



ARKANSAS DEPARTMENT OF EDUCATION

AGENDA STATE BOARD OF EDUCATION

August 12, 2013

Arkansas Department of Education

ADE Auditorium

9:00 AM

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Reports

Report-1 Chair's Report

Presenter: Brenda Gullett

Report-2 Commissioner's Report

Presenter: Dr. Tom Kimbrell

Report-3 Update on Common Core State Standards, PARCC and School Improvement

This information is provided to keep the State Board of Education apprised of the Department's work activities associated with college and career readiness and school improvement.

Presenter: Dr. Megan Witonski

Consent Agenda

C-1 Minutes - July 8, 2013

Presenter: Deborah Coffman

C-2 Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan

By the Court Order of December 1, 1993, the Arkansas Department of Education (ADE) is required to file a monthly Project Management Tool (PMT) to the court and the parties to assure its commitment to the Desegregation Plan. This report describes the progress the ADE has made since March 15, 1994, in complying with the provisions of the Implementation Plan (Plan) and itemizes the ADE's progress against the timelines presented in the Plan. The August report summarizes the PMT for July.

Presenter: John Hoy and Willie Morris

C-3 New Hires, Promotions and Separations

The applicant data from this information is used to compile the Applicant Flow Chart forms for the Affirmative Action Report, which demonstrates the composition of applicants through the selecting, hiring, promoting and terminating

process.

Presenter: Dr. Karen Walters and Clemetta Hood

C-4 Review of Loan and Bond Applications

Pursuant to Arkansas Code Annotated § 6-20-805 and § 6-20-1205, the State Board of Education must approve all Revolving Loan Fund and Commercial Bond applications, with the exception of non-voted refunding of commercial bond issues that meet the minimum savings as required by the Rules and Regulations Governing Loan and Bond Applications, Section 9.02. It is recommended that the State Board of Education review the following Commercial Bonds:

9 Second Lien – Recommend Approval

15 Voted – Recommend Approval

Presenter: Cindy Hollowell and Amy Woody

C-5 Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309.

Arkansas Code Annotated §6-17-309 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Requests were received from 22 school districts covering a total of 35 waivers. None of these requests were from a district in academic distress. These requests have been reviewed, and either approved or denied by Department Staff, and are consistent with program guidelines.

Presenter: Dr. Karen Walters

C-6 Consideration of Voluntary Surrender of Arkansas Educator's License – Seth Parsons – PLSB Case 13-032

Seth Parsons surrendered his teaching license as evidenced by his signed consent form. Arkansas law does not provide for the mere surrender of a license. As a result, the Board's acceptance of the surrender of his license will result in its permanent revocation.

Presenter: Cheryl Reinhart

C-7 Consideration of Voluntary Surrender of Arkansas Educator's License – Stephanie Bradshaw – PLSB Case 13-135

Stephanie Bradshaw surrendered her teaching license as evidenced by her signed consent form. Arkansas law does not provide for the mere surrender of a license. As a result, the Board's acceptance of the surrender of his license will result in its permanent revocation.

Presenter: Cheryl Reinhart

C-8 Consideration of Voluntary Surrender of Arkansas Educator's License – Brent Gunnels – PLSB Case 13-134

Brent Gunnels surrendered his teaching license as evidenced by his signed consent form. Arkansas law does not provide for the mere surrender of a license. As a result, the Board's acceptance of the surrender of his license will result in its permanent revocation.

Presenter: Cheryl Reinhart

C-9 Consideration of the Recommendation of the Professional Licensure Standards Board for Probation of Educator License for One (1) Year and a Fine of \$75 for Case #13-099 – Lori Michelle Butler.

The Professional Licensure Standards Board's Subcommittee on Ethics is recommending probation of the educator

license of Lori Butler for one (1) year and a fine of \$75 for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. Ms. Butler was notified of the Professional Licensure Standards Board's recommendation by certified and regular mail dated, May 21, 2013, and accepted the recommendation of the Ethics Subcommittee.

Presenter: Michael Smith

Action Agenda

A-1 Consideration of Arkansas Better Chance 2013-2014 Grants

Pursuant to the authority granted to the State Board of Education, the Division of Child Care and Early Childhood Education respectfully requests the approval of funding recommendations for the 2013-2014 Arkansas Better Chance Program.

Presenter: Paige Cox

A-2 Consideration of Appeal from Denial of School Choice Application – Aldridge

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Sabrina Aldridge filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of J. Aldridge and M. Aldridge.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Wade and Robin Pipkin filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of M. Pipkin.

Presenter: Jeremy Lasiter

A-4 Consideration of Appeal from Denial of School Choice Application – Anderson

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Leslie Anderson filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of S. Anderson and K. Anderson.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Melissa Miller filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of S. Miller.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Shara Mefford filed an appeal of the decision of the Wynne School District to deny her child's school choice application.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Marvin and Monica Barnett filed an appeal of the decision of the Wynne School District to deny the school choice application of M. Barnett.

Presenter: Jeremy Lasiter

A-8 Consideration of Appeal from Denial of School Choice Application – O’Neal

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Amanda O’Neal filed an appeal of the decision of the White Hall School District to deny the school choice application of T. O’Neal.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Carole McCarroll filed an appeal of the decision of the White Hall School District to deny the school choice applications of A. McCarroll (7), A. McCarroll (10) and A. McCarroll (13).

Presenter: Jeremy Lasiter

A-10 Consideration of Appeal from Denial of School Choice Application – Shirley

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Jill Shirley filed an appeal of the decision of the Lonoke School District to deny the school choice application of H. Shirley and A. Bearden.

Presenter: Jeremy Lasiter

A-11 Consideration of Appeal from Denial of School Choice Application – Hale

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. LaShonda Hale filed an appeal of the decision of the Marion School District to deny the school choice application of J. Williams.

Presenter: Jeremy Lasiter

A-12 Consideration of Appeal from Denial of School Choice Application – Ezelle

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Mr. Stephen Ezelle filed an appeal of the decision of the Lakeside (Garland County) School District to deny the school choice application of B. Ezelle. Because the Lakeside School District is located in Garland County, the district is subject to a desegregation order in the case of Davis et al., v. Hot Springs School District, et al. The desegregation order in the Davis case requires school choice transfers in Garland County to be administered under the Arkansas Public School Choice Act of 1989. Accordingly, this appeal will be conducted pursuant to the procedures contained in Ark. Code Ann. § 6-18-206 (repealed).

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Darlene Farmer filed an appeal of the decision of the Lakeside (Garland County) School District to deny the school choice application of C. Farmer. Because the Lakeside School District is located in Garland County, the district is subject to a desegregation order in the case of Davis et al., v. Hot Springs School District, et al. The desegregation order in the Davis case requires school choice transfers in Garland County to be

administered under the Arkansas Public School Choice Act of 1989. Accordingly, this appeal will be conducted pursuant to the procedures contained in Ark. Code Ann. § 6-18-206 (repealed).

Presenter: Jeremy Lasiter

A-14 Consideration of Appeal from Denial of School Choice Application – Rayburn-Moore

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Tracy Rayburn-Moore filed an appeal of the decision of the Cabot School District to deny the school choice application of D. Rayburn.

Presenter: Jeremy Lasiter

A-15 Hearing on Waiver Request for Teacher’s License – LeKeysha Rakell Blackmon

LeKeysha Rakell Blackman has requested a waiver of the grounds for denial of her application for a provisional teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Ms. Blackman was found guilty of felony theft of property in 1994. Ms. Blackman represents herself.

Presenter: Cheryl Reinhart

A-16 Hearing on Revocation of Teaching License – Lance Delbert Campbell

Lance Delbert Campbell is a licensed educator. The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). April 1, 2013 Mr. Campbell pled guilty and was found guilty of the following two (2) felony offenses: sexual assault in the first degree, and pandering or possessing visual or print medium depicting sexually explicit conduct involving a child. Mr. Campbell was notified June 24, 2013 that the Department will seek a revocation of his license. The time period for requesting a hearing has expired and Mr. Campbell has not requested a hearing to waive the offenses.

Presenter: Cheryl Reinhart

A-17 Hearing on Waiver Request for Teaching License – Deanna Gwen Griffey

Deanna Gwen Griffey is a licensed educator. She requested a waiver of the grounds for revocation of her standard teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Ms. Griffey was found guilty of a felony violation of the Uniform Controlled Substances Act in 1989. Ms. Griffey is represented by her attorney, Elizabeth Danielson.

Presenter: Cheryl Reinhart

A-18 Hearing on Waiver Request for Teaching License – James Wagner

James Wagner is a licensed educator. He requested a waiver of the grounds for revocation of his standard teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has a true report on the Child Maltreatment Central Registry. Ark. Code Ann. § 6-17-410(c). Mr. Wagner’s name was placed on the Child Maltreatment Central Registry in 2012. Mr. Wagner is represented by his attorney, Greg Alagood.

Presenter: Cheryl Reinhart

A-19 Consideration for Public Comment: Proposed Rules Governing Background

Checks and Licensure Revocation

The Department recommends changes to the Rules Governing Background Checks and Licensure Revocation to implement Act 455 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Accordingly, Department staff respectfully requests the State Board approve the proposed rules for public comment.

Presenter: Cheryl Reinhart

A-20 Consideration for Public Comment: Proposed Rules Governing Nontraditional Licensure Programs

The Department recommends changes to the Rules Governing Nontraditional Licensure Programs to implement Acts 413 and 454 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Accordingly, Department staff respectfully requests the State Board approve the proposed rules for public comment.

Presenter: Cheryl Reinhart

A-21 Consideration for Public Comment: Proposed Rules Governing Professional Development

The Department recommends changes to the Rules Governing Professional Development to implement Act 969 of the 2013 Regular Session of the Arkansas General Assembly and to update other provisions. Accordingly, Department staff respectfully requests the State Board approve the proposed rules for public comment.

Presenter: Cheryl Reinhart

A-22 Consideration for Final Approval: Revisions to Arkansas Department of Education Rules Governing Public Charter Schools

Act 509 of 2013 amended Arkansas law related to public charter schools. The current Arkansas Department of Education rules should be updated in accordance with Act 509 of 2013. June 10, 2013, the State Board of Education approved the proposed revisions for a public comment period. A public hearing was held June 27, 2013 and the public comment period expired July 15, 2013. No public comments were received. Department staff respectfully requests the State Board give its final approval to the proposed revisions.

Presenter: Mary Perry and Jeremy Lasiter

A-23 Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing Public Charter Schools

Act 509 of 2013 amended Arkansas law related to public charter schools. In part, Act 509 of 2013 requires the Arkansas Department of Education to become a charter school authorizer. Act 509 of 2013 takes effect on August 16, 2013. Accordingly, Department staff respectfully requests that the State Board grant emergency adoption to the revised rules.

Presenter: Mary Perry and Jeremy Lasiter

A-24 Consideration for Final Approval: Open-Enrollment Public Charter School New Application

Ark. Code Ann. § 6-23-301 requires the State Board to adopt an application form for those wishing to apply to open an open-enrollment public charter school. June 10, 2013, the State Board of Education approved the proposed application for a public comment period. A public hearing was held June 27, 2013 and the public comment period expired July 15, 2013. Department staff received one public comment. No revisions to the application were made based upon the comment. Department staff respectfully requests the State Board give its final approval to the proposed application.

Presenter: Mary Perry and Jeremy Lasiter

Minutes
State Board of Education Meeting
Monday, July 8, 2013

The State Board of Education met Monday, July 8, 2013, in the auditorium of the Department of Education building. Brenda Gullett, Chair, called the meeting to order at 9 a.m.

Present: Brenda Gullett, Chair; Sam Ledbetter, Vice-Chairman; Dr. Jay Barth; Joe Black; Mireya Reith; Vicki Saviers; Toyce Newton; Diane Zook; Dr. Tom Kimbrell, Commissioner; and Alexia Weimer, Teacher of the Year
Absent: Alice Mahony

Reports

Chair's Report

Ms. Gullett introduced Diane Zook of Melbourne, new board member. Ms. Gullett welcomed Ali Weimer, Teacher of the Year.

Commissioner's Report

Commissioner Kimbrell introduced Deborah Coffman, Chief of Staff; Dr. Megan Witonski, Assistant Commissioner of the Division of Learning Services; and Mike Hernandez, Assistant Commissioner of Finance and Administrative Services. Commissioner Kimbrell also welcomed Ms. Diane Zook and Ms. Ali Weimer.

Ms. Reith was delayed in traffic and will join the Board soon.

Informational Update on Common Core State Standards, PARCC and School Improvement

Assistant Commissioner Dr. Megan Witonski said ADE is seeking to fill the position vacated by Deborah Coffman. She also said Commissioner Kimbrell and Melody Morgan, Director of Student Assessment, attended PARCC's governing Bmeeting June 26, 2013. The governing board approved the release of grade level and content specific descriptors for ELA and Math and the first edition accessibility/accommodation manual. PARCC field-testing will be administered Spring 2014, with schools to be selected Summer 2013. PARCC will notify Arkansas schools. Most students participating in the field-testing will take only a portion of the test. PARCC will administer the full test Spring 2015.

Consent Agenda

Dr. Barth moved, seconded by Ms. Newton, to approve the content agenda. The motion carried unanimously.

Items included in the Content Agenda:

- Minutes of the June 10, 2013, Board Meeting
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- Newly Employed, Promotions and Separations
- Sanctions for Teachers as Recommended by the Professional Licensure Standards Board
 - Sandra Leigh Broberg (Lee)
 - Anita Cooper
 - Jerry Louis Thompson
 - Ronnie Joe Stratmoen
 - Jerry Louis Thompson
 - Rosie L. Slaughter
 - Renee Jean Elliott
 - Paula Sue Pate-Muncy
 - Elizabeth Diana Newlun
 - LaSonya Denise Clary
 - Timothy Lee Fulks
 - Renee Jean Elliott
 - Jason Scott Shepherd
 - Heidi Leigh Brewington
 - Lori Janee Rice
 - Dean Richard Livingston
 - Mary Beth Stivers

Ms. Reith joined the Board meeting in progress.

Action Agenda

(Complete records of the hearings are available in the State Board office.)

Consideration of Approval of Arkansas Better Chance Grants

Paige Cox, Administrator of the Arkansas Better Chance (State Pre-K) and Professional Development/Program Support of the Division of Child Care and Early Childhood Education at the Arkansas Department of Human Services, presented 2013-2014 Arkansas Better Chance Grants of \$1,992,090.00 for approval.

Mr. Black moved, seconded by Ms. Saviers, to approve the 2013-2014 grants. The motion carried unanimously.

Consideration of Petition for Detachment – Jacksonville Community Group

Pursuant to Ark. Code Ann. § 6-13-1501 et seq., members of the Jacksonville Community seek permission from the State Board of Education to create a new school district by detaching territory from the Pulaski County Special School District.

Mr. Patrick Wilson, representing the Jacksonville Community Group, requested the Board declare the petition valid. Mr. Wilson presented the voter signatures to the Board reporter.

Ms. Saviers moved, seconded by Dr. Barth, to declare the petition valid. The motion carried unanimously.

Consideration of Appeal from Denial of School Choice Application – Goodall (A-3), Moffett (A-6), and White (A-8)

The Board agreed to consider action items A-3, A-6 and A-8 together.

Mr. George Rozzell, attorney for the clients, asked the Board to appeal the denial of school choice applications for Goodall (A-3), Moffett (A-6), and White (A-8).

John Estes, Superintendent of Palestine Wheatley, said Palestine-Wheatley School District denied the school choice applications because the Forrest City School district has filed an exemption based on a desegregation order.

Sam Jones, attorney for the Forrest City School District, asked the Board to deny the school choice applications. He stated Forrest City School District has filed an exemption based on a desegregation order.

Ms. Goodall shared testimony about her children and their experiences at Palestine Wheatley School District. She moved into the Forrest City School District but wants her children to continue to attend Palestine-Wheatley School District.

Ms. Moffett, parent of one student requesting school choice, shared testimony about her child. Ms. Moffett's other son is grandfathered into the Palestine Wheatley School District under a previous school choice application.

Ms. White, parent of one student requesting school choice, shared testimony about her child. Ms. White's other child is grandfathered into the Palestine-Wheatley School District under a previous school choice application.

Board members voiced concerns about meeting the needs of students within the law.

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Mr. George Rozzell, on behalf of the Goodall Family, filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of A. Goodall (5); E. Goodall (8); A. Goodall (9); and A. Goodall (11).

Dr. Barth moved, seconded by Ms. Reith, to deny the request for appeal from denial of school choice application – Goodall (A-3). Ms. Zook opposed. The motion carried.

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Amanda Moffett filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of J. Moffett.

Mr. Ledbetter moved, seconded by Ms. Newton, to deny the request for appeal from denial of school choice application – Moffett (A-6). Ms. Zook opposed. The motion carried.

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Stephanie White filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of J. White.

Mr. Ledbetter moved, seconded by Ms. Reith, to deny the request for appeal from denial of school choice application – White (A-8). Ms. Zook opposed. The motion carried.

Consideration of Appeal from Denial of School Choice Application – Harbin

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, John and Carrie Harbin filed an appeal of the decision of the Palestine-Wheatley School

District to deny the school choice application of T. Harbin and S. Harbin.

John Harbin, parent, asked the Board to consider an appeal from denial of school choice application.

John Estes, Superintendent of Palestine-Wheatley, said Palestine-Wheatley School District denied the school choice applications because the Forrest City School district has filed an exemption based on a desegregation order.

Sam Jones, attorney for the Forrest City School District, asked the Board to deny the school choice applications. He stated Forrest City School District has filed an exemption based on a desegregation order.

Ms. Newton moved, seconded by Mr. Ledbetter, to deny the request for appeal from denial of school choice application - Harbin. The motion carried unanimously.

Consideration of Appeal from Denial of School Choice Application – Jackson

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Cody and Cory Jackson filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of T. Jackson.

Cody and Cory Jackson, parents, asked the Board to consider an appeal from denial of school choice application.

John Estes, Superintendent of Palestine-Wheatley, said Palestine-Wheatley School District denied the school choice applications because the Forrest City School district has filed an exemption based on a desegregation order.

Sam Jones, attorney for the Forrest City School District, asked the board to deny the school choice applications. He stated Forrest City School District has filed an exemption based on a desegregation order.

Ms. Reith moved, seconded by Dr. Barth, to deny the request for appeal from denial of school choice application - Jackson. The motion carried unanimously.

Consideration of Appeal from Denial of School Choice Application – Scaife-Hardin

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Tonja

Scaife-Hardin filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of E. Wilkins.

Tonja Scaife-Hardin, parent, asked the Board to consider an appeal from denial of school choice application.

John Estes, Superintendent of Palestine-Wheatley, said Palestine-Wheatley School District denied the school choice applications because the Forrest City School district has filed an exemption based on a desegregation order.

Sam Jones, attorney for the Forrest City School District, asked the Board to deny the school choice applications. He stated Forrest City School District has filed an exemption based on a desegregation order.

Ms. Reith moved, seconded by Dr. Barth, to deny the request for appeal from denial of school choice application – Scaife-Hardin. The motion carried unanimously.

Hearing on Written Reprimand and \$50 Fine for Teacher's License – Cynda Bellamy

Cynda Bellamy is a licensed educator. The Professional Licensure Standards Board's Subcommittee on Ethics recommended a written reprimand and a fine of fifty dollars (\$50.00) for violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom; and Standard 6: An educator keeps in confidence information about students and colleagues obtained in the course of professional service, including secure standardized test materials and results, unless disclosure serves a professional purpose or is allowed or required by law. Ms. Bellamy was notified of the Professional Licensure Standards Board's recommendation by certified mail and regular mail dated November 16, 2012. Ms. Bellamy made a timely request and on January 11, 2013, received an evidentiary hearing before the Subcommittee on Ethics. On February 18, 2013, Ms. Bellamy requested a hearing before the State Board.

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart reviewed the recommendation of the Professional Licensure Standards Board.

