

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FIFTH DIVISION, CIVIL

DIVISION

DIANE CURRY, C.E. MCADOO, JIM ROSS,
DORIS L. PENDLETON, BARCLAY KEY

PLAINTIFFS VS.

60CV-15-654

TONY WOOD, in his official capacity
as COMMISSIONER of the ARKANSAS DEPARTMENT
OF EDUCATION; ARKANSAS DEPARTMENT OF
EDUCATION;

SAMUEL LEDBETTER, in his official capacity
as CHAIRMAN, ARKANSAS STATE BOARD OF
EDUCATION;

TOYCE NEWTON, in her official capacity as
VICE-CHAIRMAN, ARKANSAS STATE BOARD OF
EDUCATION;

JOE BLACK, in his official capacity as a
MEMBER, ARKANSAS STATE BOARD OF EDUCATION;

ALICE WILLIAMS

MAHONY, in her official capacity as a
MEMBER, ARKANSAS STATE BOARD OF EDUCATION;

MIREYA REITH,
in her official capacity as a MEMBER,
ARKANSAS STATE BOARD OF EDUCATION; VICKI
SAVIERS,

in her official capacity as a MEMBER,
ARKANSAS STATE BOARD OF EDUCATION; JAY
BARTH,

in his official capacity as a MEMBER,
ARKANSAS STATE BOARD OF EDUCATION;

DIANE

ZOOK, in her official capacity as a MEMBER
ARKANSAS STATE BOARD OF EDUCATION;

KIM DAVIS, in his official capacity as
a MEMBER, ARKANSAS STATE BOARD OF
EDUCATION;

BAKER KURRUS, in his official capacity
as CHAIRMAN of COMMITTEE ON LITTLE
ROCK SCHOOL
DISTRICT FINANCES

DEFENDANTS

**FIRST AMENDED AND SUBSTITUTED VERIFIED COMPLAINT FOR
DECLARATORY JUDGMENT, WRIT OF MANDAMUS, WRIT OF
PROHIBITION, AND
INJUNCTIVE RELIEF**

Come now the Plaintiffs, by and through their attorneys, Marion
A. Humphrey, Rickey H. Hicks, and Willard Proctor, Jr., and
for their Complaint, state:

JURISDICTION AND VENUE

1. This cause of action is filed pursuant to Ark. Code Ann.
§ 16-111-104, part of the Declaratory Judgment Act, jurisdiction and

venue is therefore proper in this Court. This cause of action also seeks the issuance of a writ of mandamus and a writ of prohibition. Under Ark. Code Ann. §16-115-102, jurisdiction lies in circuit court for petitions for a writ of mandamus and prohibition directed at "inferior courts, tribunals, and officers in their respective jurisdictions." This cause also seeks to reverse and stay arbitrary, capricious, bad faith, wanton and ultra vires actions taken by the Arkansas State Board of Education and therefore venue and jurisdiction are proper in this Court. This cause is also filed seeking injunctive relief pursuant to Arkansas Rule of Civil Procedure, Rule 65 based on activity that has occurred and is continuing to occur in Little Rock, Pulaski County, Arkansas and therefore jurisdiction and venue is proper in this Court.

PARTIES

2. Plaintiff, Diane Curry, is a person of the full age of majority and a resident of Little Rock, Pulaski County, Arkansas. Plaintiff, C.E. McAdoo, is a person of the full age of majority and a resident of Little Rock, Pulaski County, Arkansas. Plaintiff, Jim Ross, is a person of the full age of majority and a resident of Little Rock, Pulaski County, Arkansas. Plaintiff, Doris L. Pendleton, is a person of the full age of majority and a resident of Little Rock, Pulaski County, Arkansas. Plaintiff, Barclay Key, is a person of the full age of majority and a resident of Little Rock, Pulaski County, Arkansas.

3. Mr. Tony Wood is the Commissioner of the Arkansas Department of Education (herein after also referred to as "ADE"). The Arkansas Department of Education is a department of the State of Arkansas.

4. Mr. Samuel Ledbetter is the Chairman of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Little Rock, Pulaski County, Arkansas.

5. Ms. Toyce Newton is the Vice-Chairman of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Crossett, Ashley County, Arkansas.

6. Mr. Joe Black is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Newport, Jackson County, Arkansas.

7. Ms. Alice Williams Mahony is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of El Dorado, Union County, Arkansas.

8. Ms. Mireya Reith is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Fayetteville, Washington County, Arkansas.

9. Ms. Vicki Saviers is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Little Rock, Pulaski County, Arkansas.

10. Mr. Jay Barth is a Member of the Arkansas State Board of

Education and is a person of the full age of majority and is believed to be a resident of Little Rock, Pulaski County, Arkansas.

11. Ms. Diane Zook is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Melbourne, Izard County, Arkansas.

12. Mr. Kim Davis is a Member of the Arkansas State Board of Education and is a person of the full age of majority and is believed to be a resident of Fayetteville, Washington County, Arkansas.

13. Mr. Baker Kurrus is the Chairman of a Committee on Little Rock School District Finances and is a person of the full age of majority and believed to be a resident of Pulaski County, Arkansas.

FACTS

14. Article 14, Section 4 of the Arkansas Constitution provides that "the supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly."

15. Article 14, Section 3 of the Arkansas Constitution assigns certain constitutional responsibilities to School Board of Directors.

16. Article 14, Section 3 (a) of the Arkansas Constitution provides that "the General Assembly shall provide for the support of common schools by general law. In order to provide quality education, it is the goal of this state to provide a fair system for the distribution of funds. It is recognized that, in providing such a system, some funding variations may be necessary. The primary reason

for allowing such variations is to allow school districts, to the extent permissible, to raise additional funds to enhance the educational system within the school district. It is further recognized that funding variations or restrictions thereon may be necessary in order to comply with, or due to, other provisions of this Constitution, the United States Constitution, state or federal laws, or court orders."

17. Article 14, Section 3 (c) (1) of the Arkansas Constitution provides that "in addition to the uniform rate of tax provided in subsection (b), school districts are authorized to levy, by a vote of the qualified electors respectively thereof, an annual ad valorem property tax on the assessed value of taxable real, personal, and utility property for the maintenance and operation of schools and the retirement of indebtedness. The Board of Directors of each school district shall prepare, approve and make public not less than sixty (60) days in advance of the annual school election a proposed budget of expenditures deemed necessary to provide for the foregoing purposes, together with a rate of tax levy sufficient to provide the funds therefor, including the rate under any continuing levy for the retirement of indebtedness. The Board of Directors shall submit the tax at the annual school election or at such other time as may be provided by law. If a majority of the qualified voters in the school district voting in the school election approve the rate of tax proposed by the Board of Directors, then the tax at the rate approved

shall be collected as provided by law. In the event a majority of the qualified electors voting in the school election disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding school election. However, if the rate last approved has been modified pursuant to subsection (b) or (c) (2) of this section, then the tax shall be collected at the modified rate until another rate is approved."

18. The Arkansas General Assembly vested and confided in the Arkansas State Board of Education (hereinafter referred to as the "SBE") the general supervision of the public schools of the state. Ark. Code Ann. §6-11-105

19. Apart from the responsibilities imposed by the Arkansas Constitution, the Arkansas General Assembly vested and confided in the School District Board of Directors the powers to provide a general, suitable, and efficient system of free public education. Ark. Code Ann. §6-13-620.

20. To manage the school district, the Arkansas General Assembly created the offices of School District Board of Director. See Ark. Code Ann. §6-13-634.

21. School Districts and School Board of Directors are constitutional entities recognized in Article 14, Section 3 of the Arkansas Constitution.

22. The school boards operate the schools in their respective districts, purchase the required property, hold title to the property

for the district, and have complete charge of maintenance. *Crenshaw v. Eudora School Dist.*, 208 S.W.3d 206, 362 Ark. 288 (Ark., 2005)

23. The Arkansas General Assembly has also required that each school district have a school superintendent. Ark. Code Ann. §6-13-109.

