

# ADE DAILY NEWS CLIPS

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## **No immediate ruling following school choice hearing (Blytheville Courier News)**

The future of the Blytheville School District's choice to opt-out of the Act 1227 School Choice law is still up in the air after a hearing today (Monday) in Little Rock ended with no ruling.

After listening to litigation and witness testimony from both sides, Arkansas Federal Judge Kristine Baker did not rule during Monday's hearing, saying her decision would come in the form of a written ruling which she said she hopes to hand down in a timely manner.

Representatives from both sides said they would liked to have had a definite ruling by the end of the hearing, but appreciate the judge taking the time to make the best decision she can make.

The hearing was the result of a lawsuit file against the Blytheville School District by 11 Blytheville residents in response to the school board's decision to declare exemption from participating in the School Choice Act, signed into law on April 16 by Gov. Mike Beebe. The plaintiff's biggest claim is the denial of School Choice could result in irreparable damage to their children's education. The district, however, maintains that not being able to enact an exemption would undo any previous mandates designed to dismantle past segregation within the Blytheville School District.

Baker did not give a timeline for her final ruling.

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## **Jasper School District set to begin drug-testing (Arkansas Democrat-Gazette)**

The Jasper School District will implement a new drug-testing policy when students return for the 2013-14 school year.

Superintendent Kerry Saylor said he plans to wait until September to begin random drug-testing of seventh through 12th-graders involved in extracurricular activities such as basketball, Future Farmers of America or student council. Students who park vehicles on the district's campuses also will be subject to drug-testing.

About 325 students attending school in Jasper, Kingston and Oark will be affected by the policy, Saylor said. Between 2 percent and 15 percent of those students will be tested each month; Saylor said he plans to start on the lower end of that range.

"This year, we're probably just going to tiptoe into this," he said.

The Jasper School Board and administration spent a year researching drug-testing for students, Saylor said. The School Board voted 4-3 in May to adopt the policy. Those who supported the policy hoped it would act as a deterrent, he said.

"It's there to hopefully help a few children say, 'No, I don't want to go down that road,' and also to help some get back on the best path if they are going down that road," Saylor said.

Board members who voted against the policy worried about infringing on the rights of students and about the district taking on a parental role, Saylor said.

School Board member Todd Scarborough spent weeks on the Internet reading about drug-testing from experts on children and law enforcement.

He could not find any evidence to show whether random drug-testing is an effective deterrent.

"I just felt it was not the right thing to do," Scarborough said.

His reasons for voting against the policy include concerns about the expense, placing another burden on school staff without additional pay and discouraging participation in extracurricular activities.

If a student uses a substance on a Saturday night and is among those chosen for random drug-testing the next week, the student can quit basketball to avoid being tested, Scarborough said.

The test doesn't make a distinction between students who used a substance once or multiple times, he said.

Although district administrators aim for confidentiality, students will know a teammate tested positive when they are suspended from playing, Scarborough said.

"I think there's going to be inherent flaws," he said.

The School Board will review the policy again in a year, Saylor said.

Saylor anticipates that the School Board will decide in July on a company to conduct the drug-testing. He said he expects testing to cost about \$1,500 in 2013-14.

If a student tests positive for illegal drugs, the superintendent or his designee will notify a parent or guardian and schedule a meeting with the student, parent, principal, and head coach or sponsor.

The penalty for the first positive test is a 20-day suspension from school activities or parking on campus, unless the student participates in counseling.

The superintendent can reduce the suspension to 10 days with participation in counseling, but the student would be subject to mandatory drug tests for the rest of the school year.

Parents are responsible for the costs of counseling and additional drug tests.

The suspensions from extracurricular activities and parking increase with subsequent positive drug tests.

The policy also states that students will not be penalized academically for testing positive for illegal drugs and that information from drug tests will not be reported to criminal or juvenile authorities unless required under a subpoena or other legal process.

Newton County Sheriff Keith Slape was not aware of the new drug-testing policy. In Newton County, the sheriff's office combats prescription-drug abuse and marijuana use, he said.

Slape said he believes in education to help teenagers avoid using drugs.

When he goes to schools, he encourages younger children to say no if they are asked to try drugs, he said.