Mr. Gilliam, attorney representing Ms. Bellamy, alleged the student was attempting to defraud the school and state and Ms. Bellamy is a whistle blower. He stated his client and the student did not have an inappropriate relationship. He stated communication with another adult on the IEP team was appropriate.

Ms. Reinhart clarified this case is about failing to maintain a professional relationship, not an inappropriate relationship. She stated the Whistleblower Act

does not apply to this case. Ms. Reinhart asked Ms. Tara Amuimuia, PLBS investigator, to read email/text communications between Ms. Bellamy and other adults.

Mr. Gilliam objected to all testimony outside of the actual reading of the email/text communications. Mr. Gilliam questioned Ms. Amuimuia.

Ms. Reinhart and Mr. Gilliam questioned Ms. Bellamy. Ms. Bellamy stated she did email/text other adults regarding the student.

Courtney Salas-Ford, attorney for the Special Education Unit of the Arkansas Department of Education, said the Department does provide training to teachers regarding Special Education and IEP requirements. Ms. Amuimuia stated Ms. Bellamy attended ethics training from the School for the Blind.

Ms. Newton moved, seconded by Dr. Barth, to approve the recommendation of the Professional Licensure Standards Board (PLSB) for a Written Reprimand and a \$50 fine for Case # 13-007 – Cynda Bellamy. The motion carried unanimously.

PLBS Hearing – Request for Consolidated Hearing for Case 12-145 – Veda Ann Struble and Case 12-146 – Teresa Dee Keiter for a Written Reprimand and Fine of \$50

Valerie Bailey, ADE attorney, stated that these two cases have been consolidated at the consent of the educators and their attorneys. Mike Bearden is representing Dee Keiter and James Harris is representing Veda Struble. The PLSB Ethics Subcommittee conducted an evidentiary hearing and subsequently recommended reprimands and a \$50 fine to each educator for violations of Standards 1 and 3.

Jeremy Lasiter presented the settlement agreement to the Board.

The Attorney's Office advised the Board that based on a thorough review of the record, the Subcommittee's Findings and Recommendations appeared to be based on a significant misunderstanding or mistake of fact. For that reason, the Attorney's Office, in consultation with the PLSB Attorney Cheryl Reinhart, and the attorneys for the educators, a Settlement Agreement and Release were negotiated.

The Agreement dismissed all Findings and Recommendations as to Standard 1 and Standard 3 against Veda Struble, including the reprimand and \$50 fine, and agreed to take no disciplinary action against the license of Veda Struble.

The Agreement also dismissed the Findings and Recommendations against Teresa Keiter as to Standard 3. As to Standard 1, the Agreement modified the

Subcommittee's decision in regard to Teresa Keiter, and states a Letter of Caution will be issued instead of the reprimand and \$50 fine. A Letter of Caution is not a disciplinary action.

Finally, the Agreement contains a release by each educator as to any and all future claims, appeals or actions against the SBE, including attorney's fees.

Ms. Zook moved, seconded by Mr. Ledbetter, to accept the settlement agreement for Case 12-145 – Veda Ann Struble and Case 12-146 – Teresa Dee Keiter, taken together as PLSB Case No. 12-146. The motion carried unanimously.

Hearing on Waiver Request for Teacher's License – Robert Jason Camden

Ms. Reinhart stated that Robert Jason Camden has requested a waiver of the grounds for denial of his application for a teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). Mr. Camden was convicted of felony theft of property in Arkansas in 2000.

Mr. Camden shared his background regarding the disqualifying offense. He asked the Board to waive the grounds for denial of his application for a teaching license.

Mr. Ledbetter moved, seconded by Ms. Newton, to approve the waiver request for Teacher's License with a two (2) year probation for Robert Jason Camden. The motion carried unanimously.

Hearing on Waiver Request for Teacher's License – John Fitzgerald Madlock

Ms. Reinhart stated that John Fitzgerald Madlock has requested a waiver of the grounds for denial of his application for a teaching license. The State Board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of a person who has pled guilty or nolo contendere to or has been found guilty of a disqualifying offense listed in Ark. Code Ann. § 6-17-410(c). In 1982 and 1983, Mr. Madlock was convicted in Wisconsin of robbery-strong arm and robbery-party to a crime, both felonies in Wisconsin, and both similar to offenses enumerated under Ark. Code Ann. § 6-17-410(c)(30) and (26), respectively. Mr. Madlock represented himself.

Mr. Madlock shared his background regarding the disqualifying offense. He said

the offense listed should be corrected to be one offense, not two. He asked the Board to waive the grounds for denial of his application for a teaching license.

Ms. Saviers moved, seconded by Mr. Black, to approve the waiver request for Teacher's License with a two (2) year probation for John Fitzgerald Madlock. The motion carried unanimously.

Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine A-13, A-14, A-15

The Board agreed to consider action items A-13, A-14 and A-15 together.

A-13 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # T12-011, Debra Ann Cowart

Debra Ann Cowart is a licensed educator. On October 8, 2012, the State Board placed Debra Ann Cowart's license on probation for one (1) year and assessed a fine of \$50 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Debra Ann Cowart for failure to pay the \$50 fine assessed against her. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators. Ms. Cowart was first notified of the fine on October 9, 2012. On May 24, 2013, Ms. Cowart was notified by certified mail and regular mail that the fine remained unpaid and the Professional Licensure Standards Board would recommend her license be suspended and not renewed until the fine is paid. Ms. Cowart has not responded or paid the fine.

Ms. Newton moved, seconded by Dr. Barth, to approve the suspension of license for nonpayment of fine in Case #T12-011, Debra Ann Cowart. The motion carried unanimously.

A-14 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # 12-051, Kevin Wayne Moore

Kevin Wayne Moore is a licensed educator. On October 8, 2012, the State Board issued a written reprimand to Kevin Wayne Moore, and assessed a fine of \$50 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Kevin Wayne Moore for

failure to pay the \$50 fine assessed against him. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators. Mr. Moore was first notified of the fine October 9, 2012. On May 24, 2013, Mr. Moore was notified by certified mail and regular mail that the Professional Licensure Standards Board would recommend his license be suspended and not renewed until the fine is paid. Mr. Moore has not responded or paid the fine.

Ms. Newton moved, seconded by Dr. Barth, to approve the suspension of license for nonpayment of fine in Case #12-051, Kevin Wayne Moore. The motion carried unanimously.

A-15 Consideration of the Recommendation of the Professional Licensure Standards Board for Suspension of License for Nonpayment of Fine in Case # 12-072, Kim Patrick Garner

Kim Patrick Garner is a licensed educator. On January 14, 2013, the State Board placed Kim Patrick Garner's teaching license on probation for one (1) year and assessed a fine of \$75 in this case. The Professional Licensure Standards Board's Ethics Subcommittee is recommending the suspension of the teaching license of Kevin Patrick Garner for failure to pay the \$75 fine assessed against him. The State Board may suspend an educator's license for nonpayment of a fine or failure to comply with sanctions imposed as the result of a violation of the Code of Ethics for Arkansas Educators until the educator has complied in full with all applicable sanctions imposed, under the authority of the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-217(d), and the Rules Governing the Code of Ethics for Arkansas Educators.

Mr. Garner was first notified of the fine January 15, 2013. On May 24, 2013, Mr. Garner was notified by certified mail and regular mail that the Professional Licensure Standards Board would recommend his license be suspended and not renewed until the fine is paid. Mr. Garner has not responded or paid the fine.

Ms. Newton moved, seconded by Dr. Barth, to approve the suspension of license for nonpayment of fine in Case #12-072, Kim Patrick Garner. The motion carried unanimously.

Consideration for Approval: New Contracts for Charter Schools

Ark. Code Ann. § 6-23-104 requires a charter for a public charter school to be in the form of a written contract signed by the Commissioner of Education and the

chief operating officer of the public charter school. Consideration of approval of revised contracts for open enrollment and district conversion public charter schools is requested.

Mr. Black moved, seconded by Ms. Zook, to approve the revised contracts for open-enrollment and district conversion public charter schools. The motion carried unanimously.

Consider Recommendation for Praxis Test Updates on Middle School Subjects, Elementary Education Multiple Subjects Tests, Secondary English, Secondary Math and Secondary Pedagogy Tests

Michael Rowland presented the recommendation of new Praxis assessments and appropriate cut scores as follows:

- 1) Praxis II Middle School Multiple Subjects Tests will be replaced with the following individual tests:
 - a. Praxis II Middle School English Language Arts (5047) with a recommended cut score of 164 and an effective date of September 1, 2013.
 - b. Praxis II Middle School Mathematics (5169) with a recommended cut score of 165 and an effective date of September 1, 2013.
 - c. Praxis II Middle School Science (0439) with a recommended cut score of 146 an effective date of September 1, 2013.
 - d. Praxis II Middle School Social Studies (5089) with a cut score of 149 and an effective date of September 1, 2013.
- 2) Praxis II Early Childhood: Content Knowledge #0522 will be replaced with an Elementary Education Multiple Subjects Test (0531) with the following subtests:
 - a. Reading and Language Arts (5032) with a cut score of 165.
 - b. Mathematics (5033) with a cut score of 164.
 - c. Social Studies (5034) with a cut score of 155.
 - d. Science (5035) with a cut score of 159.

The effective date for this multi-subject test is September 1, 2013.

3) Principles of Learning and Teaching (PLT): Grades K-6 (0622/5622) with a cut score of 160 and an effective date of September 1, 2013. There is no current Principles of Learning and Teaching (PLT) for Grades K-6.

4) Praxis II English Language, Literature and Composition: Content and Analysis #0044/5044 will be replaced with Praxis II English Language Arts: Content and Analysis (5039) with a recommended cut score of 168 and an effective date of September 1, 2014.

5) Praxis II Mathematics: Content Knowledge #0061/5061 will be replaced with Praxis II Mathematics: Content Knowledge (5161) with a cut score of 160 and an

effective date of September 1, 2014.

6) Principles of Learning and Teaching (PLT): Grades 7-12 (0624/5624) that is currently available with a cut score of 157 and an effective date of September 1, 2013 will replace the pedagogy tests in English Language, Literature and Composition: Pedagogy #0043; Life Science: Pedagogy #0234; Mathematics: Pedagogy #0065; and Physical Science: Pedagogy #0483 that are being discontinued.

Department staff recommends adopting the above Praxis tests and the effective dates as listed above.

Dr. Barth moved, seconded by Ms. Newton, to approve the adoption of the Praxis tests and the effective dates as presented. The motion carried unanimously.

Consideration for Public Comment A-18, A-19, A-21, and A-22

The board agreed to consider action items A-18, A-19, A-21 and A-22 together.

A-18 Consideration for Public Comment: Proposed Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services

On February 14, 2013, amendments to § 300.154(d) of the federal regulations implementing the Individuals with Disabilities Education Act (IDEA) were published in the Federal Register. These amendments, which became effective March 18, 2013, impose new and different requirements regarding consent and notice when billing Medicaid for health services provided to students with disabilities by a local education agency (LEA). Amendment to the Arkansas Department of Education (ADE) rules is necessary to achieve compliance with the new federal requirements. ADE staff respectfully requested the State Board approve the proposed rule for public comment.

Mr. Ledbetter, moved, seconded by Ms. Newton, to approve the proposed revision of the Arkansas Department of Education Rules Governing Special Education and Related Services for public comment. The motion carried unanimously.

A-19 Consideration for Approval for Public Comment: Proposed District Conversion and Limited Public Charter School New Application

Ark. Code Ann. § 6-23-201 requires the State Board to adopt an application form for those wishing to apply to open a district conversion or limited public charter school. Consideration of approval of this application form for public comment was requested.

Mr. Ledbetter, moved, seconded by Ms. Newton, to approve the proposed district conversion and limited public charter new school application for public comment. The motion carried unanimously.

A-21 Consideration for Public Comment: Revisions to the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds

Acts 1138 and 1278 of 2013 amended Arkansas law related to Educational Excellence Trust Funds. Additionally, the current version of the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds has not been revised since 1996. Accordingly, Department staff respectfully requested the State Board approve the proposed rules for public comment.

Mr. Ledbetter, moved, seconded by Ms. Newton, to approve the proposed revision of the Arkansas Department of Education Rules Governing School District Educational Excellence Trust Funds for public comment. The motion carried unanimously.

A-22 Consideration for Public Comment: Proposed Rules Governing Educator Licensure

The Department recommends changes to the Rules Governing Educator Licensure to implement Acts 413, 454, 455, 969, and 1073 of the 2013 Regular Session of the Arkansas General Assembly, to update the sections concerning mentoring, and make corrections to Appendix A – Levels and Areas of Licensure. Accordingly, Department staff respectfully requested the State Board approve the proposed rules for public comment.

Mr. Ledbetter, moved, seconded by Ms. Newton, to approve the proposed Rules Governing Educator Licensure for public comment. The motion carried unanimously.

Consideration for Emergency Approval: District Conversion and Limited Public Charter School New Application

Ark. Code Ann. § 6-23-201 requires the State Board to adopt an application form for those wishing to apply to open a conversion public charter school. According to the schedule previously adopted by the State Board, letters of intent to apply are due August 31 and applications for conversion charter schools are due October 31. Because of the short amount of time until the due dates and changes to the application form, consideration of this application form on an emergency basis was requested.

Ms. Saviers moved, seconded by Ms. Newton, to approve the district conversion and limited public charter school new application. The motion carried unanimously.

Consideration for Final Approval: Proposed Rules Governing the Code of Ethics for Arkansas Educators

The Professional Licensure Standards Board has adopted and recommends a reduction in the fee to receive a standard license from \$100 to \$75 as reflected in the fee table in Appendix B. The fee table was also revised to eliminate the three-year initial license and the advanced license, which are no longer issued by the Department. No other substantive changes were made. The State Board released the proposed rules for public comment April 8, 2013. A public hearing was held May 8, 2013. The public comment period expired May 13, 2013. Department staff received public comments on the proposed rules and after careful consideration of the public comments, made no revision to the proposed rules. The Department staff respectfully requested the State Board give its final approval to the proposed rules.

Dr. Barth moved, seconded by Ms. Newton, to approved the proposed Rules Governing the Code of Ethics for Arkansas Educators. The motion carried unanimously.

Consideration for Final Approval: Arkansas Department of Education Rules Governing the Arkansas Opportunity Public School Choice Act

Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity School Choice. Ark. Code Ann. § 6-18-227 authorizes the State Board of Education to promulgate rules to administer the requirements of the Opportunity Public School Choice Act. The current rules should be replaced to be in accordance with more recent enactments of the Arkansas General Assembly. The State Board of Education approved the proposed rules for public comment May 13, 2013. A public hearing occurred on May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received public comments regarding these proposed rules and amended the proposed rules accordingly. Arkansas Department of Education staff respectfully requested the State Board of Education grant final approval to the proposed rules as revised.

Mr. Ledbetter moved, seconded by Ms. Saviers, to approve the Arkansas Department of Education Rules Governing the Arkansas Opportunity Public Choice Act. The motion carried unanimously.

Consideration for Final Approval A-25, A-26, and A-27

The board agreed to group action items A-25, A-26, and A-27 together.

A-25 Consideration for Final Approval: Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to administer the requirements of the Act. The State Board of Education approved the proposed rules for public comment May 13, 2013. A public hearing occurred May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed rules. Accordingly, Arkansas Department of Education staff respectfully requested the State Board of Education grant final approval to the proposed rules.

Mr. Black moved, seconded by Dr. Barth, to approve the Arkansas Department of Education Rules Governing the Public Choice Act of 2013. The motion carried unanimously.

A-26 Consideration for Final Approval: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version)

Acts 600, 1227 and 1429 of 2013 significantly amended Arkansas law concerning Opportunity School Choice. Ark. Code Ann. § 6-18-227 authorizes the State Board of Education to promulgate rules to administer the requirements of the Opportunity Public School Choice Act. The current rules should be replaced to be in accordance with more recent enactments of the Arkansas General Assembly. The State Board of Education approved the proposed repeal for public comment May 13, 2013. A public hearing occurred on May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed repeal. Accordingly, Arkansas Department of Education staff respectfully requested the State Board of Education grant final approval to the proposed repeal.

Mr. Black moved, seconded by Dr. Barth, to approve the repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures and Enforcement of the Arkansas Opportunity Public School Choice Act (December 12, 2011 version). The motion carried unanimously.

A-27 Consideration for Final Approval: Repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and

Enforcement of the Arkansas Public School Choice Act (October 2007 Version)

Act 1227 of 2013 repealed Ark. Code Ann. § 6-18-206 and replaced it with the Public School Choice Act of 2013. Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to administer the requirements of the Act. Arkansas Department of Education staff respectfully requested the State Board of Education repeal the current rules because those rules were promulgated to implement a law (Ark. Code Ann. § 6-18-206) that has been repealed by the Arkansas General Assembly. The State Board of Education approved the proposed repeal for public comment May 13, 2013. A public hearing occurred May 30, 2013. The public comment period expired June 21, 2013. The Arkansas Department of Education received no public comments regarding these proposed repeal. Accordingly, Arkansas Department of Education staff respectfully requested the State Board of Education grant final approval to the proposed repeal.

Mr. Black moved, seconded by Dr. Barth, to approve the repeal of the Arkansas Department of Education Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act (October 2007 Version). The motion carried unanimously.

Adjournment

The meeting adjourned at 4:03 p.m.

These minutes were recorded by Deborah Coffman.

ADE'S PROJECT MANAGEMENT TOOL EXECUTIVE SUMMARY
JULY 31, 2013

This document summarizes the progress that ADE has made in complying with the provisions of the Implementation Plan during the month of July 2013.

IMPLEMENTATION PHASE ACTIVITY

I. Financial Obligations

- A. As of June 30, 2013, State Foundation Funding payments paid for FY 12/13 totaled \$60,870,386 to LRSD, \$34,310,988 to NLRSD, and \$42,447,890 to PCSSD.
- B. As of May 31, 2013, the Magnet Operational Charge paid for FY 12/13 totaled \$14,296,899. The allotment for FY 12/13 was \$14,296,899.
- C. As of May 31, 2013, the M-to-M incentive checks paid for FY 12/13 totaled \$4,037,091 to LRSD, \$4,118,488 to NLRSD, and \$10,606,954 to PCSSD.
- D. ADE pays districts three equal installments each year for their transportation budgets.
 - 1. In November 2012, General Finance made the last one-third payment to the Districts for their FY 11/12 transportation budgets. As of December 31, 2012, transportation payments for FY 11/12 totaled \$4,623,452.01 to LRSD, \$1,161,173.60 to NLRSD, and \$2,878,275.70 to PCSSD.
 - 2. In November 2012, General Finance made the first one-third payment to the Districts for their FY 12/13 transportation budgets. As of December 31, 2012, transportation payments for FY 12/13 totaled \$1,530,000.00 to LRSD, \$401,121.35 to NLRSD, and \$1,151,841.67 to PCSSD.
 - 3. In March 2013, General Finance made the second one-third payment to the Districts for their FY 12/13 transportation budgets. As of March 31, 2013, transportation payments for FY 12/13 totaled \$1,530,000.00 to LRSD, \$401,121.35 to NLRSD, and \$1,151,841.67 to PCSSD.
- E. On June 6, 2013, the bid for sixteen (16) new Magnet and M to M buses was awarded by the Office of State Procurement to Diamond State Bus Sales in Conway, AR. The cost of the buses is broken down below:

Four (4) 47 passenger buses - \$69,314.00 each = \$277,256.00.

Twelve (12) 65 passenger buses - \$71,073.00 each = \$852,876.00

The grand total for purchasing sixteen (16) new buses for the Magnet and M to M program is \$1,130,132.00.

The buses should be delivered sometime in the early Fall.

I. *Financial Obligations (Continued)*

- F. In July 2012, Finance paid the Magnet Review Committee \$92,500. This was the total amount due for FY12/13.
- G. In July 2012, Finance paid the Office of Desegregation Monitoring \$200,000. This was the total amount due for FY 12/13.

