

BEFORE THE ACADEMIC FACILITIES REVIEW BOARD

State Board of Education  
#4 Capitol Mall  
Little Rock, AR 72201

August 8, 2013

HEARINGS ON APPEALS OF DETERMINATION  
OF THE  
STATE OF ARKANSAS  
DIVISION OF PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION

APPEARANCES:

MR. BRAD HAMMOND	Chairman
MR. TONY PARDEW	Board Member
MR. CODY BEENE	Board Member
MR. WAYNE GIBSON	Board Member

LEGAL COUNSEL FOR THE BOARD:

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C E R T I F I C A T E

STATE OF ARKANSAS )  
 ) ss.  
COUNTY OF SALINE )

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter and Notary Public before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Academic Facilities Review Board, in Little Rock, Arkansas, on August 8, 2013, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

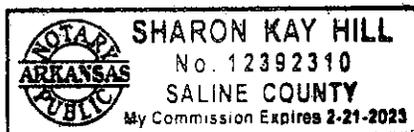
I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

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WITNESS, MY HAND AND SEAL, THIS DATE: August 21, 2013.



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



1 MR. PARDEW: If they were here.

2 CHAIRMAN HAMMOND: Let's go ahead and delay any  
3 action on Genoa ==

4 MR. LASITER: Okay.

5 CHAIRMAN HAMMOND: -- and move that down on the  
6 agenda.

7 MR. LASITER: I will go and try to contact the  
8 school district as you're considering the next  
9 appeal.

10 CHAIRMAN HAMMOND: Okay. Thank you.

11 **CABOT PUBLIC SCHOOLS**

12 MR. LASITER: We will now move on to the Cabot  
13 School District appeal and the opening statement  
14 first by the Cabot School District representatives.

15 CHAIRMAN HAMMOND: And, please, anybody that  
16 speaks please state your name for the record.

17 MR. PARDEW: And I would like to go on the  
18 record and recuse myself from the hearing.

19 (COURT REPORTER'S NOTE: Mr. Pardew exited the  
20 room.)

21 CHAIRMAN HAMMOND: Good morning. Tony Thurman,  
22 I'm superintendent of the Cabot School District. The  
23 Cabot School District would like to first thank you  
24 for taking the time this morning to hear our appeal.  
25 We also appreciate the time and effort of the

1 Arkansas Public Schools Academic Facilities and  
2 Transportation Division, as well as Mr. Lasiter and  
3 his team here at the Department of Ed. Now I'm going  
4 to go off-script in just a second and say -- I want  
5 to say publicly, Dr. Stein has been great to work  
6 with in this process, just so you know that. We have  
7 nothing but positive things to say about how this has  
8 taken place and the information we've needed to have  
9 to come forward. Specifically, this appeal deals  
10 with project number -- and it ends in 003, the Ward  
11 Central Dining Room Expansion in the School District  
12 for which the Cabot School District submitted a  
13 complete and timely application. This applied  
14 project was to be for an expansion of the sorely  
15 undersized current dining area at Ward Central  
16 Elementary. This was submitted with the 2013-15  
17 partnership cycle associated with the 2012 Master  
18 Plan. On April 24th of '13, the Division of Public  
19 Schools Academic Facilities and Transportation  
20 received approval from the Commission on Public  
21 School Academic Facilities and Transportation for the  
22 proposed approved and disapproved project list for  
23 the 13-15 partnership funding program and  
24 subsequently published said list. Cabot's Ward  
25 Central Elementary Dining Expansion was on the

1           disapproved list. We were denied funding for this  
2           needed addition project, which is located at the Ward  
3           Central Elementary campus in Ward, Arkansas, despite  
4           the fact, as evidenced by the District's and the  
5           Division's own POR, that the campus is clearly  
6           lacking the appropriate size for this needed single  
7           purpose space. Cabot is appealing the Division's  
8           decision based on several factors, including that  
9           while the overall elementary school campus at Ward  
10          Central does not reflect an overall suitability need  
11          the student dining space is sorely undersized.

12                 In summation, Cabot School District is appealing  
13          the disapprove decision of the Division for this 13-  
14          15 partnership project for Ward Central. We request  
15          that the Appeals Review Board reverse the decision to  
16          fund the necessary partnership funding to assist with  
17          Cabot Public Schools in this much-needed project.  
18          It's so much needed we've gone ahead and started the  
19          process of this. I can tell you that we've got bids  
20          for the project. The total project cost, just to let  
21          you know, is going to be roughly about \$480,000 for  
22          the entire project -- \$480,000.

