procedures.

21 CHAIRMAN NEWTON: So the exemptions are set at
22 the state, but they meet federal guidelines?

23 MS. COFFMAN: That's correct.

24 CHAIRMAN NEWTON: Okay.

25 MS. COFFMAN: And to come back to what Mary

1 Claire was saying, she's correct in all of that;
2 that's why we don't request 100%. There is that 95%
3 -- there is that 5% allowance because there will be
4 issues that can't be addressed in those written
5 procedures.

6 CHAIRMAN NEWTON: Okay.

7 DR. MOORE: May I ask a question of Ms. Coffman?
8 Are there -- there is -- this being a virtual school,
9 there's no different regulations on virtual schools?

10 MS. COFFMAN: No.

11 DR. MOORE: I'm actually surprised that there
12 were not more virtual schools on these lists. Do you
13 think that by nature of either families electing to
14 stay home, and so they aren't coming in for specific
15 reasons -- did y'all see other issues with virtual
16 schools that got resolved or --

17 MS. COFFMAN: We talked to a lot of virtual
18 schools during the testing window.

19 DR. MOORE: Yeah.

20 MS. COFFMAN: I'll tell you that. They -- you
21 know, they were just trying to be creative in meeting
22 the needs of parents, and that's why I think our
23 assessment team has provided very clear flexibility
24 about where the test can be provided. I mean there's
25 just some things that you can't account for that are

1 very specific to a certain family or something like
2 that. But the other virtual charters met their
3 expectations. There was not --

4 MS. HYATT: I'd like to -- I would just like to
5 say we did try and get really creative. We actually
6 offered to go and do one-on-one math testing with
7 somebody who had been already cleared negative with
8 Covid at someone's house, and the family refused to
9 let us in because of their medical condition. So
10 when I say that the school tried every single thing
11 that they could do to test these kids, I mean it. If
12 you take out all of the people who we couldn't test
13 because they were out of the country or out of the
14 state or something like that, there's only four
15 people that we didn't test. So we would have had
16 only four and we would've been well over the 95%. So
17 I just wanted to make sure you knew that. We also
18 tried very hard and very creatively to test every
19 single student.

20 CHAIRMAN NEWTON: Ms. Smith, did you have
21 something?

22 MS. SMITH: No.

23 CHAIRMAN NEWTON: No, okay.

24 Any other questions or comments?

25 Okay. So --

1 MS. WOODS: I have one. I'm sorry.

2 CHAIRMAN NEWTON: Okay.

3 MS. WOODS: I'm trying to un-mute.

4 CHAIRMAN NEWTON: Go ahead.

5 MS. WOODS: So why don't we have then an
6 exemption -- because it seems like we have a conflict
7 if a student drops, by law, after 10 days. Why don't
8 we have an exemption for that? Because it didn't
9 happen before April 18th?

10 MS. COFFMAN: We had --

11 MS. WOODS: Does that question make sense?

12 MS. COFFMAN: Ms. Woods, we have to establish
13 very clear guidelines of when the data will be pulled
14 and who --

15 MS. WOODS: Okay.

16 MS. COFFMAN: -- will be expected to test. We
17 have to be careful not to incentivize not testing
18 students. And so we have seen situations prior to
19 this accountability system where students would drop
20 or be dropped, not test, and then after the testing
21 window come back. And so it's very clear about
22 testing all students, in the guidance. And so we
23 have to insure that everything has been done that can
24 be done to insure that no one is playing a game or
25 trying to avoid testing certain students -- and I

1 think we've all seen those in prior history. I'm not
2 suggesting Fayetteville did that at all, but
3 certainly -- I mean kids will move out of state, we
4 know that. But I think the problem that Mary Claire
5 has really described are parents that are refusing to
6 allow their kids to test, and there is a percentage
7 of that. What I would ask is to think about what's
8 going to be different for this next -- for this
9 spring; what's going to be different this year than
10 was different last year.

11 CHAIRMAN NEWTON: Any other discussion?

12 DR. MOORE: Well, I guess, for discussion,
13 that's a hard question. Because in a virtual
14 setting, you know, it sounds like they did everything
15 they could versus our other case that was a little
16 bit different. And so I don't think I'm asking for a
17 difference for virtual schools, but I do see it's a
18 different thing than a traditional public.

19 MS. SMITH: What I want you to think about too
20 is around -- I can tell you're being bogged here in
21 like the -- it's okay not to cite them, it's okay to
22 cite them. We are following our procedures. Okay?
23 We went through, we vetted, we gave the windows, we
24 -- they fell below 95%. We're following our
25 procedures that we set forth to bring them to you to

1 say we're recommending citation. They're appealing
2 to you to say these are the reasons we didn't meet
3 what the state requirements were. If you say, look,
4 they're 93 and they were close, I'm listening to
5 them, I think it's valid, it's okay not to cite them.
6 We're okay with that. Okay? But just know if they
7 show up next year we're going to have the same
8 conversation again. Okay? And, again, you'll then
9 have to make that decision of did they do everything
10 they needed to do and go from there. Same thing with
11 Dumas just a minute ago. Okay? If they come back
12 next year we'll be having a different conversation --
13 or they may not show back up.

14 So you're getting bogged. Don't get bogged. If
15 you're feeling like, you know, I think they're close,
16 then don't -- that's okay. We'll go on to the next
17 one. All right?

18 CHAIRMAN NEWTON: Well, one question, Mary
19 Claire. Do you know why -- Ms. Coffman said that
20 y'all did meet the 95% last year. Do you know why?
21 Was it because you didn't have these procedures in
22 place and you put them in place this year?

23 MS. HYATT: So I think most of it was Covid. So
24 being a virtual school we had a lot of people --
25 actually, when I was at the Department we increased

1 the enrollment at Fayetteville Virtual Academy
2 significantly because so many parents in Fayetteville
3 wanted their children to go to the Virtual Academy
4 because of concerns of Covid. So they had a huge
5 influx of students during Covid. Those students have
6 since gone back to the regular classroom and we're
7 back to kind of the students who are typically going
8 to choose a virtual academy, not because of Covid and
9 health concerns but because that's what works best
10 for their child. So the year before, which -- really
11 we had a bunch of people who chose to go there
12 because of health concerns, because of Covid, did not
13 test in the 95%. Now those students have gone back
14 to the traditional classroom environment, with a
15 couple of exceptions, and we're back to the students
16 who are there because that's the model that works
17 best for them.