II. *Monitoring Compensatory Education*

On July 11, 2013, the ADE Implementation Phase Working Group met to review the Implementation Phase activities from the previous quarter. Mr. Willie Morris, ADE Lead Planner for Desegregation, updated the group on all relevant desegregation issues. Mr. Jeremy Lasiter, ADE General Counsel, provided an update concerning the desegregation issues currently before the federal court. A two-week hearing is set for December 9-20, 2013, regarding the state's motion to be relieved from the 1989 settlement agreement. ADE will continue to provide assistance to PCSSD regarding desegregation issues in becoming unitary in all areas and that the members of the Implementation Phase Working Group are vital to those efforts. The next Implementation Phase Working Group Meeting is scheduled for October 3, 2013 at 1:30 p.m. in the ADE Auditorium.

III. *A Petition for Election for LRSD will be Supported Should a Millage be Required*

Ongoing. All court pleadings are monitored monthly.

IV. *Repeal Statutes and Regulations that Impede Desegregation*

In June 2011, the ADE sent letters to the school districts in Pulaski County asking if there were any new laws or regulations that may impede desegregation. The districts were asked to review laws passed during the 88th Legislative Session, and any new ADE rules or regulations.

V. *Commitment to Principles*

On July 8, 2013, the Arkansas State Board of Education reviewed and approved the PMT and its Executive Summary for the month of June.

VI. *Remediation - Evaluate the impact of the use of resources for technical assistance*

On February 7, 2013, Susan Gray and Questar Assessment, Inc., conducted a webinar of District Test Coordinator for the Online Algebra I Retest. The webinar provided training for the administration of the Algebra I online retest. Little Rock School District, North Little Rock School District and Pulaski County Special School District participated.

On February 13, 2013, Susan Gray, Suzanne Knowles, Sheree Baird and Questar Assessment, Inc., provided District Test Coordinator Training. It was training for the administration of the mandated spring tests. The training took place at the Arkansas River Service Cooperative (ARESC) in Pine Bluff, AR. Little Rock School District, North Little Rock School District and Pulaski County Special School District participated.

VII. Test Validation

The Arkansas Department of Education (ADE) has, for over fifteen (15) years, implemented a rigorous, statistically sound and nationally recognized process for developing questions for its state standardized assessments. This process continues on an ongoing basis.

Before a question appears on a state standardized exam to measure student achievement, the question must survive a strict review process that lasts at least two (2) years. The process includes a review of each draft question by an internal team of ADE content specialists, a Content Committee, a Bias Review Committee and a Committee of Practitioners. The ADE also relies upon trained psychometricians, a Technical Advisory Committee (TAC), and the federal peer review process to conduct ongoing evaluations of the ADE's standardized testing procedures to ensure that those procedures are reliable, valid and controlled for bias.

Part of the two-year review process includes a review of each draft test question by the Bias Review Committee. The committee specifically reviews each draft test question for bias or lack of cultural sensitivity. The Bias Review Committee consists of approximately ten (10) educators, program specialists and administrators from throughout Arkansas. This committee is responsible for reviewing all reading passages, test questions, and writing prompts to make certain that the questions are controlled for bias and are not insensitive to specific groups or individuals. Once each draft question is field tested, the Bias Review Committee meets again to review the results using student data disaggregated by demographic group to review indications of possible bias with regard to a particular question. The Bias Review Committee has the power to reject a draft question altogether or require the draft question to be revised. If the Bias Review Committee orders a draft question to be revised, the entire two-year review process begins anew.

Only a draft question that has been found acceptable at every stage of the bias review process may be placed on an operational test to measure student achievement.

VIII. In-Service Training

On May 29, 2013, ADE conducted professional development at the Arkansas Department of Education Auditorium. Training of trainers' professional development workshop Building the Bridge: Connecting Social Studies and the Common Core for English Language Arts (ELA) for Social Studies Teachers and District Curriculum Coordinators to examine a new website with online modules created to build capacity for Social Studies Teachers teaching the Social Studies framework as well as Common Core Literacy Standards. This workshop is also designed to assist those in attendance with offering additional training and professional development within their districts and educational cooperatives. American Institutes for Research (AIR), Library of Congress (LOC), Great Lakes, Midwest, Central, and South Central Comprehensive Centers have all worked together on the Building the Bridge: Connecting Social Studies and the Common Core for (ELA) site. The presenters were Beth Ratway, American Institutes for Research (AIR); and Margaret Herrick, ADE Curriculum and Instruction, Social Studies. The audience consisted of K-12 Social Studies Teachers, District Curriculum Coordinators and South Central Comprehensive Center personnel.

On June 3, 2013, UALR Science Technology Engineering and Mathematics (STEM) Center Science Specialist provided professional development at Pike View Elementary School in the North Little Rock School District. It was the Arkansas STEM Coalition Commitment to Excellence in STEM Grant Science Equipment and Technology Training. The presenter was Keith Harris, UALR STEM Center Science Specialist. The audience consisted of teachers, instructional facilitators and administrators.

VIII. *In-Service Training (Continued)*

On June 5, 2013, ADE conducted a meeting at the Pulaski County Special School District Administrative Office to discuss working with the Response to Intervention (RtI) Committee for PCSSD to discuss working with them to develop a district-wide RtI Plan. The presenters were Jennifer Gonzales, Positive Behavior Support Coordinator for State Improvement/Personnel Development Grant (SPDG) and Dr. Howie Knoff, State Improvement/Personnel Development Grant (SPDG) Director. The audience consisted of Nickey Nichols, RtI Coordinator; Nancy Hall, Program Administrator; Sherman Whitfield, Pupil Services Director; Debbie Young, Special Education Coordinator; Renee Dawson, Professional Development Program Coordinator; John McCraney, Multicultural Education Coordinator; Yolaundra Williams, Tiffany Davis and Jennifer Nichols, Program Advisors.

On June 10, 2013, ADE provided professional development at the Hot Springs Convention Center in Hot Springs, Arkansas. ADE Specialists and Wilbur D. Mills High School Teacher provided professional development on the topics of Literacy Design Collaborative (LDC), Understanding by Design (UbD), and Formative Assessment during the Arkansas for Supervision and Curriculum Development (AASCD). The presenters were Samantha Newkirk, Wilbur D. Mills High School Teacher; Sherri Thorne, ADE English Language Arts (ELA) Specialist, Curriculum and Instruction; and Suzanne Knowles, ADE Assessment Specialist. The audience consisted of (AASCD) Conference attendees: educators from across the state of Arkansas.

On June 17, 2013, ADE provided professional development at the Holiday Inn West in Little Rock, Arkansas regarding Introduction to INDISTAR, an on-line tool for school planning. Schools identified as Priority and Focus status were invited to participate in an overview training of an on-line tool to assist in developing and monitoring an in-depth school improvement plan. Priority Schools currently are required to utilize the tool while this tool is an option for Focus Schools. Karyl Bearden, ADE Professional Development Specialist worked with the team from the assigned Focus School, Murrell Taylor Elementary School in the Pulaski County Special School District. The presenter was Stephanie Benedict, INDISTAR Representative. The audience consisted of district and building level administrators, school leadership team members and external providers.

On June 17-20, 2013, ADE staff provided professional development at Roberts Elementary School in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 2. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenters were Carolyn Blome and Katrina Long, Gibbs Elementary School Teachers. The audience consisted of teachers, instructional facilitators and administrators.

On June 18, 2013, ADE provided professional development at Maumelle Middle School in the Pulaski County Special School District regarding Maumelle Middle School Summer Institute. Teachers of English Language Arts (ELA), Science, Social Studies, and instructional facilitators participated in professional development to learn methods for integrating technology that supports instruction and parent communication as well as tools, resources, and guided support to develop cross-curricular units of instruction. The presenters were Djuna Dudeck and Susan Fletcher, PCSSD Administrators; Rafael Marlow, Asst. Principal; and Karyl Bearden, ADE Professional Development Specialist. The audience consisted of teachers, instructional facilitators and administrators.

VIII. *In-Service Training (Continued)*

On June 18-20, 2013, ADE staff provided professional development at Roberts Elementary School in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 3. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenter was Tanya Blais, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

On June 18-21, 2013, ADE provided professional development at the Hilton Garden Inn in North Little Rock, Arkansas for the Science Standards Review Committee. Forty-five (45) educators from around the state met to review the Next Generation Science Standards to consider them for a recommendation to the State Board of Education to adopt these standards in place of the current science content standards. The presenters were the following ADE personnel: Dr. Tracy Tucker, Director of Curriculum and Instruction Unit; Michele Snyder, Science Curriculum Specialist; Margaret Herrick, Curriculum and Instruction Social Studies Specialist; Thomas Coy, Math Specialist; Don Kaminar, Foreign Language Advisor; Lana Hallmark, Fine Arts Curriculum Advisor; and Janie Hickman, Science Specialist. The audience consisted of K-16 Science Educators.

On June 19, 2013, ADE provided professional development at Maumelle Middle School in the Pulaski County Special School District regarding Maumelle Middle School Summer Institute. Teachers of English Language Arts (ELA), Science, Social Studies, and instructional facilitators participated in professional development to learn methods for integrating technology that supports instruction and parent communication as well as tools, resources, and guided support with explicit feedback from Karyl Bearden, ADE Professional Development Specialist to further develop cross-curricular units of instruction. PCSSD Administrator presented state test data results for school years 2011-2012 and 2012-2013. Teachers analyzed data to consider instructional implications, as well as how teachers in each discipline should serve as a support for struggling students and as a support to extend learning for students meeting and exceeding grade level standards. The presenters were Djuna Dudeck and Susan Fletcher, PCSSD Administrators; Rafael Marlow, Asst. Principal; and Karyl Bearden, ADE Professional Development Specialist. The audience consisted of teachers, instructional facilitators and administrators.

On June 19-21, 2013, ADE provided professional development at Roberts Elementary School in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 1. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenter was Melissa Soto, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

On June 24-27, 2013, ADE staff provided professional development at Roberts Elementary School in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 2. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenter was Lesley Wagner, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

VIII. *In-Service Training (Continued)*

On June 24-27, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Extending Children's Math (ECM) 2. Like Cognitively Guided Instruction (CGI), ECM professional development is designed to enhance teachers' ability to teach math for understanding by increasing teachers' understanding of students' mathematical extending. The content focus is Operations and Algebraic Thinking, Number and Operations in Base Ten, Number and Operations – Fractions, The Number System, and Expressions and Equations as described in the Third through Sixth Grade Common Core State Standards for School Mathematics (CCSSM). Through a focus on students' thinking, teachers improve their ability to enact the Standards for Mathematical Practice described in CCSSM. ECM professional development develops teachers' ability to use any curriculum to teach math for understanding. The presenter was Joan Case, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

On June 24-27, 2013, ADE staff provided Professional Development at Roberts Elementary in the Little Rock School District regarding Extending Children's Math (ECM) 1. Like Cognitively Guided Instruction (CGI), ECM professional development is designed to enhance teachers' ability to teach math for understanding by increasing teachers' understanding of students' mathematical extending. The content focus is Operations and Algebraic Thinking, Number and Operations in Base Ten, Number and Operations – Fractions, The Number System, and Expressions and Equations as described in the Third through Sixth Grade Common Core State Standards for School Mathematics (CCSSM). Through a focus on students' thinking, teachers improve their ability to enact the Standards for Mathematical Practice described in CCSSM. ECM professional development develops teachers' ability to use any curriculum to teach math for understanding. The presenter was Lynne Nielsen, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

On June 24-28, 2013, ADE conducted a meeting at the Crowne Plaza in Little Rock, Arkansas regarding ADE Library Media Curriculum Framework Revision week #1. Thirty-seven (37) educators met to begin the revision process. Week one (1) work consisted of an overview of the revision process, review of rules and regulations, legislation, education reports, and other states and national standards. Committee members gathered information and began the process of revising the current ADE Library Media Curriculum Framework. The presenters were the following ADE personnel: Dr. Tracy Tucker, Director Curriculum and Instruction Unit; Shirley Fetherolf, Library Media Specialist; Thomas Coy, Math Specialist; Sherri Thorne, English Language Arts (ELA) Specialist; and Janie Hickman, Science Specialist. The audience consisted of K-12 Teachers, instructional facilitators, university personnel, and ADE personnel.

On June 24-28, 2013, ADE conducted a meeting at the Crowne Plaza in Little Rock, Arkansas regarding ADE Foreign Language Curriculum Framework Revision week #1. Thirty-one (31) educators met to begin the revision process. Week one (1) work consisted of an overview of the revision process, review of rules and regulations, legislation, education reports, and other states and national standards. Committee members gathered information and began the process of revising the current ADE Foreign Language Curriculum Framework. The presenters were the following ADE personnel: Dr. Tracy Tucker, Director Curriculum and Instruction Unit; John Kaminar, Foreign Language Specialist; Thomas Coy, Math Specialist; Margaret Herrick, Social Studies Specialist; Lana Hallmark, Fine Arts Specialist; Anthony Owen, Math Specialist; John Jarboe, Music Specialist; and Michele Snyder, Science Specialist. The audience consisted of K-12 Teachers, instructional facilitators, university personnel: Raquel Castro, University of Arkansas Fayetteville; Dr. Anthony Hobbs, University of Arkansas Pine Bluff; Claudia Devich, University of Arkansas Fort Smith, and ADE personnel.

VIII. *In-Service Training (Continued)*

On June 25-28, 2013, ADE provided professional development at Roberts Elementary School in the Little Rock School District regarding Cognitively Guided Instruction (CGI) Year 1. A teacher professional development program based on research that allows teachers to explore a framework for how elementary school children learn concepts of number, operations, and early algebra. The presenter was Dyanne Van Den Heuvel, Teacher Development Group. The audience consisted of teachers, instructional facilitators and administrators.

On June 26, 2013, ADE provided professional development at the Holiday Inn West in Little Rock, Arkansas regarding Introduction to INDISTAR, an on-line tool for school planning. Schools identified as Priority and Focus status were invited to participate in an overview training of an on-line tool to assist in developing and monitoring an in-depth school improvement plan. Priority Schools are currently required to utilize the tool while this tool is an option for Focus Schools. Karyl Bearden, ADE Professional Development Specialist worked with the team from the assigned Focus School, Fuller Middle School in the Pulaski County Special School District. The presenter was Stephanie Benedict, INDISTAR Representative. The audience consisted of district and building level administrators, school leadership team members and external providers.

On June 28, 2013, ADE conducted a meeting at the Pulaski County Special School District Administration Office. ADE met with PCSSD Response to Intervention (RtI) team to discuss RtI Implementation Guidebook and action plan. The presenters were Jennifer Gonzales, ADE Positive Behavior Support Coordinator for State Improvement/Personnel Development Grant (SPDG) and Dr. Howie Knoff, State Improvement/Personnel Development Grant (SPDG) Director. The audience consisted of Nickey Nichols, RtI Coordinator; Tiffany Davis, Program Advisor; Sherman Whitfield, Pupil Services Director; LaJuana Green, Director of Counseling; Dr. Robert Clowers, Education Accountability; and Terri Rogers, Coordinator for Equity Initiatives.

On July 9-10, 2013, ADE provided professional development at Wilbur Mills Co-op in Beebe, Arkansas regarding Literacy Design Collaborative (LDC). In this three (3) day workshop participants will develop a deeper understanding of the Common Core State Standards for literacy and math that also is specific to English language arts, social studies, science and elective/career and technical disciplines. ADE and Co-op Specialists will support and collaborate with teachers throughout the process. Explore templates for writing tasks. Understand the difference between a reading and writing assignment that deepens students' ability to read complex materials and to prepare written statements on those materials. Create a two to four week module that will be used with students that aligns to standards specific to a discipline area. The presenters were Greg Moore, Wilbur D. Mills Co-op Literacy Specialist, Ben Carrigan, Harding University STEM Center Science Specialist; Jane Dearworth, ADE Literacy Specialist; Karyl Bearden and Pearce Peacock, ADE Professional Development Specialists. The audience consisted of High School English, Social Studies/History and Science Teachers, administrators and instructional facilitators.

On July 9-11, 2013, ADE provided professional development at Wilbur Mills Co-op in Beebe, Arkansas regarding Math Design Collaborative (MDC). In this three (3) day workshop participants will develop a deeper understanding of the Common Core State Standards for Mathematics (CCSSM), the basic principles of formative assessment, implementation of formative assessment lessons and creating units of instruction. The presenters were Nanette Nichols, Science Specialist, Wilbur Mills Co-op; Tim Brister, Math Specialist Harding University STEM Center; and Heather Hardin, ADE Public School Program Advisor. The audience consisted of High School Math Teachers, administrators and instructional facilitators.

VIII. In-Service Training (Continued)

On July 11, 2013, ADE provided professional development at Wilbur Mills Co-op in Beebe, Arkansas regarding Literacy Design Collaborative (LDC). In this three (3) day workshop participants will develop a deeper understanding of the Common Core State Standards for literacy and math that also is specific to English language arts, social studies, science and elective/career and technical disciplines. ADE and Co-op Specialists will support and collaborate with teachers throughout the process. Explore templates for writhing tasks. Understand the difference between a reading and writing assignment that deepens students’ ability to read complex materials and to prepare written statements on those materials. Create a two to four week module that will be used with students that aligns to standards specific to a discipline area. The presenters were Greg Moore, Wilbur D. Mills Co-op Literacy Specialist, Ben Carrigan, Harding University STEM Center Science Specialist; Karyl Bearden and Pearce Peacock, ADE Professional Development Specialists. The audience consisted of High School English, Social Studies/History and Science Teachers, administrators and instructional facilitators.

On July 12, 2013, a meeting was conducted at the Pulaski County Special School District Office. They discussed Science Initiative including status of Next Generation Science Standards and Common Core State Standards in Arkansas; Literacy and Math Design Collaboratives (LDC/MDC), Teacher Excellence Support System (TESS), STEM Works Initiative, schools Science Specialist is currently working with through grants. The presenter was Keith Harris, UALR STEM Center Science Specialist. The audience consisted of Lance Levar, Program Administrator.

IX. Financial Assistance to Minority Teacher Candidates

On June 26, 2013, the Office of Educator Licensure submitted a listing of the Spring 2013 minority graduates from Arkansas colleges/universities to Little Rock School District, North Little Rock School District and Pulaski County Special School District.

X. Financial Assistance to Minority Teacher Candidates

Ms. Lisa Smith of the Arkansas Department of Higher Education reported Minority Scholarships for Fiscal Year 2011-2012 on April 9, 2013. These included the State Teacher Education Program (STEP) and the Teacher Opportunity Program (TOP). The scholarship awards are as follows:

| 2011-12 STEP | | Male | | Female | | Total | Total | |
|---------------------|-------|-------|-------|--------|-------|-------|------------|---------------------|
| Race | Count | Award | Count | Award | Count | Award | Count | Award |
| Blank | 91 | 3,000 | 6 | 3,000 | 15 | 3,000 | 112 | 9,000 |
| Native Amer | | | | | 4 | 4,000 | 4 | 4,000 |
| Asian | | | | | 4 | 4,000 | 4 | 4,000 |
| Black | 4 | 4,000 | 14 | 4,000 | 74 | 4,000 | 92 | 12,000 |
| Hispanic | | | 2 | 4,000 | 13 | 4,000 | 15 | 8,000 |
| Other | 2 | 4,000 | | 4,000 | 1 | 4,000 | 3 | 12,000 |
| Unknown | 1 | 3,000 | | | | | 1 | 3,000 |
| White | 1 | 3,000 | 123 | | 415 | | 539 | 3,000 |
| | | | | | | | 770 | 115 Minority |

X. Financial Assistance to Minority Teacher Candidates (Continued)

| 2011-12 TOP | | Male | Male | Female | Female | Total | Total | |
|--------------------|-------|-------|-------|--------|--------|-------|-------------|---------------------|
| Race | Count | Award | Count | Award | Count | Award | Count | Award |
| Blank | 122 | | 6 | | 28 | | 156 | |
| Native Amer | | | 1 | | 10 | | 11 | |
| Asian | | | | | 4 | | 4 | |
| Black | 5 | | 29 | | 130 | | 164 | |
| Hispanic | | | 2 | | 15 | | 17 | |
| Other | 2 | | 1 | | 2 | | 5 | |
| Unknown | 1 | | | | 2 | | 3 | |
| White | 2 | | 171 | | 648 | | 821 | |
| | | | | | | | 1181 | 196 Minority |

Teacher Opportunity Program (TOP) – the amount awarded will be based on the tuition, mandatory fees, books, and required supplies paid by the applicant for up to six (6) credit hours completed.