23                 Presenting the District's information -- and  
24          I'll do the closing -- presenting our information  
25          will be Steve Elliott, which is our architect for the

1 District, and Chad Davidson, which is our facilities  
2 consultant. Thank you.

3 CHAIRMAN HAMMOND: Thank you. Opening statement  
4 from the Division?

5 MS. FRENO: Thank you, Mr. Chair. And my name  
6 is Lori Freno. The Division's suitability  
7 calculation resulted in a finding that there was  
8 sufficient space at the Cabot School District for  
9 what was requested in this project. The suitability  
10 analysis, of course, is conducted in accordance with  
11 and required by the Partnership rules and the law.  
12 The school district did not challenge the fact that  
13 the calculation found that there was sufficient  
14 space, nor did it challenge the fact that the  
15 Division acted within the rules and the law in making  
16 its decision. Rather, the school district basically  
17 argues "we need more" -- you know -- "we need more  
18 space." And they also argue that if the POR -- I  
19 believe he said the Division's own POR requires that  
20 there be more space for a dining room. The problem  
21 with this argument is it ignores the law and the  
22 rules. First of all, there has to be a suitability  
23 calculation in order to determine whether space is  
24 needed. For any space project there is a suitability  
25 calculation required by the rules. That was done and

1           it resulted in a finding that there was no additional  
2           space needed. With regard to the POR, or the Program  
3           of Requirements, the POR, what I believe the school  
4           district is referring to, sets up -- if you are going  
5           to build a brand-new school building, a brand-new  
6           school campus, you have to look at the POR and it  
7           shows you every single thing that is required. But  
8           the POR in this case -- I mean, just because the POR  
9           says a larger dining facility would be required if a  
10          new building was being constructed, the rule is not  
11          the same if there is an addition to an existing  
12          building. Because this is an existing -- an addition  
13          to an existing building that means that the  
14          suitability analysis must be run. And, in fact, if  
15          you think about the argument that's being made that  
16          you just look to the POR to determine how much space  
17          is needed, that would completely make any suitability  
18          analysis superfluous and that is in the rules and  
19          it's central to the rules in a space project. Also  
20          in the appeal, although it was not mentioned, there  
21          was an argument that the new Partnership rules would  
22          allow for this addition, regardless of suitability.  
23          First of all, that is not an accurate statement, but  
24          we don't need to get into that because the new rules  
25          to which they're referring were only enacted last

1 month. And certainly, all the school districts that  
2 were competing were competing under the same set of  
3 rules and it would be absolutely contrary to the law  
4 for the Division to go and apply one set of rules to  
5 one school district over another school district.  
6 And for these reasons the Division respectfully  
7 requests that this Board uphold the decision -- the  
8 determination of the Division. Thank you.

9 CHAIRMAN HAMMOND: Thank you. Do we have the  
10 school district ready to present the case?

11 SUPT. THURMAN: Yes, sir.

12 MR. ELLIOTT: My name is Steve Elliott. I'm the  
13 school architect -- and architects can't talk without  
14 something to point at or draw on. So I get to -- I  
15 do get to go into the boring details of the POR and I  
16 know you're familiar with it, so I'll -- I just want  
17 to hit the high points on it. And as stated, the  
18 total square footage of the District is right here  
19 and this is number one so you can see it. But the  
20 total square footage at this site, as shown here, is  
21 89,000 square feet. That's plugged into the POR as  
22 existing. If you plug in the numbers through --  
23 which 567 is the 10-year high for this school. That  
24 gives you the 69,000 that's required on this campus.  
25 Now if I was to build a new school -- a new cafeteria

