

# EXHIBIT A

IN THE SUPREME COURT OF ARKANSAS

DORIS IVY JACKSON, *et al.*

APPELLEES

v.

No. CV-

ARKANSAS DEPARTMENT OF EDUCATION, *et al.*

APPELLANTS

**AFFIDAVIT OF JACOB OLIVA**

I, Jacob Oliva, am competent to testify and have personal knowledge regarding the statements contained in this declaration, and do hereby state and verify the following:

1. I am currently employed with the Arkansas Department of Education (ADE) as Secretary of Education.
2. I have been employed with the Arkansas Department of Education since January 2023.
3. The LEARNS Act serves as the blueprint for all of the work being performed by ADE staff.
4. Immediately upon the passage of LEARNS, I, along with other ADE leadership, traveled over 5,000 miles throughout the state and held 16 meetings with district superintendents and charter school directors, as well as two virtual town halls with private schools and parents, to more fully explain key aspects of LEARNS and the steps necessary for each party to take relevant to their interest in the legislation. Delaying implementation of LEARNS will require complete reconfiguration and planning of how to implement LEARNS and re-messaging the updated information to everyone.

5. Over the last six weeks, I have also joined Governor Sanders in speaking at four town halls across the state to further share information about LEARNS and answer questions from the public. Again, delaying implementation makes much of the information shared incorrect and would require re-messaging.
6. As part of the rule-making process for the numerous rules that will be promulgated by ADE for implementation of LEARNS, ADE accepted applications from over 1,300 individuals who wanted to participate in the process. More than six workgroups have been formed and began meeting to discuss key aspects of the rules and identify decision points for further discussion. At least six additional groups are in the process of being developed. Any work already completed as well as planned working meetings will be significantly impacted by delayed implementation of the legislation. A timeline of the necessary steps for full implementation in August has been established and a delay greatly diminishes the state's ability to have processes and resources in place and ready for schools.
7. School districts across the state are already adopting policies to implement elements of LEARNS including the minimum teacher salary increase from \$36,000 to \$50,000.
8. School district boards and charter schools have adopted salary schedules and entered into teacher and staff contracts to become effective July 1<sup>st</sup>.
9. Parents have made decisions and begun planning for the 2023-2024 school year based on the understanding that Education Freedom Accounts would be available. Release of the application for EFAs was scheduled for June 1 but now has to be delayed to a point where it may not be available for the first year. The first year of

EFA accounts was specifically targeted for the most at-risk population of children, children with disabilities and children in foster care and failing schools who need educational opportunities the most.

10. ADE has negotiated a contract with a third party for administration of Education Freedom Accounts for the 2023-2024 school year.
11. ADE has developed a process and application form for schools and parents who choose to participate in Education Freedom Accounts and planned to begin accepting applications June 1 but has to delay this process.
12. ADE is in the process of accepting applications and interviewing for 120 literacy coaches that will directly support schools with a “D” or “F” letter grade as required by LEARNS. Delaying implementation of LEARNS delays failing schools across the state gaining access to direct literacy support from these literacy coaches.
13. ADE applied for and has received a million-dollar grant to implement and support literacy tutoring grants required by LEARNS. These grants will go directly to schools to support students and families by providing tutoring services. ADE has already begun setting criteria and identifying quality tutoring providers. Delay could result in loss of this grant and thus, families not receiving tutoring opportunities next school year. Students who need intervention and support to mitigate summer learning loss and loss that occurred due to COVID, will not have access to these critical resources.
14. LEARNS requires school boards to include measurable academic targets in superintendent contracts. Throughout the state, local boards have revised

superintendent contracts to include the expected academic outcomes to improve education in the state.

15. ADE is developing rules to provide a shared-cost program for 12 weeks of paid maternity leave for educators across the state. School districts must update their maternity leave policy before July 1 to participate in the program and receive funding. Delaying implementation of LEARNS will delay implementation of the maternity leave program and potentially deny new mothers this benefit for up to a year.
16. Acting as the board for the Marvell-Elaine School District, I entered into a contract with Friendship Education Foundation for administration of the District; a necessary step to keep the district open and provide a quality education for students in the Marvell and Elaine communities. Prohibiting such an agreement not only harms children by delaying vital work that needs to be done at the school, it harms teachers and staff who were in the process of being interviewed and offered contracts for the upcoming school year. Without time to act and prepare for the school year beginning in August, children who have gone years without quality instruction will be forced to wait even longer to receive the education they deserve. Even successful schools and districts begin taking actions in the spring each year to ensure a productive beginning to the next school year. For a failing district like Marvell-Elaine, this time is even more critical.
17. All school districts make necessary decisions in the spring and throughout the summer to be able to start school in late summer or early fall. Decisions must be made about administrative positions, hiring and assignment of teachers based on

scheduling needs, hiring and assignment of support staff including food services and paraprofessionals who work with students with disabilities, transportation and facilities needs, all of which are dependent on the number of students who enroll in the district. Training for all staff is conducted prior to school starting. Contracts are entered into for related services and other needs for students with disabilities, curriculum and instructional supports and interventions, and many other services the district is required to provide for its students. Delayed implementation hinders districts from making these necessary decisions and plans to open school on

18. Every day that LEARNS implementation is delayed exponentially increases the severity of the impact on the district's ability to open school on time in August. Enrollment of students is delayed, hiring of staff is delayed, preparing budgets and student schedules, bus routes, supply orders, training, is all delayed. A delay now, during the most crucial planning and preparation time for school administration, creates havoc and impedes progress for students and staff who have already gone without for far too long.
19. As a result of the lower court's order, ADE is prohibited from entering into agreements for staff or administration of programs in LEARNS developed to help struggling students; High-Impact Tutoring, literacy coaches, reading and math intervention plans, Transportation Modernization Grants
20. LEARNS impacts education for children at every level from early childhood and pre-K to postsecondary. Delaying implementation of the provisions deemed by the legislature to be an emergency and necessary for immediate effectiveness negatively affects every aspect of education; early childhood learning and funding,

streamlining the process for families and providers, the hiring and placement of principals in public schools, the building of new public school facilities, school safety, literacy screeners for students in kindergarten through grade three (K-3), student success plans for students in grades eight through twelve (8-12), graduation and diploma requirements, assistance provided to failing schools, training to protect students from sexual abuse and human trafficking, paid maternity leave for district staff, background checks for volunteers working with students, teacher merit pay, and teacher scholarships. The work related to every single one of these areas has had to halt due to the Judge's order.

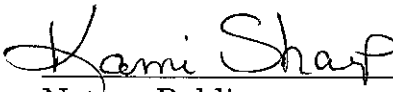
21. Delaying implementation further deprives students of educational options by reimposing the 3% cap on school choice applications repealed by LEARNNS. It is passed the May 1 deadline for applications, so students have already been accepted and made plans to attend. Schools would have to rescind these approvals for all over the 3% cap. Parents would be deprived of their right to an appeal denial decisions because that deadline has also already passed.
22. The reorganization of early learning under one agency to align systems and ensure consistent Kindergarten-readiness standards would be delayed. Because of this delay, parents won't have access to high-quality childcare programs for their children.
23. Delaying implementation further deprives students the opportunity to benefit from a secondary pathway to a diploma through career and technical education, robbing them of the ability to be prepared for and be successful in life and receive educational opportunities that best meets their needs.

24. Districts, teachers, staff, families, and children, are planning on the promises and resources made available through LEARNS and will all be negatively impacted by delay of its implementation.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

  
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JACOB OLIVA

Signed and sworn to before me on this 30<sup>th</sup> day of May, 2023.

  
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Notary Public

My Commission Expires: 2023