XI. Minority Recruitment of ADE Staff

The MRC met on July 11, 2013 at the ADE. The 1999 Revised Plan states that the ADE will work to have a percentage of minority employees that reflects “the population of students served” in each division of the department and in the department as a whole for employees rated at Grade 21 and above (not including Grade 99’s). Due to the revision in the employee grade system by the Office of Personnel Management, Grades C121 to C130 were used for the purpose of this report. A graph was also presented that showed the percentage of black, white and other employees for the ADE as a whole and by division. During the quarter ending June 30, 2013, one of the divisions, Accountability exceeded the threshold that was used in the previous plan. The ADE as a whole was 18.64% Black.

XII. School Construction

This goal is completed. No additional reporting is required.

XIII. Assist PCSSD by communicating with local colleges and universities to facilitate lowering the cost of Black History course offerings to its certified staff

Goal completed as of June 1995.

XIV. Scattered Site Housing

This goal is completed. No additional reporting is required.

XV. Standardized Test Selection to Determine Loan Forgiveness

Goal completed as of March 2001.

XVI. Monitor School Improvement Plans - Follow-up and assist schools that have difficulty realizing their school improvement objectives

On August 25, 2011, ADE staff held an ACSIP meeting at NLRSD. The meeting was held in Kristie Ratliff’s office to discuss ACSIP requirements. Diane Gross discussed priorities, interventions, and actions and stressed that actions in the ACSIP plan must be very focused and clear. It was suggested that NLRSD put the budget codes in the action for the Bookkeeper’s reference when paying out. The Peer Review Process for approving building plans was discussed.

XVI. *Monitor School Improvement Plans - Follow-up and assist schools that have difficulty realizing their school improvement objectives (Continued)*

In addition to the ACSIP, discussions were held about Title III and State ELL expenditures and making sure monies are being spent in a way the ELL students are being served. The need for spending the dollars in the buildings where the students are located was also pointed out.

XVII. *Data Collection*

The ADE Office of Public School Academic Accountability has released the 2010 Arkansas School Performance Report (Report Card). The purpose of the Arkansas School Performance Report is to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools. The Department of Education annually produces a school performance report for each individual public school in the state.

XVIII. *Work with the Parties and ODM to Develop Proposed Revisions to ADE's Monitoring and Reporting Obligations*

On June 19, 2013, the ADE participated in a Desegregation Monitoring and Assistance Plan Meeting. Those in attendance were Margie Powell, John Walker, Joy Springer, Sam Jones, Willie Morris, Aleta Fletcher, Linda West, Dr. Linda Remele, Sherman Whitfield, John McCraney, Laura Shirley, Shawn Burgess, Dr. Jerry Guess, Dr. John Tackett, Paul Brewer, Terri Rogers, and Dr. Janice Warren. The following items were discussed during the meeting:

Section C. Student Assignment – One Race Classrooms and Cognos Reports

Our next monthly meeting has been scheduled for **Wednesday, June 26, 2013 at 2:30 p.m.** The group will review Section C. Student Assignment – One Race Classrooms again.

NEWLY EMPLOYED FOR THE PERIOD OF June 15, 2013 – July 19, 2013

Bonnie Casey – Fiscal Support Supervisor, Grade C118, Central Administration, Finance, effective 07/08/13.

*Miguel Hernandez III – ADE Assistant Commissioner, Grade N912, Division of Fiscal and Administrative Services, effective 07/01/13.

*Anwan Middleton – Administrative Specialist II, Grade C109, Division of Learning Services, Federal Programs, effective 07/08/13.

*Sonya Rasberry – Human Resources Specialist, Grade C113, Division of Human Resources/Licensure, Time and Leave Unit, effective 06/24/13.

Karli Saracini – Public School Program Manager, Grade C126, Division of Human Resources/Licensure, Educator Licensure, effective 06/24/13.

Steve Scoggins – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 07/08/13.

Cathy Tanner – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 07/08/13.

Dr. Megan Witonski – ADE Assistant Commissioner, Grade N912, Division of Learning Services, effective 06/24/13.

PROMOTIONS/DEMOTION/LATERALTRANSFERS FOR THE PERIOD OF June 15, 2013 – July 19, 2013

Christina Billingsley from an Administrative Specialist III, Grade C112, Division of Research and Technology, Technical Support, to a Fiscal Support Analyst, Grade C115, Central Administration, Finance, effective 07/08/13. Promotion

Deborah Coffman from a Public School Program Manager, Grade C126, Division of Learning Services, Professional Development, to the ADE Director of Communications, Grade N904, Central Administration, effective 06/18/13. Promotion

Tammy Rickert from an Administrative Specialist II, Grade C109, Division of Learning Services, Federal Programs, to an Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Financial Accountability & Reporting, effective 06/21/13. Promotion

SEPARATIONS FOR THE PERIOD OF June 15, 2013 – July 19, 2013

Robert Aberthany – Statistical Analysis Manager, Grade C121, Division of Fiscal and Administrative Services, LEA State Funding/Loans and Bonds, effective 06/28/13. 0 Years, 7 months, 15 days. Retirement

Laura Bednar – ADE Assistant Commissioner Learning Services, Grade N912, Learning Services, effective 06/21/13. 3 Years, 2 months, 2 days. 01

Jill Brzozowski – Education Investigator, Grade C121, Division of Human Resources/Licensure, Professional Licensure Standards Board (PLSB), effective 07/19/13. 1 Year, 10 months, 13 days. 01

James Camp, Jr. – School Bus Transportation Inspector, Grade C116, Division of Public School Academic Facilities and Transportation (DPSAFT), effective 06/28/13. 5 Years, 4 months, 3 days. Retirement

Jared Cleveland –Assistant Commissioner Fiscal and Administrative Services, Grade N912, effective 06/28/13. 0 Years, 11 months, 19 days. 01

*Eneida Cosme – Fiscal Support Analyst, Grade C115, Central Administration, Finance, effective 06/28/13. 27 Years, 3 months, 17 days. Retirement

Sandra Crawley – Public School Program Advisor, Grade C122, Division of Learning Services, Special Education, effective 06/28/13. 2 years, 2 months, 10 days. 01

Patrice Gross – Public School Program Advisor, Grade C122, Division of Learning Services, Charter/Home Schools, effective 06/28/13. 2 Years, 11 months, 22 days. 01

***Rita Hampton – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 06/28/13. 40 Years, 4 months, 12 days. Retirement**

June Haynie – ADE OERZ Director, Grade C126, Division of Learning Services, Education Renewal Zone/Scholastic Audit (OERZ), effective 07/08/13. 1 Year, 9 months, 12 days. 01

Sherry Holliman – Public School Program Coordinator, Grade C123, Division of Learning Services, Special Education, effective 06/28/13. 1 Year, 0 months, 17 days. 01

Danita Hyrkas – ADE APSCN Applications Manager, Grade C124, Division of Fiscal and Administrative Services, Financial Accountability & Reporting, effective 06/21/13. 20 Years, 0 months, 0 days. Retirement

Brenda Irvin – Fiscal Support Supervisor, Grade C118, Central Administration, Finance, effective 06/28/13. 36 Years, 10 months, 23 days. Retirement

***Alisa Jackson – Administrative Specialist III, Grade C112, Division of Learning Services, OERZ, effective 07/19/13. 7 Years, 0 months, 23 days. 01**

Krista Jackson – Nutritionist Consultant, Grade C121, Division of Fiscal and Administrative Services, Child Nutrition, effective 07/19/13. 2 Years, 7 months, 27 days. 01

Andrea Kelley – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 06/24/13. 0 Years, 11 months, 19 days. Retirement

Carol Massey – ADE Program Administrator, Grade C124, Division of Learning Services, Professional Development, effective 06/28/13. 11 Years, 5 months, 21 days. Retirement

***Taniesa Moore – Public School Program Advisor, Grade C122, Division of Public School Accountability, Equity Assistance, effective 06/28/13. 4 Years, 4 months, 25 days. 01**

***Phylistia Stanley – Public School Program Advisor, Grade C122, Division of Public School Accountability, effective 07/05/13. 0 Years, 11 months, 26 days. 01**

***Camille Sterrett – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Office of Educator Effective, effective 06/28/13. 5 Years, 1month, 3 days. 01**

Phyllis Stewart – ADE Assistant to Director/Chief of Staff, Grade C129, Central Administration, effective 06/28/13. 3 Years, 7months, 19 days. 01

Karen Taylor – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 06/28/13. 5 Years, 11 months, 19 days. 01

Ronald Tolson – Public School Program Manager, Grade C126, Division of Human Resources/Licensure, Educator Licensure, effective 06/21/13. 2 Years, 8 month, 20 days. 01

Jana Villemez – Public School Program Advisor, Grade C122, Division of Learning Services, Special Education, effective 06/21/13. 2 Years, 5 months, 3 days. 01

***Minority**

**AASIS Codes:
01 – Voluntary
Retirement**

Section 1
Second Lien Bonds

Arkansas Code Annotated (A. C. A.) § 6-20-1229 (b) states the following:

(b) All second-lien bonds issued by school districts shall have semi-annual interest payments with the first interest payment due within eight (8) months of the issuance of the second-lien bond. All second lien bonds shall be repaid on payment schedules that are either:

- (1) Equalized payments in which the annual payments are substantially equal in amount; or
- (2) Decelerated payments in which the annual payments decrease over the life of the schedule.

**STATE BOARD OF EDUCATION MEETING
AUGUST 12, 2013
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

| | | |
|-------------------|-----------|----------------------|
| 9 2nd Lien | \$ | 36,625,000.00 |
| <hr/> | | <hr/> |
| 9 | \$ | 36,625,000.00 |

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
2ND LIEN
RECOMMEND APPROVAL**

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|--|
| Bauxite | Saline | 1,532.13 | \$2,840,000 | 20.17% | \$14,315,327 | Funding the District's portion of the following partnership projects: additions to Pine Haven Elementary School (\$1,400,000); building and equipping a PE facility at the middle school (\$500,000); building and equipping a band and choir facility at the high school (\$200,000); replacing the roof at the high school (\$250,000); and purchasing property (\$400,000); and cost of issuance and underwriter's discount allowance (\$90,000). Any remaining funds will be used for other construction, renovation and/or equipment purchases. |
| Bismarck | Hot Spring | 1,027.22 | \$375,000 | 14.14% | \$8,410,000 | Providing funds for the District's portion of the following Federal Emergency Management Agency and Partnership Program Projects: constructing and equipping safe rooms at the District's elementary school and high school for use by the District and local community (\$320,000); upgrades to HVAC system for the A building (Project #1314-3001-010) (\$35,000); cost of issuance and underwriter's discount allowance (\$20,000). Any remaining funds will be used for other construction, renovations, and equipment purchases. |
| Bradford | White | 456.79 | \$530,000 | 14.00% | \$3,620,000 | District-wide multi-roof replacement and constructing and equipping a safe room (\$503,980) and cost of issuance and underwriter's discount allowance (\$26,020). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Fort Smith | Sebastian | 13,965.70 | \$9,230,000 | 5.78% | \$82,784,718 | Constructing, renovating and equipping school facilities (\$9,000,000) and cost of issuance and underwriter's discount allowance (\$230,000). |

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|---|
| Lakeside | Garland | 3,169.12 | \$2,890,000 | 6.97% | \$28,405,000 | Renovating the following: Jr. High football locker room including new HVAC and equipment, science classrooms, K-4 classrooms, bathrooms (Jr. High & High School), K-7 security entrance, paving and parking lot improvements of the Lakeside School District Campus and technology upgrades for the primary school and science classrooms (\$2,800,000) and cost of issuance, and underwriter's discount allowance (\$90,000). Any remaining funds will be used for other construction, renovation and equipment purchases. |
| Newport | Jackson | 1,326.01 | \$5,755,000 | 11.05% | \$14,640,000 | Funding the District's portion of the following Partnership projects: upgrade the fire alarm system, HVAC system and provide new doors for the high school, junior high, and central office (\$3,000,000); funding the following non-partnership projects: renovations to the gymnasium (\$100,000) and removal of asbestos from the junior high building (\$2,500,000); and cost of issuance and underwriter's discount allowance (\$155,000). Any remaining funds will be used for other construction, renovations and equipment purchases. |
| Russellville | Pope | 4,995.69 | \$12,300,000 | 8.02% | \$65,245,000 | Build and equip new gymnasium (\$10,000,000); renovate baseball and softball fields and track (\$1,000,000); renovate press box (\$1,000,000); remaining funds will be used for other capital projects and/or equipment and cost of issuance (\$300,000). |
| Southside | Independence | 1,544.14 | \$2,070,000 | 20.71% | \$12,212,860 | Funding the District's portion of the following partnership project: Constructing and equipping 16 new classrooms at the high school building (project #1314-3209-002) (\$2,000,000) and cost of issuance and underwriter's discount allowance (\$70,000). Any remaining funds will be used for other renovations and/or equipment purchases. |

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------------|-----------|----------|-----------------------|------------|-------------------------------|---|
| Westside Consolidated | Craighead | 1,661.10 | \$635,000 | 12.33% | \$12,979,066 | Funding the District's portion of the following partnership project: completing the construction and equipment of the District's Fine Arts building (1112-1602-800) (\$350,000); funding the following non-partnership projects: renovations to the elementary school (\$125,000) and renovations to classrooms at the high school (\$125,000); and cost of issuance and underwriter's discount allowance (\$35,000). |

Section 2 Voted Bonds

Arkansas Code Annotated (A. C. A.) § 6-20-1201 states the following:

A school district may borrow money and issue negotiable bonds to repay borrowed moneys from school funds for: building and equipping school buildings; making additions and repairs to school buildings; purchasing sites for school buildings; purchasing new or used school buses; refurbishing school buses; providing professional development and training of teachers or other programs authorized under the federally recognized Qualified Zone Academy Bond program, 26 U.S.C. § 1397E; and paying off outstanding postdated warrants, installment contracts, revolving loans, and lease-purchase agreements, as provided by law.

**STATE BOARD OF EDUCATION MEETING
APRIL 8, 2013
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

| | | |
|-----------------|-----------|-----------------------|
| 15 Voted | \$ | 199,450,000.00 |
| <hr/> | | <hr/> |
| 15 | \$ | 199,450,000.00 |

**SCHOOL DISTRICTS FINANCIAL TRANSACTIONS
COMMERCIAL BONDS
VOTED
RECOMMEND APPROVAL**

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|---|
| Bentonville | Benton | 14,821.62 | \$74,720,000 | 16.70% | \$267,350,000 | Constructing and equipping a new high school (\$73,047,778) and cost of issuance and underwriter's discount allowance (\$1,672,222). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Brookland | Craighead | 1,842.34 | \$12,300,000 | 20.22% | \$22,802,717 | Construction of a new Pre-K building (\$2,575,000); funding the District's portion of the following partnership projects: constructing and equipping a new middle school (\$9,100,000) and additions to the elementary school (\$325,000); and cost of issuance and underwriter's discount allowance (\$300,000). Any remaining funds will be used for other capital projects and equipment purchases. |
| Danville | Yell | 882.14 | \$2,480,000 | 9.67% | \$3,900,928 | Constructing and equipping a new K-12 classroom addition; constructing and equipping a new elementary cafeteria/safe room; and installing a new roof at the elementary campus (\$2,402,480) and cost of issuance and underwriter's discount allowance (\$77,520). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Dover | Pope | 1,396.84 | \$11,540,000 | 27.01% | \$20,830,000 | Refunding the outstanding bond issue dated September 1, 2008 (\$1,564,754); renovating the existing middle school; constructing and equipping additional middle school classrooms, safe room areas, and P.E. facility; constructing and equipping a new multi-purpose activity center (MAC) (\$9,692,866) and cost of issuance and underwriter's discount allowance (\$282,380). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|---|
| Heber Springs | Cleburne | 1,800.54 | \$20,850,000 | 8.63% | \$22,667,654 | Refunding the outstanding bond issue dated October 1, 2010 (\$4,826,584); refunding the outstanding bond issue dated October 1, 2011 (\$3,035,208); constructing and equipping a high school fine arts/band facility; enhancing security measures; constructing and equipping new occupational and physical therapy rooms; renovating the high school cafeteria (\$12,503,508); and cost of issuance and underwriter's discount allowance (\$484,700). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Jackson County | Jackson | 827.39 | \$7,195,000 | 13.32% | \$7,244,985 | Refunding the November 1, 2008 bond issue (\$4,995,324); constructing and equipping new facilities; paving; purchase of a school bus; and constructing, refurbishing, remodeling and equipping of other school facilities (\$2,015,386) and cost of issuance and underwriter's discount allowance (\$184,290). |
| Lee County | Lee | 911.93 | \$1,275,000 | 1.22% | \$1,430,000 | Constructing, refurbishing, remodeling and equipping school facilities (\$1,226,400) and cost of issuance and underwriter's discount allowance (\$48,600). |
| Manila | Mississippi | 1,021.77 | \$9,870,000 | 21.07% | \$9,870,000 | Refunding the outstanding bond issue dated November 1, 2008 (\$3,625,444); constructing a new high school and other projects (\$6,001,416) and cost of issuance and underwriter's discount allowance (\$243,140). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Mountainburg | Crawford | 703.81 | \$3,810,000 | 10.55% | \$3,928,451 | Refunding the outstanding bond issues dated December 1, 1997 and November 1, 2010 (\$2,100,341); replacing and upgrading major building systems and equipment for existing school facilities (\$1,601,029) and cost of issuance and underwriter's discount allowance (\$108,630). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|---|
| Pea Ridge | Benton | 1,685.41 | \$12,890,000 | 26.23% | \$22,168,314 | Refunding the outstanding bond issue dated October 1, 2011 (\$1,456,196); refunding a portion of the District's outstanding bond issue dated April 1, 2012 (\$8,089,705); constructing and equipping a new multi-purpose facility which will include an auditorium, high school classrooms and various classrooms for band, choir and drama; renovating and equipping existing band room into classrooms; and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities (\$3,005,719) and cost of issuance and underwriter's discount allowance (\$338,380). |
| Prairie Grove | Washington | 1,837.97 | \$24,715,000 | 20.83% | \$25,645,000 | Refunding the October 1, 2010 bond issue and both of the March 1, 2012 bond issues (\$11,556,641); demolition of a major portion of the existing primary school; constructing and equipping a classroom addition and a safe room/multi-purpose addition to the intermediate school to create a K-4 campus; constructing and equipping a new high school gym (\$12,562,629) and cost of issuance and underwriter's discount allowance (\$595,730). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Searcy County | Searcy | 898.96 | \$8,580,000 | 13.58% | \$9,142,108 | Refunding the outstanding bond issue dated March 1, 2009 (\$2,341,188); constructing and equipping additional classrooms and renovation of existing classrooms at Marshall Elementary School; constructing and equipping additional classrooms and ADA restrooms at Marshall High School; installation of central heat and air at Leslie Intermediate School and Marshall High School; constructing and equipping FFA barn, corral and fencing; demolition and removal of existing old school buildings (\$6,024,052) and cost of issuance and underwriter's discount allowance (\$214,760). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |

| DISTRICT | COUNTY | ADM | AMOUNT OF APPLICATION | DEBT RATIO | TOTAL DEBT W/THIS APPLICATION | PURPOSE |
|-----------------|---------------|------------|------------------------------|-------------------|--------------------------------------|---|
| Valley Springs | Boone | 938.61 | \$2,960,000 | 6.70% | \$3,370,433 | Refunding the outstanding bond issue dated November 1, 2010 (\$906,992.50); refunding the outstanding bond issue dated October 1, 2011 (\$1,163,110.63); installing air conditioning in existing gyms; constructing and equipping additional elementary school classrooms (\$800,856.87) and cost of issuance and underwriter's discount allowance (\$89,040). Any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities. |
| Watson Chapel | Jefferson | 2,955.57 | \$4,265,000 | 5.71% | \$6,445,000 | Purchasing land (\$125,000); funding the District's portion of the following partnership project: building and equipping a new K-1 building (\$4,017,000) and cost of issuance and underwriter's discount allowance (\$123,000). Any remaining funds will be used for other capital projects and/or equipment purchases. |
| West Fork | Washington | 1,193.48 | \$2,000,000 | 14.12% | \$7,915,369 | Constructing, renovating and equipping new and existing school facilities (\$1,930,000) and cost of issuance (\$70,000). |

