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After 34 years, Dan Farley retires from ASBA.
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“The AdvancED experience created synergy in our district. I was absolutely thrilled by the high level of involvement of all stakeholders in the planning process that occurred prior to the visit. The commendations and required actions received from AdvancED upon their departure were absolutely on target and have motivated our district and community to continue the effort to maximize student achievement and meet or exceed the high expectations of AdvancED.”

— Dr. Lonnie Myers, Superintendent, Mountain Home School District
Letter from the Executive Director

Time for change

by Dan Farley

Since the post-Lake View legislative sessions, Arkansas has seen many major changes to guarantee adequacy and equity in our public schools. Significant money has been invested, and with that came many corresponding accountability measures for everyone engaged in the enterprise of education, including school boards.

Throughout those years, ASBA has strived to live up to our mission of championing excellence in public education through training, advocacy and service for Arkansas school boards. As I reflect back on my years with ASBA, I think we’ve done a pretty good job of monitoring and adjusting to the rapid change we’ve experienced. I have been working with you and for you for more than three decades, so it is with many emotions that I prepare to hand off the baton to Dr. Tony Prothro.

Tony joined us last July and has spent this year getting familiar with our many programs, working closely with the staff, the board, and the many other people and organizations with which we often collaborate. (And he’s earned his stripes working with our legislative team and the 135 members of the Arkansas General Assembly during this long and exhausting session!) So I leave knowing that the association is in very capable hands, being guided by a very earnest and supportive board of directors.

Although I will soon leave ASBA, I will never stop being a supporter of public education and the local, lay governance that is uniquely American. It is through education that we have grown as individuals and as a nation. It’s never been more complicated, and it’s never faced such threats as it now does. It’s become a sport to bash public schools. Those schools, like each of us, are in a constant state of evolution because times and needs change. But because everyone has had an education, it automatically makes everyone an expert on the subject. Today’s schools, however, are not your grandfather’s schools – or even the ones we knew – so to make comparisons is a tricky endeavor. After all, society changes and so have our schools.

And so, must I. This job has enriched my life in countless ways, and for that, I thank you.
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A divisive legislative session ended with schools receiving more money as usual, but the debate raised questions about the future

By Steve Brawner
Editor

There was a time not long ago when public education dominated each Arkansas legislative session. Not this year.

This year’s session was marked by the debate over whether to use federal funds to buy health insurance for up to 250,000 Arkansans, by tax cuts, by guns and abortion, and by the ascendancy of Republicans who, for the first time since Reconstruction, controlled both houses of the Legislature.

While schools weren’t the session’s big story, they were the topic of a lot of conversations that forced ASBA’s legislative team members to remain vigilant. Some of the proposed bills would have represented significant changes in the way schools and school boards do business. School-related bills were debated in a number of committees outside of the Senate Education and House Education Committees. As Ron Harder, ASBA policy director, told this year’s Joint Leadership Conference for ASBA and the Arkansas Association of Educational Administrators, “You’re covering two committees at one time. The bills may or may not be run. It gets complicated. But also, if filters don’t catch a particular bill, it may make it all the way through the session without us catching it.”

But in the end, “We came out pretty well,” said ASBA Executive Director Dan Farley. “We didn’t get really hurt. None of the positions that we were really strongly advocating were beaten down. We made some compromises. That’s part of what you do. But they weren’t compromises that I felt like were injurious to schools or school boards or to this organization.”

As always, public K-12 education remained the single largest recipient of general revenue dollars, as legislators approved spending $2 billion on schools this upcoming year. Under Act 1467 by Rep. James McLean, D-Batesville, per pupil funding increased two percent over each of the next two years, from $6,267 in 2012-13 to $6,393 this upcoming school year, and to $6,521 in 2014-15.

Of that two percent, 1.8 percent will go to the public school fund and 0.2 percent will increase the minimum amount school districts must pay for school employee health insurance policies. Act 517 by Sen. Johnny Key, R-Mountain Home, raised the amount districts must contribute from the current minimum $131, which had remained the same since 2004, to at least $150. That mandate came about because schools contribute considerably less to employee health insurance than state government does for its employees. As Dr. Michelle Ballentine-Lynch, executive director of the Arkansas State Teachers Association, testified in committee, “We have people who are paying the districts to work because every bit of their income goes to their insurance premium, and they need some relief.”

Meanwhile, funding will increase by 1.8 percent in three “categorical” areas – funding for at-risk students in an alternative learning environment, for English language learners, and for educator professional development.

The one category that will not see a percentage increase is funding provided schools as a result of the National School Lunch Act. But that could change after the fiscal session early next year.
The state allocates federal NSLA dollars based on the number of students receiving free and reduced lunch prices because of their family incomes. Districts are using that money in a variety of ways not directly tied to student achievement gains – for school nurses, for example.

The current state-based formula uses a tiered approach based on whether a district has 90 percent qualifying students, 70 percent, or less than 70 percent. That can result in a significant difference in funding. A district with exactly 70 percent qualifying students received $1,033 in NSLA funds per student in the 2012-13 school year. With one less qualifying student, it would have received $517 per student.

Key’s Senate Bill 811 would have “smoothed” those differences and given more weight to students qualifying for free lunches than those qualifying for reduced prices. However, it ran into opposition when the model would have resulted in 73 percent of school districts losing funding.

Under Act 1467, the Department of Education (ADE), the Bureau of Legislative Research, and the Senate and House Education committees will re-evaluate the formula prior to the Legislature’s 2014 fiscal session in hopes of creating a list of ways districts may spend NSLA money. Funding may be provided on a sliding scale with more weight given to students qualifying for free meals.

Senate Bill 811 was an Arkansas Department of Education bill. Dr. Tom Kimbrell, the state’s education commissioner, said the department wasn’t disappointed with the bill’s failure because it started an important conversation that will continue through the 2014 fiscal session.

“We think what we brought forward had some good, legitimate issues with it, but it probably went farther than the state’s ready,” Kimbrell said.

Act 1467 passed 92-0 in the House and 34-0 in the Senate. As in the past, Arkansas legislators were unified in providing more money for schools.

But the session didn’t start with such unity. On Jan. 29, the group A Plus Arkansas, a pro-charter, pro-voucher coalition, held a rally at the Capitol featuring former Florida Gov. Jeb Bush. Among the group’s focuses was House Bill 1040 by Rep. Mark Biviano, R-Searcy, that would have removed control of charter school approvals from the State Board of Education and given it to a newly created commission. The commission would have had the power to take over low-performing schools and turn them into charter schools without input from locally elected school boards. The bill did not define “low-performing.”

Charter schools are public schools granted more flexibility to experiment with educational techniques. Some in the Legislature have been frustrated by what they see as a reluctance by the State Board to grant new charters.

Public school advocates – including ASBA, the Arkansas Association of Educational Administrators, the Arkansas Education Association, Arkansas Advocates for Children and Families, Arkansas PTA, Arkansas Rural Education Association, and the Arkansas Public Policy Panel – responded with a rally the next day, and the fight was on. Eventually, the bill died.

However, Act 509 by Biviano did define the Department of Education, rather than the State Board, as the “authorizer” of charter schools. Under the law, the commissioner will appoint a panel considering all charter school applications. The State Board, rather than considering each application, now can choose to review whichever ones it wants. The department supported that bill.

The debate over House Bill 1040 widened the gap between traditional school advocates and education reformers. Since the Lake View Supreme Court decision requiring school funding to be adequate and equitable, Arkansas has been relatively united in its efforts to improve education and keep the state out of court. Kimbrell said some current legislators are less influenced by the Lake View case and less concerned about judicial involvement in schools than previous ones have been.

Bills involving charter schools and vouchers were hotly debated. Reformers argued that more competition would give parents more choices and would

Continued, next page
force schools to improve, just as competition forces improvements in the business world. Traditional advocates argued that schools don’t operate like businesses, that they are community institutions, and that too much competition would rob traditional schools of necessary resources. ASBA has long supported charter schools when they serve as laboratories where ideas can be tested for implementation elsewhere, but it has opposed sending public money to private schools. As Policy Director Ron Harder said in an interview after the session, “If you opt out, you’ve opted out, and so if we allow an ever-increasing number of people to opt out and take the money with them, what you get left with is a lack of attachment to public education as an institution. And so then what happens to it? What do we do about educating the people that don’t go, can’t go to private schools, charter schools, whatever? It isn’t good for the future of our society.”

An example of the kind of bill ASBA opposed was House Bill 1897 by Rep. Randy Alexander, R-Fayetteville, which would have created a scholarship for students to attend the school of their parents’ choice, public or private, using state per pupil foundation and professional development funding. The bill attracted enough supporters to force Capitol police to close the House Education Committee to additional spectators. However, it ran into problems with the committee because of the change it would have caused to the state’s school funding formula, because of questions about its complying with the Arkansas Constitution, and because of some of its details. For example, while all schools would have been required to administer tests, the state could not have mandated any changes to the educational curricula of a private school. Alexander argued that parents could best make that decision. Another bill, Senate Bill 740 by Sen. Jane English, R-Little Rock, would have established a tax credit where taxpayers could contribute to nonprofit scholarship organizations that would allow economically disadvantaged students to attend private schools.