18 And I would just like to add too, you know, as
19 we said, we did test the full window; we did submit
20 corrections, we submitted them early; we offered one-
21 on-one; we offered to come to your house; we did --
22 we did everything. So in terms of what we could do
23 differently, I mean it's to continue to do what we're
24 doing now, which is hold parents accountable to bring
25 kids in, offer to do one-on-one, offer to come to

1 your house, offer to do every single thing.

2 I don't know if the school district could have
3 done anything differently or better and captured
4 these kids, six of which were gone out-of-state or
5 out-of-country, and the others here was -- it was a
6 medical or just a held belief that testing is not
7 appropriate for students. So I don't know that
8 anything we had done, short of going and dragging the
9 student into school, which we can't do, would have
10 allowed us to test these students.

11 So I think we're in a little bit of a different
12 position than some that are here because there was an
13 issue with the testing coordinator or kids were
14 expelled during the period or suspended during the
15 period. Those were not our reasons. Our reasons
16 were those we absolutely could not control.

17 CHAIRMAN NEWTON: Okay. Thank you, Mary Claire.

18 So we'll see if the Board is ready for a motion.

19 MR. WOOD: Ms. Newton, I move to grant
20 Fayetteville's waiver request.

21 CHAIRMAN NEWTON: Okay. So we would sustain?

22 MR. WOOD: (Nodding head up and down.)

23 CHAIRMAN NEWTON: Okay. Sustain the appeal.

24 MR. WOOD: Sustain the appeal.

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

1 Wood. Do we have a second?

2 MS. McFETRIDGE: I'll second that.

3 CHAIRMAN NEWTON: Okay. A second by Ms.

4 McFetridge.

5 All in favor?

6 MR. WOOD: Before we vote --

7 CHAIRMAN NEWTON: I'm sorry?

8 MR. WOOD: -- could I speak to it --

9 CHAIRMAN NEWTON: Yes.

10 MR. WOOD: -- just real quickly?

11 CHAIRMAN NEWTON: Yes, Mr. Wood.

12 MR. WOOD: I am very persuaded by the individual
13 student situations, especially as it relates to the
14 fact that they only needed three more students to
15 achieve 95%, and four of them -- two of -- one was
16 homeless, one moved to Mexico, and two dropped as a
17 matter of law on the first day of testing. I
18 appreciate that Fayetteville tested every day of the
19 testing window. I also appreciate their remediation
20 plan, if you want to call it that, and specifically
21 creating an incentive for those conscientious
22 objectors so-to-speak that -- students that don't
23 show up for the annual assessment will not be
24 approved to be exempt from final exams. I think that
25 gives an incentive to come be a part of the annual

1 assessment.

2 And so I'm persuaded by Fayetteville's efforts
3 here and I think it would be reasonable to grant
4 their appeal.

5 CHAIRMAN NEWTON: Okay. So we have a motion to
6 sustain the appeal and we have a second. All in
7 favor?

8 (UNANIMOUS CHORUS OF AYES)

9 CHAIRMAN NEWTON: Any opposed?

10 Okay. Motion passes.

11 b3) GRADUATE ARKANSAS CHARTER SCHOOL

12 CHAIRMAN NEWTON: So, Graduate Arkansas.

13 MS. COFFMAN: Dan, help me out here.

14 All right. Graduate Arkansas is the next that
15 selected to appeal. In 2018, they tested 21.62%
16 English Language Arts, 28.3% in math. In 2019, they
17 tested 7.14% in English Language Arts, 14.29% in
18 math. In '20, we did not test due to Covid. In '21,
19 they tested 10.26% in English Language Arts, 10.26%
20 in math. And then you see here in 2020 [sic] they
21 tested 28% in English Language Arts and 30% in math.
22 And I say that to say we're seeing some progress, so
23 that part is good.

24 They did test the full window, as per their
25 testing submission. They did not make any

1 corrections in the ACE and Dr. Hatley did certify
2 that on August 11th, which was early in the window.
3 So, certainly, corrections could have been made.

4 In the letter you'll see that the -- one of the
5 issues that they addressed was that students may not
6 have been required to test because they were not
7 coded correctly. We're not seeing that. And we also
8 heard outside of that that students were refusing to
9 test because they had already taken the test twice.
10 So I had Dr. Airola run that and we don't have any
11 instances of just running the data that we could find
12 any student that's ever taken the 9th grade test
13 twice or the 10th grade test twice. So if we had, if
14 there were any that were submitted in corrections, we
15 would've been happy to look through those and then,
16 of course, we did not see a corrective action plan
17 for making things better in the future.

18 Dr. Hatley is here, if you have questions for
19 her.

20 MR. JONES: Good morning, and thank you to the
21 Board for allowing us the opportunity to be here and
22 to support the appeal. I'm David Jones, legal
23 counsel for Graduate Arkansas. I'm also here with
24 the superintendent of Graduate Arkansas, Ms. Katie
25 Hatley, and Ms. Antoria Fitzgerald, who is the

1 principal at Graduate Arkansas.

2 You've heard from a number of schools some
3 reasons for not putting the school into accredited
4 cited status. We submitted a letter appeal. We know
5 that you can read, so we won't regurgitate everything
6 that was in that letter.

7 We do think that it's important that the Board
8 understand the nature of Graduate Arkansas, the
9 nature of the students Graduate Arkansas educates,
10 and understand both the challenges and opportunities
11 that that presents.

12 The model for Graduate Arkansas is to engage the
13 disengaged, to put things simple. Graduate Arkansas
14 is an open-enrollment, open-entry, open-exit public
15 charter school that's located in southwest Little
16 Rock. And to best help you understand the type of
17 students who we're interested in educating and are
18 engaging with, I'm going to highlight some of the
19 datapoints, some of the demographics of those
20 students. But before I do that, I'll simply say it's
21 best summed up as Graduate Arkansas is saying to the
22 education apparatus in the state of Arkansas "send us
23 your tired, your poor, your huddled masses, and those
24 are the students that we want to concentrate on
25 educating."