24. The Legislature has absolute control over all statutory offices, and may abolish them at pleasure; and in doing so no vested right is being invaded. *Robinson v. White*, 26 Ark. 139, 141 (1870)

25. The Board of Directors of the State's School Districts are assigned constitutional responsibilities and therefore, it may not be dissolved as such dissolution would violate Article 14, Section 3 of the Arkansas Constitution.

26. Given the constitutional responsibilities assigned to School Districts and Board of Directors under Article 14, Section 3, it would be unconstitutional for a school district to operate without a Board of Directors.

27. Article 5, Section 20 of the Arkansas Constitution provides that "[t]he State of Arkansas shall never be made defendant in any of her courts."

28. A state agency may be enjoined if it can be shown that the agency's action is ultra vires or outside of the authority of the agency. *Fitzgiven, et al v. Dorey, et al*, 2013 Ark 346, 429 S.W.

234 (2013) citing *Arkansas Dep't of Env'tl. Quality v. Oil Producers of Arkansas*, 2009 Ark. 297, 318 S.W.3d 570 (2009).

29. A state agency may also be enjoined from acting arbitrarily, capriciously, in bad faith or in a wantonly injurious manner. *Fitzgiven, et al v. Dorey, et al*, 2013 Ark 346, 429 S.W. 3d 234 (2013), citing *Arkansas Dep't of Env'tl. Quality v. Oil Producers of Arkansas*, 2009 Ark. 297, 318 S.W.3d 570 (2009).

30. The Little Rock School District School Board (hereinafter referred to as "LRSD") consists of seven members, all of whom are elected to three-year terms. All board members represent a specific geographical area or zone. Board member terms are staggered so that at least two members, but no more than three, are to be elected each year on the third Tuesday in September.

31. School board candidates had to file with the Pulaski County Elections Commission during the filing period from July 1, 2014, to July 8, 2014. Voters had to register by August 17, 2014, to vote in the election on September 16, 2014. Voters could apply for absentee voting starting on July 18, 2014. Requests submitted online or by mail had to be received by September 9, 2014, while in-person applications could be made until September 15, 2014. Early voting ran from September 9, 2014, to September 15, 2014.

32. Two of the seats on the seven member LRSD School Board were up for general election on September 16, 2014. Incumbents for Zones 1 and 5 seats were up for election.

33. Zone 1 incumbent Norma Jean Johnson was defeated by challenger Joy C. Springer. Jim Ross unseated two-term incumbent Jody

Carreiro as the Zone 5 representative.

34. Much of the discourse surrounding the election focused on the upcoming loss of \$37 million in special state funding. The funding came from a settlement agreement reached following a desegregation lawsuit in the county which began in 1982.

35. In 1982, LRSD sued Pulaski County Special District, North Little Rock School District and the state to create a countywide school district. The school district, which was primarily African-American, saw the case as a way to end racial segregation between its district and the primarily white districts. The case was resolved by redrawing the Little Rock School District boundary lines to match its city limits, which resulted in a loss of almost 8,000 students and 14 schools from the Pulaski County Special School District. In addition to the boundary changes, a settlement agreement was reached that required the state to pay approximately \$129.75 million over 10 years to the three districts.

36. Despite these events, the controversy was not quickly resolved. A desegregation plan was approved in 1998 which was designed to release the Little Rock district from federal court monitoring in 2001. However, it was not released until 2002, and even then one provision was kept under court monitoring: the effectiveness in raising the achievement levels of African American students. This last piece of monitoring was removed in 2007. While

this decision was appealed by Joshua Interveners, it was ultimately upheld.

37. In 2011, a court order relieved the state of most of its monetary obligation from the earlier settlement agreement. State aid for majority-to-minority inter-district student transfers was still required. The LRSD appealed this decision.

38. A decision on January 13, 2014, approved the final phasing out of state payments to the three school districts. The payments are set to end after the 2017-2018 school year.

39. While debate about whether or not the payments achieved their desegregation goals continues, the loss of these funds will affect more than just desegregation efforts. The majority of the funds were dedicated to the desegregation projects, but they have also been used for teacher retirement and health insurance costs. Both Johnson and Carreiro discussed the impacts this loss of funding will have on the district at a forum held by the Coalition of Greater Little Rock Neighborhoods. Both acknowledged that the district will likely have job losses and that other budgetary changes will have to be made in light of this change.

40. Doris L. Pendleton is a registered voter in Zone 1 of the Little Rock School District.

41. On September 16, 2014, Ms. Pendleton joined the other 485 registered voters who voted for Joy Springer. (See, Exhibit 2: Pulaski County School Election Results).

42. On September 16, 2014, 379 registered voters in Zone 5 voted for Jim Ross to replace the incumbent Jody Carreiro. (See,

Exhibit 2: Pulaski County School Election Results).

43. The Arkansas General Assembly has given the State Board of Education the authority over a public school or school district in academic distress. Ark. Code Ann. §6-15-430

44. The LRSD has forty-eight (48) schools.

45. Plaintiff, Barclay Key, is a parent of children that are presently enrolled in the LRSD.

46. By letter dated July 14, 2014, the LRSD was notified that six (6) of the LRSD's schools were identified as being in academic distress after fewer than half of the students attending them scored at proficient levels on achievement. (See, Exhibit 3, Letter to Dr. Dexter Suggs)

47. Three of the six (6) schools are high schools, two (2) are middle schools and one (1) is an elementary school, namely, Baseline Elementary, Cloverdale Middle, Henderson Middle, J.A. Fair High, and McClellan High.

48. The great majority of the LRSD schools are not in academic distress.

49. Central High School consistently leads the state in National Merit semi-finalists.

50. Forest Park, Roberts, Williams, Pulaski Heights Middle and Central High were recognized with *Outstanding Educational Performance Awards* by the Office for Education Policy at the University of

Arkansas.

51. Pre-AP and AP enrollment has been steadily increasing. Students took more ACT tests in 2014 than in 2013 and their scores were higher on every subject tested.

52. Wilson Elementary School was one of nine schools in the state to receive the "Exemplary School" designation for the 2013-14 school year, an achievement made more impressive considering that Wilson was a "priority" school the year before this.

53. The Little Rock School District is not a school district in academic distress. (See, Exhibit 1, E-mail to Christopher Heller)

54. The State Board of Education Academic Distress Office did not find the entire school district in academic distress, just the six individual schools. (See Exhibit 1)

55. LRSD Board of Directors has been willing to make big changes in schools to improve their performance and to expand the range of options available to students in our community.

56. Chicot, for example, was converted to a K-2 school. Fair Park became an early childhood center. More recently, Forest Heights was converted into a STEM school and Geyer Springs became a gifted and talented academy.

57. Under the direction and leadership of the LRSD Board of Directors, the LRSD had also begun a planning process to redesign and reconfigure Hall for the 2016-17 school year.

58. LRSD's Board of Directors clearly stated that Baseline, Cloverdale, Henderson, Hall, Fair and McClellan were its top priority

and that the Board would do "whatever it takes" to improve teaching and learning at those schools.

59. That commitment was evident when, on January 20, 2015, Dr. Suggs suggested that it might be necessary to "reconstitute" all six schools and Board members expressed their strong support for doing that if it was necessary to fix those schools.

60. LRSD has worked together with the ADE for years to improve academic performance at the six (6) schools which have now been classified as being in academic distress.

61. ADE school improvement specialists have been working in each of the schools since before they were declared to be in academic distress.

62. For years, ADE has approved the improvement plans (ACSIP) for the six (6) schools.

63. Five (5) of the six (6) schools were previously "state directed" schools, which gave ADE significant authority over their improvement efforts.