000000Additional Licensure Waiver Requests
 2013-2014
 August 2013 State Board Agenda

| LEA | District | # Waivers Requested | Teacher | License Areas | ALP | | Yrs ALP | Granted /Denied |
|------|---|---------------------|--|--|------|--|-------------------------|-----------------|
| | | | | | Code | Out of Area | | |
| | Arkansas State Hospital | 1 | Collins, Ida | ECE P-4; 5th/6th Endorsement; Drama 7-12 | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted |
| 5801 | Atkins School District | 1 | Lewis, Nicole | ECE P-4 | 299 | Guidance & Counseling P-8 | 11-12 12-13 13-14 | Granted |
| 7301 | Bald Knob School District | 2 | Pace, Tyrel Watkins, Stephanie | Health/PE P-12 | 276 | Curriculum/Prog/Adm/Curriculum P-12 | 13-14 | Denied |
| | Conway County Center for Exceptional Children | 1 | Doll, Katrina | ECE P-4 | 231 | Sp Ed Ech Inst Specialist P-4 | 11-12 12-13 13-14 | Granted |
| 7504 | Dardanelle School District | 1 | Kuras, Karie | MS Math, Science, SS; Elem K-6; Library Media P-12; ECE P-4; | 280 | Curriculum/Prog/Adm/Curriculum P-12 | 13-14 | Granted |
| 6602 | Greenwood School District | 1 | Gill, Kimberly | ECE P-4; Reading; Elem K-6; Guidance K-12 | 312 | Building Administrator P-8 | 13-14 | Granted |
| 6804 | Highland School District | 3 | Goodson, Kelly Scribner, Valerie Annette Shackleford, James Clinton | Elem K-6 Business Education | 280 | Curriculum/Prog/Adm/Curriculum P-12 | 13-14 | Denied |
| 6202 | Hughes School District | 1 | Owens, Sheryl | Bldg. Level Adm. Secondary Principal; Social Studies 7-12; Secondary Guidance | 311 | District Administrator P-12 | 13-14 | Denied |
| | | | | | 311 | District Administrator P-12 | 12-13 13-14 | Granted |

000000Additional Licensure Waiver Requests
 2013-2014
 August 2013 State Board Agenda

| LEA | District | # Waivers Requested | Teacher | ALP | | | Yrs ALP | Granted /Denied |
|------|-----------------------------------|---------------------|------------------------|---|------|---|-------------------------|-----------------|
| | | | | License Areas | Code | Out of Area | | |
| 5503 | Kirby School District | 1 | Cowart, Dolores | Special Ed Curriculum Program Adm; MS English; Elem 1-6; Spec Ed P-12 | 312 | Building Administrator P-8 | 13-14 | Granted |
| 6605 | Lavaca School District | 2 | Rose, Steven | Bldg. Level Adm. | 311 | District Administrator P-12 | 12-13 13-14 | Granted |
| | | | Watson, Chris | PE/Health K-12; Middle School Endorsement; Bldg. Adm.; Coaching; Driver's | 169 | Physical /Earth Science 7-12 | 13-14 | Granted |
| | Methodist Family Health | 2 | Corley, Megan | ECE P-4 | 231 | Sp Ed Ech Inst Specialist P-4 | 11-12 12-13 13-14 | Granted |
| | | | Rasnack, Justin | Speech; Social Studies 7-12 | 230 | Sp Education Instructional Specialist 4-12 | 11-12 12-13 13-14 | Granted |
| | Millcreek of Arkansas | 3 | Howard, Martha | Reading; Elem 1-6 | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted |
| | | | McElroy, Macy L. | MS Math, English, Social Studies; Elem 1-6 | 230 | Sp Education Instructional Specialist 4-12 | 11-12 12-13 13-14 | Granted |
| | | | Poirier, Wanna Rena | Social Studies 7-12 | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted |
| 6901 | Mountain View School District | 1 | Wilson, Sharon R. | ECE P-4, Elem 1-6 | 231 | Sp Ed Ech Inst Specialist P-4 | 13-14 | Granted |
| 6505 | Ozark Mountain School District | 1 | Pilgrim, Laruel | Middle Childhood Education | 200 | Mathematics 7-12 | 11-12 12-13 13-14 | Denied |

000000Additional Licensure Waiver Requests
 2013-2014
 August 2013 State Board Agenda

| LEA | District | # Waivers Requested | Teacher | License Areas | ALP | | Out of Area | Yrs | |
|---|----------|---------------------|------------------|---|------|--|-------------------------|---------|-----------------|
| | | | | | Code | | | ALP | Granted /Denied |
| Sammie Gail Sanders Children's Learning | | 3 | Burnett, Jessica | ECE P-4 | 231 | Sp Ed Ech Inst Specialist P-4 | 12-13 13-14 | Denied | |
| | | | Sessions, Donna | Elem 1-6; MS Social Studies | 231 | Sp Ed Ech Inst Specialist P-4 | 11-12 12-13 13-14 | Denied | |
| | | | Sessions, Donna | Elem 1-6; MS Social Studies | 001 | Early Childhood Education P-4 | 12-13 13-14 | Granted | |
| | | | Killian, Morgan | English/Language Arts 7-12 | 299 | Guidance & Counseling P-8 | 13-14 | Granted | |
| Siloam Springs School District | 0406 | 2 | Killian, Morgan | English/Language Arts 7-12 | 300 | Guidance & Counseling 7-12 | 13-14 | Granted | |
| | | | Landrum, Don | Bldg. Level Adm; District Level Adm; Middle Childhood Education | 230 | Sp Education Instructional Specialist 4-12 | 11-12 12-13 13-14 | Granted | |
| Texarkana Special Education Center | | 1 | McBride, Jamison | ECE P-4 | 231 | Sp Ed Ech Inst Specialist P-4 | 13-14 | Granted | |
| | | | Bailey, Tessa | English/Language Arts 7-12 | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted | |
| Vista Health, Inc. | | 5 | Geng, Kevin | Middle Childhood Education; Elem K-6 | 230 | Sp Education Instructional Specialist 4-12 | 13-14 | Granted | |
| | | | Harris, Deanne | Middle Childhood Education | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted | |
| | | | Loyd, Kasey | ECE P-4 | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted | |
| Vista Health, Inc. Continued | | | Williams, Patti | Family & Consumer Sciences | 230 | Sp Education Instructional Specialist 4-12 | 12-13 13-14 | Granted | |

000000Additional Licensure Waiver Requests
2013-2014

August 2013 State Board Agenda

| LEA | District | # Waivers Requested | Teacher | License Areas | ALP | | Out of Area | Yrs | | Granted /Denied |
|---|------------------------------|---------------------|---|---|------|--|-------------------------------|----------------|--|-----------------|
| | | | | | Code | | | ALP | | |
| 3606 | Westside School District | 1 | Holland, Jay | Bldg. Level Adm; Bldg. Adm.; | 311 | | District Administrator P-12 | 13-14 | | Granted |
| | Yell County Special Services | 1 | Sullivan, Amanda | ECE P-4; Middle Childhood Education | 231 | | Sp Ed Ech Inst Specialist P-4 | 12-13 13-14 | | Granted |
| Total # of Districts Requesting Waivers this Month | | 35 | Total # Waivers Requested this Month | | | | | | | |
| | | | | Total # Waivers Granted this Month | | | | | | 28 |
| | | | | Total # Waivers Denied this Month | | | | | | 7 |
| | | | | Total # Waivers Requested this Month | | | | | | 35 |

000000Long Term Substitute Teachers
 2012-2013
 April 2013 State Board Agenda

| LEA | District | # Long Term Substitutes Requested | Substitute Name | Subject | Teacher of Record | Granted/ Denied |
|------|--------------------------------|-----------------------------------|-----------------------|------------------------|-----------------------|--------------------|
| 1002 | Arkadelphia School District | 1 | Rodgers, Vanessa Rhae | Kindergarten | Medlock, Polly | Granted |
| 0401 | Bentonville School District | 1 | Woody, Denise | Art | McGinnis, Anne | Granted |
| 6301 | Bauxite School District | 1 | Lewallen, Joseph | Special Education | Bridges Arlene | Granted |
| 6303 | Bryant School District | 1 | Graves, Patricia | 1st Grade | Jewell, Chelsea | Granted |
| 5204 | Camden Fairview School Dist. | 1 | Tank, Tamekia | Science | McManus, Michaela | Granted |
| 0901 | Dermott School District | 1 | Cox, Patricia Ann | FACS | Barnhill, Joy | Granted |
| 2202 | Drew Central School District | 1 | McKay, Jessica | Band 7-12 | Self, Truman | Granted |
| 1408 | Emerson-Taylor School District | 1 | Griffin, Mozella | Music K-12 | DeWart, Kayla | Granted |
| 7203 | Fayetteville School District | 1 | Ray, Ashely | Elementary | Anderson, Tanika | Granted |
| 6601 | Fort Smith School District | 1 | Roller, Jennifer | German | Hayre, Alice | Granted |
| 7204 | Greenland School District | 1 | West, John C | PE/Health/Coaching | Brewer, Daniel J | Granted |
| 0203 | Hamburg School District | 1 | Crawford, Terri | Elementary Music | Temple, Vickie | Granted |
| 1202 | Heber Springs School District | 1 | Grace, April | MS Math | Pruitt, Bahar | Granted |
| 5403 | Helena/W.Helena School Dist. | 2 | Rose, Shirley | Science | Jones, Girtie | Granted |
| | | | Williams, Stephen | Music 7-12 | Lee, Erren | Granted |
| 2603 | Hot Springs School District | 2 | Fustin, Crystal | MS Science | Coleman, Erica | Granted |
| | | | Osman, Brittany | Instrumental Music K-4 | Jorgenson, Linda | Granted |
| 6202 | Hughes School District | 1 | Hardaway, Tameka | Art K-12 | Davis, Kimberlee Beth | Granted |
| 3405 | Jackson Co. School District | 1 | Hooten, Pam | Business Education | Nicholson, Nikki | Granted |
| 4301 | Lonoke School District | 1 | Jewell, Erica | Art | Pounders, Julilian | Granted |

000000Long Term Substitute Teachers
 2012-2013
 April 2013 State Board Agenda

| LEA | District | # Long Term Substitutes Requested | Substitute Name | Subject | Teacher of Record | Granted/ Denied |
|------|---|-----------------------------------|--|--|--------------------------------------|--------------------|
| 0407 | Pea Ridge School District | 1 | Miller, Jennifer | Counselor | Hutchinson-Kelso, Randi | Granted |
| 1613 | Riverside School District | 1 | Perrin, Judy | English/Oral Communication/Drama | Butler, Lori | Granted |
| 0405 | Rogers School District | 1 | Arnhart, Alexandra | Spanish | Rasavong, Maria | Granted |
| 5805 | Russellville School District | 2 | Carter, Christina | Kindergarten | Davis, Megan | Granted |
| 7311 | Searcy School District | 1 | Jacobs, Sheila Brown, Connie | Secondary Principal Special Education | Ussey, Sammy Hutcherson, Jennifer | Granted Granted |
| 23 | # Districts Requesting Long Term Substitutes this Month | 26 | # Long Term Substitutes Requested this Month | | # Long Term Substitutes Granted | 26 |

Arkansas Better Chance Grants 2013-2014

| Agency | Vendor Number | Purpose of Grant | Amount |
|---------------------------------|----------------------|-------------------------|----------------------|
| Southeast AR Education Svc Coop | 100050308 | AmeriCorps Grant | \$ 285,000.00 |
| Rutgers The State University | 100125811 | Longitudinal Study | \$ 213,685.00 |
| TOTAL | | | \$ 498,685.00 |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 24, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Sabrina Aldridge
237 SFC 300
Forrest City, AR 72335

**Re: Appeal Under the Public School Choice Act of 2013
Aldridge v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 21, 2013, Ms. Sabrina Aldridge filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following applications made pursuant to the Public School Choice Act of 2013:

- J. Aldridge
- M. Aldridge

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 24, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
June 24, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is stylized with a large initial "J" and a flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

JUN 21 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

June 16, 2013

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

4 Capital Mall

Little Rock, AR 72201

To Whom it May Concern:

My name is Sabrina Aldridge. My husband is Nick Aldridge. My children are Jessi, Maci, and Jax. My school aged children were denied a school transfer to Palestine/Wheatley School District due to exemptions by School Choice Law placing the Forrest City School District under a desegregation order. I'm appealing the denial decision because I have done extensive research on the subject and found evidence that leads me to believe that they are no longer under this order. I also would like to request a hearing with the appeals board.

I have included the 2011-2012 report cards for Forrest City and Palestine/Wheatley along with ratings for both school districts. The report shows struggle with the upper grades that Forrest City is having. As a parent who also works with the school district I'm not willing to sacrifice my children's education, safety, or emotional well-being in hopes of the Forrest City School District turning the issues around before reaching the higher grades.

I am including a copy of a Supreme Court Precedent document, the first page and the page pertaining to our situation. It states that Forrest City was under a desegregation order at one time but that order has been lifted. It also lists the districts that are still under the order. I have also included a copy of an article about school choice overhaul. In this article Dr. Tom Kimbrell, the state's educational commissioner, states that there is no official list of schools that are under a desegregation order. For these reasons, I feel the exemption claimed by my home school district is invalid.

I appreciate the time considered over the appeal. I feel like the transfer to the Palestine/Wheatley is in the best interest of my children. As previously stated, I will be requesting a hearing to answer any questions regarding the transfer.

Sincerely,


Sabrina Aldridge

237 SFC 300

Forrest City, AR 72335

(870) 270-3560

**Maintaining Diversity After *Parents Involved*:
Supreme Court Precedent Renders Arkansas's
School Choice Statute Unconstitutional, and
the State Should Respond by Abolishing
School Choice***

I. INTRODUCTION

Arkansas's school-choice statute allows students to choose to attend any public school district in the state, but prevents students from transferring from a residential district to a district with a higher percentage of the student's race than attend his residential district. Parents of children attending the Malvern School District in Malvern, Arkansas challenged the constitutionality of the school-choice statute in the fall of 2008.¹ The case, *Hardy v. Malvern School District*, culminated in a dismissal of the parents' claims in March 2010.² In granting Malvern's motion for summary judgment, the United States District Court for the Western District of Arkansas held that the plaintiffs had selected improper defendants in the lawsuit.³

If a challenge to the statute were brought against the proper defendants, the challenge would likely be successful based on a 2007 United States Supreme Court decision, *Parents Involved in Community Schools v. Seattle School District No. 1*, which likely renders the law unconstitutional.⁴ The *Parents Involved* decision represents the latest and most significant in a long line

* The author thanks Mark Killenbeck, Wylie H. Davis Distinguished Professor of Law—whose expertise in constitutional law was invaluable to her throughout this process—for lending his time to this project and for offering consistently helpful advice and edits along the way. The author also thanks her Note and Comment Editor, Leah M. Ward, J.D. 2010, University of Arkansas School of Law, and Samantha Blassingame Leflar, J.D. 2010, University of Arkansas School of Law, for their invaluable contributions on numerous drafts. Finally, the author thanks the Wynne School District for providing her with the gift of a free, diverse, and public education.

1. Complaint at 2, *Hardy v. Malvern Sch. Dist.*, Civ. No. 08-6094 (W.D. Ark. Oct. 21, 2008).

2. Civ. No. 08-6094, 2010 WL 956696 (W.D. Ark. Mar. 16, 2010).

3. *Id.* at 16, 23, 2010 WL 956696, at *6, 9.

4. 551 U.S. 701 (2007).

RECEIVED
COMMISSIONER'S OFFICE

JUN 27 2013

DEPARTMENT OF EDUCATION

while white students were fleeing to the surrounding North Little Rock and Pulaski County school districts through intra-district choice policies allowed by the State.¹⁹⁷ In addition to the Little Rock School District, other school districts in Arkansas were subjected to a court order to desegregate before properly doing so including Camden-Fairview, Cotton Plant, Forrest City, Garland County, and Palestine Wheatley.¹⁹⁸ Those districts are no longer under the order to desegregate; however, in 2006 eleven school districts in the state remained under a court order to desegregate.¹⁹⁹ Those districts included Bradley, Crawfordville, England, Hermitage, Junction City, Little Rock, North Little Rock, Pulaski County, Thornton, Warren, and Watson Chapel.²⁰⁰ Additionally, other school districts, including Hughes, Marked Tree, and Wynne, are currently operating under desegregation plans instituted by the former U.S. Department of Health, Education and Welfare, though none of these districts were ever subjected to a federal-court order to desegregate.²⁰¹ Additionally, in 2010, the Little Rock School District sought relief from the State Board of Education, arguing that the State's creation of open-enrollment charter schools led to further segregation and to an increasing number of high-poverty schools in the Little Rock School District.²⁰²

In light of Arkansas's history and the capacious amount of litigation surrounding the state's intentional classifications and segregation by race, a school seeking to defend Arkansas's school-choice statute could make a strong case that the statute exists to remedy the past effects of *de jure* segregation,

197. Statement of Undisputed Material Facts at 4-6, *Hardy v. Malvern Sch. Dist.*, Civ. No. 08-6094 (W.D. Ark. Dec. 18, 2009) (filed by Arkansas Attorney General Dustin McDaniel on behalf of the State Board of Education) (citing *Little Rock Sch. Dist. v. Pulaski County Special Sch. Dist.*, 584 F. Supp. 328, 362 (E.D. Ark. 1984)).

198. *Id.* at 12.

199. Letter from Farella E. Robinson, Civil Rights Analyst, U.S. Comm'n on Civil Rights, to Oliver Dillingham, Equity Ctr. Program Manager, Ark. Dep't of Educ. (Oct. 30, 2006).

200. *Id.*

201. Statement of Undisputed Material Facts, *supra* note 197, at 12-13.

202. *LR School Board OKs Motion to Enforce '89 Settlement Agreement*, ARK. ONLINE, Mar. 30, 2010, <http://www.arkansasonline.com/news/2010/mar/30/lr-school-board-oks-motion-enforce-89-settlement-a/> (referencing a not-yet-filed motion written by Little Rock School District attorney Chris Heller, Motion to Enforce 1989 Settlement Agreement, *Little Rock Sch. Dist. v. Pulaski County Special Sch. Dist. No. 1*, LR-C-82-866 (W.D. Ark.)).

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Jessi Aldridge has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Maci Aldridge has been rejected for the following reason.

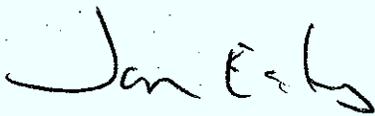
Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

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 al-

lowed 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 McDaniell 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.

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
Editor

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.