1 Now the demographic of the students at Graduate
2 Arkansas is over-age, under-credit. Traditionally,
3 when you see test-age students or test-eligible
4 students it's going to be from a low-end of the age
5 of 14 to a high-end of 16. Well, Graduate Arkansas'
6 typically average test-eligible student is going to
7 be 17.9 years of age. And those students will be
8 anecdotally a significant population of young
9 parents. It's not abnormal to come -- to go to the
10 graduation and to have a young mother walk across the
11 stage with her son. It's not abnormal to go to the
12 graduation and have a young father walk across the
13 stage with his daughter in his arms. Those students
14 are students that are in the juvenile justice system.
15 Graduate Arkansas has engaged with judges and parole
16 officers from around the state and are working
17 collaboratively with those folks to educate students
18 who have disengaged in other school districts and are
19 in need of specialized services, wraparound services
20 that are provided at Graduate Arkansas, in order to
21 achieve a high school diploma. So that's the student
22 Graduate Arkansas is working with. They're working
23 with students who are engaged in the workforce -- and
24 not engaged in the workforce for purposes of, like
25 many of us, the opportunity to have some spending

1 money at the end of the week; they're engaged in the
2 workforce because it's necessary to sustain
3 themselves, to sustain their parents and their
4 families.

5 So those are the types of students who you would
6 traditionally see as a Graduate Arkansas student. If
7 you took and pulled and accumulated the students who
8 are students who failed to test around the state, and
9 for whom you issued accredited cited status today,
10 you would see that that pool of students is the
11 majority of the students at Graduate Arkansas. So
12 we're different from the other schools that have come
13 before you, in that our demographic is different.

14 Now I want to give you some datapoints to help
15 illustrate the points that I'm trying to make here.
16 During the testing pool -- and we've gone back and
17 we've really looked at and tried to look at the data
18 and understand it. And the reason we've done that is
19 because Graduate Arkansas has never been a school
20 that says you don't have our attention. You have our
21 -- the Board, the Department has our full attention.
22 And Graduate Arkansas has and continues to work
23 collaboratively with the Department to try to make
24 sure these students are tested, make sure these
25 students are educated, and, finally, to make sure

1 that these students receive a diploma. During that
2 testing window there were 34 students that were in
3 the testing pull that enrolled right during the
4 testing pull. So, traditionally, you will have to --
5 these are students who have disengaged in other
6 districts and have to be re-engaged in the classroom
7 and through different wraparound services in order to
8 make sure that they are progressing. Those 34
9 students represent approximately, I believe, 25% of
10 the total test eligible students for Graduate
11 Arkansas. Now there were -- when we looked at the
12 data there were approximately 20% of those students
13 who had never tested within three years before
14 enrolling at Graduate Arkansas. These are
15 opportunities, but these are also challenges.

16 I want for our staff -- or for you to hear from
17 our staff about the extraordinary efforts that were
18 made to make sure these students had the opportunity
19 to test and the efforts going forward that Graduate
20 Arkansas is instituting to make sure these students
21 have the opportunity to test. But before we do that,
22 I want to make clear that we do not believe that it
23 is not going to be significant to Graduate Arkansas
24 if you issue the accredited cited status. This is a
25 progressive -- it's a progressive -- from the

1 accredited cited status to probation, it's
2 progressive. And we believe some of our systemic
3 challenges -- some of our systemic opportunities are
4 going to potentially result in an adverse -- adverse
5 consequences to the institution going forward if
6 accredited cited status is issued. Instead, we
7 encourage this board to sustain the appeal because we
8 believe that there are opportunities for us to
9 receive the support without the accredited cited
10 status.

11 And with that, if we can have our staff talk
12 about the extraordinary efforts that we made.

13 MS. FITZGERALD: Good morning.

14 CHAIRMAN NEWTON: Good morning.

15 MS. FITZGERALD: I'm Antoria Harrison-
16 Fitzgerald.

17 MS. HATLEY: And I'm Katie Hatley.

18 MS. FITZGERALD: This year is my first year
19 serving as the principal, as well as the District
20 Testing Coordinator for Graduate Arkansas. So
21 immediately coming in I was able to kind of assess
22 and look at the data, process and procedures that
23 were done prior to my joining the organization. And
24 one of the things that I did note is that the
25 Graduate Arkansas -- we did test the entire testing

1 window; we started on day-one and we tested all the
2 way to the very end. We traveled over the state,
3 offering different testing hubs to be able to test
4 students that we do serve all over the state of
5 Arkansas, that have elected to be either in our
6 hybrid or virtual program for whatever reason.

7 With that, I did -- I also want to mention that
8 although we did not submit test corrections -- and,
9 again, that kind of just goes back to just the
10 limitations that we can, you know, actually submit
11 corrections for. The list is very, very -- it's
12 clean and it's clear. If you do not have the
13 documentation to submit, you cannot -- unfortunately,
14 on that list a lot of our students do fall into the
15 categories that they are going through transition
16 maybe in living statuses, they may be experiencing
17 illnesses and things like that, whether it comes to
18 family members or their own children. So, and those
19 things, unfortunately, are just not I guess on the
20 criteria that we can submit for -- in the testing
21 portal.

22 MS. HATLEY: And just to piggyback on that, as
23 was stated, the limited options that we have to make
24 corrections -- and I always get emotional when I'm
25 dealing with these kids because it's my purpose; the

1 work is my purpose. We had students who lost
2 parents; well, we can't submit parents' obituaries.
3 We had students who were shot, but the parents aren't
4 going to provide a hospital note -- but we knew that.
5 We had a young man who was shot in the back of both
6 legs, discharged from the hospital and showed up to
7 test on the first day of testing, on a walker. And,
8 of course, I ran upfront and -- and one thing about
9 Graduate Arkansas, in 2013, when we moved there,
10 we've always had a Little Rock Police Department
11 officer or member of the State Police at the door.
12 We've always had a full-body metal detector. We
13 understand who we elected to serve, and this is
14 serious. So when I saw that, I asked the Officer, I
15 said, "Stop his mother. We need to know why he's
16 here and he just got discharged," because we don't
17 want -- we don't want anybody to come looking for him
18 on campus and he was in a shoot-out. So she said,
19 "No, they don't know he's here. I drove the
20 neighbor's car." You know, she made sure -- "But I
21 need him to test." Very smart young man. So behind
22 numbers and behind student behaviors is a story that
23 needs to be told. A lot of times we don't get --
24 they don't get to tell it because of labels. We need
25 to be more understanding of poverty-informed

1 communities and poverty-informed schools, as well as
2 families.

3 So I mean it's just -- you know, the options are
4 too slim for us to make corrections because it's all
5 about the student, what do they do, but not the
6 support that they have to provide.

7 CHAIRMAN NEWTON: All right. Thank you.

8 I want to say thank -- first of all, before we
9 get into any of the sustain or apply the citation,
10 thank you for what Graduate Arkansas does. You serve
11 a population in need and it's a great work. It's a
12 difficult work. Every day, you face challenges and
13 -- but I'm sure it's rewarding. And we want to say
14 as a board how much we appreciate what you're doing.