Farley worries that some of the proposals this session are part of a larger agenda that has gained traction in other states thanks to the influence of the American Legislative Exchange Council, a group supporting limited government that has wealthy and powerful corporate backers. Many of ALEC’s model bills have led to divisive political fights, but according to Farley, “Kids and schools should not be political fodder. They just should not be, and that’s one thing that I think most of us as Americans should be able to agree on.”

Though legally nonpartisan, ALEC is affiliated mostly with the Republican Party. GOP members, in power for the first time in a century and a half, sponsored most of the bills ASBA found objectionable. However, ASBA was able to work with many Republican lawmakers, including Key, who was perhaps the most prolific legislator on education issues. “There are a few others I respect as much as Johnny, but I don’t know if there’s anybody I respect more than Johnny,” Harder said.

Kimbrell pointed to bills that passed with bipartisan support as evidence that there is still plenty of agreement about how the state should progress. Among those was Act 600 by Rep. Mark Perry, D-Jacksonville, which increased from two years to five years the time a district can remain in academic, fiscal or facilities distress before facing consolidation with another district. The bill, originally proposed by ADE, will give the department more time to work with districts to build capacity and leadership, Kimbrell said. ASBA supported the bill.

One factor affecting policy was the high number of educators serving in the Legislature. At least 18 of the state’s 135 legislators – 10 Democrats, eight Republicans – are or have been educators, and another two, including Key, are day care owners. The 20-member House Education Committee had 12 educators. The only occupation with more representatives in the Legislature was the legal profession, with at least 23 members.

Among other major actions passed by legislators was Act 234 by Key and Rep. Jeremy Gillam, R-Judsonia. That act created a tiered award system for the Arkansas Academic Challenge Scholarship, which is funded primarily through the Arkansas Scholarship Lottery. Scholarship recipients attending four-year schools will receive $2,000 their freshman year and an additional $1,000 each additional year for three more years, culminating with a $5,000 award their senior years. Students at two-year schools will receive $2,000 per year. Previously, students received $4,500 for attending four-year schools and $2,250 for attending two-year schools. The new system is meant to encourage
students who are progressing toward their degrees. The proposal was deemed necessary because more students have qualified for scholarships while less revenues than expected have been collected from lottery sales. About $133 million was awarded in 2012-13, with lottery receipts totaling $97.5 million. An additional $20 million was added from state general revenue funds, as was intended when the program was set up. The deficit has been covered using part of an $80 million surplus that accumulated when the lottery started, but that surplus has been dwindling.

Meanwhile, Act 1106 by Rep. Kim Hammer, R-Benton, removes Academic Challenge eligibility if a student completes no college hours their first semester. Shane Broadway, interim director of the Arkansas Department of Higher Education, testified that in 2010-11, 475 students out of 32,000 recipients finished the fall without completing any hours. Eighty completed no hours that year at all, costing the state $325,000.

Legislators also passed Act 1789 by Rep. Mark Lowery, R-Maumelle, allowing home-schooled students to participate in interscholastic activities for their home districts. Lowery argued that home-schooling families pay taxes and deserve to be guaranteed participation in school activities. He also said the measure could build bridges between public schools and home-schoolers. Home-schooled students would be required to be in public school for one period a day. ASBA did not take a position.

The bill originally ran into problems because the Arkansas Activities Association, the governing body for such activities, had already passed a home-schooling policy. However, it permitted rather than required districts to allow participation. The bill also was amended to require students who withdraw from school to refrain from participating in interscholastic activities for 365 days. The purpose of that provision was to prevent academically failing students from dropping out of school in order to continue participating in an activity.

Act 709 by Sen. Joyce Elliott, D-Little Rock, and Rep. Homer Lenderman, D-Brookland, amends the Teacher Excellence and Support System (TESS), passed in 2011. The amendments require evaluations to be done by an in-house administrator, as was the original intent of the bill. Some schools had discussed hiring an outside contractor. It also changed the wording of the original law so that external assessment measures – tests – will be “among” instead of “half” the considerations in a teacher’s evaluation. ASBA supported the bill.

Act 696 by Sen. Jim Hendren, R-Gravette, will rate schools by letter grade on their annual report card. Schools rated exemplary by ADE will receive an “A,” while schools rated “achieving” receive a “B.” Schools rated as “needs improvement” warrant a “C,” those rated as “needs improvement – focus” receive a “D,” and those rated as “needs improvement – priority” will receive an “F.”

Other education bills passed this year included the following.

• Act 146, by Sen. Eddie Joe Williams, R-Cabot, adopts the Interstate Compact on Educational Opportunity for Military Children. The compact is a multi-state agreement meant to remove barriers to success for children in military families. ASBA did not take a position because Arkansas had adopted many of the act’s provisions in 2009.

• Act 328 by Rep. Andy Mayberry, R-Hensley, gives schools the option of offering American Sign Language as a foreign language.

• Act 411 by Rep. Debra Hobbs, R-Rogers, exempts personal contact information of nonelected school, state, city and county employees from disclosure under the state’s Freedom of Information Act. ASBA supported the bill.

• Act 444 by Hammer states that school districts must give military veterans hiring preferences when they are substantially equal to other applicants.

• Act 576 by Hobbs requires schools to observe one minute of daily silence for students to reflect, pray or engage in a silent activity. ASBA was neutral.

• Act 585 by Rep. Les Carnine, R-Rogers, establishes the Council on Post-secondary Education and Career Readiness (CPECRA), which will operate under the Arkansas School Boards Association. ASBA supported the bill.

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ness. The 12-member group is supposed to facilitate collaboration between different education levels in order to align public school standards with college and employer requirements. ASBA will have a representative on the panel.

- Act 601 by Elliott creates districts of innovation where schools can request exemptions from regulations so they can apply new teaching methods. According to Harder, the process is designed to give schools flexibility without having to undertake the charter school process. Also, unlike charters, the process can be initiated and led at the school level rather than the district administrative level.

- Act 901 by Hendren funded a pilot program for four school districts, one in each of the state’s congressional districts, to receive up to $5 million to obtain and operate school buses powered by compressed natural gas.

- Act 969 by Rep. Jon Eubanks, R-Paris, reduced state requirements for teacher professional development in order to give districts more flexibility. Teachers are required to receive 60 hours of professional development each year. However, districts have been having trouble finding time for TESS and Common Core-related development amidst the growing number of requirements that had been tacked on by legislators through the years. ASBA supported the bill.


- Act 1039 by Sen. Jake Files, R-Fort Smith, allows school districts to disclose certain employment information about job-seeking employees to prospective new hirers. Previously, such information could be shared only with an employee’s consent. ASBA supported the measure.

- Act 1081 by Key amended the Arkansas Comprehensive Testing, Assessment and Accountability Program to end the high-stakes exam and end-of-course assessment requirement. The act was needed so that Arkansas can start using assessments associated with Common Core. ASBA supported the bill.

- Act 1274 by Perry allows an election so that part of a school district can detach from the rest if enough voters sign a petition. The motivation for the bill was to allow Jacksonville to separate from the rest of the Pulaski County Special School District. ASBA supported it.

- Act 1294 by Elliott requires all public school students in grades K-2 to be screened for dyslexia and related disorders.

- Act 1322 by Key reinstated the distinction between excused and unexcused absences, which had been done away with in 2009.

- Act 1329 by Sen. Linda Chesterfield, D-Little Rock, requires the Department of Education to report racial disparities in disciplinary actions to the State Board of Education and to all school districts starting in 2014. It also requires ADE to identify districts reducing the disparities.

- Act 1440 by Sen. Denny Altes, R-Fort Smith, allows schools to teach the Bible as an academic course. Schools already do that, but this codifies it in state law. ASBA was neutral on the bill.

- Act 1446 by Rep. David Kizzia, D-Malvern, allows the Arkansas Teacher Retirement System, starting July 1, 2015, to increase the amount charged to districts and other employers. The amount could increase by 0.25 percent from the current 14 percent employer-contribution rate if the retirement system’s actuary projects the system’s payback period exceeds 30 years.


- Act 1480 by Rep. Nate Steel, D-Nashville, prohibits employers, including schools, from requiring or requesting an employee or prospective employee to disclose their user names and passwords for their social media accounts.

Among the major bills not passed was Elliott’s Senate Bill 915, which would have made undocumented immigrant
students eligible for in-state college tuition rates. It failed in the Senate Education Committee April 10. It would have provided those rates to students who have been attending Arkansas schools for three years and have an Arkansas high school diploma or G.E.D. In 2005, Elliott sponsored a similar bill as a state representative that passed the House but fell one vote short in the Senate.

Alexander’s House Bill 1938 would have placed a moratorium on consolidations based on schools falling below the current 350-student district minimum until April 30, 2015. It would have allowed the state to force a reorganization only if a district is found to be in academic distress, fiscal distress, or failure to comply with state accreditation standards. Attorney General Dustin McDaniel and Kimbrell testified that removing the 350-student minimum could open the state up to litigation because the school funding system is based on that number. The bill failed in the House.