64. ADE had the authority, for example, to replace school staff, reallocate resources, provide professional development, consolidate or close the schools or convert them to charters, or appoint a School Improvement Director to oversee all aspects of the learning environment.

65. Some significant progress has been made in these schools.

66. While much more remains to be done, it would be wrong to

say there has been no improvement.

67. The percentage of proficient students has increased significantly in every school and in every subject area except math at Baseline which declined slightly. Examples include increases at Baseline (from 24% to 42% proficiency in Math); Cloverdale (25% to 42% in Literacy and 6% to 35% in Math); Henderson (15% to 39% in Math); J.A. Fair (18% to 47% in Algebra 1); and McClellan (19% to 40% in Literacy, 12% to 45% in Algebra, and 16% to 42% in Geometry).

68. The ADE rules governing academic distress require that ADE send a team of educators to evaluate schools in academic distress and make written recommendations to the school district.

69. On September 29, 2014, ADE sent Dr. Suggs a letter with written recommendations for each of LRSD's six academically distressed schools. Soon thereafter, LRSD submitted to ADE and the SBE Subcommittee for Academically Distressed Schools LRSD's "Academic Improvement Plan for Schools in Academic Distress".

70. The executive summary to LRSD's plan notes that "the district appreciates the invaluable insight and recommendations made by the ADE Evaluation Teams" and states that LRSD will act on those recommendations. Both of these documents were discussed at the October 14, 2014, SBE subcommittee meeting with LRSD.

71. ADE and LRSD both submitted progress reports to the SBE subcommittee in advance of the January 7, 2015, subcommittee meeting. (Exhibit 4)

72. The ADE report (dated January 2, 2015) makes the following observation about the October 2014 subcommittee meeting: "Further, it was clear to the casual observer that both substantial progress in the implementation of the plan presented by LRSD administrators (inclusive of ADE recommendations), as well as substantial improvement in 'teamsmanship' within and between district administrators and the local school board was expected."

73. The ADE report goes on to summarize ADE's September 2014 findings and recommendations and concludes with a "Progress Report". The LRSD "Progress Report" was submitted on January 7, 2015. It provides a one-page summary of LRSD's accomplishments and planned "next steps", followed by a more detailed description of the progress to date.

74. While there are some areas of disagreement between the two reports, Dr. Wilde of the ADE school improvement team reported to the SBE on January 7, 2015, that LRSD was implementing the right kinds of research-based programs at the six academically distressed schools and was doing so with an appropriate sense of urgency, but was probably trying to make too many changes at once.

75. ADE and LRSD school improvement specialists met at LRSD's request on January 14, 2015, to discuss the differences between the two reports, the progress to date and the priorities for the remainder of the school year. As a result of this meeting, LRSD submitted to ADE an update on the efforts of the six schools to

narrow their focus to two or three significant innovations in accordance with ADE's recommendation.

76. LRSD's Board expected that the plans developed at each of the six schools to increase student achievement (inclusive of ADE's recommendations) would be faithfully followed and stood ready to take whatever further steps may be necessary to improve the performance of those schools.

77. Plaintiffs Pendleton and Key want the control of the public education system to be in the hands of the School Board of Directors that are democratically elected.

ARBITRARINESS, CAPRICIOUSNESS, BAD FAITH AND WANTONNESS

78. Plaintiffs incorporate and re-allege each allegation in the preceding paragraphs of this complaint as set forth word for word.

79. On January 28, 2015, in a 5 - 4 decision at a specially called meeting, the Arkansas State Board of Education voted to take over the Little Rock School District.

80. The Arkansas State Board of Education voted to immediately remove the seven-member Little Rock School District Board.

81. The Superintendent, Dexter Suggs, was allowed to remain on an interim basis and report to the State Department of Education Commissioner.

82. The decision of the Arkansas State Board of Education was arbitrary, capricious, in bad faith and will cause wanton injury if

it is allowed to stand.

83. The decision of the Arkansas State Board of Education is succinctly stated in a widely reported statement from State Senator Joyce Elliott, "If I break my arm, you don't put my whole body in a cast. That's kind of where we are with six schools; it's not the entire district."

84. The Little Rock School Board of Directors made it clear that it would take all steps necessary to fix the problems in the schools.

85. The Little Rock School Board of Directors had taken steps to fix problems in the schools.

86. The standards established in Arkansas law do not allow SBE to take control of a school district which is not in academic distress when that action is not necessary to remedy schools in academic distress.

87. Based on the January 14, 2015, meeting with the SBE, there was nothing identified that the Little Rock School Board of Directors was not doing or had not committed to do. It was following the recommendations of the SBE.

88. Taking over the entire school district was not necessary to remedy the problems that existed in the six (6) schools.

89. The Arkansas State Board of Education had not taken over other districts in the state where the rate of academically-distressed schools is greater than in Little Rock.

90. The SBE had only taken control of one district because of

academic distress (Lee County) prior to its decision to take over the LRSD. In the case of Lee County, the entire district was in academic distress. The problems in Lee County included having no curriculum beyond textbooks and having 42 of 67 high school seniors who were not on track to graduate.

91. The Strong-Huttig school district has also been classified as being in district-wide academic distress, but the state has not moved to take control of that district.

92. The Dollarway School District was placed in state control for failing to meet state Standards for Accreditation, but was returned to local control even though Dollarway High School was in academic distress.

93. The SBE has had control of the Pulaski County Special School District for four years, but three of the 26 schools in Arkansas currently in academic distress are in the Pulaski County Special School District.

94. The ADE staff has said that LRSD is implementing the right kinds of innovations in the six schools with a sense of urgency, and no one has said that the LRSD Board has done anything to impede that effort.

95. There are no established criteria for taking over a district in which the great majority of the schools are not in academic distress, and it has never been done before.

96. It does not appear that ADE has developed any plan which

would significantly change the improvement efforts currently underway in the six schools.

97. As of February 12, 2015, Arkansas Education Department leaders reported that "there is no plan yet for improving the Little Rock School District's academically troubled schools."

Howell, Cynthia, 2015, February 13, *No course set yet for LR district, state says, Arkansas Democrat Gazette*, page 1.

98. The SBE has made no public statement as to what steps it will take necessary for the LRSD to remove itself from the authority of the SBE.

99. The fact that the SBE's decision to take over the LRSD was arbitrary, capricious and wanton is evidenced by its appointment of Dr. Dexter Suggs to continue to administer the LRSD.

100. If control of the entire LRSD was actually necessary to correct the six (6) schools in academic distress, Dr. Suggs should not have been left in place. Dr. Suggs was directly responsible for developing and implementing plans to bring the schools out of academic distress.

101. SBE officials had identified "teamship" as an issue in its reports. The question of "teamship" is itself highly subjective.

102. One thing school boards should do is support their superintendents whenever possible. Another thing school boards must

do is to hold their superintendents accountable for improving
student

performance in the schools. The first may look like collegiality and the second may look like a lack of "teamsmanship", but they are both necessary.

103. Five of the six troubled schools are already "state-directed" meaning the state already had the authority to take steps including replacing the entire staff or closing them.

104. It was not necessary for the SBE to take over the entire school district to take care of the problems with these schools.

105. The SBE had the authority to control and direct Dr. Suggs as it is now doing to take whatever actions necessary to bring the schools out of academic distress.

106. The Arkansas State Board of Education did not give the citizens an opportunity to fix the problems.

107. The designation of academic distress was made on July 10, 2014.

108. On September 16, 2014, the people elected two (2) new School Board Members replacing two (2) incumbents.

109. Having been in office for a little over three (3) months, Ms. Springer and Mr. Ross worked to correct problems. However, three (3) months were not enough time to remedy the problems.

110. Plaintiff and other citizens of the Little Rock were deprived the opportunity to have their representatives fix the problems.

111. The Arkansas State Board of Education's actions are

arbitrary, capricious, in bad faith and wanton.