15 MS. HATLEY: And I failed to mention that we
16 enroll all students who've been expelled, pending
17 expulsion, formerly incarcerated. I mean, you know,
18 four years ago, I completely removed the discipline
19 referral process off that campus. It's hard to
20 suspend a student when they don't have a home to go
21 to.

22 CHAIRMAN NEWTON: Yeah.

23 MS. HATLEY: I suspended a young man, and it
24 broke me because he came back the next day, asking
25 could he stay because he was living in an abandoned

1 house. "Sure, you can stay."

2 CHAIRMAN NEWTON: Yeah.

3 MS. HATLEY: And once I saw that, I always --
4 what am I doing? I said, "I need a washer and
5 dryer." They said, "For what?" And I said, "I need
6 to wash their clothes. We need to have something for
7 them to change into." The State Board doesn't get to
8 hear our stories as much as the Charter Panel. But
9 extraordinary efforts are made to educate these kids.

10 CHAIRMAN NEWTON: Yeah.

11 MS. HATLEY: I always joke and say I'm a big
12 girl; I don't do well when I get hungry. So the kids
13 feel the same way. We cannot expect for their brains
14 to kick-in and they hadn't eaten --

15 CHAIRMAN NEWTON: Yeah.

16 MS. HATLEY: -- in a day-and-a-half. So it's
17 like I said, it's a story that needs to be told, and
18 everything shouldn't be punitive. And one thing I
19 failed to mention -- and I went back to look -- when
20 Dr. Kimbrell was the Commissioner, in 2013, before he
21 left, he said, "If we don't put metrics around this
22 school, they will be before the Panel every time
23 because of who they've elected to serve."

24 CHAIRMAN NEWTON: Right.

25 MS. HATLEY: He said, "We approved that charter.

1 They've elected to serve this population." It's easy
2 for people to say, "They need to go back to their
3 schools." They can't. I mean they're 17, with three
4 credits. They can't go back to their schools.
5 They're over-age and under-credit.

6 CHAIRMAN NEWTON: Yeah.

7 MS. HATLEY: And then, they're in trouble. And,
8 you guys, I don't mean to bring up any negativity.
9 There was some fights in some local schools last
10 week; three of those kids have already enrolled.

11 CHAIRMAN NEWTON: Okay.

12 MS. FITZGERALD: And just to echo her, in DTC
13 and things like that we are very aware of our
14 responsibility. So with the data that they mentioned
15 and things like that, you can see the growth and we
16 are -- that is the goal every year, 95%, and that's
17 with any assessment that we have.

18 CHAIRMAN NEWTON: Sure.

19 MS. FITZGERALD: Whether it's a local assessment
20 or whether it's the state assessment, they want
21 testing. You know, so with all of the assessments,
22 just know that we do have plans in place to make sure
23 that we are still working towards the goal.

24 CHAIRMAN NEWTON: Okay. All right. Thank you.

25 MR. JONES: If I can make two final points.

1 CHAIRMAN NEWTON: Okay.

2 MR. JONES: The hundred-percent year-over-year
3 growth in the testing, I want to make that point or
4 highlight that point; that's a success. But the
5 other point I want to highlight is -- as I sat and I
6 listened to Fayetteville do its presentation, which
7 was well-stated -- the efforts that Fayetteville is
8 undertaking, Graduate Arkansas is also undertaking,
9 with the exception of a conversation that we've had
10 and had to pull back on about going into homes.

11 CHAIRMAN NEWTON: Yeah.

12 MR. JONES: Our students are students who
13 themselves aren't safe in their homes. So we then
14 had to assess the risk and the liability and say we
15 can't have the teachers going into homes.

16 CHAIRMAN NEWTON: All right. We'll see if we
17 have any questions from the Board or comments from
18 the Board.

19 DR. MOORE: I do.

20 CHAIRMAN NEWTON: Dr. Moore.

21 DR. MOORE: Thank y'all for being here today.

22 MS. HATLEY: Yes, ma'am.

23 DR. MOORE: I've been looking. Do y'all receive
24 a letter grade?

25 MS. HATLEY: No, that was removed.

1 DR. MOORE: Okay. Can you speak to that a
2 little bit, of what that process -- because you are
3 classified as a --

4 MS. HATLEY: So it happened when Dr. Alexandra
5 Boyd was over the Charter Office. She came out to
6 visit the school, and Ms. Virginia Perry was with
7 her; she was one of the Charter advisors. So they
8 came on campus and wanted to see who we are, what we
9 did. And she just said, "This is not an F school; I
10 mean you've got F students." So I don't -- I'm not
11 sure how that all happened. I think she was under
12 the leadership of Commissioner Coffman. She wasn't
13 -- I can't remember who approved it, but it was all
14 agreed and taken off.

15 DR. MOORE: Yeah. So in that sense, your school
16 is treated differently because of the population.

17 CHAIRMAN NEWTON: Yeah.

18 MS. COFFMAN: So Graduate Arkansas is treated
19 differently under state accountability for school
20 rating only. So they are exempt because they are a
21 credit recovery high school.

22 DR. MOORE: Okay.

23 MS. COFFMAN: And so it's very well spelled out
24 in our school rating rules. They are not exempt from
25 anything federal accountability. So they get a full

1 ESSA School Index report; they have all of the same
2 metrics. We don't have an approved alternate
3 accountability system under federal guidance.

4 DR. MOORE: Okay.

5 MS. COFFMAN: But we do have only with the
6 school rating.

7 DR. MOORE: Okay.

8 MS. HATLEY: And with that, under the ESSA, in
9 2019, there were 38 schools at the table with that
10 discussion, and only eight of the 38 decided to have
11 the same accountability, federal, as traditional
12 schools, even though there's an option to change that
13 or make some -- provide some flexibility.

14 DR. MOORE: Okay. Thank you.

15 CHAIRMAN NEWTON: So if we don't have any more
16 discussion, we do --

17 MR. WOOD: I have a comment.

18 CHAIRMAN NEWTON: Okay.

19 MR. WOOD: Yes. I came here today -- I did not
20 intend to vote to sustain your request. But I am
21 persuaded by the tremendous amount of growth in your
22 testing every year and I'm sympathetic to what -- you
23 did not -- I read your letter and I understood your
24 mission. But I came in here with this -- you know,
25 you're so far from 95%, but I appreciate what you do.

1 I appreciate the growth you've made in this. Keep
2 going. My personal opinion is that we should not do
3 anything to cast judgment on your efforts, because it
4 should be commended for how much you've grown in
5 that. And keep going. You know, the goal is 95%.
6 But thank you for all you do. And so, that will be
7 my position.