House Bill 1912 by Rep. Charles Armstrong (D-Little Rock), would have created a route-based formula for funding school transportation costs. Current funding is based on the number of students in a district irrespective of how much it costs to transport them. The bill would have meant that about one-third of the state’s districts would have seen a drop in state funding.

That led to concerns among opponents, including the Department of Education, that the bill would affect adequacy funding. ASBA’s Harder testified that creating a route-based formula would be too limiting.

Instead, Harder said the Legislature should undertake a comprehensive review of transportation requirements and funding.

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**School choice overhaul passes**

New law takes race out of consideration, but provisions address concerns of return to state’s segregated past

By Steve Brawner

School districts across Arkansas will be able to accept – or lose – students regardless of residency or race this upcoming school year. But the state’s new school choice law will limit transfers to three percent of a district’s student population and will sunset in two years so the state can reconsider if it is leading to racial resegregation.

Meanwhile, questions remain about how the law will be implemented.

Act 1227 by Sen. Johnny Key, R-Mountain Home, chairman of the Senate Education Committee, removes the race-based provisions of the state’s old school choice law that a district court found unconstitutional last year. Under the Arkansas Public School Choice Act of 1989, nonresident students could not transfer to a district where there was a higher percentage of the student’s race. The provision was meant to prevent white flight.

When a group of parents in the Malvern School District sued over that provision, the district court ruled that it violated the U.S. Constitution’s 14th Amendment equal protection guarantee, effectively ending school choice in Arkansas. The state awaited an appeals verdict by the Eighth Circuit Court of Appeals, but with the next school year approaching, lawmakers believed a legislative remedy was needed.

Act 1227 no longer takes into account a student’s race, but, to address concerns about resegregation, it caps transfers from a district at three percent of its average daily student population. Sibling groups count as one unit. It will require the Department of Education to collect transfer data, and it will expire on July 1, 2015, forcing the Legislature to revisit the law. It also allows the state’s 16,000 currently transferred nonresident students to stay in their new districts.

Continued, next page
Questions remain about how the law will be implemented. Passed near the end of the session, a number of details weren’t resolved. ASBA Policy Director Ron Harder said May 14 at the annual Joint Leadership Conference for ASBA and the Arkansas Association of Educational Administrators that he had spent the previous two weeks working through its complexities. “It is convoluted legislation,” he said. “It has many issues that either contradict, aren’t clear, or are simply unanswered.”

The law allows exemptions for school districts that are under a desegregation order but requires those districts to declare their exemptions April 1 of each year. Because it was not passed until after the date, the Department of Education gave districts until May 17. Twenty-two districts said they were exempt: Arkadelphia, Blytheville, Camden Fairview, Cutter Morning Star, Dollarway, El Dorado, Forrest City, Fountain Lake, Helena-West Helena, Hope, Hot Springs, Jessiefville, Junction City, Lake Hamilton, Lakeside - Chicot County, Little Rock, Marvell-Ellaine, Mountain Pine, Pulaski County, South Conway, Stephens and Texarkana.

However, according to Dr. Tom Kimbrell, the state’s education commissioner, there’s no official list of schools that are actually under a desegregation order, so a lawsuit is required to resolve a dispute. Families in Blytheville have already sued.

Kimbrell said districts will struggle to stay within the three percent limit because students will be choosing in and out of a variety of schools at the same time, meaning districts won’t know exactly where their numbers are day to day. The legislation requires the resident district to inform parents that they can transfer but does not require the receiving district to be informed. Harder said ASBA is advising districts to accept new students only provisionally until they ensure they are not running afoul of the limit.

Among the competing proposals was Act 1334 by Rep. Kim Hammer, R-Benton, which, unlike Act 1227’s comprehensive approach, simply “grandfathered” existing school choice transfer students into their new districts. Some, including the Arkansas Department of Education, would have preferred that limited approach until the Eighth Circuit ruled on the appeal. That was ASBA’s position, although the association did not testify in committee.

The Eighth Circuit has requested legal filings regarding whether or not the issue is now moot because of the passage of Act 1227.

Key’s bill originally allowed unfettered school choice options except when a district was under a desegregation order. However, opponents argued in testimony that such an open choice law would result in rapid resegregation in parts of Arkansas. Those included Dr. Bob Watson, superintendent of the El Dorado School District, and Dr. Jerry Guess, superintendent of the Pulaski County Special School District. Watson said in spoken and written testimony that race was the most important factor in student transfers in his majority-minority district. Some white parents, he said, were willing to forego the El Dorado Promise providing college scholarships to the district’s students. “You’re going to have to make that classroom whiter, or I’m leaving,” one parent told him.

Another superintendent, Chester Shannon of Jackson County, testified in favor of the bill.

The debate pitted two competing values – the right of parents to send their students to the best available school, and the state’s interest in preventing racial resegregation. Sen. Alan Clark, R-Lonidale, argued that families who can afford to move to other districts already do so. A law with strings attached would leave only poor families unable to transfer their children to better schools, he said.

The debate also included competing legal theories. In testimony before the Senate Education Committee, Jess Askew, the attorney for the Malvern parents, said that including any kind of race-based provision in a new school choice law would land the state back in court. Askew argued that the state can’t prevent people from choosing where to live based on racial considerations and, likewise, can’t prevent people from choosing where to send their children to school. “I will tell you that the Malvern case was the easiest lawsuit I’ve ever had,” he said.

But Alan Roberts, an attorney who filed a friend-of-the-court brief on behalf of the El Dorado and Camden-Fairview school districts, disagreed. He said actions that have the foreseeable effect of causing segregation make the state vulnerable to lawsuits even if the state does not intend for that to happen. Moreover, he said that the state’s previous school choice law has been cited as a pro-integration action in court cases.

Aside from Hammer’s bill, there were numerous other proposals. For example, Senate Bill 114 by Sen. Joyce Elliott, D-Little Rock, would have allowed non-resident student transfers, but districts could have opted out of the entire school choice system if they feared their participation would lead to racial resegregation regardless of whether or not they were under a desegregation order.

ASBA’s Harder said Key’s willingness to compromise helped ensure Act 1227’s passage.

“He probably could have, at least on the Senate end, he could have pushed it through four weeks into the session, and instead, he did listen, he did address, he tried to take everybody’s concerns into consideration and amended his bill in a way that at a minimum, it made it very hard to argue against it,” Harder said.
Perhaps more than any legislative session in recent memory, this year’s meeting of the General Assembly brought forth numerous bills that would have had devastating financial, operational and governance consequences for our schools. Throughout the session, ASBA staff kept board members informed of critical issues and often asked them to contact legislators about proposed issues. I cannot emphasize enough how much impact school board members’ advocacy efforts had during the session.

Our legislators are lay people who are expected to make important decisions about hundreds of bills, and they need to hear from those closest to local schools so that they can understand the potential effects of their votes. Thank you for your efforts during this session, and please be assured that your voice matters.

I must acknowledge the tireless efforts of Ron Harder and other members of ASBA’s legislative team: Dan Farley; Dr. Tony Prothro; Kristen Gould; Mickey McFatridge; Diane Vibhakar; Connie Whitfield; and Suellen Vann. Ron leads the advocacy efforts for ASBA, and his attention to detail and willingness to put in long hours seven days a week during the session should not go unrecognized.

As we enter the summer months, I wish to encourage school boards that will welcome a new superintendent soon to consider an orientation and transition strategy.

You’ve heard that you get one chance to make a good first impression; well, the same holds true for getting off on the right foot with superintendent and board relationships. Be thoughtful in developing a process to help the new superintendent to get up to speed quickly on district issues. Introduce him or her to community, school and parent group leaders. These activities will help your new superintendent to become a productive leader more quickly.

In closing, I send the board’s best wishes to Dan Farley on his coming retirement and thank him for his service.

by Maxine Nelson
President

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School elections still in September

Proposed November vote defeated in House; other school board measures pass

By Steve Brawner

As always, school boards were the subject of numerous bills debated by the Legislature.

And as in recent sessions, there were attempts to move school board elections from September to November. Senate Bill 587 by Sen. Eddie Joe Williams, R-Cabot, passed the Senate 26-8, but it failed in the House, 32-42. House Bill 1357 by Rep. Allen Kerr, R-Little Rock, originally would have moved millage and school board elections to November. Amended, it would have confined millage elections to the current September elections, to November, or to the May primaries. That bill passed the House, 68-22, but never got a vote in the Senate.

ASBA opposes limiting the times school boards can request millage changes and has long opposed moving school board elections to November. Holding elections in November means newly elected members wouldn’t take office until well into the school year, close to the time when they must evaluate the superintendent’s job performance. School board members are local officeholders whose elections would get lost at the bottom of a long general election ballot, ASBA believes. Unlike other officeholders, school board members are unpaid, so it would be hard to financially justify spending their own money on a campaign, as other officeholders do. “It’s political enough already as it is,” said Dr. Tony Prothro, ASBA’s incoming executive director, at the Joint Leadership Conference of ASBA and the Arkansas Association of Educational Administrators May 14. “Let’s keep it to where it’s about the kids and not about the party, not about the affiliations that come with this.”