1 on this campus I would have to meet -- I would have  
2 to send to the Department the requirement of this POR  
3 filled in and they would require me under Student  
4 Dining, which is on the second page of that, to build  
5 that student dining at 4,255; existing is 3,108. So  
6 we are 1,147 square feet under what the District  
7 would have to build a cafeteria there. You count on  
8 15 square foot per student -- that's how you  
9 calculate it -- which means they're 76 students too  
10 small. They're going to talk about feeding times in  
11 just a minute. Now one of the reasons when we first  
12 set this up with the Division, if you have excess  
13 space somewhere within the site then the idea was you  
14 didn't come over and add something when you could  
15 take an existing space and convert it. The problem  
16 with that is our cafeteria. This is the whole  
17 campus. Can y'all see that? You do have that  
18 exhibit also. This is the whole campus. The  
19 cafeteria sits in a way that there's no way to add  
20 on, to take in existing space. There's a hallway  
21 running through, which is a major hall to a major  
22 student -- so we can't expand the cafeteria into  
23 existing space, so the only option would be to come  
24 here with the kitchen locked in at this point. So,  
25 once again, going back to if the cafeteria was

1 sitting in an area where we could knock out a wall  
2 and gain the excess space that they have -- which  
3 they really don't but per the POR they do -- then we  
4 could knock out a wall and use existing space without  
5 adding. So the other choice would be to pick a  
6 classroom or two and take that and use that as your  
7 square footage for your cafeteria. But with a  
8 kitchen that means you're going to bring the kids in,  
9 have to get their trays, go to a different part of  
10 the building, come back with their trays. So that  
11 won't work as well.

12 I do have some pictures. Like I say, you  
13 calculate dining space at 15 square foot per person.  
14 So you can see, these pictures show how small this  
15 dining room really is and they -- and I will jump --  
16 y'all serve from what time?

17 SUPT. THURMAN: We start at 10:25.

18 MR. ELLIOTT: They serve at 10:25 till --

19 SUPT. THURMAN: 1:00.

20 MR. ELLIOTT: -- 1:00. So they're starting the  
21 kids with that and I think that will be touched on a  
22 little bit more in just a second. All right.

23 MR. DAVIDSON: Thank you, Steve. My name is  
24 Chad Davidson and I'm here just to talk briefly about  
25 the new rule change. Obviously, from both hearing

1 the Division's points and from the District's side,  
2 and also with what Steve just showed us, this is a  
3 pretty unique need. But this type of unique need is  
4 obviously certainly very much recognized by the  
5 Division and it was recognized and identified as such  
6 a need that has changed the rules. So what we're  
7 looking at with the new rules change, in Section  
8 4.03.3, is that regardless of overall suitability  
9 size you have a single-purpose area of student dining  
10 that you have to run these children through. So what  
11 we're looking at is that outside of that overall  
12 suitability need you're being allowed to bring that  
13 one individual single-purpose area up to what the  
14 requirement lists. And from the POR you'll notice  
15 that under that first column it simply says "required  
16 size." And so that is the required size (a) if you  
17 were to build new, or (b) to again convert space or  
18 modify your project to where you're going to be  
19 adding that space, which is what the District here  
20 isn't doing by adding this expansion onto the student  
21 dining. They're bringing that space up to what is  
22 the required size. And, again, this is, you know,  
23 not necessarily -- as the Division has pointed out,  
24 not necessarily relevant perhaps to this Partnership  
25 Funding Program. But, again, this is such a need

1 that is very important and it is recognized and has  
2 been changed. And so this is obviously one that  
3 benefits each district and will, you know, have an  
4 impact on the way that Cabot School District handles  
5 students at Ward Central. So it is one that --  
6 again, I think it's very important to recognize that  
7 regardless of the overall suitability issue student  
8 dining is not necessarily one that can easily be  
9 converted from existing classroom space, especially  
10 with a situation as unique as what Steve showed on  
11 the plans, that an expansion is the most logical  
12 choice for the student dining. And, again, it is  
13 such a need that's not only unique but one that's  
14 recognized as very important so that, you know, now  
15 you will be able to do it outside of the overall  
16 suitability and that has been the issue before is  
17 that overall suitability need defines the size of an  
18 addition that can be put onto a campus. But with  
19 this greatly evidenced need for the rules change you  
20 now see where this need has been allowed for, that  
21 you can simply have more size put on for just this  
22 one single purpose area.

