

Minutes
Special State Board of Education Meeting
Thursday, August 6, 2015

The State Board of Education met Thursday, August 6, 2015, in the Arkansas Department of Education Auditorium. Chair Toyce Newton called the meeting to order at 10:03 a.m.

Present: Toyce Newton, Chair; Mireya Reith, Vice-Chair; Diane Zook; Joe Black; Dr. Jay Barth; Vicki Saviers; Susan Chambers; Brett Williamson; Charisse Dean; Ouida Newton, Teacher of the Year; and Johnny Key, Commissioner.

Absent: None

Reports

Report-1 Chair's Report

No report.

Report-2 Commissioner's Report

Commissioner Key reviewed the Attorney General's Opinion concerning certain provisions of Act 560 of 2015, which amended the Public School Choice Act of 2013. He addressed the relevance of the opinion in regard to the meeting today.

Action Agenda

Arkansas Department of Education Staff Attorney Ms. Jennifer Davis said the history of school choice was reflected in legislation from 1989, 2013, and 2015.

Ms. Saviers moved, seconded by Dr. Barth, to take action items 1, 2, 3, and 4 from the table. The motion carried unanimously.

A-1 Consideration of Appeal from Denial of School Choice Application – Wilson

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Wilson family appealed the decision of the White Hall School District to deny a school choice application for the 2015-2016 school year. She said the family resided in the Dollarway School District.

Parent Ms. LaQuita Wilson requested to enroll her kindergarten student in the White Hall School District. She said her other children attend the White Hall School District.

White Hall School District Superintendent Dr. Larry Smith said Ms. Wilson's other children attended the White Hall School District under previous school choice legislation. He said the White Hall School District denied the application because the Dollarway School District submitted an exemption for school choice.

Dollarway School District Attorney Mr. Paul Bloom said the Dollarway School District was under a desegregation order and, therefore, did not participate in school choice. He said the district submitted a letter to the ADE.

Dollarway School District Superintendent Ms. Patsy Hughey said the Dollarway School District's demographic was approximately 90% African American students.

Ms. Zook moved to grant the appeal of school choice application for Wilson. The motion died for lack of a second.

Ms. Wilson said her child should be able to attend the White Hall School District because the child should have preference as a sibling.

Dr. Smith said he currently believed the district was at capacity for kindergarten, but he would not know until the beginning of school.

Mr. Bloom said the preference did not apply in this case. He said the federal court would need to decide if previous preferences should be in effect.

Dr. Barth moved, seconded by Ms. Saviers, to deny the appeal of school choice application for the Wilson family. Ms. Zook voted no. The final vote was 7-1. The motion carried.

A-2 and A-3 items were discussed together.

A-2 Consideration of Appeal from Denial of School Choice Applications – Teague, Morton, Lloyd, Green, Gardner, and Wheelington Families

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015, the Teague, Morton, Lloyd, Green, Gardner and Wheelington families appealed the decision of the Emerson-Taylor-Bradley School District to deny school choice applications for the 2015-2016 school year. She said the families resided in the Lafayette County School District and requested a joint hearing before the State Board of Education.

Emerson-Taylor-Bradley School District Superintendent Mr. Gary Hines said the families submitted timely requests. He said they were denied because the Lafayette County School District submitted an exemption for school choice.

Parent Mr. Brad Lloyd said Lafayette County School District was the only district that submitted an exemption for school choice. He said the desegregation order is for a district (Lewisville School District) that no longer existed.

Lafayette County School District Attorney Ms. Whitney Moore said the appeals were correctly denied because the ADE has no authority to interpret the court order. She said the Lewisville School District was consolidated into the Lafayette County School District.

Lafayette County School District Superintendent Mr. Robert Edwards said a legal transfer would not be considered at this time. He said the district has a 60% African American enrollment.

Ms. Moore clarified that the Lafayette County School Board would consider a legal transfer on exceptional reasons.

Mr. Lloyd said the families are seeking a better education for their children. He said they did not want to change schools because of race.

Mr. Williamson moved, seconded by Ms. Reith, to deny the appeal of School Choice Application for Teague, Morton, Lloyd, Green, Gardner, and Wheelington Families. The motion carried unanimously.