Proponents of moving elections say it would improve low voter turnout, but ASBA Executive Director Dan Farley said all voters have the chance to vote in September. The September date means decisions are being made by patrons interested in schools rather than general election voters simply marking a name on the ballot, he said. “If I thought that moving the election to November would have no impact on schools, then I probably wouldn’t have been so vociferous in my opposition to it,” he said. “But I know differently.”

Moving the elections also causes practical and constitutional concerns. School district boundaries are different than other political boundaries, which would make elections difficult to administer. For that reason, the county clerks oppose a move. In an attempt to address that concern, Senate Bill 587 would have allowed school board elections on a separate ballot. But Article 14, Section 2 of the Arkansas Constitution says school funds can’t be spent for any purpose other than that for which they were collected, which means schools can’t be charged for the cost of a general election. Voting on the same day would make it impossible to prevent co-mingling school and general election funds.

Conspicuously absent this year was the usual effort to make school board members (but not legislators) subject to a recall election. The subject was brought up by Rep. John Walker, D-Malvern, in a shell bill – one with a title but not much else – but that bill was never finished or discussed. Another shell bill by Walker would have eliminated school boards entirely.

Perhaps the most important school board-related bill that passed was Act 559 by Sen. Johnny Key, R-Mountain Home. Initiated by ASBA, it made a
number of changes to state law regarding school board meetings. Under Arkansas state law, school boards are required to meet when patrons request it via a 50-signature petition. Act 559 requires the petition to state the purpose of the meeting so that provision isn’t abused. Under the previous law, one particular district was being forced to host numerous meetings because a patron was having citizens sign multiple blank petitions.

Among its other provisions, Act 559 also requires superintendents to notify school board presidents of written requests to be placed on the board agenda and to give a recommendation on that request at least five days before the regular monthly meeting. It also requires that board members must be physically present at board meetings to be counted for purposes of a quorum. If a member leaves a meeting because of a conflict of interest, he or she will not be considered present. ASBA supported this provision because it was possible for a minority of the board to make decisions if enough members were absent and enough of the rest abstained.

Act 559 also clarified that school board and school board committee meetings not dealing with personnel may occur at any time on any day and that school board meeting minutes must include a record of the members present and a record of the outcome of the vote.

Other school board-related bills passed by the Legislature include Act 558 by Key. Proposed by ASBA, it specified that school board members may serve only one term as a holdover. A holdover occurs when a member does not run for re-election, but no one runs for the seat and the member simply remains in office. Act 968 by Rep. Debra Hobbs, R-Rogers, changed the deadline for school boards completing a rezoning following a U.S. census. Under the act, boards must complete the rezoning at least 100 days prior to the second board election after each census instead of 90 days. Act 1120 by Rep. Gary Doffenbaugh, R-Van Buren, requires school boards to review and approve school employee pay raises of at least five percent. ASBA opposed that bill because it was too broad. In some cases, systemwide policies could lead to large numbers of staff members qualifying.

ASBA successfully opposed a bill by Rep. David Kizzie, D-Malvern, that would have removed the education commissioner’s oversight of school board decisions regarding employment and vendor contracts with board members and their families. ASBA staff attorney Kristin Gould testified against the measure. It failed for lack of a motion.

House Bill 1939 by Rep. Charlotte Vining Douglas, R-Alma, would have required school boards to reserve a place on their monthly agendas for the district’s personnel policy committee. The bill passed the House but failed in the Senate. ASBA opposed the bill.

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Joint Leadership Conference

Threats – to school security, and to schools in general – were the theme of the annual Joint Leadership Conference bringing together ASBA and the Arkansas Association of Educational Administrators May 14.

After attendees were updated on this year’s legislative session, where schools faced challenges but ultimately received small funding increases, speakers discussed looming trends. Dr. Tom Kimbrell, Arkansas’ education commissioner, said budget numbers have been largely flat in recent years and face challenges moving forward. “By the end of 2015 fiscal year, the state of Arkansas’ Department of Education will be in fiscal distress and will have to be consolidated with Mississippi or Louisiana,” he joked.

Among his topics was the National School Lunch Act, which is expected to provide $203 million in federal funds next year to schools based on students receiving free and reduced price lunches. This year’s legislative session featured a difficult conversation about changing the current funding formula, which makes no distinction between students eating free and those paying reduced prices. Students receiving free lunches score 10 percentage points below their reduced price counterparts, leading some to argue that money should be weighted more in their direction.

School districts currently have broad leeway on how to use NSLA money, but some in Little Rock are looking for measurable results and will expect that money to be targeted to programs that work, Kimbrell said.

“I will tell you there are legislators, there are policymakers, there are State Board members who are looking at that $203 million and thinking, ‘That’s a lot of money, and is there enough evidence to keep funding it at that level?’ Because that’s a lot of tax cuts,” he said. “That’s a lot of money for money for other agencies, and I’ll be honest with you, the Department of Education, among the agencies in the state, is the black sheep because we always get the funding we need to support the work that you do, and prisons and jails and colleges and universities don’t always get that. So there’s become an attitude in the Legislature of, ‘They’ve always had it their way. They’ve always gotten money. It’s time for others to get their hand into the till.’”

The conference featured speeches by Dan Farley, ASBA’s outgoing executive director, and Dr. Benny Gooden, Fort Smith superintendent, about state and national trends affecting public education. Both used their speeches to discuss efforts by national education reform groups that they said would undermine public education.

In his last address as executive director, Farley said groups such as the American Legislative Exchange Council, or ALEC, are pushing an agenda meant to undermine public confidence in the nation’s school system so it can be transformed into a for-profit enterprise benefiting ALEC’s backers. The efforts are well-funded and well-coordinated state by state. In Georgia, for example, ALEC pushed a broad charter school expansion proposal through the Legislature and then convinced voters to pass a constitutional amendment despite the efforts of opponents such as the Georgia School Boards Association.

Farley said the same thing has begun happening in Arkansas.

“Most of us grew up in public schools and were well taught in those public schools
“I look around every day, and most of the people I deal with are products of public education. I am proudly a product of that, and I have fought for it most of my adult life. The kind of stuff I’m seeing right now gives me more trepidation and more concern than anything I have seen in all my years working for public education as a teacher, as a reporter, as a communications director, and 34 years with the School Boards Association.”

Gooden, the president of the American Association of School Administrators, echoed that theme as he listed a broader group of reform-minded organizations whose message could be distilled into six words: “Bad teachers, bad schools, broken system.” He said that the backers of these groups want access to the $600 billion that is spent each year on public education.

“So do we privatize the schools, or is it a scheme to profiteer from the schools?” he said. “You can’t make a profit teaching hard-to-teach children. That’s not a profit venture. Why is it that the people who set up these niche charter schools have a narrow slice that they want to attract? It’s not the hard to teach.”

The session concluded with a panel discussion featuring representatives from four districts discussing various approaches to school safety. Among them was Steve Anderson, superintendent of the Lake Hamilton School District.

Anderson is one of several members of his staff with a commissioned security officer license, meaning they can legally carry guns on campus.

The rural district’s previous superintendent registered the district as a private security company about 25 years ago, and the licensed staff members have undergone extensive training. Anderson said that, in the event of a shooting, it could be 15-20 minutes before law enforcement arrives, so his district wants to be prepared to respond. He has worn his sidearm five times in 12 years, including twice after last year’s Sandy Hook shootings to calm a nervous school population.

Anderson emphasized that his district’s solution isn’t for everyone and that whether staff members should carry a gun depends on the local community. Panelist Nancy Anderson (no relation), superintendent of the Cutter Morning Star District, said she and staff members also will be licensed. If there is a shooter, she said, “I’d prefer to have something besides pencils to throw at them.”

Two school administrators described recent school lockdowns that occurred when campuses faced the threat of an active gunman. Shawn Cook, superintendent of the Lakeside - Hot Springs School District, said his school spent about three hours in active lockdown when a gunman was spotted heading toward it and then hid in some nearby woods. Parents were alerted not to come to campus, and staff members communicated by walkie-talkies – which he said was vital – while teachers kept students locked in their rooms. Meanwhile, Clarksville was forced to undergo a reverse evacuation at the worst time of day: 2:59 p.m. Buses were gathering and parents had already arrived to pick up their children. Students were led to safety and the situation resolved itself.

Act 484, which was passed by the Legislature this year, requires school districts to conduct annual training to respond to acts of school violence. Scott Spainhour, superintendent of the Greenbrier School District, said his district learned a lot during a recent active shooter drill, including the fact that hallways need to be marked so they can be readily identifiable via closed-circuit cameras.
The Old Testament book of Ecclesiastes says that “to everything there is a season,” and for Dan Farley the season of life dedicated to ASBA is ending after 34 years with the organization and 14 years as executive director.

Report Card sat down with him on May 2 in his office to discuss where ASBA has been and where public education might go in the future. Weeks after a hectic legislative session had ended, his books were still on the bookshelf, and the walls were still decorated with artwork from his home away from home, Santa Fe, New Mexico, from which he had recently returned.