ULTRA VIRES

112. Plaintiffs incorporate and re-allege each allegation in the preceding paragraphs of this complaint as set forth word for word.

113. A state agency may be enjoined if it can be shown that the agency's action is ultra vires or outside of the authority of the agency. *Fitzgiven, et al v. Dorey, et al, 2013 Ark 346, 429 S.W. 3d 234 9(2013), citing Arkansas Dep't of Env'tl. Quality v. Oil Producers of Arkansas, 2009 Ark. 297, 318 S.W.3d 570 (2009).*

114. SBE's actions are ultra vires and outside of its authority in that they are in direct violation of the Arkansas Constitution.

115. To the extent Ark. Code Ann. § 6-15-430(b) purportedly allows SBE to take over a school district which is not in academic distress and remove its board of directors simply because a school or schools within the district are in academic distress, it violates the Arkansas Constitution.

116. Because Arkansas voters approved Amendment 74 in 1997, Article 14 section 3 of the Arkansas Constitution now assigns certain constitutional responsibilities to school boards.

117. For the SBE to require a school district to operate without a school board (especially for reasons unrelated to the improvement of academically distressed schools) would be unconstitutional.

118. Further, SBE's action is ultra vires because it is in

excess of the authority given to it by Ark. Code Ann. § 6-15-401 et. seq.

119. Arkansas law (ACA § 6-15-401 et. seq.) provides for the identification by ADE and the classification by SBE of a public school or a public school district in "academic distress".

120. Ark. Code Ann. §6-15-430 describes "State Board of Education authority over a school or school district in academic distress." Subsection (a) sets out a range of remedies for **a school district** in academic distress. (emphasis added)

121. This subsection does not apply to LRSD because the Little Rock School District is not in academic distress. (See Exhibit 1).

122. Subsection (b) sets out a range of remedies for a public school in academic distress. This section authorizes SBE to take action necessary to improve the performance of one or more schools within a district and must be read in that context.

123. Subsection (b) sets out a number of school specific remedies such as reorganizing or closing the school, removing its principal and reassigning its staff, and then states in (b)(9) that SBE may also "[t]ake one (1) or more of the actions under subsection (a) of this section concerning the public school district where the school is located".

124. The rules of statutory construction dictate that ACA § 6-15-430(b)(9) incorporates the subsection (a) remedies only to the

extent necessary to remedy the academic distress of the school(s)

so

classified.

125. This is true for several reasons. First, subsection (a) and subsection (b) come from separate laws passed at different times by the Arkansas General Assembly. Subsection (a) was part of the original Omnibus Quality Education Act passed in 2003. Subsection (b) was added 10 years later by Act 600 of 2013. Since SBE already had the authority to remedy school districts in academic distress at the time subsection (b) was passed, the logical purpose of subsection (b) was to provide a remedy when only schools and not school districts were in academic distress.

126. More importantly, subsection (b) itself makes its purpose clear and provides a standard for SBE action. Ark. Code Ann. §6-15-430(b)(11), for example, authorizes SBE to "[t]ake any other appropriate action allowed by law that the state board determines is **needed to assist and address the public school classified as being in academic distress.**" Ark Code Ann §6-15-430(b)(11) (emphasis added). In the same vein, Ark Code Ann § 6-15-430(b)(10) authorizes SBE to return a district to elected representatives when "**the public school has corrected all issues** that led to the classification of academic distress". ACA § 6-15-430(b)(10) (emphasis added).

127. The standard established in subsection (b) is that the SBE may take only such actions as are "needed to assist and address the public school" and assure that "the public school has corrected all issues" that led to academic distress.

128. The SBE is authorized to completely restructure the six LRSD schools in academic distress and to assume full control of them. See, e.g. ACA § 6-15-430(b) (1)- (7).

129. Nothing more would be "needed" to address the academic distress issues at Baseline, Cloverdale, Henderson, Hall, Fair and McClellan.

130. However, the SBE acted outside of its authority in assuming full control of the entire LRSD.

131. The SBE has made Tony Wood the Little Rock School District Board of Directors.

132. It is a violation of Article 14, Section 3 of the Arkansas Constitution for Tony Wood to sit as School District Board of Directors.

133. It is a violation of Article 14, Section 3 (c) (1) of the Arkansas Constitution for the SBE to remove the School Board of Directors and designate their constitutional responsibility of taxation to Tony Wood.

134. Under Article 14, Section 3 (c) (1) of the Arkansas Constitution, the Board of Directors of each school district is charged with the constitutional responsibility to prepare, approve and make public not less than sixty (60) days in advance of the annual school election a proposed budget of expenditures deemed necessary to provide for the foregoing purposes, together with a

rate of tax levy sufficient to provide the funds therefor, including
the

rate under any continuing levy for the retirement of indebtedness.

135. Without a School Board that is elected by the people, there can be no school board election.

136. Only an elected Board of Directors can perform this responsibility.

137. Under Article 14, Section 3 (c) (1) of the Arkansas Constitution, the Board of Directors shall submit the tax at the annual school election or at such other time as may be provided by law. If a majority of the qualified voters in the school district voting in the school election approve the rate of tax proposed by the Board of Directors, then the tax at the rate approved shall be collected as provided by law. In the event a majority of the qualified electors voting in the school election disapprove the proposed rate of tax, then the tax shall be collected at the rate approved in the last preceding school election. However, if the rate last approved has been modified pursuant to subsection (b) or (c) (2) of this section, then the tax shall be collected at the modified rate until another rate is approved.

138. Without a School Board that is elected by the people, there can be no election.

139. Only an elected Board of Directors can perform this responsibility.

140. The SBE violated the Arkansas Constitution when it dissolved the Little Rock School Board of Directors and acted outside

of its authority.

141. Ark. Code Ann. §6-13-112(a), provides that "within ten (10) days of the meeting of the State Board of Education at which the state board assumes authority of a school district or within ten (10) days of the date upon which the Commissioner of Education assumes authority of a school district, the commissioner shall provide the following information to the chairs of the House Committee on Education and the Senate Committee on Education: (1) A clear statement of the reasons the district has been placed under the authority of the state board or the commissioner; and (2) A clear statement of the steps necessary for the school district to remove itself from the authority of the state board or the commissioner.

142. Upon information and belief, neither defendant Wood nor the SBE provided a clear statement of the reasons the LRSD was placed under state control to the chairs of the House Committee on Education and the Senate Committee on Education within ten (10) days of the January 28, 2015, takeover.

143. Upon information and belief, neither defendant Wood nor the SBE provided a clear statement of the steps necessary for the LRSD to remove itself from the authority of the state to the chairs of the House Committee on Education and the Senate Committee on Education within ten (10) days of the January 28, 2015, takeover.

144. The SBE has failed to comply with the requirements of Ark. Code Ann. §6-13-112(a).

MANDAMUS AND PROHIBITION

145. Plaintiffs incorporate and re-allege each allegation in the preceding paragraphs of this complaint as set forth word for word.

146. A writ of mandamus is a remedy to be used on occasions where the law has established no specific remedy and justice requires it. *State v. Vittitow*, 358 Ark. 98, 186 S.W.3d 237 (2004).

147. Mandamus is not a writ of right but is within the judicial discretion of the court to issue or withhold. *Robertson v. Norris*, 360 Ark. 591, 203 S.W.3d 82 (2005).

148. The purpose of the writ is to enforce an established right or to enforce the performance of a duty. *Manila School District No. 15 v. Wagner*, 357 Ark. 20, 159 S.W.3d 285 (2004).

149. The Court should order that the SBE immediately reinstate the Little Rock School Board of Directors. Further, the Court should order the SBE and all other defendants to cease and desist from any actions that would remove the constitutional responsibility of the officers.

INJUNCTIVE RELIEF

150. Plaintiffs incorporate and re-allege each allegation in the preceding paragraphs of this complaint as set forth word for word.