He shows older students pictures and videos to educate them about the dangers of drug use.

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### **School Board hit over land purchase (Arkansas Democrat-Gazette)**

Speaker after speaker at a jam-packed special meeting Monday chastised the Little Rock School Board for approving in April the purchase of land for a new McClellan High without satisfactorily informing or involving southwest Little Rock residents.

More than 150 people - including three members of the Little Rock Board of Directors and two state legislators - filled the conference room at the Southwest Community Center to get an explanation from the board about the purchase plans and the future of the high school that is now at 9417 Geyer Springs Road.

Several of the audience members asked the board to void the \$1.372 million deal to buy 55.93 acres known as the RichSmith Lane property that is east of Mabelvale Pike and north of Mann Road. The sale will close before 5 p.m. Thursday unless the School Board votes to stop it and lose the \$10,000 the district has paid in earnest money.

"Mistakes are costly, and \$10,000 is a lot of money but for the goodwill and respect of the people of southwest Little Rock, \$10,000 is a cheap price to pay," city board member Joan Adcock told the School Board.

"Are you willing tonight to stop this train ... and let people get on board with you? Please stop it," Adcock said.

Rep. Frederick Love, D-Little Rock, told the board that Monday's meeting not only showed evidence of a lack of communication between the community and the district, but also is an erosion of public trust that will be more difficult to rebuild.

“We are all for a new school out here because we need it,” Love said. “But is that \$10,000 worth more than regaining the public trust? We can stop this train. It just calls for the forfeiture of the \$10,000.”

The board voted April 22 to purchase the land. That was at the same meeting at which board members received for the first time a public presentation on the different potential sites. There was no time between the presentations and the vote to get public input.

The School Board met Monday at the community center in response to a petition submitted to them earlier this month by civic leaders that included former state Rep. Pam Adcock, president of the Southwest Little Rock United for Progress umbrella organization of neighborhood associations.

Pam Adcock told the School Board that it is “no secret” that the board doesn’t value southwest Little Rock schools as much as it values other sections of the city and that the schools in the southwest part of the city are not equal to those elsewhere in the district in terms of facilities or academics. She pointed out that McClellan has had four principals in seven years and that the leadership at Cloverdale Middle School, also in southwest Little Rock, changes just as frequently.

She said the district decided to purchase the RichSmith property without community involvement and without a facilities study to determine the need for new schools. She called the purchase of the RichSmith property a “sweetheart deal” and “bonanza” for the Coldwell Banker Commercial-Hathaway Group, which represents both the district and the sellers of the property.

The sellers are the Martin Revocable Trust, the Agnes M. Martin Trust and the Mary M. Garner Trust. Stuart Mackey is the district’s real estate agent.

Pam Adcock urged that attendance zones be redrawn for all schools in the district, and that the southwest schools be treated fairly and not stigmatized.

School Board President Dianne Curry told the more than a dozen audience members who raised questions about the land purchase that the board had acted publicly on the matter. She said she also had attended southwest Little Rock community meetings and talked about the purchase plans and plans to hire a firm to conduct a district-wide facilities study.

The board is expected to vote on sending out a request for proposals to do that study at its next regular meeting at 5:30 p.m. Thursday.

Curry denied that she had suggested at those different meetings that some schools might be closed, contrary to reports attributed to her that Mc-Clellan and J.A. Fair High might be combined on one campus.

Board members Michael Nellums and Tommy Branch Jr. told the crowd that they were concerned about the lack of information that the community had about the purchase plans and the possibility that McClellan would be moved to a different site.

Branch said he asked the board to delay finalizing the sale once he realized the community members were unaware of the plans. He said he would hold the board's "feet to the fire" to continue to hold community sessions.

"I think that we regret as a board that this discussion did not happen earlier," School Board member Greg Adams said. He also said that he had toured McClellan and came away convinced that the school needs to be replaced.

"This part of the city deserves a new first-rate school," he said. "I have seen nothing that convinces me that we can do that at the present site."

Adams said that a decision to void the purchase contract now and then decide later after the facilities study is completed that the purchase is necessary, after all, would likely cost the district and the taxpayers even more.