But the packing and moving would come soon because he had no intention of stretching this season beyond its bounds. He had sought out his successor, Dr. Tony Prothro, and spent a year grooming him for the job. He already had immediate plans to take care of long-neglected projects around the house. He was thinking of what he would do next in life.

In other words, he was ready. But like any man leaving his life’s work, not completely ready.

“Mixed emotions, obviously,” he said. “I’m happy that I’m leaving – not that I’m happy to be getting away from here, but it’s time. It’s time for someone else with new ideas and better energy than I have. I feel like I’ve accomplished a great deal while I was here, and I can be proud of that. And it’s taken me a long time to be able to even say that out loud, but I am.”

Dan’s path to this point might be traced to the seventh grade, when he was a student at Heber Springs. A teacher and school librarian, Elizabeth Chesbro, who also had taught his father, took an interest in him. He worked with her for six years as a librarian’s assistant and also studied world history and French under her.

She was, he said, “the single best teacher I ever had and ever saw work. She was amazing, and she liked me, obviously. She spent a lot of time with me. She was my confidante and my mentor and my great encourager, and she opened my mind to a whole lot of things that without her wouldn’t have happened. And I think that that probably was the inspiration for me to be involved in whatever aspect I could be with education. She changed my life.”

After graduating, Dan attended Hendrix College, where he was majoring in English and speech when one day he was struck by an epiphany: Everything is connected in some way. The more he thought about it, the more he decided that he needed to teach, and so absent a
teaching credential, he began applying at different schools and was accepted to teach journalism and speech in a below-ground classroom at a high school in Clarksville, Texas. It was an educational experience of its own. “I learned probably far more than I taught that year,” he said. “But it was such joy when you’re teaching something and you see the lights go on in someone’s eyes.”

Convinced he needed to work with younger children, he became interested in the Montessori teaching method and was accepted into a one-year institute in India, for which he sold his car and endured more vaccinations than he cares to remember. That dream ended when he learned he was only guaranteed a six-month visa for the 12-month program. With a little money in his pocket and all the shots he would need to go anywhere, he instead took some time to travel through Europe with friends.

Once that was out of his system, he returned to the United States and went to work for the Arkansas Democrat newspaper. It would be his only job in his career not connected to public schools, and even then the connection would be indirect. Expecting to be a copy editor, he instead covered general news and then was assigned to the education beat.

That position led him to become communications director for the Pulaski County Special School District, where he spent five years. The job was going well until the board split down the middle, 4-4, and could accomplish nothing. Dan sat through board meetings lasting from 7 p.m. until 7 a.m. and then had to communicate what was happening with the public.

Desperate to get out of the situation, he accepted a $3,000 cut in pay in 1979 to go to work for ASBA as its publications director under the association’s then-executive director, J.K. Williams. At the time, ASBA had only three full-time employees. The job entailed few responsibilities beyond publishing what became The Reporter, the forerunner to Report Card, so he found other ways to keep himself busy and eventually was named assistant executive director. He insisted that Williams let him organize the annual conference, which he expanded from 1.5 days to 2.5 days, added new sessions, and organized an exhibit hall.

After years as a staff member, Dan attended a weeklong session with the Arkansas Leadership Academy, which develops leaders in education. The experience, he said, “was transformative for me. When I left there, I was thinking differently about everything than I had before I came. ... I remember the day I left there. It started on Sunday. It ended on Friday, Friday afternoon. I was driving back to Little Rock, and I remember having, for the first time, the conscious thought that I needed to lead this organization.”

That would happen soon. J.K. Williams had retired and been replaced by Tommy Venters, whose resume included a stint as director of the Arkansas Department of Education. When Venters decided to retire in the early fall of 1998, Dan was one of seven who applied to replace him. ASBA’s board of directors narrowed it to three and asked each to submit a vision of the organization. Some have since told Dan that his vision – he knew exactly what he wanted to do – earned him the job. He was promoted on Valentine’s Day of 1999.

Over the next few years, Dan would accomplish most of his pent-up goals. He beefed up training and made it more relevant, worked with boards to help them understand the importance of community engagement, and hired Ron Harder, a former school board member from Alread, to create a model policy service for school boards. He and others with ASBA talked to 1,000 school board members and superintendents to create standards that are still used today. He created a school board academy modeled after the Arkansas Leadership Academy that brought entire boards together for a free institute. Seventy people, including members from eight boards plus the ASBA board, attended the first in Fairfield Bay. “It was a
Dan Farley retires

“screaming success,” he said. “I couldn’t have been prouder of anything in my life.”

One of his greatest accomplishments occurred on April 4, 2002, when Speak Up, Arkansas! brought almost 6,000 Arkansans to 90 locations, at least one in each county, to talk about the future of education in Arkansas. A youth group had met earlier.

The idea was Dan’s, and it came about as a result of his work with the Arkansas Blue Ribbon Commission on Public Education. Created by the Legislature in 2001, the commission was designed to help lawmakers respond to the Lake View school funding case. Courts were being asked to decide if Arkansas was obeying the state constitutional mandate to provide “a general, suitable and efficient system of free public schools.” They later decided that it wasn’t.

At the time, some members of the commission suggested public hearings around the state to involve average citizens. But Dan, who had covered all the meetings of the commission’s communications committee for ASBA, was opposed. Those too often just turn into shouting matches with a lot of talking, little listening and no connecting, he argued. Instead, he wanted to incorporate the study circles process he had been using while working with an advocacy group called Arkansas Friends for Better Schools. Through study circles, a facilitator guides small groups in a dialogue leading to recommendations. At first, members of the commission were doubtful, so Dan enlisted Dr. Kathy Morledge, ASBA assistant executive director, and the late Paula Cummins with the Arkansas Leadership Academy to facilitate a study circle involving members of the commission. Some who walked into the meeting with their arms crossed soon were engaged in the discussion, and the idea had their full support.

Speak Up, Arkansas! was covered live by both KATV and AETN and resulted in hundreds of recommendations being made to the Blue Ribbon Commission. More important was the sense of ownership and community involvement it fostered throughout Arkansas. Dan couldn’t be there because he was attending a National School Boards Association annual conference in New Orleans, where a board member was seeking a national office, so instead he collected a $90 internet bill watching the event online from the hotel. The next morning, his fellow state directors asked him what had happened in his state.

Making Speak Up, Arkansas! happen was a monumental accomplishment requiring the efforts of hundreds of people, but it wouldn’t have happened without Dan. According to Morledge, when he suggested the idea, the staff’s initial response was, “Seventy-five counties?” But, she said, “We all believed in Dan, and if Dan said it could happen, we just said, ‘OK.’ Yeah, we believed in the vision, and he was a leader that we could follow.”

Perhaps Dan’s greatest legacy is the staff he has built. When he first joined ASBA, he was one of only three full-time employees. That number increased before he became executive director and has expanded in the years since then so that he’ll leave behind a staff of 21. The workers’ compensation program that once caused ASBA so much trouble now involves a competent staff of nine led ably by director Shannon Moore.

Dan couldn’t be there because he was in a prime spot in Little Rock with ample space for offices and professional development classes. It paid $1.3 million in cash for the building and owes nothing. He credits Deborah Newell, ASBA’s finance director, for managing a tight ship. “She has been the financial advisor every organization needs. Her work behind the scenes has enabled much of the other work we have done,” he said.

Numbers alone do not tell the whole story. The staff enjoys a family atmosphere where issues are discussed in open meetings, sometimes passionately, but problems are minimized because everyone adheres to certain principles. Among them is “Say it here, say it now” – in other words, make your point as the decision is being made instead of grumbling about it later to a co-worker. Together, Dan and the staff created three filters through which every question is run. First, is it good for kids? Second, will it help to build an education ethic? And third, is everyone held appropriately accountable? Dan’s personal contribution was the second, but he doesn’t take credit for any of it.

“None of this would have happened if I hadn’t had the right chemistry here,” he said. “And it’s not like I’ve got a group of people who are all ‘yes men’ to me because that’s certainly not the case.
They are very independent thinking people who will bring different points of view to the table, and the beauty, if there is such, about what we’ve done is how we will take those points of view and keep hammering on them until we can all embrace them. You know, merge them in whatever way we can. Once we’ve done it, we own it. And that’s been the secret – if there is a secret – that’s been the secret to the success we’ve had.”

Angela Ellis, a staff assistant who has worked for ASBA full-time since January 1985, said Dan always tried to be fair with his employees and tried to point out the positive in every situation. After working together 28 years, she said he is much more than a boss to her.

“Dan has been through a lot of the highs and lows in my adult life,” she wrote in an email. “He has been with me through the death of all of my grandparents and my nephew; a lot of my mother’s illnesses; my marriage and the birth of my son. He has been around just as much as any of my family members.”

The past few years have changed education in Arkansas. The Supreme Court’s Lake View decision forced the state to fund K-12 public education before all other priorities and to make sure those dollars were distributed equitably. Meanwhile, the federal No Child Left Behind law, flawed as it was, led to a new era of accountability in education. Arkansas enjoyed years of relative unity when it came to public school policy. While other states were cutting education spending, Arkansas was spending more.