A-3 Consideration of Appeal from Denial of School Choice Application – Black

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Black family appealed the decision of the Emerson-Taylor-Bradley School District to deny school choice applications for the 2015-2016 school year. She said the family resided in the Lafayette County School District.

Mr. Williamson moved, seconded by Ms. Reith, to deny the appeal of School Choice Application for Black. The motion carried unanimously.

A-4 Consideration of Appeal from Denial of School Choice Applications –Vickers, Dean, and Tatom Families

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015, the Vickers, Dean, and Tatom families appealed the decision of the Spring Hill School District to deny school choice applications for the 2015-2016 school year. She said the families resided in the Lafayette County School District and requested a joint hearing before the State Board of Education.

Spring Hill School District Superintendent Ms. Angie Raney said applications were submitted on time and were denied because the Lafayette County School District submitted an exemption for school choice.

Lafayette County School District Attorney Ms. Whitney Moore restated earlier objections. She said the Dean student was enrolled in the Spring Hill School District.

Parent Ms. Connie Dean said her child was enrolled in the Spring Hill School District under a power of attorney. She said this year, she requested to revoke the power of attorney and apply for school choice to Spring Hill School District.

Parent Ms. Angie Vickers read a prepared statement on behalf of the families. She contended the desegregation settlement was terminated by a federal judge and, therefore, was not an active issue.

Ms. Moore said the district had to report for three years. She said a declaration of unity status would be required to remove the Lafayette County School District from the desegregation order. She said the Lafayette County School District had not requested unity status.

Ms. Dean said consolidation would not be permitted that was negative toward desegregation. She said that the Stamps School District and the Lewisville School District consolidated to form the Lafayette County School District.

Dr. Barth moved, seconded by Ms. Dean, to deny the appeal of school choice application for the Vickers, Dean, and Tatom Families. Ms. Zook voted no. The final vote was 7-1. The motion carried.

A-5 Consideration of Appeal from Denial of School Choice Application – Wilkison

Staff Attorney Ms. Jennifer Davis said the Wilkison family requested the Board hear this action item on August 13.

A-6 Consideration of Appeal from Denial of School Choice Application –

Bashaw

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Bashaw family appealed the decision of the Wynne School District to deny a school choice application for the 2015-2016 school year. She said the family resided in the Forrest City School District.

Parent Mr. Glen Bashaw said his daughter has attended the Wynne School District since kindergarten. He said the parents are currently involved in a custody case.

Forrest City School District Attorney Mr. Brad Beavers said the appeal was premature because currently the child resided in the Wynne School District and legally attended the Wynne School District. Mr. Beavers said a decision today by the Board might influence the custody case. He said the Wynne School District acted properly by denying the application.

Mr. Bashaw said he was trying to be proactive for his daughter.

Mr. Williamson moved, seconded by Dr. Barth, to deny the appeal of school choice application for the Bashaw family. The motion carried unanimously.

A-7 Consideration of Appeal from Denial of School Choice Application – Justice

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Justice family appealed the decision of the Vilonia School District to deny school choice applications for the 2015-2016 school year. She said the family resided in the Cabot School District.

Vilonia School District Assistant Superintendent Ms. Cathy Riggins said the district would be receptive to the school choice if capacity were available. She said if the district had room, they would be willing to accept the student.

Cabot School District Assistant Superintendent Dr. Tammy Tucker said the applications were received by the Cabot School District but denied by the Vilonia School District.

Parent Alicia Justice said one child was accepted and enrolled in the Vilonia School District but one child was not accepted based on capacity.

Dr. Barth moved, seconded by Ms. Reith, to deny the appeal of school choice application for the Justice family. The motion carried unanimously.

A-8 Consideration of Appeal from Denial of School Choice Application – Martin

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Martin family appealed the decision of the Vilonia School District to deny school choice applications for the 2015-2016 school year. She said the family resided in the Mayflower School District.

Vilonia School District Assistant Superintendent Ms. Cathy Riggins said the district would be willing to accept the students if capacity were available.

Mayflower School District Superintendent Mr. John Gray said he had no objection to the school choice.

Parents Mr. Cody Martin and Ms. Brittany Martin said they requested school choice for the safety of their children.

Ms. Riggins said the two districts have investigated options for changing the district boundaries.