151. As set forth in more detail and particularity in the

preceding paragraphs of this complaint, it is likely that the plaintiffs will succeed on the merits.

152. Plaintiffs are likely to succeed on the merits because Article 14, Section 3(c) of the Arkansas Constitution has assigned certain constitutional responsibilities to School Board of Directors. School Boards of Directors are recognized in the Arkansas Constitution and charged with responsibilities related to raising funds to enhance the educational system of the school district. The SBE has no authority to assign this responsibility to anyone. The SBE has violated the Arkansas Constitution by removing the LRSD School Board of Directors.

153. Plaintiffs are also likely to succeed on the merits because the SBE did not have the authority to take over the entire LRSD when only six (6) of its 48 schools were in academic distress. It is clear that Tony Wood, who is now serving as the Little Rock School Board, has indicated that there will be no School Board meetings. Ark. Code Ann. §6-15-430 (a) describes "State Board of Education authority over a school or school district in academic distress." This subsection does not apply to LRSD because the Little Rock School District is not in academic distress. Ark. Code Ann. §6-15-430(b) sets out a range of remedies for a public school in academic distress. This section authorizes SBE to take action necessary to improve the performance of one or more schools within a district only to the extent necessary to remedy the academic distress

of the school(s) so classified. Taking over the entire LRSD was not necessary to remedy the academic distress of the six schools

154. Plaintiffs are likely to succeed on the merits because the SBE acted arbitrarily, capriciously and wantonly. The SBE approved plans submitted by the LRSD Board of Directors for improving the six schools in academic distress. Yet, the SBE took over the school district. The SBE has no plan for improving performance at the six schools.

155. Plaintiffs are likely to succeed on the merits because Dr. Dexter Suggs has been appointed to operate the LRSD while under SBE control. If taking control of the LRSD was actually necessary to bring the six (6) schools out of academic distress, Dr. Suggs would not have been allowed to remain.

156. The SBE has no plan for the schools in academic distress. The SBE has not provided any information as to the steps necessary to return control of the LRSD back to the School District.

157. Plaintiffs have been, and are continuing to be, irreparably harmed because there has been no clear statement as to why the school district was taken over and what steps are necessary to return control to the school district.

158. Tony Wood is the LRSD Board of Directors. He has indicated that the LRSD will not hold meetings. Consequently, there will be no means for parents or interested parties to address

issues or concerns with the school board.

Without a means to

have input,

there is no openness in the process. Plaintiffs are being irreparably harmed by the lack of access and openness in the decisions being made.

159. The SBE is operating the Little Rock School District Board of Directors in direct violation of the Arkansas Constitution. As previously stated, defendant Wood has no authority to make or perform the constitutional responsibilities assigned to an elected School Board of Directors.

160. The SBE has appointed Baker Kurrus to direct a committee to deal with financial issues of the LRSD.

161. There is no provision for Mr. Kurrus, Mr. Wood or any of the other defendants to raise additional funds to enhance the educational system within the school district.

162. Mr. Kurrus, Mr. Wood and the other defendants have no authority to make recommendations or decisions regarding the finances of the LRSD since it is the responsibility of the elected Members of the LRSD Board of Directors.

163. Plaintiffs Curry, McAdoo and Ross are being irreparably harmed by being denied their right to perform the constitutional responsibilities which they were assigned as duly elected Members of the Little Rock School Board of Directors.

164. The defendants should be enjoined and restrained from taking any actions regarding the LRSD's finances as they violate the Arkansas Constitution.

165. The defendants should be enjoined and restrained from taking any actions regarding the LRSD as they violate the Arkansas Constitution, are ultra vires, and are arbitrary, capricious and wanton.

166. In accordance with Ark. R. Civ. P. 65, this Court should immediately issue a temporary restraining order or preliminary injunction directing the Defendants to cease and desist from operating the Little Rock School District.

167. Irreparable injury will occur if this court does not intervene.

168. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that this Court enter an order declaring that the acts of the Arkansas State Board of Education to be arbitrary, capricious, in bad faith, wanton, ultra vires, and unconstitutional, issue a writ of prohibition and a writ of mandamus ordering the Defendants to return control of the LRSD to the duly elected Board of Directors of the LRSD, grant a TRO or preliminary injunction enjoining the Defendants from operating the LRSD, in the event immediate control is not returned to the LRSD Board, ordering the Defendants to provide a clear statement of the reasons for the takeover and the steps necessary to return control, award Plaintiffs attorney fees and costs of this action, together with all other just and proper relief to which they are entitled.

Respectfully submitted,

/s/Marion A. Humphrey
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Attorney for Plaintiffs
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/s/Rickey Hicks
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/s/Willard Proctor, Jr.
Willard Proctor, Jr.
Attorney for Plaintiffs
2100 Wolfe Street
Little Rock, AR 72202-6258
(501) 378-7720
Arkansas Bar No.: 87136
willard@wpjrlaw.com

VERIFICATION

STATE OF ARKANSAS)

COUNTY OF () \$S -
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I do hereby state that and that the contents are information, knowledge

I have read the Above and am completing
the foregoing
true and correct to the best of my
and belief.

SUBSCRIBED AND FORWARDED:
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A JURY PUBLIC, ON THIS DAY

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I have read the above. and. foregoing pleading
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and belief .

11-1-201

My Commission Expires

Christopher Heller

From: Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov>
Sent: Tuesday, December 23, 2014 10:14 AM
To: Christopher Heller
Subject: RE: LRSD Academic Distress

Chris:

Thanks, Chris. Good to hear from you. I spoke with the academic distress office about your question. The entire district has not been found in academic distress, just individual schools.

WD Hamilton (ALE)
Accelerated Learning (ALE)
Hall
Cloverdale
McClellan
JA Fair
Henderson
Baseline
Forest Heights (This school has only been recently identified by the ADE as being in academic distress. It has not been found by the State Board to be in academic distress.)

Last year, several school districts with ALEs on the list appealed. I do not think that the two ALEs above were ever placed in academic distress by the State Board. It is also my understanding that the two ALEs have been closed by

LRSD. I hope this helps.

Jeremy

From: Christopher Heller (<mailto:Heller@fridayfirm.com>)
Sent: Tuesday, December 23, 2014 9:31 AM
To: Jeremy Lasiter (ADE)
Subject: LRSD Academic Distress

Jeremy – I know that LRSD has six schools in academic distress. Has the district itself also been found to be in academic distress? If so, could you send me a copy of any letter to that effect? Everyone at LRSD is out for winter break so I won't be able to get an answer there any time soon. Thanks and Merry Christmas. CH

CHRISTOPHER HELLER | ATTORNEY

FRIDAY, PLEDGE
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Heller@fridayfirm.com | Direct: (501) 370-1506 | Fax: (501) 244-5344
400 West Capitol Avenue, Suite 2000
Lillie Rock, Arkansas 72201-3522 | www.FridayFirm.com

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RUN DATE:09/26/14 09:40 AM

Exhibit 2

REGISTERED VOTERS - TOTAL
BALLOTS CAST - TOTAL.
BALLOTS CAST - BLANK. . . . .	.
VOTER TURNOUT - TOTAL . . . . .	.
VOTER TURNOUT - BLANK . . . . .	.
 LITTLE ROCK SCHOOL DISTRICT BOARD OF DISTRICT ZONE 1	1
Vote for One 1	
JOY C. SPRINGER . . . . .	.
Over Votes . . . . .	.
Under Votes . . . . .	.
 LITTLE ROCK SCHOOL DISTRICT BOARD OF DISTRICT ZONE 5	5
Vote for One 1	
JIM ROSS. . . . .	.
Over Votes . . . . .	.
Under Votes . . . . .	.
 North Little Rock School District Board	School District Board
NORTH LITTLE ROCK	SCHOOL DISTRICT ZONE
Vote for One 1	
SCOTT TEAGUE . . . . .	.
PATRICK LANDER. . . . .	.
Over Votes . . . . .	.
Under Votes . . . . .	.
 North Little Rock School District Board	6
NORTH LITTLE ROCK SCHOOL DISTRICT ZONE	
Vote for One 1	
SANDRA (SANDI) CAMPBELL. . . . .	.
J.T. ZAKRZEWSKI
Over Votes
Under Votes
 LRSD Millage LITTLE	ROCK SCHOOL
Vote for One 1	
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Under Votes
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Under Votes
 PCSSD Millage PULASKI COUNTY	SCHOOL
Vote for One 1	
FOR
AGAINST
Over Votes . . . . .	.
Under Votes . . . . .	.