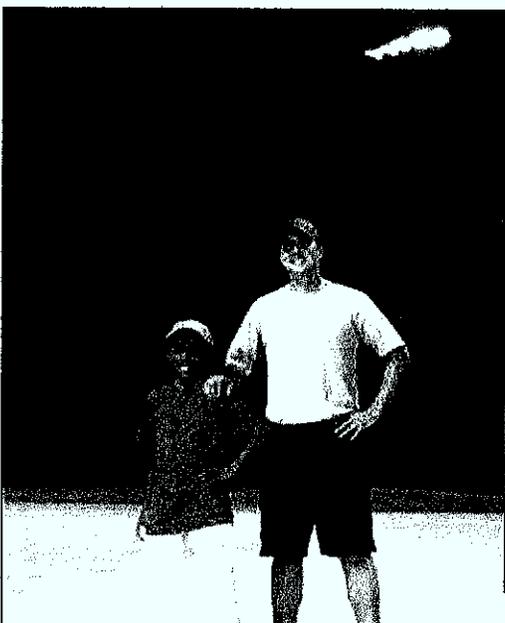
Act 1227 by Sen. Johnny Key, R-Mountain Home, chairman of the Senate Education Committee, removes the race-based provisions of the state's old school choice law that a district court found unconstitutional last year. Under the Arkansas Public School Choice Act of 1989, nonresident students could not 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



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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, Jessieville, Junction City, Lake Hamilton, Lakeside - Chicot County, Little Rock, Marvell-Elaine, 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,



SEN. JOHNNY KEY, R-Mountain Home, sponsored the bill that became Act 1227.

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-Lonsdale, 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.

2011-12 District REPORT CARD for FORREST CITY SCHOOL DISTRICT

INDICATOR 1: STUDENT ACHIEVEMENT

| | Percent tested overall | Percent below basic | Percent Basic | Percent Proficient | Percent Advanced | Percent proficient and above |
|--------------------------------|------------------------|---------------------|---------------|--------------------|------------------|------------------------------|
| Grade Three Literacy | | | | | | |
| Combined Population | 99.1 | 16.8 | 25.7 | 28.7 | 28.7 | 57.4 |
| TAGG | 99 | 18.2 | 27.8 | 26.7 | 27.3 | 54 |
| African-American | 99.4 | 18.3 | 26.2 | 30.5 | 25 | 55.5 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.2 | 11.8 | 20.6 | 23.5 | 44.1 | 67.7 |
| Economically Disadvantaged | 99 | 18.5 | 27.2 | 27.2 | 27.2 | 54.4 |
| Students with Disabilities | 92.6 | 54.2 | 20.8 | 12.5 | 12.5 | 25 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 98.2 | 10.8 | 25.5 | 31.4 | 32.4 | 63.7 |
| Male | 100 | 23 | 26 | 26 | 25 | 51 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Three Mathematics | | | | | | |
| Combined Population | 99.1 | 5.9 | 11.9 | 25.7 | 56.4 | 82.2 |
| TAGG | 99 | 6.4 | 12.8 | 26.2 | 54.6 | 80.8 |
| African-American | 99.4 | 6.7 | 13.4 | 28.7 | 51.2 | 79.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.2 | 2.9 | 5.9 | 14.7 | 76.5 | 91.2 |
| Economically Disadvantaged | 99 | 6.5 | 12.5 | 26.6 | 54.4 | 81 |
| Students with Disabilities | 92.6 | 16.7 | 20.8 | 16.7 | 45.8 | 62.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 98.2 | 3.9 | 11.8 | 28.4 | 55.9 | 84.3 |
| Male | 100 | 8 | 12 | 23 | 57 | 80 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Literacy | | | | | | |
| Combined Population | 99.6 | 11.8 | 19.3 | 42.4 | 26.5 | 68.9 |
| TAGG | 99.5 | 13.3 | 21.3 | 45.5 | 19.9 | 65.4 |
| African-American | 99.5 | 12.2 | 20.5 | 44.4 | 22.9 | 67.3 |
| Hispanic | | | | | | |
| Caucasian | 100 | 9.7 | 12.9 | 29 | 48.4 | 77.4 |
| Economically Disadvantaged | 99.5 | 12.9 | 21.1 | 45.9 | 20.1 | 66 |
| Students with Disabilities | 97.4 | 42.1 | 34.2 | 23.7 | 0 | 23.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 4.9 | 16.3 | 49.6 | 29.3 | 78.9 |
| Male | 99.2 | 19.1 | 22.6 | 34.8 | 23.5 | 58.3 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Migrant | | | | | | |
| Grade Four Mathematics | | | | | | |
| Combined Population | 99.6 | 14.7 | 13.9 | 29 | 42.4 | 71.4 |
| TAGG | 99.5 | 16.6 | 15.6 | 28.4 | 39.3 | 67.8 |
| African-American | 99.5 | 15.6 | 14.2 | 30.7 | 39.5 | 70.2 |
| Hispanic | | | | | | |
| Caucasian | 100 | 9.7 | 12.9 | 16.1 | 61.3 | 77.4 |
| Economically Disadvantaged | 99.5 | 16.3 | 15.8 | 28.2 | 39.7 | 67.9 |
| Students with Disabilities | 97.4 | 50 | 26.3 | 15.8 | 7.9 | 23.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 6.5 | 17.9 | 35 | 40.7 | 75.6 |
| Male | 99.2 | 23.5 | 9.6 | 22.6 | 44.4 | 67 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Five Literacy | | | | | | |
| Combined Population | 99.2 | 13 | 30 | 37.4 | 19.6 | 57 |
| TAGG | 99.1 | 14.3 | 31 | 37.6 | 17.1 | 54.8 |
| African-American | 99 | 12.3 | 29.4 | 38 | 20.3 | 58.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 13.5 | 35.1 | 37.8 | 13.5 | 51.4 |
| Economically Disadvantaged | 99.1 | 14.4 | 30.8 | 37.5 | 17.3 | 54.8 |
| Students with Disabilities | 100 | 60.6 | 30.3 | 9.1 | 0 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 5.8 | 20.4 | 48.5 | 25.2 | 73.8 |
| Male | 99.3 | 18.9 | 37.8 | 28.4 | 15 | 43.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Five Mathematics | | | | | | |
| Combined Population | 99.2 | 27 | 24.4 | 32.6 | 16.1 | 48.7 |
| TAGG | 99.1 | 28.6 | 25.2 | 32.9 | 13.3 | 46.2 |
| African-American | 99 | 27.3 | 22.5 | 34.8 | 15.5 | 50.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 24.3 | 35.1 | 21.6 | 18.9 | 40.5 |
| Economically Disadvantaged | 99.1 | 28.4 | 25.5 | 33.2 | 13 | 46.2 |
| Students with Disabilities | 100 | 75.8 | 15.2 | 3 | 6.1 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 20.4 | 24.3 | 36.9 | 18.5 | 55.3 |
| Male | 99.3 | 32.3 | 24.4 | 29.1 | 14.2 | 43.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|---------------------|------|------|------|------|---|------|
| Grade Five Science | | | | | | |
| Combined Population | 99.2 | 31.3 | 37.4 | 28.3 | 3 | 31.3 |

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| TAGG | 99.1 | 33.3 | 38.6 | 26.2 | 1.9 | 28.1 |
| African-American | 99 | 31.6 | 38 | 27.8 | 2.7 | 30.5 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 27 | 37.8 | 29.7 | 5.4 | 35.1 |
| Economically Disadvantaged | 99.1 | 33.2 | 38.9 | 26 | 1.9 | 27.9 |
| Students with Disabilities | 100 | 78.8 | 12.1 | 9.1 | 0 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 25.2 | 46.6 | 26.2 | 1.9 | 28.2 |
| Male | 99.3 | 36.2 | 29.9 | 29.9 | 3.9 | 33.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Six Literacy

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 20.5 | 43.3 | 19.6 | 16.5 | 36.2 |
| TAGG | 100 | 22.4 | 43.3 | 20.9 | 13.4 | 34.3 |
| African-American | 100 | 21.1 | 43.7 | 21.1 | 14.2 | 35.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 13.3 | 43.3 | 13.3 | 30 | 43.3 |
| Economically Disadvantaged | 100 | 21.8 | 43.2 | 21.3 | 13.7 | 35 |
| Students with Disabilities | 100 | 71 | 29 | 0 | 0 | 0 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 14.3 | 41.2 | 22.7 | 21.9 | 44.5 |
| Male | 100 | 27.6 | 45.7 | 16.2 | 10.5 | 26.7 |
| Migrant | | | | | | |

Grade Six Mathematics

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 29.9 | 21.9 | 17.9 | 30.4 | 48.2 |
| TAGG | 100 | 32.8 | 23.4 | 16.4 | 27.4 | 43.8 |
| African-American | 100 | 31.6 | 22.6 | 18.4 | 27.4 | 45.8 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 20 | 16.7 | 13.3 | 50 | 63.3 |
| Economically Disadvantaged | 100 | 31.5 | 23.9 | 16.8 | 27.9 | 44.7 |
| Students with Disabilities | 100 | 80.7 | 12.9 | 6.5 | 0 | 6.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 30.3 | 18.5 | 16.8 | 34.5 | 51.3 |
| Male | 100 | 29.5 | 25.7 | 19.1 | 25.7 | 44.8 |
| Migrant | | | | | | |

Grade Seven Literacy

| | | | | | | |
|---------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 10 | 31 | 41 | 18.1 | 59.1 |
| TAGG | 100 | 11.3 | 32.3 | 39.8 | 16.7 | 56.5 |
| African-American | 100 | 8.8 | 34.5 | 40.9 | 15.8 | 56.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 16.7 | 13.9 | 44.4 | 25 | 69.4 |

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Economically Disadvantaged | 100 | 11.5 | 31.7 | 39.9 | 16.9 | 56.8 |
| Students with Disabilities | 100 | 46.2 | 42.3 | 3.9 | 7.7 | 11.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 4.5 | 21.4 | 50.6 | 23.6 | 74.2 |
| Male | 100 | 14.1 | 38 | 33.9 | 14.1 | 47.9 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Grade Seven Mathematics | | | | | | |
| Combined Population | 100 | 23.7 | 24.6 | 38.4 | 13.3 | 51.7 |
| TAGG | 100 | 25.7 | 24.1 | 38 | 12.3 | 50.3 |
| African-American | 100 | 25.2 | 27.5 | 35.1 | 12.3 | 47.4 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 18.9 | 13.5 | 48.7 | 18.9 | 67.6 |
| Economically Disadvantaged | 100 | 25 | 23.9 | 38.6 | 12.5 | 51.1 |
| Students with Disabilities | 100 | 57.7 | 23.1 | 11.5 | 7.7 | 19.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 25.6 | 20 | 37.8 | 16.7 | 54.4 |
| Male | 100 | 22.3 | 28.1 | 38.8 | 10.7 | 49.6 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|-----|------|------|------|-----|------|
| Grade Seven Science | | | | | | |
| Combined Population | 100 | 54 | 39.3 | 5.7 | 1 | 6.6 |
| TAGG | 100 | 57.8 | 35.8 | 5.4 | 1.1 | 6.4 |
| African-American | 100 | 60.2 | 35.7 | 2.9 | 1.2 | 4.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 29.7 | 54.1 | 16.2 | 0 | 16.2 |
| Economically Disadvantaged | 100 | 57.1 | 36.4 | 5.4 | 1.1 | 6.5 |
| Students with Disabilities | 100 | 80.8 | 11.5 | 0 | 7.7 | 7.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 52.2 | 43.3 | 3.3 | 1.1 | 4.4 |
| Male | 100 | 55.4 | 36.4 | 7.4 | 0.8 | 8.3 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Eight Literacy | | | | | | |
| Combined Population | 99.6 | 14.3 | 31.2 | 38.1 | 16.5 | 54.6 |
| TAGG | 99.5 | 16.4 | 34.9 | 36.4 | 12.3 | 48.7 |
| African-American | 99.5 | 15 | 33.7 | 38.3 | 13 | 51.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 20.6 | 38.2 | 32.4 | 70.6 |
| Economically Disadvantaged | 99.5 | 16.3 | 34.2 | 37.4 | 12.1 | 49.5 |
| Students with Disabilities | 100 | 42.4 | 39.4 | 3 | 15.2 | 18.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 8.9 | 23.4 | 45.2 | 22.6 | 67.7 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Male | 99.2 | 20.6 | 40.2 | 29.9 | 9.4 | 39.3 |
| Migrant | | | | | | |
| Grade Eight Mathematics | | | | | | |
| Combined Population | 99.6 | 42.9 | 26 | 24.2 | 6.9 | 31.2 |
| TAGG | 99.5 | 46.2 | 27.2 | 19.5 | 7.2 | 26.7 |
| African-American | 99.5 | 46.1 | 29 | 20.2 | 4.7 | 24.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 23.5 | 8.8 | 50 | 17.7 | 67.7 |
| Economically Disadvantaged | 99.5 | 46.3 | 26.8 | 20 | 6.8 | 26.8 |
| Students with Disabilities | 100 | 66.7 | 15.2 | 0 | 18.2 | 18.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 39.5 | 29.8 | 26.6 | 4 | 30.7 |
| Male | 99.2 | 46.7 | 21.5 | 21.5 | 10.3 | 31.8 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Eleven Literacy | | | | | | |
| Combined Population | 98.9 | 19.3 | 43.3 | 29.2 | 8.2 | 37.4 |
| TAGG | 98.6 | 24.1 | 46.7 | 23.4 | 5.8 | 29.2 |
| African-American | 98.7 | 21.2 | 45.7 | 27.2 | 6 | 33.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 6.3 | 25 | 43.8 | 25 | 68.8 |
| Economically Disadvantaged | 98.6 | 23.7 | 47.4 | 23.7 | 5.2 | 28.9 |
| Students with Disabilities | 96.7 | 77.8 | 11.1 | 0 | 11.1 | 11.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99 | 13.8 | 40.4 | 37.2 | 8.5 | 45.7 |
| Male | 98.8 | 26 | 46.8 | 19.5 | 7.8 | 27.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| EOC Algebra | | | | | | |
| Combined Population | 98.9 | 13.3 | 20.2 | 44.5 | 22 | 66.5 |
| TAGG | 98.7 | 15.3 | 20.1 | 43.1 | 21.5 | 64.6 |
| African-American | 98.7 | 14 | 20.3 | 49 | 16.8 | 65.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8 | 20 | 24 | 48 | 72 |
| Economically Disadvantaged | 98.7 | 15.4 | 20.3 | 43.4 | 21 | 64.3 |
| Students with Disabilities | 100 | 50 | 40 | 0 | 10 | 10 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 13.4 | 19.6 | 47.4 | 19.6 | 67 |
| Male | 97.6 | 13.2 | 21.1 | 40.8 | 25 | 65.8 |
| Migrant | | | | | | |

EOC Geometry

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 96.8 | 11.8 | 37.6 | 39.3 | 11.4 | 50.7 |
| TAGG | 95.8 | 13.8 | 42 | 36.8 | 7.5 | 44.3 |
| African-American | 97.1 | 13.2 | 42.1 | 35.8 | 9 | 44.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 95 | 2.8 | 13.9 | 61.1 | 22.2 | 83.3 |
| Economically Disadvantaged | 95.8 | 13.8 | 42 | 36.8 | 7.5 | 44.3 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 96.1 | 12.3 | 41.2 | 37.7 | 8.8 | 46.5 |
| Male | 97.5 | 10.5 | 34.2 | 41.2 | 14 | 55.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Biology | | | | | | |
| Combined Population | 95 | 43.8 | 37.6 | 12.4 | 6.2 | 18.6 |
| TAGG | 94.2 | 49.8 | 33.5 | 9.5 | 7.2 | 16.7 |
| African-American | 95.3 | 50.6 | 33.2 | 9.4 | 6.8 | 16.2 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 93.1 | 13.5 | 57.7 | 25 | 3.9 | 28.9 |
| Economically Disadvantaged | 94.2 | 50 | 33.2 | 9.6 | 7.3 | 16.8 |
| Students with Disabilities | 96.9 | 33.3 | 3.3 | 13.3 | 50 | 63.3 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 96.9 | 42.2 | 39.5 | 12.9 | 5.4 | 18.4 |
| Male | 93 | 45.5 | 35.7 | 11.9 | 7 | 18.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Number of Recently Arrived LEP Students Not Assessed in Literacy

| | |
|--------------|----|
| Grade Three | 0 |
| Grade Four | 0 |
| Grade Five | 0 |
| Grade Six | RV |
| Grade Seven | 0 |
| Grade Eight | RV |
| Grade Eleven | 0 |
| Total | RV |

Norm-Reference Test (ITBS)

| | |
|---------------------------------|----|
| Grade One Reading Comprehension | NA |
| Grade One Math Problems | NA |
| Grade Two Reading Comprehension | NA |
| Grade Two Math Problems | NA |
| Grade Three Reading | NA |
| Grade Three Math | NA |
| Grade Four Reading | NA |
| Grade Four Math | NA |

| | |
|---|------|
| Grade Five Reading | NA |
| Grade Five Math | NA |
| Grade Five Science | NA |
| Grade Six Reading | NA |
| Grade Six Math | NA |
| Grade Seven Reading | NA |
| Grade Seven Math | NA |
| Grade Seven Science | NA |
| Grade Eight Reading | NA |
| Grade Eight Math | NA |
| Grade Nine Reading Comprehension | NA |
| Grade Nine Math Concepts and Problems | NA |
| American College Test (ACT) | |
| Number of Students Taking Voluntary Universal ACT | |
| District Provided Remediation for Students Taking Voluntary Universal ACT | |
| Number of Students in College and Career Readiness Planning (CCRPP) | |
| Number of Students Taking ACT in Grades 9-11 | 93 |
| Number of Students Taking ACT in Grade 12 | 157 |
| Mathematics | 17.4 |
| Science | 17.8 |
| English | 17 |
| Composite | 17.2 |
| Reading | 17.5 |
| Scholastic Assessment Test (SAT) | |
| Number of Students Taking SAT College Admission Test | 3 |
| Advanced Placement Courses (AP) | |
| Number of Students Taking AP courses | 120 |
| Number of AP exams taken | 167 |
| Number of Exams scored 3,4 or 5 | 11 |
| Number of Students Taking International Baccalaureate Courses | |

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

| | |
|---|---|
| Needs Improvement | 0 |
| Needs Improvement Priority | 2 |
| Needs Improvement Priority Met Year 1 Exit Criteria | 0 |
| Needs Improvement Focus | 3 |
| Needs Improvement Focus Met Year 1 Exit Criteria | 2 |
| Achieving | 0 |
| Exemplary | 0 |
| Improvement School Rating (Gains) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools Approaching Standards (Alert) | 1 |

| | |
|--|---|
| 3-Schools Meeting Improvement Standards | 1 |
| 4-Schools Exceeding Improvement Standards | 2 |
| 5-Schools of Excellence for Improvement | 0 |
| Performance School Rating (Status) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools on Alert | 0 |
| 3-Schools Meeting Standards | 3 |
| 4-Schools Exceeding Standards | 1 |
| 5-Schools of Excellence | 0 |

District Provides Textbooks

| | |
|---|-----|
| District Provides Textbooks or Digital Resources for all Pupils | YES |
|---|-----|

Annual Accreditation Status

| | |
|-------------------------|---|
| Accredited | 4 |
| Accredited-Cited | 1 |
| Accredited-Probationary | 0 |

| | |
|-----------------|------|
| Attendance rate | 94.1 |
|-----------------|------|

| | |
|--------------|-----|
| Dropout rate | 3.8 |
|--------------|-----|

| | |
|--|------|
| Combined Population Graduation Rate | 76 |
| African American Graduation Rate | 76.3 |
| Hispanic Graduation Rate | RV |
| Caucasian Graduation Rate | 72.5 |
| Economically Disadvantaged Graduation Rate | 69.7 |
| Limited English Proficient Graduation Rate | RV |
| Students with a Disability Graduation Rate | 74.3 |

| | |
|----------------------|-----|
| Grade Inflation Rate | 5.6 |
|----------------------|-----|

| | |
|------------------|----|
| Remediation Rate | 80 |
|------------------|----|

| | |
|--------------------|-------|
| October Enrollment | 3,115 |
|--------------------|-------|

INDICATOR 3: RETENTION

| | |
|---|-----|
| Number of Students Retained at Grade One | 15 |
| Percent of Students Retained at Grade One | 6.4 |
| Number of Students Retained at Grade Two | 11 |
| Percent of Students Retained at Grade Two | 4.8 |
| Number of Students Retained at Grade Three | 0 |
| Percent of Students Retained at Grade Three | 0 |
| Number of Students Retained at Grade Four | 0 |

| | |
|---|-----|
| Percent of Students Retained at Grade Four | 0 |
| Number of Students Retained at Grade Five | 0 |
| Percent of Students Retained at Grade Five | 0 |
| Number of Students Retained at Grade Six | 0 |
| Percent of Students Retained at Grade Six | 0 |
| Number of Students Retained at Grade Seven | 1 |
| Percent of Students Retained at Grade Seven | 0.4 |
| Number of Students Retained at Grade Eight | 0 |
| Percent of Students Retained at Grade Eight | 0 |

INDICATOR 4: SAFE & ORDERLY ENVIRONMENT

| | |
|--|-----|
| Discipline Policies Distributed to Parents | Y |
| Discipline Training Provided to Staff | Y |
| Parental Involvement Plan Adopted | Y |
| Expulsions | 0.1 |
| Weapons Incidents | 0.2 |
| Staff Assaults | 0.6 |
| Student Assaults | 2.8 |

INDICATOR 5: TEACHER QUALITY

| | |
|--|------|
| Percent of Teachers Completely Certified (Licensed) | 99.3 |
| Percent Teaching with Emergency/ Provisional Credentials | 1.8 |
| Percent of Teachers with Bachelor's Degree | 63 |
| Percent of Teachers with Master's Degree | 33.5 |
| Percent of Teachers with Advanced Degree | 3 |
| Teachers in High Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |
| Teachers in Low Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | |
| Aggregate all Economic Levels | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |

Indicator 6: Choice

| | |
|--|---|
| Percent of Students Obtained Through School Choice | 0 |
|--|---|

Indicator 7: Economic

| | |
|---------------------------------------|--------------|
| District Total Mills Voted | 32.6 |
| District Expenditure Per Student | \$10,762 |
| District Average Teacher Salary | \$49,483 |
| District Total Expenditures | \$35,631,308 |
| District Instructional Expenditures | \$18,859,076 |
| District Administrative Expenditures | \$2,696,990 |
| District Extracurricular Expenditures | \$941,480 |
| District Capital Expenditures | \$1,303,070 |

| | |
|---|-------------|
| District Debt Service Expenditures | \$1,112,425 |
| Percent of Students Eligible for Free and Reduced Meals | 82.3 |
| State Free and Reduced-Price Meal Rate ** | 60.33% |
| National Free and Reduced-Price Meal Rate ** | 53.92% |

2011-12 District REPORT CARD for PALESTINE-WHEATLEY SCH. DIST.