Dr. Barth moved, seconded by Ms. Dean, to deny the appeal of school choice application for the Martin family. The motion carried unanimously.

A-9 Consideration of Appeal from Denial of School Choice Application – Pearson

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-1901 et seq. (as amended by Act 560 of 2015) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2015; the Pearson family appealed the decision of the Bentonville School District to deny a school choice application for the 2015-2016 school year. She said the family resided in the Rogers School District. She said the Rogers School District Superintendent Dr. Margaret Darr did not oppose the school choice for Pearson.

Bentonville School District Superintendent Mr. Michael Poore said the requested school, Cooper Elementary, was over capacity and would be sending students to other elementary schools within the district.

Parent Ms. Marion Pearson said she is a therapist at Cooper Elementary.

A-12 Consideration of Appeal of Denial of Opportunity School Choice Application - Sawa

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-227 and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act; the Sawa Family appealed the decision of the Little Rock School District to deny an Opportunity School Choice Application for the 2015-2016 school year. She said the family was zoned to attend Henderson Middle School.

Little Rock School District Student Registration Specialist Ms. Andreia Crawford said the family requested to attend Pulaski Heights Middle School. She said the Sawa family was number seventeen on the waiting list at Pulaski Heights Middle School.

Ms. Reith moved, seconded by Mr. Black, to deny the appeal of school choice application for the Sawa family. Ms. Zook and Ms. Saviers voted no. The final vote was 6-2. The motion carried.

A-13 Consideration of Appeal from Denial of Opportunity School Choice Application – Jackson

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-227 and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act; the Jackson Family appealed the decision of the Little Rock School District to deny an Opportunity School Choice Application for the 2015-2016 school year. She said the family was zoned to attend J.A. Fair High School.

Ms. Dean moved, seconded by Ms. Reith, to deny the appeal of school choice application for the Jackson family. Ms. Zook and Ms. Saviers voted no. The final vote was 6-2. The motion carried.

A-14 Consideration of Appeal from Denial of Opportunity School Choice Application – Williams

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-227 and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act; the Williams Family appealed the decision of the Little Rock School District to deny an Opportunity School Choice Application for the 2015-2016 school year. She said the family was zoned to attend Hall High School.

Little Rock School District Senior Director of Student Services Dr. Frederick Fields said the district would be willing to examine their policy for the next school year.

Parent Ms. Anita Williams said her son was enrolled in Parkview High School when their home burned. When her son returned to the district, he was assigned to Hall High School.

Dr. Barth moved, seconded by Ms. Saviers, to deny the appeal of school choice application for the Williams family. The motion carried unanimously.

A-15 Consideration of Appeal from Denial of Opportunity School Choice Application – McGruder

Staff Attorney Ms. Jennifer Davis said pursuant to Ark. Code Ann. § 6-18-227 and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act; the McGruder Family appealed the decision of the Little Rock School District to deny an Opportunity School Choice Application for the 2015-2016 school year. She said the family was zoned to attend Hall High School.

Parent Ms. Kennethe McGruder said her child lived within walking distance of the school.

Little Rock School District Senior Director of Student Services Dr. Frederick Fields said during open-enrollment period, the district considered radius of the school (shadow zone).

Mr. Williamson moved, seconded by Mr. Black, to deny the appeal of school choice application for the McGruder family. Ms. Zook and Ms. Saviers voted no. The final vote was 6-2. The motion carried.

Announcement

Commissioner Key announced that the ADE has been approved for ESEA Flexibility Waiver for one year. The Board congratulated Ms. Annette Barnes, her staff, and the other assistant commissioners for their dedicated work on the application.

Work Session

Act 1240

The State Board conducted a work session regarding Act 1240 of 2015 - An Act to allow a school district to be granted the same waivers that are granted to an open-enrollment public charter school that draws students from the school district; and for other purposes.

Adjournment

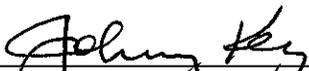
Mr. Williamson moved, seconded by Mr. Black, to adjourn. The motion carried unanimously.

The meeting adjourned at 2:11 p.m.

Minutes recorded by Deborah Coffman.



Toyce Newton, Chair



Johnny Key, Commissioner of Education