During the April meeting at which the board approved the purchase, board members were presented with several options for McClellan.

Those options included 40 acres at 4200 Base Line Road, up to 162 acres at Geyer Springs Road and Mabelvale Cut-off, and up to 122 acres on Mann Road. Reluctant sellers, high-voltage power lines, flood zones and utility issues were some of the problems cited for each of those.

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## **Blytheville pupils face race to go elsewhere (Arkansas Democrat-Gazette)**

Time is running short for a group of Blytheville parents who want to transfer their children to the smaller, nearby Armorel and Gosnell school districts under the Arkansas Public School Choice Act of 2013, their attorneys said Monday.

As a federal judge considers whether the Blytheville School District can use a desegregation case from the 1970s to support an exemption from allowing transfers under the law in the 2013-14 school year, students from other districts are also filing applications to transfer to Armorel and Gosnell schools, said the parents' attorney, Jess Askew III. Those other students - from districts that have not claimed exemptions - could claim all of the limited number of seats in the smaller school systems by the time the Blytheville parents' complaint is settled in court, he said.

"When we're talking about the education of children, justice delayed is justice denied," Askew told U.S. District Judge Kristine Baker in a court hearing in Little Rock on Monday.

That's because the new law, which gives parents broad authority to transfer students out of the school district they reside in, allows other districts to limit the number of students they transfer in based on staffing and facilities limitations, he said. The law also limits transfers to 3 percent of a district's total enrollment.

But Robert Coleman, an attorney for the Blytheville district, warned the judge that a preliminary injunction would be “in essence, as a practical matter, a final decision” because transfers granted under the school choice law are irrevocable until the student completes high school.

If the court halts the district’s exemption long enough to allow current Blytheville students to transfer to other districts, “they’re gone,” he said.

Baker said she plans to soon issue a written ruling on Askew’s request for a preliminary injunction in the case, which would bar the Blytheville School District from claiming an exemption from the transfer law while attorneys for both sides debate the issue in court.

Around the state, attorneys and advocates for unrestricted student transfers between districts are tracking the case.

In Monday’s hearing, Baker denied a motion to dismiss the case made by attorneys for the district, who argued that it belonged in state courts and that the parents haven’t exhausted their options to appeal rejected transfers to the State Board of Education, as the law allows.

The plaintiffs - a group of 10 parents and two grandparents - sued the district May 20, claiming that the district’s resolution to opt out of allowing its students to transfer to other districts under the new law was based on irrelevant and outdated court cases and that it was filed after the April 1 deadline set out in the statute.

The new law - which lawmakers created to replace a 1989 school-choice act that was tossed out as unconstitutional last year - exempts districts from allowing the transfers if the districts are “subject to the desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.”

Attorneys for the Blytheville School District argued Monday that its school board had to consider a 1971 desegregation case - which the court dismissed in 1978-when deciding whether it should opt out of the 2013 transfer law. Ignoring that case -which dealt with a “racially dual school system” of some schools that enrolled all white students and some that enrolled all black students - could “send Mississippi County back to the racially segregated 1960s” by allowing “white flight,” said Jay Bequette, attorney for the Blytheville district.

The plaintiffs, who are white, could not transfer their children out of the majority-black Blytheville district under the previous, 1989 version of the School Choice Act, which prohibited such transfers if the percentage of enrollment for the student’s race in the new district exceeded that percentage in the student’s resident district. Another federal court struck down that restriction as unconstitutional before lawmakers opted to replace the law.

Askew argued that the 2013 law was written “in the present tense” and that a dismissed case couldn’t support the district’s exemption. “Under the color of state law” the Blytheville district is “pinning on a tin badge” and using an irrelevant case to keep students from leaving and depriving his clients of their federally protected right to equal protection under the law, he said. And the 1971 case involved segregation within the district, not segregation between districts, Askew said.

The district didn't cite the 1971 case when it testified at State Board of Education meetings about the approval, expansion and renewal of the KIPP Delta Public Schools' charter school agreement with the state, he said. KIPP, which has a campus in Blytheville, enrolls some students who are zoned to attend the Blytheville School District.