Those changes also brought with them a loss of autonomy for local school boards as decisions were moved to the state and federal levels. Some question whether there is still a need for school boards, and in this past legislative session, a bill was filed to do away with them, though it was never introduced. However, Dan still sees school boards playing an important role in American education by instilling a sense of local ownership in schools and by setting the tone in the district and the community. As he leaves the profession, he hopes school board members remain relevant by adjusting to changing times.

“I would hope that they keep their eyes wide open and their hearts open to making changes that need to be made and not fighting those changes,” he said. “When I see districts that are moving toward using technology in meaningful ways for kids, it forces the adults to stop thinking about school as it was when they were in school.

“I think that’s a huge problem that we have. One of the things that I often say is that because most everyone went to public school, a lot of people think they’re experts on public schools because they went. But their recollection is what they keep in their head of what it was when they were there, and so their expectations are similar to their memories, and that can’t work.”

This past legislative session was perhaps the most frustrating of Dan’s career. One hotly debated bill would have created an independent commission to take over failing districts and turn them into charter schools, while other bills would have directly or indirectly introduced vouchers for public schools. Many of these bills were inspired by outside interest groups that have introduced similar agendas in other states. ASBA and its allies were able to defeat all of the most unacceptable bills, but the tone of this session was more divisive than in years past and was at times personal. For Dan, it called to mind childhood lessons learned attending a racially diverse school in Arizona before returning to Arkansas, which at the time was still segregated.

“What I learned about education for me and looking around me was that it was the great equalizer,” he said. “It was the one thing that brought us all together. It allowed us to share our history and our cultures with one another, and we all saw that there was a common good, and I think that we’ve swerved away from that in so many ways. The bills introduced in this session that would have sent public dollars to private schools, I think that’s wrong. We’ve come so far in the past decade in this state. I worry about taking us back and not continu-
Dan Farley retires

“I don’t think there’s words in the English language to describe what he’s meant to the process of education and being an advocate for public schools. I don’t think there’s ever been anyone that has brought advocacy to public education any more than Dan Farley has. He’s always been the consummate supporter of local control. But he’s always held school boards accountable.”

Dr. Tom Kimbrell, Education Commissioner

“Dan is a visionary, and he’s a passionate visionary. He is someone that, once he gets that vision, and he shares it with all those around him, there’s just no stopping him. He’s going to go there, and he’s going to take everybody with him. He’s a great boss.”

Dr. Kathy Morledge, former employee

“He’s incredible as a boss. He’s a great boss. Dan is a visionary, and he’s a passionate visionary. He is someone that, once he gets that vision, and he shares it with all those around him, there’s just no stopping him. He’s going to go there, and he’s going to take everybody with him. He’s a great boss.”

Sis Henry, executive director, Georgia School Boards Association

“People respect him highly. You know, the thing about Dan is that Dan’s not flashy. Dan may not be the guy that’s out there beating his chest and leading the parade, if that makes sense. He’s very quiet and he’s soft-spoken, but if Dan gets fired up and when Dan’s ready to talk, people listen to what Dan has to say.”

Wayne Gibson, former ASBA president

“Dan’s a man of integrity, a man of his word, and I’ve appreciated that. I just have appreciated his friendship over these years.”

Dr. Paul Hance, ASBA past president

“One of the greatest cravings of the human soul is to be noticed. In my time spent with Dan, I couldn’t help but notice he always addressed whoever he came in contact with by their name. If you call someone by their name, it means you know their name – which means you’ve noticed them! It may sound simplistic to most, but the respect Dan shows through taking notice of those whom he encounters is why he will always be tops in my book.”

LAST SPEECH. Dan gives his last address as ASBA executive director during the Joint Leadership Conference with the Arkansas Association of Educational Administrators May 14.

ing to push forward. I never dreamed I’d live to see the kinds of things that I have come to see in these past few years in Arkansas. The stats, the numbers. Instead of being in the bottom 10 percent in everything, we’re now in the top 10 percent in so many different indicators.”

Dan, who will turn 64 on July 4, began preparing for his departure four years ago when he approached Prothro, then Benton superintendent, about someday taking over the job. Prothro has apprenticed for the organization for a year as assistant executive director. “I’m quite comfortable that he’s the best person for the job,” Dan said. “I’ve enjoyed this year working with him side by side. I enjoy his energy, and he kind of reminds me of what I was like a little bit 20 years ago. I don’t have that energy anymore, and the organization needs that.”

Prothro said working as assistant executive director for a year has given him insight into leading the organization that he wouldn’t have gotten otherwise, and Dan has always been ready to answer his questions. Still, filling those big shoes won’t be easy. “Dan is the living book of knowledge of ASBA with 34 years of experienced history,” he wrote in an email. “When you think of ASBA, you think of Dan Farley. His knowledge of the history and purpose of ASBA is unparalleled. He has set up a definitive organizational structure with the staff and the ASBA board. He has a familiarity, acceptance and ease with the staff and ASBA board that has endured throughout his tenure. It will be a challenge as the new director to transition into the role of such a well respected leader.”

For Dan, preparing his successor has been relatively easy. Preparing himself for some of the emotions of leaving has been a little more difficult. This past annual conference was his last, and he was moved to tears by the response he received from attendees after he spoke to them the last time on Dec. 6, 2012. This was no “Thanks for your service; here’s your gold watch” moment. Nearly every past president of ASBA and many beloved current and former staff members were there. The audience showed genuine appreciation.

That night, some of his closest friends and associates – the ones who had stood by him and with him through the years – held a surprise reception for him at the Capital Hotel, where the tears flowed a little more freely. “It was pretty overwhelming to me at the time,” Dan said,
The 9-10 weeks of summer break is a great time to take care of these repair projects, which could otherwise cause disruption during the normal school year. Crafton Tull has years of experience working with school districts to design such projects. **We can develop plan documents and specifications for bidding and construction by a contractor in a short turnaround time.**

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“and something I will always treasure. ... I was taken aback by it, for one thing, and then when I looked around the room and saw who was there, I was just dissolved.”

After 34 years of nearly nonstop ASBA activity, Dan isn’t sure what the future holds. First on the agenda is finishing some long neglected work on his house. He’ll visit Santa Fe from time to time. He plans to continue serving on the AETN Foundation Board and is looking for other voluntary opportunities, perhaps with the Thea Foundation, an arts in education advocacy group. He might work with schools in some way. He plans to write, but not necessarily about education.

Certainly, there will be time to reflect on what ASBA has become under his leadership and where it is going now. He’s told Prothro that he’s ready to help whenever called, but he doesn’t want to hang around and undermine Prothro’s authority.

Still, no one will mind if he comes to the office, which he made sure was bought with no debt, to visit the people he hired, who will always consider him more than a boss. After 34 years, ASBA is more than a job. It’s even more than a calling. It’s home.

“I’ve built a staff that I think is superior to any other group I’ve ever worked with before,” he said. “Each of them has such terrific strengths that they bring. So I wouldn’t even dream of taking credit for it solely. I take the credit for picking these people and hopefully giving them the freedom they need to do their job well. And that’s who I’ll miss – I’ll miss the people. And I’ll miss a lot of the people out there in the state that I’ve come to know and work with over the years.

“But, you know, all good things must come to an end, and it’s time for me to do this. I want to have a few years to call my own, and it just seemed that the time was right.”

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**Dr. Tony Prothro, Incoming ASBA executive director**

“Dan’s most admirable trait is his genuine care for people. Dan is one of the most giving people I have ever known. He frequently and graciously gives to various charities and non-profit organizations and does it with a true heart while not asking for recognition. He expresses genuine concern for co-workers and others with whom he comes into contact. He has made numerous friends who will always echo to Dan’s gracious personality and giving/caring nature. Most simply put – Dan is a good person.”

**Paulette Walker, longtime assistant**

“I think the staff just learned to love him. He’s so kind-hearted, and he always put his staff first before himself, no matter what it was. ... He’s probably the best leader that I ever had and worked with, and (there will) always be a very special place in my heart for him. He knows that, too. He knows. He knows how I feel about him. He’s like my brother.”

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**Report Card June 2013**

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Bob Warren grew up going to school in Elkins and then spent his life in education. After a short time in New Mexico, he spent two years as a school librarian with the Peace Corps in Ethiopia before returning to New Mexico and then taking a job with an education cooperative in St. Louis. Nearing 30, he decided it was time to come home to Elkins as an elementary principal, and that’s where he spent the next 26 years before retiring.

He ran for school board in 2001 and has been serving the students of Elkins that way ever since. He’s also ASBA’s Region I director.

Report Card sat down with Warren in the Elkins school administration office to talk about his life in education and about how his experiences affected him as a school board member.

Your teaching career began in New Mexico. Why there?
“Well, I wanted to go out there, and it was also they paid more. New Mexico did. Now this was in January of 1962, and I was adventurous, so I went out there for a semester. I thought I was going to stay longer, but I was interested in the Peace Corps because it came along at the same time. While I was in New Mexico at Grants, New Mexico, the Peace Corps sent me a letter. I was teaching, and they sent me a letter to come train to go to Peru. But I’d signed a contract, and I wasn’t going to not honor it. So I wrote them back and said I’d still be interested when my contract ended, and they sent me another letter to go to Africa to Ethiopia.