8 CHAIRMAN NEWTON: Would you like to make that as
9 a motion?

10 MR. WOOD: I will --

11 CHAIRMAN NEWTON: All right.

12 MR. WOOD: -- if we're ready.

13 CHAIRMAN NEWTON: Yes.

14 MR. WOOD: I move to sustain the appeal for
15 Graduate Arkansas.

16 CHAIRMAN NEWTON: All right.

17 MR. HENDERSON: Second.

18 CHAIRMAN NEWTON: Okay. We have a motion by Mr.
19 Wood and a second by Mr. Henderson to sustain the
20 appeal. All in favor?

21 (UNANIMOUS CHORUS OF AYES)

22 CHAIRMAN NEWTON: Any opposed?

23 Again, thank y'all so much for what you do. We
24 really appreciate it. And I know the kids do.

25 Okay. She wants a picture, so we'll quickly --

1 quickly, we will take a picture.

2 MR. WOOD: Can we take maybe a 5-minute break?

3 CHAIRMAN NEWTON: We'll take a 5-minute break.

4 (OFF THE RECORD)

5 (BACK ON THE RECORD)

6 b4) JOE T. ROBINSON HIGH SCHOOL (PCSSD)

7 MS. COFFMAN: Are you ready for me?

8 CHAIRMAN NEWTON: Yes.

9 MS. COFFMAN: All right. Our next item is
10 Pulaski County Special School District - Joe T.
11 Robinson High School to share some data with you.

12 In 2021, they tested 87.22% in English Language
13 Arts and 93.86% in mathematics. Those percentages
14 dropped in 2022, as you can see on the chart in front
15 of you. The testing window -- they started testing
16 April 26th, so not in the first week, as we
17 recommend. They did submit corrections on time, and
18 Dr. McNulty, the Superintendent, did certify those
19 within the window. And they did submit a Standard
20 Operating Procedure for correction, so hopefully we
21 would see something different in the future. But Dr.
22 McNulty is the Superintendent, if he's available --
23 or someone.

24 CHAIRMAN NEWTON: Do we have somebody online
25 from Pulaski County or Joe T. Robinson?

1 We can't hear you, if you're talking. I'm not
2 seeing them either. No, no sound coming through.

3 Do we want to move on to another item and then
4 maybe we'll come back to this one? The next one is
5 also Pulaski County.

6 MS. COFFMAN: Yes, it's the same school
7 district. This is -- the second one is Driven
8 Virtual Academy. This would be the first time that
9 they had met the --

10 DR. PICKERING: Can you hear me now?

11 CHAIRMAN NEWTON: Yes. Yes.

12 DR. PICKERING: I do apologize. We're having
13 some technical difficulties. Is there an echo on
14 your end?

15 CHAIRMAN NEWTON: No.

16 DR. PICKERING: Okay. Good morning. I'm Dr.
17 Jay Pickering; I'm the Principal at Robinson High
18 School, and I appreciate you giving me opportunity to
19 speak today.

20 We take full responsibility for our
21 accreditation issues with not testing 95%. As the
22 building principal, I am a person of high integrity
23 and obviously our data speaks for itself. With that
24 being said, there were some issues that were out of
25 my hand -- or hands as the building principal. Our

1 former testing coordinator, who is no longer employed
2 at the Pulaski County Special School District, gave
3 me false information throughout our testing window.
4 And I was off campus administering advanced placement
5 exams to our students in the AP window that
6 overlapped during our make-up exams. So we have
7 adjusted with a new testing coordinator, with new
8 plans of accountability, and we will be monitoring
9 our testing more thorough. And we will also be
10 giving testing at the -- the first week of our -- of
11 the testing window. So, again, with our students who
12 did not test, we had several students who are Youth
13 Home students who were -- did not -- who were unable
14 to come to campus. We had several students who were
15 suspended or expelled, and that was not due -- a
16 comment was made earlier, and it was not directed in
17 a derogatory form. But, you know, claiming culture
18 is a huge issue and the safety of schools, as we all
19 know, is key. So when we had students who -- were
20 placed on sanctions and then we tried to bring them
21 back for testing, that was to no avail.

22 So we have done everything we can. We've worked
23 very diligently to test all of our students at
24 Robinson High School. We just fell short last year.
25 But we continue to strive to become excellence-in-

1 education and we will do better this year.

2 CHAIRMAN NEWTON: Okay. All right. We'll see
3 if we have any questions or comments from the Board.

4 Mr. Henderson?

5 MR. HENDERSON: No.

6 CHAIRMAN NEWTON: Ms. Saum?

7 MS. SAUM: No.

8 CHAIRMAN NEWTON: Anyone over here?

9 MR. WOOD: I have a question for him.

10 Dr. Pickering, one thing that I saw from
11 Fayetteville that was, you know, interesting to me,
12 and an interesting concept, was the incentive that
13 they were giving to their students. And I don't know
14 if you saw that in some of the stuff. But they would
15 not allow -- going forward, they won't allow students
16 to qualify for end-of-the-year exam exemptions if
17 they don't participate in the annual assessment
18 testing. Is that something that Robinson High School
19 and maybe even the virtual academy, whatever --
20 Pulaski County -- would consider creating incentives
21 like that for students to participate?

22 DR. PICKERING: Oh, without a doubt. And also
23 in our [Zoom audio disruption] -- sorry, there's a
24 huge -- within our student handbook, if a student
25 opts out or just refuses to test, we can refuse their

1 extracurricular activities, such as playing baseball
2 or a spring sport, or even the following year playing
3 football. So there are some incentives there for our
4 students. But obviously, last year being the first
5 year we tested -- that I tested at Robinson High
6 School as the new Principal with our School of
7 Innovation -- and also just coming out of Covid,
8 those were incentives that I just did not feel that
9 would be necessary for the students that we knew of
10 that did not test due to reasons. But, again, the
11 main reason was that false information was given to
12 me from our testing coordinator.

13 DR. MOORE: May I ask?

14 CHAIRMAN NEWTON: Yes.

15 DR. MOORE: So this School of Innovation, is
16 that a subset within the high school? Is that
17 correct?

18 DR. PICKERING: Yes. It is a school within a
19 school.

20 DR. MOORE: And I think in your letter at some
21 point said something about those students. Are they
22 not actually physically on campus, or what was the
23 issue with some of those students testing?

24 DR. PICKERING: They are physically on campus,
25 but they're about a quarter-mile away. They're

1 housed in a different building that's a quarter-mile
2 away from our main building.