23 SUPT. THURMAN: How much time do I have left?  
24 I'll just tell you I'm going to provide a summation  
25 to that, 'cause I'm not a lawyer and I'm not a

1 facilities consultant or an architect; I'm a  
2 superintendent. I'd like to just say that this is  
3 not a lot of money in the grand scheme of things with  
4 what you're going to be hearing later on today  
5 because you're looking at a \$500,000 project. My  
6 wealth index is about 60-40, so not a large amount of  
7 money. But with a wealth index that high it shows  
8 that we have a need. When I start sitting down,  
9 looking at a situation with a growing school -- and  
10 Ward is growing in our school district; it's  
11 affordable housing in that area, so it's quickly  
12 expanding, now up to six kindergarten classes. So  
13 that's going to continue to grow. So as a  
14 superintendent I'm trying to figure out what do I  
15 need to do to stop the kids from having to go eat  
16 lunch at 10:30 in the morning or finish at 1:00.  
17 That room is antiquated. It's very small, the  
18 ceiling is very low, and it's just hard to manage.  
19 So I ask: what can we do? Well, I'm told that you  
20 can't -- you really can't do anything because there's  
21 space available in the school per the rules, and I  
22 understand that. And if this were a P.E. issue, if  
23 this were any other issue outside of feeding, then  
24 I'd say, "Okay, well, let's have P.E. in this room"  
25 or "let's go have art in this room." Those things

1 are feasible. But I said, "You know what, I just  
2 can't make kids go into a cafeteria, get their tray  
3 and go down a hallway to an empty classroom that I've  
4 set up as a dining room, then put their trays up and  
5 bring them" -- that's not feasible, especially when  
6 you're trying to move kids through as fast as  
7 possible to make sure that you can feed them within a  
8 reasonable amount of time. So I'm told that I can't  
9 do anything in terms of busting out space, those kind  
10 of things, 'cause I don't have it to give really.  
11 Though the numbers say I do, I don't. I know that  
12 I'm going to have to use those classroom spaces. I  
13 don't want to send kids down to the classroom, the  
14 empty classroom at the end of the hall that's  
15 available maybe or out to the gym. I want kids to  
16 eat in the dining room. So then I'm told, "Well,  
17 you're denied because there's other space available."  
18 So I go to the Facilities Division and they're very  
19 helpful, but I am made aware of the rule change. So  
20 what I'd like for you to consider is the dining space  
21 is so special; it's not like any other space within a  
22 building. And I show you that it's a very small  
23 cafeteria -- in fact, you have pictures of those.  
24 When it comes down to drawings and things you can  
25 just tell by the pictures it's a very small space. I

1 want kids to stay in class; I want to have a  
2 reasonable amount of time for them to eat; I want to  
3 give them time to eat without rushing them out to  
4 make sure that I have time to get everybody in by  
5 1:00, to be honest with you. So my consideration for  
6 you would be, yes, the rule change wasn't in effect;  
7 I understand that. But the rule change will go into  
8 effect. If the rule change had been into effect, we  
9 would not be here today, I would guess. I would hope  
10 not. But someone, not me -- someone saw the need  
11 that dining spaces need to be excluded and they now  
12 will be. But just because I entered my Partnership  
13 project and the rule wasn't in effect quite yet, I'm  
14 going to be disappointed. If I could wait, I would.  
15 In fact, I've withdrawn my second appeal because --  
16 you know what? -- I can make it work. I understand  
17 the rules and I respect their decision and I can make  
18 it work. I can't make it work for this facility  
19 because I'm growing there; I'm going to have to feed  
20 kids earlier and later if we don't get some help. So  
21 from a financial standpoint we had to squeeze out and  
22 figure out a way to make this happen, went ahead and  
23 did the project bids to see what we needed to do  
24 because -- I'm asking for the help because  
25 financially we need this. I feel like it is

1 warranted in the rules; though not in the rules when  
2 the Partnership projects went through, it will be for  
3 the sake of the kids. Because, again, it is growing  
4 and we're going to need to be able to feed kids in a  
5 reasonable amount of time. So I'm going to be very  
6 straightforward with you. We're going to go ahead  
7 with the project. We're going to have to find the  
8 money to do it because this is not one of those "we  
9 wish we could have, it would be nice to have." This  
10 is one of those "I'm at a point where I have to  
11 have." And with the new rule change it shows that  
12 this is very different in terms of the space  
13 availability of the building. Thank you.

14 CHAIRMAN HAMMOND: Thank you. Do we have a case  
15 presentation by the Division?

16 MS. FRENO: Mr. Chair, the Division would like  
17 to call Dr. Stein. And certainly -- and I'm sure the  
18 Board knows this -- but if there are any questions at  
19 all for Dr. Stein, he would be more than happy to  
20 answer those.