Two parent plaintiffs - one a former Blytheville teacher and the other a current city council member - said they have considered selling their homes and moving to other districts after they were unsatisfied in Blytheville schools. They listed high rates of teacher turnover and failure to make adequate yearly progress under the federal No Child Left Behind Act among their concerns.

"I never thought I'd consider leaving the schools," said plaintiff Missy Langston. "But it's reached the point where I thought it would be irresponsible for me not to consider it."

In addition, the 2013 law requires districts to notify the Arkansas Department of Education by April 1 if they plan to claim an exemption. Blytheville's exemption isn't valid because it was claimed after that deadline, Askew said.

But, attorneys for the district said, the bill wasn't approved and signed into law until April 16. Lawmakers clearly intended to create some exemptions from completely uninhibited student transfers, they argued, and invalidating district exemptions that didn't meet the April 1 deadline would result in ignoring lawmakers' intent.

"The plaintiffs can't have their cake and eat it too," Bequette said. "There can either be school choice with exemptions or no choice at all."

Lawmakers also intended to allow past desegregation cases to factor into districts' decisions to opt out of the transfer law, he said.

Earlier drafts of the 2013 school-choice legislation would have allowed exemptions if a district had a "current" or "enforceable" desegregation order, Bequette said, but state lawmakers removed that language before approving the bill that was eventually signed into law.

Twenty-three of the state's 239 districts have declared an exemption from the new transfer law. A group of parents, whose students' transfers were rejected because of one of those exemptions, is in the process of appealing that decision to the state board, attorneys said.

Many Arkansas attorneys who deal with desegregation and educational issues attended Monday's hearing. Those in attendance included attorneys for the Little Rock School District and Assistant Attorney General Scott Richardson.

Richardson represented the state board and the education department in the previous challenge to the 1989 law, which was led by Askew. In that case, a federal judge struck down the entire 1989 law after finding its racial restriction unconstitutional. Appeals of that decision are pending at the 8th U.S. Circuit Court of Appeals in St. Louis.

One attorney representing plaintiffs in the Blytheville case is Alec Gaines, the husband of Arkansas Democrat-Gazette Assistant Publisher Eliza Gaines.

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## **Kids Learn Science At Camp (nwaonline.com)**

SPRINGDALE — Students clapped and smiled Monday as colored foam burst from the top of water bottles during a science experiment.

The students were among 40 middle schoolers attending the I Do Science Camp at Helen Tyson Middle School. They created chemical reactions — like mixing corn starch and water — to show physical and chemical changes.

They also created solar-powered ovens using boxes, cardboard tubes, string, tape, foil, plastic wrap, newspaper and scissors. They set the ovens in the sun with s'mores inside and watched the temperature increase on temperature probes, a type of electronic thermometer. They shrieked in excitement when the temperature went up and sighed when it went down.

I Do Science Camp is part of a year-round fellowship, GK-12, said Tammy Guthery, a sixth-grade math teacher at Tyson. The program is run through the University of Arkansas.

The fellowship partners with middle schools because students tend to start losing interest in science around that age, said Morgan Ware, director of the university's GK-12 program.

"There's something getting lost in the middle schools," he said.

A lot of kids have a negative view of science, said Mary Herndon, a sixth-grade science teacher at Tyson. She said they become negative because they think there is only one right answer, and it frustrates them.

The hands-on activities at the camp help kids to understand that science is more about analysis and understanding the world around them, Herndon said.

Gabby Rushton, an eighth-grader at Southwest Junior High School, said she wants to be a doctor. The camp is teaching her to use different methods to find answers to scientific problems.

"It's a way to explore new things," she said.

The program and camp have inspired some of the activities in her regular class, Herndon said. Her class focuses on chemical reactions for a full week.

GK-12 and the camp are paid for by a grant from the National Science Foundation, Ware said. The program received \$5 million over six years. This is the final year of the grant. They are looking for ways to fund the program next year.

University of Arkansas graduate students can get their tuition paid through the fellowship, said Craig Lind, a graduate student in biology. Participants in the fellowship work on research projects and partner with math and science teachers in middle schools.

Six graduates from the program are teaching at the camp, Ware said.