ARKANSAS DEPARTMENT OF EDUCATION

Exhibit 3

July 14, 2014

Tony Wood
Commissioner

**State Board
of Education**

Sam Ledbetter
*Little Rock
Chair*

Dexter Suggs, Superintendent
Little Rock School District
810 W. Markham St.
Little Rock, AR 72201

COPY

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Savlers

Little Rock

Diane Zook
Melbourne

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De ar Su per int en de nt Su gg s: On Jul y 10, 20 14, the Sta te Bo

ard of Educ ation (SBE) classi fied the follo wing schoo l(s) as being in acade mic distre ss: Ar k. Co de A nn . § 6- 18 - 22 7 en abl es an y stu de nt to tra nsf er fro m a

public school or school district classified by the SBE as a public school or school district in academic distress to another public school or school district that is not in academic distress.

Pursuan t to Ark. Code Ann. § 6-18-227, for each student emolled in or assigned to a public school or school district that has been classifie d by the SBE as a public school or school

district in academic distress, a school district shall:

(1) Timely notify the parent, guardian, or the student, if the student is over eighteen (18) years of age, as soon as practicable after the designation is made, of all options available under Ark. Code Ann. § 6-18-227;

(2) Offer the parent, guardian, or the student, if the student is over eighteen (18) years of age, an opportunity to emoll the student in any public school or school district that has not been classified by the SBE as a public school or school district in academic distress. The opportunity to continue attending the public school or school district that is not classified as a public school or school district in academic distress shall remain in force until the student graduates from high school; and

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(3) Request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

The parent, guardian, or the student, if the student is over eighteen (18) years of age, must notify the Arkansas Department of Education (ADE) and both the sending and receiving school districts of the request for a transfer no later than July 30 of the first year in which the student intends to transfer. The School Choice application is attached to the Arkansas Department of Education Rules Governing the Arkansas Opportunity Public School Choice Act, which can be found on the ADE's website at the following link:

http://www.arkansased.org/public/userfiles/rules/Current/Opportunity_School_Choice_Rules_Final_September_2013.pdf

The receiving public school or school district may transport students to and from the transferring public school or school district, and the cost of transporting students shall be the responsibility of the transferring public school or school district. A transferring public school or school district shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation.

Upon the transferring public school's or school district's removal from classification as a public school or school district in academic distress, the transportation costs shall no longer be the responsibility of the transferring public school or school district, and the student's transportation and the costs of the transportation shall be the responsibility of the parent or guardian or of the receiving public school or school district if the receiving public school or school district agrees to bear the transportation costs.

Section I 0.07 of the Emergency Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program requires the ADE to review and annually report to the SBE the academic conditions existing in each academically distressed public school or public school district. A public school or public school district in academic distress shall be removed from academic distress only upon a vote of a majority of the quorum present of the SBE and only after the ADE has certified in writing to the SBE that the school district has corrected all criteria for being classified in academic distress.

This letter only serves as a summary of a public school or school district's responsibilities concerning academic distress. We recommend that school district administrators carefully review the laws and rules related to academic distress and opportunity school choice, including without limitation, Ark. Code Ann. § 6-15-428 through 6-15-431; Ark. Code Ann. § 6-18-227; the ACTAAP rules and the Opportunity Public School Choice rules.

Questions concerning Opportunity School Choice should be directed to the ADE's Equity Assistance Unit at 501-682-4245. The ACTAAP rules referred to in this letter may be found at the following link:

[http://www.arkansased.org\(public/userfiles/rules/Current/ACTAAP_Emergency_Adoption_Revised_April_10_Website.pdf](http://www.arkansased.org(public/userfiles/rules/Current/ACTAAP_Emergency_Adoption_Revised_April_10_Website.pdf)

For questions concerning academic distress, please contact Louis Ferren at 501-682-7339.

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Barnes

Assistant Commissioner, Division of Public School Accountability
Arkansas Department of Education

cc: Tony Wood, Commissioner of Education
Jeremy C. Lasiter, General Counsel
State Board Office

Exhibit 4

**Progress Report for the Little Rock School District Schools on
Academic Distress
January 7, 2015**

What has been accomplished as of 01/07/2015:

Training was provided to building administrators, instructional facilitators and teachers on rituals and routines, lesson planning, and classroom observation with feedback.

Expectation was shared by the superintendent for all teachers to construct daily lesson plans with 8 required components.

Expectation was shared by the superintendent for all principals to monitor daily lesson plans and to make observing instruction and giving quality feedback to teachers a high priority.

Data on classroom observations and evidence-based feedback has been and continues to be collected.

Senior district administrators who supervise the principals sent memos of concern/warning to principals who were not sufficiently implementing the observations with feedback.

District assigned a curriculum staff member to serve as a school improvement specialist in each school on academic distress; the SISs send weekly reports to ADE that include barriers/concerns, progress made and next steps.

Scholastic Math Inventory (SMI) and Scholastic Reading Inventory (SRI) were purchased for all AD schools.

Training (SREB module) was provided to building administrators on leadership team structure and function.

Academically distressed schools restructured their leadership teams; training was and continues to be provided to the leadership team members.

Scantron® was selected as a provider of CCSS test bank questions for grades 6-12; it is being used for interim assessments and is also an option for pre/post assessments at the secondary level.

Data from pre/post tests and interim assessments are being used to plan Tier 1, Tier 2, and Tier 3 (Rtl) interventions.

Board holds monthly work sessions to monitor activities and data related to academically distressed schools.

Board asked for and received an update on how distressed schools are responding to barriers/concerns identified by SISs.

District identified Curriculum Management Systems, Inc. to audit the alignment of the district's curriculum to CCSS.

District SISs were trained on Indistar® and have helped schools to utilize the tool.

AD Schools identified their plan for addressing ADE Evaluation Team recommendations; the schools also identified the 2-3 major research-based strategies/innovations that they will focus on this year. The IMOs are being realigned to address these strategies/innovations.

Seventeen staff members from the district, including the principals at the AD schools, took a full-day visit to the Springdale School District to learn about their ESL program.

The district is in the planning stages of reconstituting Hall High School to improve programming and outcomes for students. (The final plan will be presented to the LRSD Board for consideration.)

Next Steps:

Leadership team training will continue. Additional training will occur on Jan 15, Feb 17, Mar 17, April 7 and May 7.

Curriculum alignment audit will start in January; curriculum maps will be revised once the recommendations are received.

Training in Using Data/Getting Results will be provided to the leadership teams, who will provide training for the staff.

Observation Tool data will continue to be monitored by senior administrators at the district level and used to improve leader performance in observing instruction and providing high quality feedback to teachers.

Additional training and support will be provided to AD schools in using the Indistar® system as a tool to guide their work.

LRSD Board will continue their monthly work sessions to monitor AD school activities and progress.

Pre/post unit tests will be used by all math and literacy teachers at the AD schools.

The second interim assessment developed by TLI (elementary) and from Scantron® (secondary) will be given.

Scholastic Math Inventory (SMI) and Scholastic Reading Inventory (SRI) will continue to be used to track student growth on the continuum toward college and career readiness (initial assessments have already been given).