21 DR. STEIN: Thank you very much.

22 THEREUPON,

23 **DR. CHARLES STEIN,**

24 was called by the Division to testify, as follows:

25 DIRECT EXAMINATION

1 BY MS. FRENO:

2 Q Will you please identify yourself?

3 A Charles Stein. We have learned here that there's no  
4 problem there as far as the running of the POR and seeing that  
5 there's no need there of additional space. What I would  
6 mention though is that we actually used the rules though as far  
7 as looking at the processes there. So if you have your  
8 Partnership Program rules there with you, please look at  
9 Section 3.32 that's on page 8. Those rules, they were in the  
10 things that were provided previously to you. If you'll notice  
11 there at the very last sentence there 3.32 essentially says  
12 that the Division may not provide the state assistance when  
13 there's no suitability need, so that is the problem now. We  
14 have run the analysis and the analysis says there is no  
15 additional need of space per the actual rules. Now we know --  
16 you know -- we realize the actual need is there, but the  
17 process says that there's no more need of space. Cabot  
18 mentioned the new rules. They say as far as the new rules this  
19 need there was pointed out and addressed. But they provided  
20 you in the exhibit the new rule, Exhibit Two (2), and so I  
21 would invite for you to look in there now. The new rule again  
22 is not pertinent here; in other words, the new rule does not  
23 pertain at all. But the intent, as was mentioned, was to in  
24 certain cases provide more space, single-purpose spaces. The  
25 problem though, as far as this project, these are new rules

1 that are still not actually pertinent. If you read them, this  
2 is about a warm, safe and dry space replacement. So the new  
3 rule is about somebody's dining space needing replacing. In  
4 other words, they have reached the life of one, so they're  
5 replacing space. So the new rule deals with replacing; it's  
6 not providing them more space. So those really are about the  
7 only comments I have.

8 Q Dr. Stein, can I ask you a question before you leave?

9 A Sure.

10 Q Would you -- the school district talked about the POR and  
11 they suggested that the need to provide -- the POR would  
12 require the provision of additional space for their dining  
13 hall. Is it accurate for them to say that they can just look  
14 to the POR without a suitability analysis and say, "Because the  
15 POR requires it then we're entitled to funding under the  
16 Partnership Program?"

17 A No, it's not. Again, the process is using the POR and  
18 running the suitability. To say the POR says we actually need  
19 a space would mean long-term (unintelligible), no real need of  
20 running that suitability. In other words, you would send in  
21 the existing spaces you have and you would look at the POR and  
22 see the spaces missing and you would see those spaces that are  
23 of less size than the POR. So that's a true -- they may have  
24 missed some spaces; they may have spaces that are less than the  
25 POR says they have; but the process in the rules say you still

1 need to run a suitability.

2 MS. FRENO: Thank you.

3 CHAIRMAN HAMMOND: Thank you, Dr. Stein. Do we  
4 have a closing statement from the school?

5 SUPT. THURMAN: Yes, sir. Thank you. I'd like  
6 to close by saying I think that I've already shown  
7 that we have a need at the school. When Ward Central  
8 was built it was built with 20 classrooms and about  
9 400 kids -- and, of course, now I've already said  
10 that now we're feeding about 600 kids and 36  
11 classrooms. And I understand the rules; I understand  
12 the wording. 4.03.1 -- please look at the new rule  
13 -- warm, safe and dry space replacement projects that  
14 replace stand-alone student dining/kitchen facilities  
15 are not required to prove the suitability described  
16 in Section 3.34. Two points and I'll close: first of  
17 all, if you were to come to me and say, even after  
18 the rules, "Well, you know what, Dr. Thurman? I  
19 really can't renovate because of this; you have to  
20 build a whole new space," that's not using money  
21 efficiently. It wouldn't be using the State's money  
22 efficiently or the District's money efficiently.  
23 Because I can make this work with an expansion of the  
24 project, as you've seen by the diagram. So  
25 therefore, then it comes down to just at what point