INDICATOR 1: STUDENT ACHIEVEMENT

| | Percent tested overall | Percent below basic | Percent Basic | Percent Proficient | Percent Advanced | Percent proficient and above |
|-----------------------------------|------------------------|---------------------|---------------|--------------------|------------------|------------------------------|
| Grade Three Literacy | | | | | | |
| Combined Population | 98.2 | 7.8 | 17.7 | 35.3 | 39.2 | 74.5 |
| TAGG | 98.1 | 8 | 18 | 36 | 38 | 74 |
| African-American | 100 | 9.1 | 27.3 | 27.3 | 36.4 | 63.6 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.6 | 7.7 | 12.8 | 38.5 | 41 | 79.5 |
| Economically Disadvantage | 98.1 | 8 | 18 | 36 | 38 | 74 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 7.7 | 11.5 | 34.6 | 46.2 | 80.8 |
| Male | 96.2 | 8 | 24 | 36 | 32 | 68 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Three Mathematics | | | | | | |
| Combined Population | 98.2 | 2 | 21.6 | 31.4 | 45.1 | 76.5 |
| TAGG | 98.1 | 2 | 22 | 32 | 44 | 76 |
| African-American | 100 | 0 | 27.3 | 36.4 | 36.4 | 72.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.6 | 2.6 | 18 | 30.8 | 48.7 | 79.5 |
| Economically Disadvantage | 98.1 | 2 | 22 | 32 | 44 | 76 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 3.9 | 23.1 | 34.6 | 38.5 | 73.1 |
| Male | 96.2 | 0 | 20 | 28 | 52 | 80 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Literacy | | | | | | |
| Combined Population | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| TAGG | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 0 | 8.6 | 34.3 | 57.1 | 91.4 |
| Economically Disadvantage | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 0 | 4.4 | 34.8 | 60.9 | 95.7 |
| Male | 100 | 0 | 20 | 45 | 35 | 80 |

| | | | | | | |
|-------------------------------|-----|-----|------|------|------|------|
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Mathematics | | | | | | |
| Combined Population | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| TAGG | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 0 | 8.6 | 31.4 | 60 | 91.4 |
| Economically Disadvantaged | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 0 | 13 | 26.1 | 60.9 | 87 |
| Male | 100 | 5 | 20 | 30 | 45 | 75 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| Grade Five Literacy | | | | | | |
| Combined Population | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| TAGG | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 5.9 | 14.7 | 50 | 29.4 | 79.4 |
| Economically Disadvantaged | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 11.1 | 38.9 | 44.4 | 83.3 |
| Male | 100 | 4.2 | 16.7 | 58.3 | 20.8 | 79.2 |
| Migrant | | | | | | |

| | | | | | | |
|-------------------------------|-----|------|------|------|------|------|
| Grade Five Mathematics | | | | | | |
| Combined Population | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| TAGG | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 26.5 | 35.3 | 29.4 | 64.7 |
| Economically Disadvantaged | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 22.2 | 38.9 | 33.3 | 72.2 |
| Male | 100 | 16.7 | 20.8 | 41.7 | 20.8 | 62.5 |
| Migrant | | | | | | |

| | | | | | | |
|---------------------------|-----|-----|----|------|-----|------|
| Grade Five Science | | | | | | |
| Combined Population | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| TAGG | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 29.4 | 50 | 11.8 | 61.8 |
| Economically Disadvantaged | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 33.3 | 44.4 | 16.7 | 61.1 |
| Male | 100 | 8.3 | 29.2 | 58.3 | 4.2 | 62.5 |
| Migrant | | | | | | |

Grade Six Literacy

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| TAGG | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| African-American | 100 | 40 | 30 | 20 | 10 | 30 |
| Hispanic | | | | | | |
| Caucasian | 100 | 7.1 | 26.2 | 28.6 | 38.1 | 66.7 |
| Economically Disadvantaged | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 10 | 20 | 20 | 50 | 70 |
| Male | 100 | 15.6 | 31.3 | 31.3 | 21.9 | 53.1 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Six Mathematics

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| TAGG | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| African-American | 100 | 60 | 10 | 20 | 10 | 30 |
| Hispanic | | | | | | |
| Caucasian | 100 | 0 | 21.4 | 33.3 | 45.2 | 78.6 |
| Economically Disadvantaged | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5 | 15 | 35 | 45 | 80 |
| Male | 100 | 15.6 | 21.9 | 28.1 | 34.4 | 62.5 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Seven Literacy

| | | | | | | |
|---------------------|------|-----|------|------|------|------|
| Combined Population | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| TAGG | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| African-American | 100 | 10 | 80 | 10 | 0 | 10 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 6.1 | 16.3 | 55.1 | 22.5 | 77.6 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Economically Disadvantaged | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| Students with Disabilities | 90.9 | 30 | 70 | 0 | 0 | 0 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 0 | 26.7 | 46.7 | 26.7 | 73.3 |
| Male | 100 | 12.1 | 30.3 | 45.5 | 12.1 | 57.6 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Seven Mathematics | | | | | | |
| Combined Population | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| TAGG | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| African-American | 100 | 70 | 20 | 10 | 0 | 10 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 8.2 | 22.5 | 44.9 | 24.5 | 69.4 |
| Economically Disadvantaged | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| Students with Disabilities | 90.9 | 60 | 20 | 10 | 10 | 20 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 20 | 26.7 | 33.3 | 20 | 53.3 |
| Male | 100 | 18.2 | 18.2 | 42.4 | 21.2 | 63.6 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Grade Seven Science | | | | | | |
| Combined Population | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| TAGG | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| African-American | 100 | 70 | 10 | 20 | 0 | 20 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 16.3 | 53.1 | 28.6 | 2 | 30.6 |
| Economically Disadvantaged | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| Students with Disabilities | 90.9 | 60 | 30 | 10 | 0 | 10 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 26.7 | 53.3 | 20 | 0 | 20 |
| Male | 100 | 24.2 | 39.4 | 33.3 | 3 | 36.4 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| Grade Eight Literacy | | | | | | |
| Combined Population | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| TAGG | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| African-American | 100 | 10 | 30 | 50 | 10 | 60 |
| Hispanic | | | | | | |
| Caucasian | 100 | 3.2 | 12.9 | 48.4 | 35.5 | 83.9 |
| Economically Disadvantaged | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 16.7 | 27.8 | 50 | 77.8 |

| | | | | | | |
|---------|-----|---|----|----|----|----|
| Male | 100 | 4 | 20 | 60 | 16 | 76 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Grade Eight Mathematics | | | | | | |
| Combined Population | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| TAGG | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| African-American | 100 | 40 | 20 | 40 | 0 | 40 |
| Hispanic | | | | | | |
| Caucasian | 100 | 6.5 | 25.8 | 51.6 | 16.1 | 67.7 |
| Economically Disadvantaged | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 22.2 | 27.8 | 44.4 | 5.6 | 50 |
| Male | 100 | 12 | 20 | 52 | 16 | 68 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| Grade Eleven Literacy | | | | | | |
| Combined Population | 100 | 4.4 | 17.8 | 48.9 | 28.9 | 77.8 |
| TAGG | 100 | 4.6 | 18.2 | 47.7 | 29.6 | 77.3 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | | | | | | |
| Caucasian | 100 | 5.4 | 16.2 | 48.7 | 29.7 | 78.4 |
| Economically Disadvantaged | 100 | 4.6 | 18.2 | 47.7 | 29.6 | 77.3 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 3.3 | 10 | 46.7 | 40 | 86.7 |
| Male | 100 | 6.7 | 33.3 | 53.3 | 6.7 | 60 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|-----|------|------|------|------|
| EOC Algebra | | | | | | |
| Combined Population | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| TAGG | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| African-American | 100 | 0 | 45.5 | 45.5 | 9.1 | 54.6 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 94 | 2.4 | 17.1 | 58.5 | 22 | 80.5 |
| Economically Disadvantaged | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 91.9 | 0 | 17.2 | 62.1 | 20.7 | 82.8 |
| Male | 100 | 4.2 | 29.2 | 50 | 16.7 | 66.7 |
| Migrant | | | | | | |

| | | | | | | |
|--------------|--|--|--|--|--|--|
| EOC Geometry | | | | | | |
|--------------|--|--|--|--|--|--|

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| TAGG | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| African-American | 93.3 | 28.6 | 28.6 | 35.7 | 7.1 | 42.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 12.1 | 39.4 | 39.4 | 9.1 | 48.5 |
| Economically Disadvantage | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| Students with Disabilities | | | | | | |
| Limited English Proficient | | | | | | |
| Female | 96.6 | 21.4 | 35.7 | 32.1 | 10.7 | 42.9 |
| Male | 100 | 14.3 | 33.3 | 42.9 | 9.5 | 52.4 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Biology | | | | | | |
| Combined Population | 95.1 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| TAGG | 95 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| African-American | 95.2 | 63.2 | 15.8 | 21.1 | 0 | 21.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 94.7 | 15.2 | 48.5 | 30.3 | 6.1 | 36.4 |
| Economically Disadvantage | 95 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 93.8 | 25.9 | 37 | 29.6 | 7.4 | 37 |
| Male | 96.6 | 37 | 37 | 22.2 | 3.7 | 25.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Number of Recently Arrived LEP Students Not Assessed in Literacy

| | |
|--------------|----|
| Grade Three | NA |
| Grade Four | NA |
| Grade Five | NA |
| Grade Six | NA |
| Grade Seven | NA |
| Grade Eight | NA |
| Grade Eleven | NA |
| Total | NA |

Norm-Reference Test (ITBS)

| | |
|---------------------------------|----|
| Grade One Reading Comprehension | NA |
| Grade One Math Problems | NA |
| Grade Two Reading Comprehension | NA |
| Grade Two Math Problems | NA |
| Grade Three Reading | NA |
| Grade Three Math | NA |
| Grade Four Reading | NA |
| Grade Four Math | NA |

| | |
|---|------|
| Grade Five Reading | NA |
| Grade Five Math | NA |
| Grade Five Science | NA |
| Grade Six Reading | NA |
| Grade Six Math | NA |
| Grade Seven Reading | NA |
| Grade Seven Math | NA |
| Grade Seven Science | NA |
| Grade Eight Reading | NA |
| Grade Eight Math | NA |
| Grade Nine Reading Comprehension | NA |
| Grade Nine Math Concepts and Problems | NA |
| American College Test (ACT) | |
| Number of Students Taking Voluntary Universal ACT | |
| District Provided Remediation for Students Taking Voluntary Universal ACT | |
| Number of Students in College and Career Readiness Planning (CCRPP) | |
| Number of Students Taking ACT in Grades 9-11 | 31 |
| Number of Students Taking ACT in Grade 12 | 27 |
| Mathematics | 18.9 |
| Science | 19.7 |
| English | 18.6 |
| Composite | 19.1 |
| Reading | 20 |
| Scholastic Assessment Test (SAT) | |
| Number of Students Taking SAT College Admission Test | |
| Advanced Placement Courses (AP) | |
| Number of Students Taking AP courses | 15 |
| Number of AP exams taken | 1 |
| Number of Exams scored 3,4 or 5 | 0 |
| Number of Students Taking International Baccalaureate Courses | |

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

| | |
|---|---|
| Needs Improvement | 1 |
| Needs Improvement Priority | 0 |
| Needs Improvement Priority Met Year 1 Exit Criteria | 0 |
| Needs Improvement Focus | 2 |
| Needs Improvement Focus Met Year 1 Exit Criteria | 0 |
| Achieving | 0 |
| Exemplary | 0 |
| Improvement School Rating (Gains) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools Approaching Standards (Alert) | 0 |

| | |
|--|---|
| 3-Schools Meeting Improvement Standards | 2 |
| 4-Schools Exceeding Improvement Standards | 1 |
| 5-Schools of Excellence for Improvement | 0 |
| Performance School Rating (Status) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools on Alert | 0 |
| 3-Schools Meeting Standards | 0 |
| 4-Schools Exceeding Standards | 3 |
| 5-Schools of Excellence | 0 |

District Provides Textbooks

| | |
|---|-----|
| District Provides Textbooks or Digital Resources for all Pupils | YES |
|---|-----|

Annual Accreditation Status

| | |
|-------------------------|---|
| Accredited | 3 |
| Accredited-Cited | 0 |
| Accredited-Probationary | 0 |

| | |
|-----------------|------|
| Attendance rate | 92.7 |
|-----------------|------|

| | |
|--------------|-----|
| Dropout rate | 2.1 |
|--------------|-----|

| | |
|--|------|
| Combined Population Graduation Rate | 79 |
| African American Graduation Rate | 76.9 |
| Hispanic Graduation Rate | NA |
| Caucasian Graduation Rate | 80 |
| Economically Disadvantaged Graduation Rate | 79 |
| Limited English Proficient Graduation Rate | NA |
| Students with a Disability Graduation Rate | RV |

| | |
|----------------------|------|
| Grade Inflation Rate | 16.7 |
|----------------------|------|

| | |
|------------------|------|
| Remediation Rate | 61.9 |
|------------------|------|

| | |
|--------------------|-----|
| October Enrollment | 665 |
|--------------------|-----|

INDICATOR 3: RETENTION

| | |
|---|-----|
| Number of Students Retained at Grade One | 3 |
| Percent of Students Retained at Grade One | 7 |
| Number of Students Retained at Grade Two | 2 |
| Percent of Students Retained at Grade Two | 4.2 |
| Number of Students Retained at Grade Three | 1 |
| Percent of Students Retained at Grade Three | 1.9 |
| Number of Students Retained at Grade Four | 0 |

| | |
|---|----|
| Percent of Students Retained at Grade Four | 0 |
| Number of Students Retained at Grade Five | 0 |
| Percent of Students Retained at Grade Five | 0 |
| Number of Students Retained at Grade Six | 0 |
| Percent of Students Retained at Grade Six | 0 |
| Number of Students Retained at Grade Seven | 7 |
| Percent of Students Retained at Grade Seven | 10 |
| Number of Students Retained at Grade Eight | 0 |
| Percent of Students Retained at Grade Eight | 0 |

INDICATOR 4: SAFE & ORDERLY ENVIRONMENT

| | |
|--|-----|
| Discipline Policies Distributed to Parents | Y |
| Discipline Training Provided to Staff | Y |
| Parental Involvement Plan Adopted | Y |
| Expulsions | 0 |
| Weapons Incidents | 0.2 |
| Staff Assaults | 0 |
| Student Assaults | 0.8 |

INDICATOR 5: TEACHER QUALITY

| | |
|--|------|
| Percent of Teachers Completely Certified (Licensed) | 98.3 |
| Percent Teaching with Emergency/ Provisional Credentials | 10.3 |
| Percent of Teachers with Bachelor's Degree | 83 |
| Percent of Teachers with Master's Degree | 15.1 |
| Percent of Teachers with Advanced Degree | 1.9 |
| Teachers in High Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |
| Teachers in Low Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | |
| Aggregate all Economic Levels | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |

Indicator 6: Choice

| | |
|--|---|
| Percent of Students Obtained Through School Choice | 9 |
|--|---|

Indicator 7: Economic

| | |
|---------------------------------------|-------------|
| District Total Mills Voted | 36.8 |
| District Expenditure Per Student | \$8,987 |
| District Average Teacher Salary | \$36,885 |
| District Total Expenditures | \$8,719,218 |
| District Instructional Expenditures | \$3,294,478 |
| District Administrative Expenditures | \$521,552 |
| District Extracurricular Expenditures | \$157,480 |
| District Capital Expenditures | \$2,550,218 |

| | |
|---|-----------|
| District Debt Service Expenditures | \$291,904 |
| Percent of Students Eligible for Free and Reduced Meals | 100 |
| State Free and Reduced-Price Meal Rate ** | 60.33% |
| National Free and Reduced-Price Meal Rate ** | 53.92% |



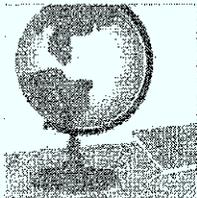
schools

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Palestine-Wheatley School District

GreatSchools
District Rating



This district's rating is based on its schools' test results; 10 is best. [Learn more >](#)

LEARN ABOUT THIS DISTRICT'S:

- ▶ [Benchmark Exam Results](#)
- ▶ [End of Course Exam Results](#)
- ▶ [Teachers](#)
- ▶ [Students](#)
- ▶ [Spending Per Pupil](#)

7950 Hwy 70 West
Palestine, AR 72372
St. Francis County
[Map >](#)
PH: (870) 581-2646

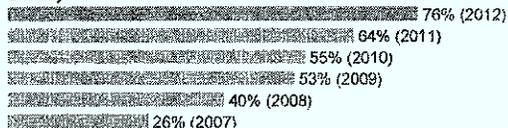
Grades PK-12
703 students
3 schools
[View all schools in this district >](#)

Benchmark Exam Results

Scale: % at or above proficient

Grade 3

Literacy



The state average for Literacy was 82% in 2012.

Math

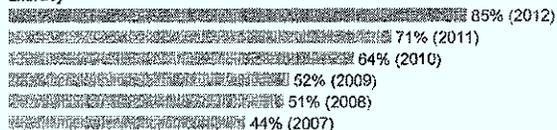


The state average for Math was 87% in 2012.



Grade 4

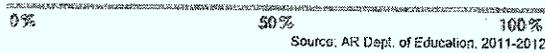
Literacy



The state average for Literacy was 85% in 2012.