3 DR. MOORE: And is that grades 9 -- that's
4 grades 9 and 10?

5 (MOMENT OF SILENCE)

6 CHAIRMAN NEWTON: I don't think he heard you.

7 DR. MOORE: And that covers grades 9 and 10; is
8 that correct?

9 DR. PICKERING: It does. It's -- this year,
10 it's 9 through 12.

11 DR. MOORE: Okay. And so, what is the plan for
12 those students to be tested this coming school year?

13 DR. PICKERING: The plan is that we will test
14 every student. We will go up there and physically
15 get those students down to the main building. We've
16 actually done that this year with our ACT test for
17 11th graders and our NWEA Map testing. So our plan
18 this year has gone very smoothly.

19 DR. MOORE: Okay.

20 CHAIRMAN NEWTON: Any other discussion?

21 Okay. We're --

22 MR. WOOD: If I could --

23 CHAIRMAN NEWTON: Okay.

24 MR. WOOD: If I could say something; it's not a
25 question. But I come at this one with a little bit

1 of a different perspective. I've known Dr. Pickering
2 for several years. He was the first Principal at
3 Pinnacle View Middle School when it opened a few
4 years ago -- 2016, I believe. And he has a standard
5 of excellence about him and he is a man of strong
6 integrity. He got Pinnacle View Middle School from
7 nothing to an A-rating in four years. And he is --
8 under his leadership, it was absolutely one of the
9 best -- it was the best middle school in Little Rock,
10 and one of the best middle schools in Arkansas, and
11 was a place where you could know that the right
12 things were going to be done. His leadership is
13 impeccable. And I also very much -- have had a lot
14 of dealings with the Superintendent at Pulaski County
15 School District, and I can't say enough good things
16 about Dr. McNulty either. So when these guys -- you
17 know, because of my experience with them, when they
18 come in and they say they were monitoring and they
19 were being lied to, I believe them. And when they
20 say they've made a correction in staff to remedy that
21 problem, I believe them. And I know that they are
22 not hiding from accountability and I trust that we
23 will not see this next year from Robinson.

24 CHAIRMAN NEWTON: But I just want to be careful
25 here, Mr. Wood, that we are not saying to any other

1 district that we may have not sustained that we don't
2 trust them, what they were saying, and that we trust
3 that they are doing what they said they would do.
4 And I don't want to let -- I don't know how to say
5 this correctly, but I don't want to let emotions get
6 into the decision. I want us to make sure that we
7 are always fair and we are consistent with every
8 decision that we make. And I don't want to say to
9 any district that we are not believing what they are
10 saying; that we know that what they are saying is
11 true and we trust that they are doing what's best --
12 every district that comes before us, they're doing
13 their best to do what is best for their students.

14 MR. WOOD: I appreciate that clarification. Not
15 at all what I intended to say.

16 CHAIRMAN NEWTON: Okay. I just wanted to make
17 sure --

18 MR. WOOD: So I very much appreciate that.

19 CHAIRMAN NEWTON: Okay.

20 MR. WOOD: I just -- I would just underline what
21 they say.

22 CHAIRMAN NEWTON: Okay.

23 MR. WOOD: And -- yeah.

24 CHAIRMAN NEWTON: All right. Any other
25 questions or discussion?

1 All right.

2 MS. HUNTER: So can I just make a comment here?

3 CHAIRMAN NEWTON: Yes.

4 MS. HUNTER: And I think this underscores what
5 you were saying is that -- what I'm hearing, at least
6 in this context, is very similar to what I heard in
7 Dumas; that there were some administrative
8 shortcomings and there is a plan to remediate those
9 shortcomings, and that we should not see this school
10 back here this time next year. And so, you know,
11 with the same considerations and reasons that we
12 moved forward with citing Dumas, I believe that this,
13 you know, is a more parallel and similar situation.
14 It's not to discount anything that you've said, but,
15 again, it's just the circumstances seem to be a
16 little more similar.

17 So with that, I would like to make a motion to
18 -- I want to get it right --

19 CHAIRMAN NEWTON: Well, I'll help you.

20 MS. HUNTER: Thank you. To accreditation cite
21 --

22 CHAIRMAN NEWTON: Accredited cite.

23 MS. HUNTER: Accredited citing for the Robinson
24 School.

25 CHAIRMAN NEWTON: We have a motion by Ms. Hunter

1 to place accredited cited for -- status for Robinson.
2 Do we have a second?

3 DR. MOORE: I'll second that.

4 CHAIRMAN NEWTON: Seconded by --

5 MS. WOODS: I'll second.

6 CHAIRMAN NEWTON: Okay. We had a second by Dr.
7 Moore. All in favor?

8 (MAJORITY CHORUS OF AYES)

9 CHAIRMAN NEWTON: Any opposed?

10 MR. WOOD: Nay.

11 CHAIRMAN NEWTON: We have one opposed. Motion
12 passes.

13 DR. PICKERING: Thank you for your time.

14 CHAIRMAN NEWTON: Thank you.

15 MS. COFFMAN: Hang on. Dan, can you take me to
16 the next slide?

17 b5) DRIVEN VIRTUAL ACADEMY (PCSSD)

18 MS. COFFMAN: Okay. Still in the Pulaski County
19 School -- Special School District, we have our last
20 school to consider, and that's the Driven Virtual
21 Academy. The Driven Virtual Academy is a district
22 conversion, authorized in 2021. And they did not
23 submit a specific test schedule, so we are assuming
24 that they followed the same one for the district.
25 They did, however, make corrections during the

1 corrections window. And as I said previously,
2 Superintendent McNulty did certify those within the
3 window -- and that's important because lots of times
4 we call the superintendent and say, "Hey, you're
5 late; resubmit." And so that's -- I always note any
6 things they're doing positive. And they did submit a
7 corrective action plan or a statement of operations.
8 So, but they did not meet the requirement of 95%.

9 CHAIRMAN NEWTON: So they would not -- because
10 it's a virtual, there's no past data for them as far
11 as is this an improvement or not?