1 is it reasonable. I know what the wording says, but  
2 I also know I can save you money, I can save me  
3 money, and I make the project work for everyone. So  
4 that's where it just comes down to a decision has to  
5 be made on what's really -- what's in the best  
6 interest where I know what the wording says. Now I  
7 can also tell you that, yes, there may be a classroom  
8 or two that we can make work for a dining space. We  
9 can't do that though in reasonability. So there is  
10 space available. If there was not a need to pull  
11 those dining spaces out, then there wouldn't have  
12 been a rule behind it. Now, then it comes down to at  
13 what point you say, "You know what, Dr. Thurman?  
14 Yes, the rule will be changed, but whenever the  
15 project application, which was submitted in a timely  
16 manner and was accurately done -- I'm sorry, but that  
17 just wasn't in place at that time," then -- you know  
18 -- then it would be made to work because the space to  
19 feed the kids right now is not available without me  
20 going early and going late. So if I had waited till  
21 the rule revision had come back then my question  
22 would be, why would I not just continue with what I'm  
23 doing, which is the renovation project rather than  
24 doing a whole new project, number one. And number  
25 two is it comes down to the amount of money that

1 we're going to spend -- we're not asking for a large  
2 amount of money. I know that can't be taken into  
3 consideration but it is, in my mind, something that  
4 we need help with. But I hope that I've shown  
5 through our data -- I understand that I can move kids  
6 down to other classrooms. I can also assure you  
7 that, while when that data was run there may have  
8 been some space, with the growing area of Ward this  
9 space will not be available within the next year with  
10 the number of kids that we're enrolling.

11 So with that said, I would like for your  
12 consideration on -- when you consider the fact that  
13 if you looked at the rule right now -- I understand  
14 it wasn't in place but it will be in place, which  
15 shows there is an issue to break out those dining  
16 facilities; and then, secondly, as Dr. Stein said,  
17 even if you look at the rule it says "warm, safe and  
18 dry space replacement." At what point is it not  
19 reasonable to do a total replacement and just an add-  
20 on and still be qualified for the funding? Because  
21 I'm trying to do what's right for both the Facilities  
22 Division and what's best for the school district.  
23 While it would be nice just to build a whole new  
24 facility sitting out alone, really that's not what's  
25 in the best interest of either the state or the

1 school district at this time. Thank you.

2 CHAIRMAN HAMMOND: Thank you, Dr. Thurman.

3 SUPT. THURMAN: Yes, sir.

4 CHAIRMAN HAMMOND: Division?

5 MS. FRENO: Thank you. Briefly, the school  
6 district's arguments are factually persuasive but the  
7 problem is is that they are inconsistent with the  
8 rules and the law. I mean, the rules and the law is  
9 there; the new law came from the General Assembly.  
10 They gave the authority to the Commission to develop  
11 rules. They developed rules, rules by which everyone  
12 -- every competing school district plays, and the  
13 rules and the law just have to be followed. And the  
14 arguments that are being made by the school district  
15 are outside the rules and the law. Their problem  
16 seems to be with the rules and the law; the new rules  
17 absolutely cannot be considered. And, you know, as  
18 Dr. Stein said, it wouldn't make a difference anyway  
19 in this situation, but the new rules can't be  
20 considered. They were only effective last month and  
21 it would just be -- I mean, there is no retroactive  
22 application of the rules; it would be unfair to all  
23 the other competing school districts if the Division  
24 decided just to apply rules to one school district  
25 and not the rest. And, again, for those reasons the

1 Division believes that the school district did not  
2 meet its burden of proving either that the Division  
3 acted outside of the law or that its decision is not  
4 based upon substantial evidence. Thank you.

5 CHAIRMAN HAMMOND: Thank you. I'll ask the  
6 Board now if you have any questions for the Division  
7 or the school district.

8 MR. GIBSON: Yes. Dr. Stein, do you agree that  
9 the money could be saved by doing the addition rather  
10 than building a new --

11 DR. STEIN: Yes, sir. Normally, there's less,  
12 you know, money needed if you provide more space  
13 instead of kind of a new school. So, yes.

14 CHAIRMAN HAMMOND: Hearing no other questions,  
15 do we have a motion?

16 MR. BEENE: I move that we concur with the  
17 State's decision to deny.

18 CHAIRMAN HAMMOND: We have a motion to concur  
19 with the Division. Do we have any discussion? Do we  
20 have a second?

21 MR. GIBSON: Second.

22 CHAIRMAN HAMMOND: Hearing no discussion, all in  
23 favor say aye.

24 (UNANIMOUS CHORUS OF AYES)

25 CHAIRMAN HAMMOND: The motion has carried.

END