What did you do there?
“In my degree at (Southern Arkansas), I majored in history and minored in library science, and so they had me become a librarian over there. ... Harar. It’s a city on the eastern part of Ethiopia towards Somalia. And it was a great experience. I was at a teacher training school. We were training teachers to go out and teach in the empire. ... I acted as the librarian and taught library science. Some of my other fellow Peace Corpsmen taught other subjects, and we had
an international faculty made up of people from India, all over Europe, the United States, Canada. It was a really, really great experience.”

You don’t typically think of being a librarian as an adventurous calling.

(Laughs) “Yeah, you don’t. But it was being there and working with them and helping them. Shortly after I got there, we were all working and everything, and the emperor, who happened to be Haile Selassie, came for a state visit to the school. He came in that library (laughs) and he asked, ‘How many books do you have here?’ And I had to guess real quick how many books we had (laughs) because I’d just arrived. And he said, ‘Well, I’m sure you’ll get the right number the next time I ask you.’”

How rough was the environment there? Was it fairly undeveloped, or were you in a fairly urban area?

“No, we were in a small city which is on the eastern side. It was a walled city, an ancient walled city. There were places like the school and the only hotel and everything like that, and a few things outside the wall of the city, but it was an old city with seven gates named for which way it went and all that kind of stuff, the road. And it was primitive in relationship to our standards, what we’re used to. Medical might be one thing that really registered with us because you could get sick very easily. We boiled the water, filtered the water, put the pills in it and still had problems.”

Did you come back from there to Elkins?

“Yes, I came back, and my wife and I got married, and I attended graduate school here at the university. Then we went out to New Mexico again because I still wanted to go work on an Indian reservation. So we ended up at Zuni south of Gallup, and once again I was the high school librarian.”

You next went to work for the Higher Education Coordinating Council of St. Louis for a few years. How did you get from there to Elkins?

“I was sitting in the office one day, seven floors up in the University Club building near St. Louis University, which was where our office was located. We got publications from around the United States that related to education matters. I happened to see a publication from Arkansas, like a newsletter, and they were going to build – and I didn’t even realize it was my own hometown – they were going to build an elementary school, a new elementary. I thought that was pretty neat. Lo and behold, before it was over with, I came down here and saw the superintendent, Jim Carter, who was my high school teacher in math and my coach, and the school hired me. And that’s where I stayed for the next 26 years.”

After all this gallivanting around, had you had your fill and you were ready to come home?

“Well, that was part of it, but part of it, too, was the dean at Washington University. I was sitting (in the office) the year that I saw that publication. It sounds like I did a lot of sitting, but I really didn’t. (Laughs) And the phone rang, and it was the dean. We had, going to different meetings with the council and everything, met different people. His name was Wally Wagner, I think. He said, ‘Aren’t you from Northwest Arkansas?’ I said, ‘Yes, sir, I am.’ He says, ‘Well, tell me all about Beaver Lake.’ Well, Beaver had been built in ’62, and I didn’t know too much about it. I just knew that it was a lake. Well, we talked for a while, and I finally got curious, and I said, ‘Why in the world do you want to know about Beaver Lake in Northwest Arkansas?’ He says, ‘Well, I’ve been up here 30 years working here and I’m about to retire, and I’m going to get away to a nice, quiet place and fish and live in my retirement.’ I said, ‘Well, that’s great.’

“And we ended our conversation, and I’m sitting there thinking, ‘Now, I’m about to turn 30, and this guy wants to go where I came from, and he’s been quite a figure in education, somebody to look up to,’ and all this and that. And I thought to myself, ‘Well, I should get a head start.’ So that’s what made me...”

Continued, next page
(School boards) can set the tone. They can leave the people and teachers and everyone with a sense that we’re here for a reason, and we’re setting the standard within our own community that we want our youngsters to go through school and learn and not have their time wasted, and that after they graduate, they will be able to go pursue those things that they want to.

Why was this a good place to be an elementary principal?
“I’d say it’s where everybody, kind of like “Cheers,” everybody knew everybody. And then another thing about it is that, you know, in a smaller place like we were, everybody worked together, and you certainly worked at doing whatever it took to make the school year a good year, which is true even in the big systems. But here it involves just, if you needed to drive the bus one day for a route, you did it. Of course, this is at the direction of your superintendent. But you just did whatever it was to help the school function.”

Did your local school board work well with you? Did you feel like they were working well with the school?
“Yes. Overall, they cared. They were very dedicated. They did a good job. Our millage, we didn’t create a big revenue in tax on our millage because we didn’t have a whole lot of manufacturing and all the other things that enter into the picture for helping you generate money locally. So we always had to be careful with our budgets and money, and this is what we did in order to keep school open, keep us in the black instead of in the red. And our board was dedicated to that and certainly our superintendent. And the rest of us worked at making sure that that happened.”

What did you wish that school board members understood that they didn’t understand back then?
“Wow. (Pause.) Well, at that time – well that’s way back – there was still a little bit of that feeling that they should be engaged in the daily administration of the schools sometimes. But that got better as the years went by.”

So at times they could meddle a little bit.
“That’s the good word. Yes. Yes, they could. (Laughs)"

It sounds like they had good intentions, though.
“Yes, oh, yeah. Nothing bad. They just were doing what used to be, and that changed over the years, too.”

Did you know what you wanted to do when you became a school board member?
“I wanted to serve and learn, and by that time the Arkansas School Boards Association was involved with helping boards do better work. ... When I got on and started going to the meetings to earn credit for board membership, I started really to learn a lot, saw the other side of the board from an employee to being a part of the board.”

Even going back to when you were principal, do you think school boards have become more professional in the way they operate?
“Yes, yes, yes. Now that’s not to say that there were not boards throughout this state that were professional. But I believe that it really did overall help board members become more aware of what boards were really supposed to do with schools.”

Did you have an understanding when you were elected about the basic school board member’s role? Did you understand the limitations?
“I think I did just from having been around it for so long as an employee. I had a general sense and had experiences with boards. Even the board in St. Louis allowed me to watch a board in action.”

How do you think your prior service as an educator helped you as a school board member?
“It gave me a broad aspect and understanding of what’s going on overall to help us educate youngsters – an actual understanding of the overall picture.”

Do you see how your decisions actually affect students in a way you might not have seen without that experience?
“In some ways, yes, from the aspect of how we allocate our money and things like that.”

Do you feel like every school board should have at least one ex-educator?
“Well, it’s a democracy, (so) not necessarily so. It’s not to say that it’s not helpful, but if you get a board too one-sided, I don’t know if that really helps or not. In terms of, like, if you have too many lawyers, or too many of this or too many of that, we need diversity.”

Well, would it be good, though, if you have a five- or seven-member
board for one of them to be an educator?

“If somebody ran, and they were an educator, yes.”

You would say that a board with five good people, even if none of them were educators, could still do a good job, so we shouldn’t seek to have an educator on the board?

“No, no. It’s not necessary. That would be like going to make sure that we had a lawyer. We need diversity. It’s a democracy.”

As a school board member, have you ever found that you have to be sure not to let your background as an educator influence you too much?

“Yes, yes.”

How’s that?

“Well, for example, sometimes when it comes to money and salaries and things like that, you have to be careful. Your heart wants to do whatever you can to help people get more and more money, and it’s only right to do so, but at the same time, you have to think about the limitations of our budget and where we need to do what’s best. The main purpose is to keep us solvent, keep educating our youngsters and not go broke so that we get closed down. We have a responsibility to educate.”

Have you ever had the educators say, “Bob, we thought you were going to kind of be on our side here?”

“Well, none of them really said it that way, but I’ve felt that maybe I had not done exactly what some of them expected. But I had to work with the rest of the board and keep in mind the overall financial situation in the district.”

As principal you had to make some of those decisions anyway, right?

“Yes. Now, not in terms of salary, but that wasn’t my part at the time. But yes, I had to make decisions concerning what people really did in their classroom and getting the job done and having the whole building function as a unit so the children learned what they needed to learn.”

So you had been used to not always giving people their way.

“Yes, because it’s policy. I also did all those things that it took to help our school function. By that, I mean helping out to drive buses, do this, do that, and everything. I cleaned the school. Now it wasn’t after school every day, but every summer and every Christmas, I helped clean the building down there with the janitors.”

Did those kinds of experiences give you an appreciation for really how less than bountiful your resources were, and that you have to be careful?

“Yes, yes, yes. Yeah, it’s very important. We can throw everything away if we’re not careful about how we watch how we spend. It’s like that old saying, if you watch your pennies, the dollars will take care of themselves.”

School boards are supposed to have a role in setting academic policy, but I think that they are uncomfortable with that. They want to leave that to the professionals – as they should, a lot of it. But they also have a role. How can they do that?

“They can set the tone. They can leave the people and teachers and everyone with a sense that we’re here for a reason, and we’re setting the standard within our own community that we want our youngsters to go through school and learn and not have their time wasted, and that after they graduate, they will be able to go pursue those things that they want to.