12 MS. COFFMAN: Correct.

13 CHAIRMAN NEWTON: Okay. Okay. Anyone online
14 from Driven Virtual?

15 MS. IRELAND: Yes. I'm Leslie Ireland,
16 Principal for Driven Virtual Academy.

17 CHAIRMAN NEWTON: Okay. Do you have anything
18 you would like to share?

19 MS. IRELAND: Yes, ma'am. The first thing that
20 I would like to share is that this was our very first
21 year for a 100% virtual school with Pulaski County
22 Special School District; so this was our first
23 attempt at being 100% virtual. Just before school
24 started the second week in August, we had
25 approximately 200 students that had been identified

1 as good candidates for virtual instruction within
2 Pulaski County School District. After a no-mask
3 mandate was passed a couple of weeks before school
4 started, our enrollment increased immediately to 500
5 students and we had another 150 students on a waiting
6 list. So we were immediately inundated with a huge
7 increase in student enrollment that we had a -- had
8 to make huge adjustments just before school starting.
9 And what happened is that drastically changed what we
10 had envisioned for a virtual student. We ended up
11 being filled with students and families who were
12 running from a mask mandate with Covid. And that's
13 what happened with our percentage of students not
14 tested; those were the students who absolutely
15 refused to come into a school building or any other
16 public setting. We exhausted every effort, much like
17 what Fayetteville expressed earlier. We went to the
18 students. We tested the entire testing window. We
19 met them anywhere we could. We stayed late, to 7:00
20 in the afternoon, and offered one-on-one sessions to
21 our students and parents who were testing. We
22 offered every opportunity, but there were families
23 who just absolutely refused to allow their student to
24 test due to Covid.

25 CHAIRMAN NEWTON: Okay. We'll see if we have

1 any questions from the Board.

2 Anyone over here?

3 MS. IRELAND: I'm sorry. I also want to add
4 another --

5 CHAIRMAN NEWTON: Oh, I'm sorry.

6 MS. IRELAND: To the virtual academy is also
7 where our expelled students go. So when the district
8 had exhausted all efforts to keep students in the
9 school building, due to extenuating circumstances,
10 those students also come to Virtual Academy. So
11 we're dealing with that population of student as
12 well, who refused to test or participate in any way.

13 CHAIRMAN NEWTON: Okay. Anyone from the Board
14 over here have a question or a comment?

15 MR. WOOD: I do.

16 CHAIRMAN NEWTON: Mr. Wood.

17 MR. WOOD: So I have the same question for you
18 as I had for Dr. Pickering. Will Driven Virtual
19 Academy apply incentives going forward to incentivize
20 students to participate in the annual assessment,
21 similar to what Fayetteville has committed to, as far
22 as end-of-semester testing?

23 MS. IRELAND: Yes, sir, absolutely. We've
24 already done that, as well as starting this year we
25 had orientation with every student and parent, and

1 the -- and testing is a requirement for being a part
2 of Virtual -- the Virtual Academy.

3 CHAIRMAN NEWTON: All right. Dr. Moore.

4 DR. MOORE: I have a question. Yes. When we
5 see numbers like this -- you know, it's a smaller
6 school, so a few students can make a big impact. But
7 I do have concern on the idea of asynchronous
8 learning. Do you have -- how do you take attendance
9 for these students? And is this indicative of
10 attendance on a regular basis with your virtual
11 students?

12 MS. IRELAND: We've made improvements in that
13 area this year, as well. We have a process where
14 parents actually come to apply for the asynchronous
15 learning. So, most of our students this year are
16 synchronous.

17 DR. MOORE: Okay.

18 MS. IRELAND: And we do have those who have met
19 our criteria for asynchronous learning, but they have
20 also committed to testing because they understand
21 that's a requirement of being a part of Driven
22 Virtual Academy.

23 DR. MOORE: Did you see a correlation between
24 the students who aren't testing and attendance?

25 MS. IRELAND: The students who are not --

1 refused to test last year were also those students
2 that refused to participate I mean in anything. We
3 have in-person events for the students. We have
4 opportunities for blended learning. We offer a lot
5 of opportunities where students actually come to
6 campus for interaction with the teachers in person.
7 Those students who refused to test last year, those
8 were the ones who never showed up for anything, no
9 matter what.

10 DR. MOORE: And in that sense, I mean some of
11 them might have been failing their classes but
12 they're still enrolled. And so that's going to make
13 --

14 MS. IRELAND: They are not still enrolled in
15 Driven Virtual Academy. Those students who refused
16 to come in for testing, they are not enrolled,
17 because that was a part of our agreement at the
18 beginning of this year to fix that issue, is that
19 they had to agree to come for testing. And so if
20 they chose not to come for testing, they chose not to
21 enroll.

22 DR. MOORE: Okay. It's challenging. I know
23 virtual obviously for some families is the best fit,
24 but I know there's always a lot of challenges that
25 come with it. So, thank you.

1 CHAIRMAN NEWTON: Any more discussion?

2 All right. We are ready for a motion to apply
3 accredited cited or to sustain the appeal.

4 MR. HENDERSON: I'd like to make a motion to
5 sustain.

6 CHAIRMAN NEWTON: Okay. We have a motion by Mr.
7 Henderson to sustain the appeal. Do we have a
8 second?

9 MR. WOOD: Second.

10 CHAIRMAN NEWTON: Seconded by Mr. Wood.

11 All in favor?

12 (MAJORITY CHORUS OF AYES)

13 CHAIRMAN NEWTON: Any opposed?

14 Okay.

15 MS. WOODS: Aye.

16 CHAIRMAN NEWTON: All right. Thank you for
17 being here -- or for joining us.

18 MS. IRELAND: Thank you.

19 5) REQUEST FOR WAIVER - LA-23-002: JOHNSON, DENNIS

20 CHAIRMAN NEWTON: All right. Ms. Saracini.

21 We're going to move on and finish our action
22 agenda. So you had a little bit of a break, so can
23 everybody hang in for a couple more?

24 All right. So, Ms. Saracini, we have a request
25 for a waiver from Dennis Johnson.

1 MS. SARACINI: Karli Saracini, Assistant
2 Commissioner.

3 Today, we have a request from an educator, but I
4 just want to kind of give you a little background
5 first. This educator was employed as a classified
6 employee before this request to you. So I just want
7 you to know that as a classified, per our law, it is
8 a local waiver; a local school board waives that.
9 And so it went before the local school board and they
10 waived that; so I want you to be aware of that before
11 we get into this. And so now Mr. Johnson is in a
12 capacity working under an Act 1240 waiver, and so
13 that's licensed, and when it becomes licensed then it
14 comes before you for the waiver. And so I think it
15 pretty much explains everything, but I think you need
16 to take notice that it happened back in 2003, and
17 that the law then is not what the law is now for
18 someone that's underage.