LRSD Board will consider the plan to reconstitute Hall High School.

Progress Report for the Little Rock School District Schools on Academic Distress

January 7, 2015

Introduction

The Little Rock School District (District) presented an improvement plan for schools in academic distress (AD) to the State Board of Education (SBE) in advance of a meeting before the SBE subcommittee on academically distressed schools that was held on October 14. In that plan the District identified five goals and related objectives that incorporated feedback from the ADE Evaluation Teams. The district plan addresses the key components of the familiar curriculum, instruction, and assessment triangle (Figure 1). In order for an aligned curriculum, instruction, and assessment program to work, a governance structure for decision making and action taking in the school is essential. This structure is the school leadership team. In addition students must have a safe and orderly environment within which learning can occur.

Major district initiatives related to each component of the triangle:

Curriculum – External curriculum audit will be conducted beginning in January, 2015 (Goal 4)
Instruction – Lesson plan requirement and classroom observations with feedback (Goal 2)
Assessment – Interim assessments and Pre/Post unit assessments
Leadership Team – Restructuring and training for leadership teams (Goal 3)
Environment – Establishment and enforcement of school-wide rituals and routines (Goal 5)

Figure 1: Curriculum, Instruction, and Assessment Triangle

Progress Report

Progress toward each of the five goals and associated objectives is listed below in abbreviated form. Goal 1, an overarching goal, is for the six academically distressed schools to meet the criteria to be removed from that designation within three years. The other goals are listed as headings for the progress report.

Goal 2: The principal at each school on academic distress will become the instructional leader of a faculty that plans and implements quality, rigorous lessons that engage students and lead to improved student achievement.

Objectives (paraphrased) for this goal are for all teachers to develop lesson plans that are aligned with the district's curriculum, for the lesson plans to include eight required components, for principals to hold teachers accountable for producing and implementing the lesson plans, and for principals to observe instruction and give teachers multiple levels of high quality feedback. Principals are expected

to place teachers who do not meet expectations for lesson planning and quality instruction on an improvement plan.

Progress toward goal 2: Administrators at the academically distressed schools conducted classroom observations for the purpose of giving teachers high quality feedback on their instruction (Figure 2). Although all schools had the same training, the academically distressed school administrators made drop-in observations in classrooms and gave feedback at a higher rate than six comparison schools (King, Dunbar, Mann, Pulaski Heights Middle, Central and Parkview).

The decreasing number of observations over the three time intervals was expected because the time per observation went up (Figure 3). The academically distressed school administrators, as a group, were in classrooms giving feedback to teachers 153 minutes/day more than the administrators at the comparison schools.

The third variable in the improvement initiative concerning classroom observations with feedback is the quality of the feedback. The district's Curriculum and Instruction department scored randomly selected feedback provided to teachers at the academically distressed schools during three time periods during the fall semester. The scorers used a rubric with three scales: basic, proficient and distinguished. Each set of feedback was scored by two raters, and a third rater was used if the first two didn't agree on a score. The results for the quality of the feedback are displayed in Table 1.

Figure 2: Classroom observations with feedback completed by administrators in academically distressed schools with an equal number of comparison schools.

Figure 3: Average time spent per day observing instruction and giving feedback (includes an equal size group of comparison schools.)

Table 1: Assessing Quality of Leader Feedback*

	August 20 - September 31			October 1 - November 4			November 5 - December 12				No current observatio	
	# of Tchr	Prof	Dist	# of Tchr	Basic	Prof	Dist	# of Tchrs (#)	Basic	Prof		Dist
Baseline	5	40%		5	60%	40%		10	70%	30%		
Cloverdale	10			9	89%	11%		21 (13)	46%	54%		8
Henderson	9	11%		8	50%	50%		18 (14)	57%	43%		4
Hall	19	16%		18	78%	17%	6%	20 (13)	38%	31%	31%	7
J. A. Fair	15	13%	7%	15	73%	20%	7%	21	29%	24%	48%	
McClellan	12	17%		9	100%			19 (17)	77%	24%		2

*Feedback was scored using a three point rubric with possible ratings of basic, proficient, and distinguished.

Goal 3: The schools on academic distress will establish and/or maintain a team structure that includes effective leadership teams that share in decisions of real substance pertaining to school improvement and professional development needs. (Note – this was a key recommendation from ADE Evaluation Teams.)

Objectives (paraphrased) for this goal are for schools on academic distress to have a leadership team that consists of the principal, teachers that are reflective of the various grades and/or subject areas, and other key professional personnel; that meets at least twice monthly for an hour or more; and that uses school performance data and aggregated classroom observation data to develop innovations/strategies to improve teaching and learning.

Progress toward Goal 3: Training was provided to the principals and assistant principals at the AD schools on October 28 and November 6 for a total of 6 hours on “Building Effective Leadership Teams that Make a Difference”, an SREB training module that was led by district leaders, Dr. Lloyd Sain and Ms. Shoutell Richardson. Following that, the principals restructured their leadership teams to conform to the models provided by SREB and *Wise Ways* from Indistar®. The newly formed leadership teams were trained on December 2 for 3 hours with additional training dates scheduled for January 15, February 17, March 17, April 7 and May 7.

The principals in the schools on academic distress have taken or will take advantage of Leadership Training provided by the Arkansas Leadership Academy (ALA) (Table 2). Frank Williams, principal at Henderson, and Larry Schleicher, principal at Hall, have registered for the Arkansas Leadership Academy (ALA) Master Principals Program that will begin summer, 2015. Jeremy Owoh, principal at Fair, Katina Ray, principal at Baseline, and Wanda Ruffins, principal at Cloverdale, all completed phase I during summer, 2014. Henry Anderson, principal at McClellan, has completed phases I and II of the Master Principals Program and has an assistant principal who attended the ALA Assistant Principals Institute.

Table 2: Participation of Principals of Academically Distressed Schools in ALA Master Principal Program

Building Leader	Phase of Arkansas Leadership Academy’s Master
Katina Ray, Principal at Baseline Elementary	Completed phase I
Wanda Ruffins, Principal at Cloverdale Middle	Completed phase I
*Frank Williams, Principal at Henderson Middle	Has registered for training during summer, 2015
*Larry Schleicher, Principal at Hall High	Has registered for training during summer, 2015
Jeremy Owoh, Principal at J. A. Fair High	Completed phase I
Henry Anderson, Principal at McClellan High	Completed phases I and II

*Mr. Williams is new to Henderson this year and Mr. Schleicher became principal at Hall too late last year to enroll in the Program

Goal 4: The district-approved curricula (literacy and math) for grades K-12 will be fully aligned with the Common Core State Standards both in content and rigor.

Objectives (paraphrased) for this goal are to contract with an external provider to conduct an alignment audit of our grades K-12 math curriculum and 6-12 literacy curricula. Note—The Council of Great City Schools conducted an audit of our K-5 literacy curriculum a few years ago. Recommendations from the audit will be used to revise the curricula during the summer of 2015. The District’s Testing and Evaluation Department will develop a tool for checking instructional alignment and assessment alignment with the revised curricula during the 2015-16 school year.

Progress toward Goal 4: Nine providers of curriculum alignment audits responded to the District's Request for Qualifications: American Institute for Research, McREL, CORE, Houghton-Mifflin, Curriculum Management Systems, Pearson, Evans Newton, Educational Policy Improvement Center, and Barnes Technologies. Their responses were scored using a rubric. Three providers, American Institute for Research, McREL, and Curriculum Management Systems, were finalists. The finalists were asked to provide more detailed information and to submit their best and final offer. The provider that was ranked first by the review committee was Curriculum Management Systems. Approval by the board is pending.

Work on the audit will begin in January and will be finished in May, 2015, if not before. The mathematics and literacy staff members, working with teams of teachers, will use the recommendations from the auditors to revise the written curriculum over the summer to be ready for the beginning of the 2015-16 school year.