“And another thing that people forget is that part of the strength of this country really is in our public education system, that overall, if you really look at it, we’ve done a good job of turning out good citizens in spite of all that stuff that’s on TV now and everything else. There are members of this board that are good citizens. We’ve got lots of our community people, or patrons of our district, that care, that are good citizens. I’m a member of the Lions Club, and we had a function yesterday. It was Arts in the Park right over here, and everybody got together and did whatever. We had a great community event. We are so fortunate to live in this country.”

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Teacher dismissals: Be right, or be sorry

Board must also vote on reasons for terminating an employee

If your district wants to dismiss a teacher, it had better have a good reason. And even when it has a good reason, it had better do it the right way. Otherwise, it could end up in court and writing a check to that teacher and their lawyer.

Personnel matters concerning teachers are largely governed by the Arkansas Teacher Fair Dismissal Act (ATFDA). First enacted in 1983, the law provides that non-renewal, termination or suspension of a teacher requires just and reasonable cause.

What does that mean? Actually, no one is certain. The Arkansas Supreme Court and Court of Appeals have not been asked to define those terms. Until that happens, “just” means “fair,” and “reasonable” means that “it makes sense.”

Make sense?

Once a teacher has been dismissed, they are entitled to a private hearing unless the teacher or the board requests that it be public. There the board cannot consider any new reasons for the dismissal that were not specified in the written notice provided to the teacher.

During the hearing, school board members should ask themselves these questions.

– Was the employee adequately warned, verbally or in writing, of the consequences of their conduct? The exception would be behavior that is so serious that any employee would know it is punishable by dismissal.

– Was the rule or order reasonably related to efficient and safe operations?

– Did the administration investigate before administering the discipline? Where immediate action is required, the best course is to suspend the teacher pending an investigation with the understanding that, if found not guilty of the transgression, they will be restored to the job and paid for time lost.

– Was the investigation fair and objective, or was it “fire-ready-aim?” Was the employee given an opportunity to provide their side of the story?

– Did the investigation produce substantial evidence or proof of guilt? It is not required that the evidence be “beyond reasonable doubt,” except where the alleged misconduct is of such a criminal or reprehensible nature as to stigmatize the employee and seriously impair chances for future employment.

– Were the rules, orders and penalties applied evenhandedly and without discrimination? If enforcement has been lax in the past, the administration cannot suddenly reverse its course and crack down without first warning teachers of its intent.

– Was the penalty reasonably related to the seriousness of the offense and the past record? If one employee’s past record is significantly better than another employee’s, the district properly may give the first employee a lighter punishment than the other employee for the same offense.

– And finally, and perhaps most importantly, does the superintendent believe the board will uphold his recommendation?

In addition to deciding about the dismissal itself, the board must provide specific written conclusions regarding each reason the administrator gave for the termination or non-renewal. In the case of Nettleton School District v. Owens, a teacher’s termination was held to be void because the school board failed to conduct a separate vote on the reasons for the termination and failed to make specific written conclusions regarding each of these reasons. As the dissents in this case point out, it appears that the majority interpreted Arkansas code to require two separate votes.

Failure to substantially comply with any part of the ATFDA can result in the reinstatement of a non-desirable teacher as well as expense to the district in the form of back pay. Normally, the proper measure of damages in these cases where a teacher prevails is the salary that the teacher lost up to and including reinstatement, less mitigation for earnings realized through other employment.

The good news is that Arkansas courts generally will not substitute their judgment for that of school administration or the school board. Arkansas court decisions have accorded school boards wide latitude and discretion in the operation of a school district.

In other words, you have the benefit of the doubt, but don’t give the courts a reason to doubt you.
Stephens: New bond rules become effective July 1

A new law enacted by the Legislature has created a pre-default intercept program for bonds issued after July 1.

Under Act 110, districts will be required to submit payments no later than 15 calendar days before the bond payment is due. If a district fails to make the payment five calendar days before the due date, the Arkansas Department of Education (ADE) will pay the deficiency on the district’s behalf and will intercept the district’s next distribution of state funding to reclaim that amount. ADE may also place the district in fiscal distress at that time.

These new requirements are being reviewed by the Moody’s Investor Services credit rating agency to determine what rating they will assign Arkansas school bonds. Districts may have to obtain individual credit ratings for outstanding bonds issued prior to July 1, 2013.

For additional information about these new requirements, please contact Stephens Public Finance Department at 800.643.9691.

WD&D Architects’ See is recognized

WD&D Architects is proud to announce that Jack F. See Jr. was awarded the Education Planner of the Year award by the Southern region of CEFPI, the Council for Educational Facility Planners International.

See was recognized for his service on Arkansas’ Facilities Task Force and as leader of WD&D’s educational design studio. As the Southern Region recipient, he will be one of eight candidates for the International Planner of the Year award in 2014.

Arkansas A+ passes bill for arts education; funding falls short

A five-year pilot program to study the effects of arts-enriched teaching passed the Legislature, though legislators did not vote to fund it.

Act 1108 came about after Paul Leopoulos, founder of the Thea Foundation and head of Arkansas A+ Schools, testified to the House Education Committee about the value of an arts-enriched education. Legislators encouraged him to create a program that might lead to more schools providing such an education.

Fifteen schools would have provided an arts-enriched curriculum had legislators chosen to fund the program.

Leopoulos said he will get an earlier start in 2015.

Crafton Tull marks 50 years with kindness

Crafton Tull, a full service architectural, engineering and surveying firm, is celebrating 50 years of business with its 50 years/50 Acts of Kindness initiative. As part of the initiative, Crafton Tull is committed to championing 50 acts of kindness throughout the year by donating time or money in the communities where it does business. Examples would include donating to a local food bank, a Boys & Girls Club or a woman’s shelter.

Musco to install lights at Riverview

Musco Lighting will install lights at Riverview High School’s softball field thanks to a grant from the Baseball Tomorrow Fund, a joint initiative between Major League Baseball and the Major League Baseball Players Association. The fund is designed to promote the growth of youth baseball and softball throughout the world. For more information about Musco, visit www.musco.com or contact Jeremy Lemons at 800.825.6030 or jeremy.lemons@musco.com.

AdvancED offers accreditation for school systems

At least 103 school systems in Arkansas are taking the system-level approach to continuous improvement by achieving AdvancED school system accreditation.

School system accreditation helps align individual school improvement with overall system improvement goals. It helps school systems establish a vi-
sion, assess their current situation, create an improvement plan and monitor progress. It encourages collaboration among the entire school community – administrators, teachers, parents and students.

“It really brings the whole school system together,” said Kenny Pennington, AdvancED Arkansas director.

Pennington served as principal of Monticello High School before becoming AdvancED Arkansas’ director. According to Pennington, more school systems are taking a system-level approach rather than a school-level approach and are reaping the benefits.

One such benefit is a proven, clear and powerful protocol for school and school system improvement that provides a more comprehensive analysis to improve student learning.

For more information on accreditation and the benefits, contact Kenny Pennington at kpennington@advanc-ed. org or 888.413.3669, ext. 5620 or 5687.

Hight-Jackson has unique design for Rogers school

Hight-Jackson Associates in collaboration with DLR Group has designed the new two-story Janie Darr Elementary School in Rogers with a flexible “tool box” space to be used for a variety of learning methods. The structure provides for a green roof outdoor classroom area off of the tool box should the district want to develop that program in the future. The design incorporated spray foam insulation in the outside walls to provide maximum energy efficiency in the building. The school will open this fall.

Nabholz builds Conway High School

Built by Nabholz Construction Services, the new three-story, 175,000-square-foot Conway High School is enjoying a successful inaugural year since opening in time for the start of the 2012-13 school year. The new state-of-the-art school provides a college-prep-like learning environment and currently serves about 2,000 10th through 12th graders. For more information about Nabholz, go to www.nabholz.com.

Bill Harrison named to HVAC industry hall of fame

Harrison Energy Partners CEO Bill Harrison was inducted into the inaugural class of the Arkansas ASHRAE Hall of Fame at the organization’s Past Presidents’ Night Event May 7.

ASHRAE, founded in 1894, is a building technology society with more than 50,000 members worldwide. The Arkansas branch is comprised of more than 300 members throughout the state.

Harrison, an Arkansas native, has been actively involved in ASHRAE throughout his career. He was president of the international organization in 2008-09.

All-Clean restores burned Cedar Ridge schools

ALL-CLEAN USA helped restore the damage suffered by the Cedar Ridge School District after a fire destroyed two computer labs and left a majority of the high school unusable. The damage was assessed by a team of property adjusters and renovated to a pre-loss condition by ALL-CLEAN professionals led by operations manager Burle Fortenberry. For more information, go to AllCleanUSA.com or call 866.360.3473.

Foshee joins American Bus Sales as sales director

George Foshee, former superintendent of the Jessieville School District and a longtime customer of American Bus Sales, began working for ABS in August 2012 as sales director. American Bus Sales has quality, refurbished buses of all makes and models and offers low-interest financing. For a quote, contact Foshee at 501.622.7531.

Bill Harrison, right, is pictured with Mark Mizell, Arkansas ASHRAE president-elect.

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