19 CHAIRMAN NEWTON: Okay.

20 MS. SARACINI: Okay.

21 CHAIRMAN NEWTON: Can you explain the difference
22 in the law now and then?

23 MS. SARACINI: So the law is now -- we are not
24 sure what it was then.

25 CHAIRMAN NEWTON: Okay.

1 MS. SARACINI: But the law is now that if
2 someone -- if this happens to someone now, at 18 or a
3 year after, their name is removed. But because this
4 happened so long ago, that's not the case because it
5 was different laws.

6 CHAIRMAN NEWTON: Okay.

7 MS. SARACINI: So his only recourse is to come
8 to you to waive.

9 CHAIRMAN NEWTON: If it happened present-day, it
10 would be -- automatically would be removed?

11 MS. SARACINI: Once they turn 18 --

12 CHAIRMAN NEWTON: Yeah.

13 MS. SARACINI: -- or a year after.

14 I said that correctly, Attorney; right?

15 MS. JAMES: I am Whitney James, with the
16 Department. I believe that now you would have to
17 petition to have your name removed.

18 CHAIRMAN NEWTON: Okay. All right.

19 MS. JAMES: Yes, ma'am.

20 MS. SARACINI: Any questions before I hand it
21 over to --

22 CHAIRMAN NEWTON: Ms. James, will you go through
23 the procedures?

24 MS. JAMES: Yes, ma'am.

25 CHAIRMAN NEWTON: Would you mind doing that?

1 MS. JAMES: I have them right here. And we
2 haven't had one of these in a few months.

3 CHAIRMAN NEWTON: Yes.

4 MS. JAMES: So this is my first one. The first
5 step is the Chair swears in all of the parties that
6 are going to give testimony, of course other than the
7 attorney. Each party will have the opportunity to
8 present an opening statement of five minutes,
9 beginning with the Division. And I believe that
10 we've already presented our opening.

11 CHAIRMAN NEWTON: Okay.

12 MS. JAMES: And then each party is provided 15
13 minutes to present their case, starting with the
14 Division. And, of course, the Chair may extend the
15 amount of time at the request of the party. And then
16 after both parties have presented their cases the
17 State Board may allow each party to present rebuttal
18 testimony. Following that, each party will be given
19 five minutes to present a closing, ending with the
20 Division. And then the State Board may have
21 discussion, questions, and ultimately make a
22 decision.

23 CHAIRMAN NEWTON: Okay. All right. And our
24 decision would be to either grant the waiver or deny
25 the waiver. Is that correct?

1 MS. JAMES: In this case, yes, ma'am, because he
2 does not have a license.

3 CHAIRMAN NEWTON: Okay. All right.

4 All right. And do you have anything else, Ms.
5 Saracini?

6 MS. SARACINI: No. I think we've taken your
7 input, so we hope your packet this time answers your
8 questions.

9 CHAIRMAN NEWTON: Okay. All right.

10 Anyone --

11 MR. WOOD: Madam Chair, could I ask something
12 just procedurally?

13 CHAIRMAN NEWTON: Let -- okay.

14 MR. WOOD: Okay. I was impressed with the
15 packet that we received, very informative. Would it
16 be possible for us to make a motion based on the
17 packet, without going through the hearing? Would the
18 Chair entertain that?

19 CHAIRMAN NEWTON: Well, let me -- let Legal tell
20 us.

21 MS. JAMES: I don't think that the rules state
22 one way or the other.

23 MR. CODY KEES: No objection from me.

24 CHAIRMAN NEWTON: If it's the correct way.

25 MS. JAMES: At the very least --

1 CHAIRMAN NEWTON: Okay.

2 MS. JAMES: -- the Educator or his attorney
3 might want to make some type of statement to the
4 Board. That would be my suggestion.

5 CHAIRMAN NEWTON: Mr. Kees, do you have anything
6 you want to say?

7 MR. KEES: I would just say as long as I've
8 known you, Ms. Newton, I know you love happy moments.

9 CHAIRMAN NEWTON: Yeah.

10 MR. KEES: And so I thought this would be a --

11 CHAIRMAN NEWTON: Okay.

12 MR. KEES: -- happy vote for everybody.

13 CHAIRMAN NEWTON: Okay. All right.

14 MS. KEES: But I don't have anything to add.

15 CHAIRMAN NEWTON: Okay. All right. So then --

16 MR. WOOD: Well, then, if it pleases the Chair,
17 I would like to make a motion to grant the waiver
18 request for Mr. Johnson.

19 CHAIRMAN NEWTON: All right.

20 MS. JAMES: One moment.

21 MS. WOODS: I will second that. I will second
22 that.

23 MS. JAMES: Ms. Salas-Ford just asked me to ask
24 the Educator or his attorney to waive his right to a
25 hearing on the record.

1 MR. KEES: Yes.

2 CHAIRMAN NEWTON: Okay.

3 MR. KEES: Cody Kees, on behalf of Mr. Johnson.

4 And we waive our right to a hearing.

5 CHAIRMAN NEWTON: All right.

6 MR. WOOD: I'll renew my motion.

7 CHAIRMAN NEWTON: All right. And I think I
8 heard --

9 MS. WOODS: I renew my second.

10 CHAIRMAN NEWTON: Okay. I did hear a second
11 from Ms. Woods.

12 So we have a motion and a second to grant the
13 waiver. All in favor?

14 (UNANIMOUS CHORUS OF AYES)

15 CHAIRMAN NEWTON: Any opposed?

16 We look forward to hearing the great things that
17 you're going to do.

18 MR. JOHNSON: Thank you.

19 CHAIRMAN NEWTON: Congratulations.

20 MR. KEES: Thank you all.

21 CHAIRMAN NEWTON: Thank you. Thank you.

22 6) APPOINTMENT OF NOMINATING COMMITTEE FOR CHAIR AND VICE-
23 CHAIR

24 CHAIRMAN NEWTON: All right. The last thing on
25 the agenda is the appointment of a nominating

1 committee for a Chair and Vice-Chair for the 23-24
2 school cycle, beginning on January -- July 1.

3 I have asked Mr. Henderson and Ms. Hunter and
4 Mr. Wood if they would serve on that committee, and
5 have Mr. Henderson as the Chair, and they have all
6 agreed. And so they are going to figure out a time
7 and place that meets -- Ms. Freno is not here, but
8 meets Ms. Freno's specifications. And so they have
9 agreed to do that and will bring back information in
10 April for us.

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13 (The Action Agenda was concluded at 12:02 p.m.)
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C E R T I F I C A T E

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter 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 March 9, 2023, that the said proceedings was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all proceedings had in said matter.

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

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

WITNESS, MY HAND AND SEAL, THIS DATE: March 16, 2023.

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