A message left with Sonia Ortega, GK-12 program director at the National Science Foundation, was not returned by 5 p.m. Monday.

The camp is free and open to students at middle schools in Fayetteville, Springdale and Rogers who had a GK-12 graduate student in their class during the past school year, Guthery said. The camp runs all week from 8:30 a.m. to noon.

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## **High School Construction Site Vandalized ([nwaonline.com](http://nwaonline.com))**

FAYETTEVILLE — Police are investigating vandalism at the high school construction site. No arrests have been made, police said.

Vandals broke into a building under construction at the corner of Bulldog Boulevard and Stadium Drive. Several aerosol cans of foam insulation were sprayed on carpet recently installed in the 176-seat lecture hall, said Phil Jones, project executive for Nabholz Construction Services. The room is on the first floor.

The solution has an adhesive property and hardens as it dries, Jones said. It is commonly used to insulate pipe fittings that extend from a wall.

Early morning reports from the school district said the substance was carpet glue. Jones clarified later Monday it was foam insulation spray. Jones also said reports that vandals sprayed fire extinguishers were unsubstantiated.

The vandalism was discovered Monday morning when construction crews arrived. A damage estimate is not yet available, Jones said. The carpet in the 2,258-square-foot hall will be replaced.

There was no immediate information about how the intruders got inside. David Tate, the district's maintenance director, said the entire construction site is surrounded by 6-foot and 8-foot chain link fence and the gates are padlocked when workers aren't there.

Jones said the company will take additional security measures. Security cameras in the building were not activated.

The construction company is considered the owner of the building until it is completed and accepted by the school district.

Tate said this was the first incident of vandalism since construction began two years ago. Jones said the building's completion is still expected by the first day of school Aug. 19.

The building features 52 classrooms, laboratories and a library. The \$96 million high school project is scheduled to be finished in August 2015.

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## **New School Dedicated ([nwaonline.com](http://nwaonline.com))**

ROGERS — Dozens of parents, students and teachers joined members of the Rogers School Board on Sunday in dedicating the district's 15th elementary school.

Janie Darr Elementary, 6505 S. Mount Hebron Road, will officially open Aug. 19. The school is named after Rogers Public Schools' superintendent for the past 15 years.

"To me, there is no greater honor than to be associated with a school and a school district," Janie Darr said at Sunday's dedication ceremony. "It's something I will forever cherish."

The ceremony was held in the school's "cafetorium," a common space on the building's ground floor where students will eat lunch and where presentations or performances can be scheduled. Other features of the nearly 90,000-square-foot building include a "P.E. for life" room next to the school's gymnasium where students can ride stationary bicycles or play Wii Fit, an exercise-themed video game.

"It's spotless," said Beth Welbourn, whose children, Maddie and Matthew, will attend the school this year. "We are thrilled and feel so fortunate to have the opportunity to go to a brand new school."

The school's principal, Sharla Osbourn, said she's most excited about the school district's commitment to sustainable building practices during the \$13.8 million construction project.

Numerous windows allow a flood of natural light into the building. Classrooms are equipped with a daylight sensor that adjusts lighting based on weather conditions outside, David Cauldwell, business manager for the school district, explained. A multi-purpose "toolbox" classroom on the school's second floor offers sweeping views of a hay field below. The toolbox will allow two classes at a time to have group activities, such as science experiments, special speakers or programs, Cauldwell said. A section of the building's roof was built to support a rooftop garden.

Osbourn said close to 300 students have enrolled for the upcoming school year so far. The building was designed for 750 kids. The school will serve students who previously would have attended Elza R. Tucker Elementary School and Bellview Elementary. Darr graduates will feed into Elmwood Middle School and Rogers High School.

Raymond Burns, CEO of the Rogers-Lowell Chamber of Commerce, emphasized Sunday that the school was built without increasing property tax rates. He said it will help drive development on the west side of town.

About \$10.7 million in bonds, interest-free to the district through the American Recovery and Reinvestment Act, financed the bulk of the building project, Kathy Hanlon, district treasurer, said prior

to Sunday's event. State partnership money and rebate money from refinancing other district bonds also helped pay for the school, Hanlon said.