Training will be provided to building administrators and teachers on the revised curriculum during the pre- school conference.

Goal 5: A safe, orderly and academically productive environment will exist in each classroom and the school as a whole through establishing and enforcing rituals and routines throughout the school.

Objectives (paraphrased) for Goal 5 are that the district-assigned school improvement specialists and the principals at the AD schools will report that all classrooms have established and enforced rituals and routines.

Progress toward Goal 5: District central office staff had an extensive oral interview with the principals about their school. One question was about rituals and routines (Table 3).

	The rituals and routines were established by our school
	Some teachers have implemented rituals and routines with
	The focus of whole school at beginning of school was ritual and
	Each teacher created and posted their rituals and routines. The
	The school-wide rituals and routines are related to a school-
	Teachers have not been implementing rituals and routines

*Rituals and routines was one of several questions on an oral interview with the principal during the first semester.

Also, the district-assigned school improvement specialists have provided information on the school-wide and classroom level rituals and routines for the school to which they are assigned. Generally, the SISs report that school-wide rituals and routines are in place and are working well. Orderliness in common parts of the building are in place the vast majority of the time. Most classrooms have good management and instructional rituals and routines; however, there are exceptions. The exceptions are areas where the building administrators must provide training and support for teachers to maintain good classroom-level rituals and routines.

Student Outcomes:

Unit Pre/Post Assessments

One of the key recommendations from the ADE Evaluation Teams was for teachers to jointly plan instructional units that last 2-4 weeks and develop pre/post tests to determine if students are making adequate progress. If progress is not sufficient, teachers can use the pre/post test data to differentiate instruction to reteach components that students did not master. The pre/post test data can also inform certified staff that provide tier 2 and tier 3 interventions.

Progress toward unit development with pre/post-tests: All the schools on academic distress are using unit pre/post-tests. The implementation of this recommendation has been recent enough that the district has not collected pre/post results from individual teachers on a large scale at this time. By the end of January data on pre/post test results will have been collected at the district level and can be shared.

Interim Assessments

The district is using The Learning Institute (TLI) as the interim assessment provider for math and literacy at the elementary level. A new platform for interim assessments was adopted for grades 6-12. After evaluating various providers, Scantron® was selected to provide a test bank for our use and to provide many levels of data disaggregation and display. Scantron® assessment results will not be available in literacy until mid-January.

Progress measured using TLI interim assessment given in grades 2-5 math and 3-5 literacy and the Scantron® assessment for secondary mathematics are provided below (Table 4). The scores of traditionally high performing schools are included for comparison purposes. The scores reported are raw percent scores. Since the PARCC Assessment has not been given yet, the district doesn't have a valid method of determining what raw percentage score would represent proficiency.

Table 4: Module 1 Interim Assessment Results (average percent correct)

Cloverdale Middle School	6th Grade Math	46.5	52.6	52.7 (Mann)	61.0 (PHMS)
	7th Grade Math	38.3	38.4	35.0 (Mann)	43.6 (PHMS)
	8th Grade Math	39.0	37.2	38.7 (Mann)	37.5 (PHMS)
Henderson Middle School	6th Grade Math	46.6	52.6	52.7 (Mann)	61.0 (PHMS)
	7th Grade Math	37.7	38.4	35.0 (Mann)	43.6 (PHMS)
	8th Grade Math	31.5	37.2	38.7 (Mann)	37.5 (PHMS)

	7th Accel	51.9	55.4	51.4 (Mann)	67.6 (PHMS)
	8th Alg 1	46.9	60.0	60.6 (Mann)	64.1 (PHMS)
Hall High School	Algebra I	28.6	40.8	49.9 (Parkview)	47.1 (Central)
	Algebra II	42.5	47.9	53.9 (Parkview)	51.6 (Central)
	Geometry	32.6	42.0	46.0 (Parkview)	47.6 (Central)
J. A. Fair High School	Algebra I	39.6	40.8	49.9 (Parkview)	47.1 (Central)
	Algebra II	33.0	47.9	53.9 (Parkview)	51.6 (Central)
	Geometry	39.7	42.0	46.0 (Parkview)	47.6 (Central)
McClellan High School	Algebra I	36.5	40.8	49.9 (Parkview)	47.1 (Central)
	Algebra II	39.0	47.9	53.9 (Parkview)	51.6 (Central)
	Geometry	34.1	42.0	46.0 (Parkview)	47.6 (Central)
Baseline Elementary	Grade 2 Math	70.3	74.8	81.0 (Terry)	79.9 (Forest Pk.)
	Grade 3 Math	61.1	65.3	68.0 (Terry)	88.5 (Forest Pk.)
	Grade 3 Reading	38.7	45.5	43.9 (Terry)	65.4 (Forest Pk.)
	Grade 4 Math	50.2	49.7	52.7 (Terry)	67.2 (Forest Pk.)
	Grade 4 Reading	36.5	52.8	53.5 (Terry)	65.6 (Forest Pk.)
	Grade 5 Math	45.2	49.0	54.3 (Terry)	65.2 (Forest Pk.)
	Grade 5 Reading	38.8	51.4	55.2 (Terry)	64.8 (Forest Pk.)

Baseline Elementary also administered the Scholastic Math Inventory (SMI) two times during the fall semester to grades K-5. The results show that students are making progress in mathematics (Table 5), especially at the early grades.

Table 5: Growth in Math Proficiency from SMI for Baseline Elementary (in percent of students at each level)

	Below	Below	Basic	Basic		Proficient		Advanced
Kindergarten	76	29	18	40	4	29	2	2
First	93	51	5	40	2	9	0	0
Second	70	33	30	65	0	3	0	0
Third	95	73	5	27	0	0	0	0
Fourth	98	89	2	9	0	2	0	0
Fifth	89	82	11	18	0	0	0	0

Conclusions

Progress has been made toward all five goals that the district set for improving the schools on academic distress. The most effort to date from the district has gone into supporting the AD schools on goals 2 and 3 related to lesson planning, classroom observations with quality feedback, and leadership team development. Substantial progress has been made toward these goals. Building administrators are in the

classrooms observing instruction more than ever before. High standards exist for the feedback that they give to teachers, and the administrators are making the adjustment to giving meaningful, evidence-based feedback. Much training and guidance has been provided to AD schools related to leadership team structure and function. Support from the Arkansas Leadership Academy has been used and will continue to be a valuable resource for leadership training. The school leadership teams have been restructured recently at the AD schools, and additional support from the district will be needed to help the principals change them into decision-making bodies that lead the school improvement effort.

Training for goal 5 on rituals and routines was provided by the district, but implementation of this is essentially a building-level obligation. Feedback from district observers in the schools is that rituals and routines have been established and have improved the learning environment in the AD schools. We will continue to monitor implementation of school-level rituals and routines.

A curriculum auditor (goal 4) will be approved by the board in early January and work on the audit will begin immediately thereafter. Much of the focus on district central office administrators in the spring and summer will concentrate on the curriculum audit process. Ensuring a fully aligned curriculum that is available to all students is a key factor in improving student outcomes. The district believes that an aligned curriculum will help produce test scores that will help the AD schools make sufficient progress to be removed from the academic distress list in just a few years.

The district got a late start on pre/post unit testing and was delayed on interim testing at the secondary level while providers were evaluated. Scantron® was selected as a provider, and the district will use the Scantron® test item bank to produce interim assessments. Teachers at the secondary level can also use a separate item bank for the creation of short pre/post assessments or they can create their own pre/post assessments. These resources will support the AD distressed schools in getting “close to real-time” data for use in making instructional decisions.

Although much progress has been made, the district is fully aware that our role in supporting the AD schools is a top priority. We will continue to work with the administrators and teachers in these schools to get the improvement that must happen.