Math

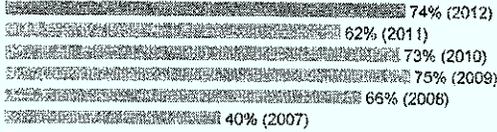




Source: AR Dept. of Education, 2011-2012

Grade 8

Literacy

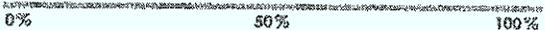


The state average for Literacy was 80% in 2012.

Math



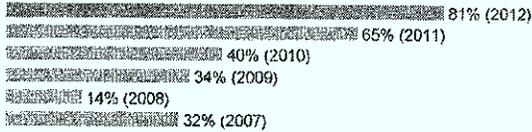
The state average for Math was 68% in 2012.



Source: AR Dept. of Education, 2011-2012

Grade 11

Literacy



The state average for Literacy was 66% in 2012.



Source: AR Dept. of Education, 2011-2012

About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

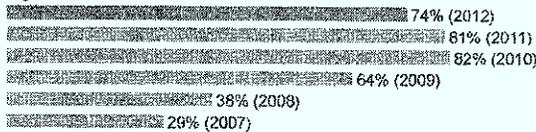
See [Arkansas' state standards](#) Compare all [elementary](#), [middle](#) and [high](#) schools in this district

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End of Course Exam Results

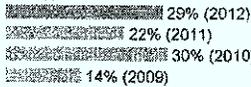
Scale: % at or above proficient

Algebra I



The state average for Algebra I was 80% in 2012.

Biology



The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



Source: AR Dept. of Education, 2011-2012

About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

See Arkansas' state standards Compare all high schools in this district

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Teachers

Student-Teacher Ratio ⓘ

| | This District | State Average |
|---------------------------------------|---------------|---------------|
| Students per FTE teacher [†] | 14 | 13 |

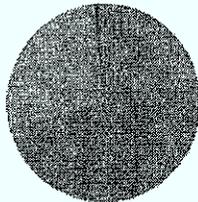
Source: NCES, 2008-2009

[How Important is Class Size? >](#)

[Back to top >](#)

Students

Student Ethnicity ⓘ



| Ethnicity | This District | State Average |
|--------------------------------|---------------|---------------|
| White, not Hispanic | 71% | 67% |
| Black, not Hispanic | 28% | 22% |
| Hispanic | <1% | 9% |
| American Indian/Alaskan Native | <1% | <1% |

Source: NCES, 2008-2009

[How Important is Cultural Diversity at Your School? >](#)

Student Economic Level ⓘ

| | This District | State Average |
|--|---------------|---------------|
| Students eligible for free or reduced-price lunch program [†] | 62% | 57% |

Source: NCES, 2008-2009

[The Achievement Gap: is Your School Helping All Students? >](#)

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Spending Per Pupil

Finance data was not reported for this district.

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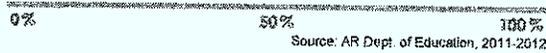
| | | | | | |
|---------------------------------|--------------------------------|----------------------------------|-----------------------------------|------------------------------------|------------------------------------|
| Albuquerque, NM | Charleston, WV | Fargo, ND | Manchester, NH | Oklahoma City, OK | San Diego, CA |
| Anchorage, AK | Charlotte, NC | Honolulu, HI | Memphis, TN | Omaha, NE | San Francisco, CA |
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| Burlington, VT | El Paso, TX | Louisville, KY | | | |

GreatSchools, Inc. 160 Spear Street, Suite 1020, San Francisco, CA 94105

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that **Lincoln Middle Academy of Excellence** has an AYP Status for the 2011-2012 school year of **Alert**.

Data not available for this district (2006)
 ██████████ 52% (2007)
 The state average for Math was 82% in 2012.



**Grade 5
 Science**

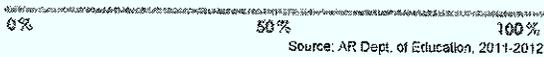
██████████ 32% (2012)
 ██████████ 21% (2011)
 ██████████ 23% (2010)
 ██████████ 19% (2009)
 The state average for Science was 60% in 2012.

Literacy

██████████ 58% (2012)
 ██████████ 47% (2011)
 ██████████ 53% (2010)
 ██████████ 39% (2009)
 ██████████ 33% (2008)
 ██████████ 40% (2007)
 The state average for Literacy was 85% in 2012.

Math

██████████ 49% (2012)
 ██████████ 47% (2011)
 ██████████ 42% (2010)
 ██████████ 43% (2009)
 ██████████ 45% (2008)
 ██████████ 38% (2007)
 The state average for Math was 76% in 2012.



Grade 6

Literacy

██████████ 36% (2012)
 ██████████ 50% (2011)
 ██████████ 49% (2010)
 ██████████ 36% (2009)
 ██████████ 41% (2008)
 ██████████ 32% (2007)
 The state average for Literacy was 75% in 2012.

Math

██████████ 49% (2012)
 ██████████ 54% (2011)
 ██████████ 53% (2010)
 ██████████ 57% (2009)
 ██████████ 52% (2008)
 ██████████ 42% (2007)
 The state average for Math was 75% in 2012.



Grade 7

Science

██████████ 7% (2012)
 ██████████ 10% (2011)
 ██████████ 4% (2010)
 ██████████ 9% (2009)
 The state average for Science was 41% in 2012.

Literacy

██████████ 58% (2012)
 ██████████ 31% (2011)
 ██████████ 37% (2010)
 ██████████ 34% (2009)
 ██████████ 27% (2008)
 ██████████ 30% (2007)
 The state average for Literacy was 80% in 2012.

Math

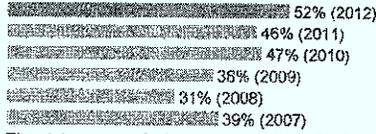
██████████ 50% (2012)
 ██████████ 35% (2011)
 ██████████ 38% (2010)
 ██████████ 44% (2009)
 ██████████ 31% (2008)
 ██████████ 38% (2007)

The state average for Math was 77% in 2012.



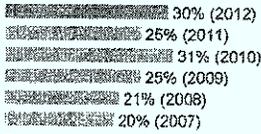
Grade 8

Literacy

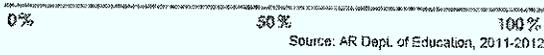


The state average for Literacy was 80% in 2012.

Math

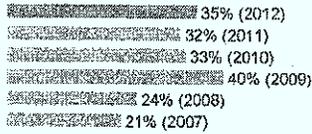


The state average for Math was 66% in 2012.

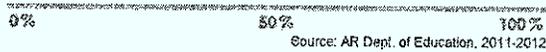


Grade 11

Literacy



The state average for Literacy was 68% in 2012.



About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

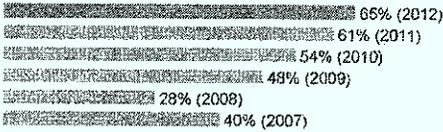
See Arkansas' state standards Compare all elementary, middle and high schools in this district

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End of Course Exam Results

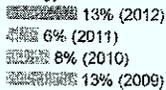
Scale: % at or above proficient

Algebra I



The state average for Algebra I was 80% in 2012.

Biology

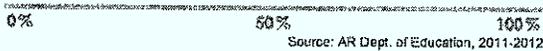


The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

See Arkansas' state standards Compare all high schools in this district

[Back to top >](#)

Teachers

Student-Teacher Ratio

| | This District | State Average |
|---------------------------------------|---------------|---------------|
| Students per FTE teacher ¹ | 15 | 13 |

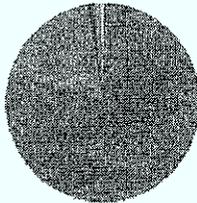
Source: ¹NCES, 2008-2009

[How Important is Class Size? >](#)

[Back to top >](#)

Students

Student Ethnicity



| Ethnicity | This District | State Average |
|--------------------------------|---------------|---------------|
| Black, not Hispanic | 80% | 22% |
| White, not Hispanic | 18% | 67% |
| Hispanic | <1% | 9% |
| Asian/Pacific Islander | <1% | 2% |
| American Indian/Alaskan Native | <1% | <1% |

Source: NCES, 2008-2009

[How Important is Cultural Diversity at Your School? >](#)

Student Economic Level

| | This District | State Average |
|--|---------------|---------------|
| Students eligible for free or reduced-price lunch program ¹ | 100% | 57% |

Source: ¹NCES, 2008-2009

[The Achievement Gap: Is Your School Helping All Students? >](#)

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Spending Per Pupil

Finance data was not reported for this district.

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| Anchorage, AK | Charlotte, NC | Honolulu, HI | Memphis, TN | Omaha, NE | San Francisco, CA |
| Atlanta, GA | Cheyenne, WY | Houston, TX | Miami, FL | Philadelphia, PA | San Jose, CA |
| Austin, TX | Chicago, IL | Indianapolis, IN | Milwaukee, WI | Phoenix, AZ | Seattle, WA |
| Baltimore, MD | Columbia, SC | Jackson, MS | Minneapolis, MN | Portland, ME | Sioux Falls, SD |
| Billings, MT | Columbus, OH | Jacksonville, FL | Nashville, TN | Portland, OR | Tucson, AZ |
| Birmingham, AL | Dallas, TX | Kansas City, MO | New Orleans, LA | Providence, RI | Virginia Beach, VA |
| Boise, ID | Denver, CO | Las Vegas, NV | New York City, NY | Sacramento, CA | Washington, DC |
| Boston, MA | Des Moines, IA | Little Rock, AR | Newark, NJ | Salt Lake City, UT | Wichita, KS |
| Bridgeport, CT | Detroit, MI | Los Angeles, CA | Oakland, CA | San Antonio, TX | Wilmington, DE |
| Burlington, VT | El Paso, TX | Louisville, KY | | | |

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Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City Jr. High School** will be subject to **State Directed Status Year 7** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, Caucasian, Economically Disadvantaged, and Students with a Disability populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 75.70 / Math –73.41)

Percent Proficient/Advanced: Grade 7

| | Literacy | Math |
|----------------------------|-----------------|-------------|
| Combined | 31.0 | 35.0 |
| African-American | 28.0 | 31.0 |
| Caucasian | 45.0 | 54.0 |
| Economically Disadvantaged | 31.0 | 35.0 |
| Students with a Disability | 0.0 | 0.0 |

Percent Proficient/Advanced: Grade 8

| | Literacy | Math |
|----------------------------|-----------------|-------------|
| Combined | 46.0 | 25.0 |
| African-American | 44.0 | 20.0 |
| Caucasian | 51.0 | 42.0 |
| Economically Disadvantaged | 46.0 | 25.0 |
| Students with a Disability | 4.0 | 0.0 |

Forrest City Jr. High School is the only junior high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Reginald Murphy at 870-633-3230 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 7 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.

- E. Extend the school year or school day; OR
- F. Other major restructuring of the school's governance.

The school's restructuring plan will also be reviewed and revised as needed. The district will continue to provide technical assistance, oversight and on-going support to the school through meetings, professional development, Classroom Walkthroughs, focus walks and the purchase of materials and supplies to support the restructuring plan.

In addition, because of the State Directed status the ADE shall, in a manner consistent with Arkansas Law:

- Direct a school team to participate in a leadership institute during the summer
- Determine how federal and state school improvement funds will be used.
- Replace school staff relevant to the failure of students meeting their AMO's, if necessary. Reallocate resources and provide professional development to fulfill the school's mandated plan using district funds, if necessary.
- Determine the future of the schools status.
- Assess progress and continue implementation of best instructional strategies listed in Targeted and/or Whole School Improvement and Targeted and/or Whole School Intensive Improvement.

Also, at the discretion of the Commissioner of Education, the state may assign a School Improvement (SI) Director who shall report to the Commissioner of Education (or designee) to oversee the administration of the schools learning environment.

The Forrest City School District is committed to providing ongoing technical assistance to your child's school, and we are taking the following additional steps to address the problem of low achievement: Contracting with the America's Choice Design to provide extensive professional development, sustained technical assistance, and coaching that will focus on instructional practice critical to improving the quality of students' learning.

In addition, the Forrest City Jr. High School has taken measures to implement the following programs during the upcoming school year that are designed to make a positive difference in the teaching and learning that occurs therein. Some of these programs include: Implementing the America's Choice Design, Response to Intervention and the Interdisciplinary Model for Middle Level Education.

You are very important to your child's education. We invite you to become more involved in your child's school and partner with the school in helping address the academic issues that caused it to be identified for improvement. The following are ways in which you can become involved: visiting Forrest City Jr. High School, attending parent conferences and meetings, serving on committees, completing district and school surveys, discussing problems with your child's teacher, helping your child with homework, completing your child's school-parent compact and discussing your child's school day.

Based on the AYP status of this school, your child is eligible to transfer to another public school in the district that is not in need of improvement, and the district will provide transportation to that school. This is not an option for students attending the Forrest City Jr. High School, because it is the only school with these grade levels in the district.

In addition, any school identified for improvement (Year 2 +) is required to offer Supplemental Educational Services (SES) to eligible students from low-income families. These services are available to students after the regular school day with educational providers approved by the State Board of Education. **If the number of eligible students who apply for SES exceeds the financial resources available, the lowest achieving students from low-income families will receive first priority.**

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City High School** will be subject to **State Directed Status Year 8** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, and economically disadvantaged populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 78.81 / Math – 73.45)

| Percent Proficient/Advanced | Math | | |
|-----------------------------|----------|-----------|----------|
| | Literacy | Algebra I | Geometry |
| Combined | 33.0 | 56.0 | 41.0 |
| African-American | 26.0 | 51.0 | 32.0 |
| Caucasian | 59.0 | 74.0 | 72.0 |
| Economically Disadvantaged | 32.0 | 55.0 | 40.0 |

The Forrest City High School is the only high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Charles Earle at 870-633-1464 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 8 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.
- E. Extend the school year or school day; OR
- F. Other major restructuring of the school's governance.

The school's restructuring plan will also be reviewed and revised as needed. The district will continue to provide technical assistance, oversight and on-going support to the school through meetings, professional development, Classroom Walkthroughs, focus walks and the purchase of materials and supplies to support the restructuring plan.

In addition, because of the State Directed status the ADE shall, in a manner consistent with Arkansas Law:

- Direct a school team to participate in a leadership institute during the summer
- Determine how federal and state school improvement funds will be used.

- Replace school staff relevant to the failure of students meeting their AMO's, if necessary. Reallocate resources and provide professional development to fulfill the school's mandated plan using district funds, if necessary.
- Determine the future of the schools status.
- Assess progress and continue implementation of best instructional strategies listed in Targeted and/or Whole School Improvement and Targeted and/or Whole School Intensive Improvement.

Also, at the discretion of the Commissioner of Education, the state may assign a School Improvement (SI) Director who shall report to the Commissioner of Education (or designee) to oversee the administration of the schools learning environment.

The Forrest City School District is committed to providing ongoing technical assistance to your child's school, and we are taking the following additional steps to address the problem of low achievement: Contracting with the America's Choice Design to provide extensive professional development, sustained technical assistance, and coaching that will focus on instructional practice critical to improving the quality of students' learning.

In addition, the Forrest City High School has taken measures to implement the following programs during the upcoming school year that are designed to make a positive difference in the teaching and learning that occurs therein. Some of these programs include: The implementation of the America's Choice Design, Ninth Grade Academy, and Ombudsman.

You are very important to your child's education. We invite you to become more involved in your child's school and partner with the school in helping address the academic issues that caused it to be identified for improvement. Following are ways in which you can become involved: visiting Forrest City High School, attending parent conferences and meetings, serving on committees, completing district and school surveys, discussing problems with your child's teacher, helping your child with homework, completing your child's school-parent compact and discussing your child's school day.

Based on the AYP status of this school, your child is eligible to transfer to another public school in the district that is not in need of improvement, and the district will provide transportation to that school. This is not an option for students attending the Forrest City High School, because it is the only school with these grade levels in the district.

In addition, any school identified for improvement (Year 2 +) is required to offer Supplemental Educational Services (SES) to eligible students from low-income families. These services are available to students after the regular school day with educational providers approved by the State Board of Education. **If the number of eligible students who apply for SES exceeds the financial resources available, the lowest achieving students from low-income families will receive first priority.**

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RESPONSE

Jeremy Lasiter (ADE)

From: Jon Estes <pwsdestes@gmail.com>
Sent: Monday, July 22, 2013 2:23 PM
To: Jeremy Lasiter (ADE)
Subject: Re: School Choice Appeal - Miller Family

Categories: Red Category

Jeremy:

Please note that any and all school choice applicants to the Palestine-Wheatley School District from the Forrest City School District were turned down because Forrest City declared an exemption due to a desegregation order.

Thanks

Jon Estes
Superintendent
Palestine-Wheatley School District

On Wed, Jul 10, 2013 at 9:07 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Estes:

Please find attached a school choice appeal filed with the ADE by the Miller Family. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter shortly. Thank you for your attention to this matter. It is likely that this appeal will be heard during the August 12, 2013 meeting of the State Board of Education.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, Arkansas 72201

(501) 682-4899

(501) 682-4249 (fax)

jeremy.lasiter@arkansas.gov

Palestine-Wheatley School District
 Enrollment
 June 24, 2013

| 2013-14 | student # | Capacity | 90% | spaces available |
|---------|-----------|----------|-----|------------------|
| K | 45 | 60 | 54 | 9 |
| 1 | 48 | 50 | 45 | 0 |
| 2 | 48 | 50 | 45 | 0 |
| 3 | 40 | 50 | 45 | 5 |
| 4 | 45 | 56 | 50 | 5 |
| 5 | 50 | 56 | 50 | 0 |
| 6 | 51 | 56 | 50 | 0 |
| 7 | 45 | | | |
| 8 | 58 | | | |
| 9 | 62 | | | |
| 10 | 64 | | | |
| 11 | 53 | | | |
| 12 | 45 | | | |
| | | | | |

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

RECEIVED

JUN 27 2013

EQUITY ASSISTANCE CENTER

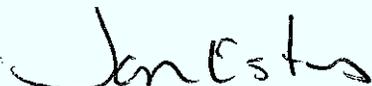
June 18, 2013

RE: Aldridge Family School Choice Appeal

TO: Arkansas Department of Education

The Palestine-Wheatley School District rejected the school choice application of Jessi and Maci Aldridge because the resident district, Forrest City, declared itself exempt from the provisions of the school choice law due to it being under a desegregation order.

Respectfully,



Jon Estes
Superintendent
Palestine-Wheatley School District

Palestine-Wheatley School District
Enrollment
June 24, 2013

| 2013-14 | student # | Capacity | 90% | spaces available |
|---------|-----------|----------|-----|------------------|
| K | 45 | 60 | 54 | 9 |
| 1 | 48 | 50 | 45 | 0 |
| 2 | 48 | 50 | 45 | 0 |
| 3 | 40 | 50 | 45 | 5 |
| 4 | 45 | 56 | 50 | 5 |
| 5 | 50 | 56 | 50 | 0 |
| 6 | 51 | 56 | 50 | 0 |
| 7 | 45 | | | |
| 8 | 58 | | | |
| 9 | 62 | | | |
| 10 | 64 | | | |
| 11 | 53 | | | |
| 12 | 45 | | | |
| | | | | |

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June 27, 2013

Via email & certified mail

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

From: The Forrest City School District

Re: Appeals brought by the Jacksons, Harbins, Scaife-Hardin,
Aldridge and Pipkin

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals. In each instance, the Palestine-Wheatley School District necessarily declined the transfer requests because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

This ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District declared the exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A."

The appeals each state various reasons why the families wish to enroll their children in the Palestine-Wheatley district. However, none of those reasons operate to over-ride the exemption declared by the Forrest City School District as permitted by the statute.

The Forrest City School District could take issue with many of the statements contained in the appeals. For instance, in the Jackson, Aldridge and Pipkin Appeals statistical comparisons are made. However, statistics can be viewed in many ways. They can be broken down to various sub-groups to show that the children would not be as adversely affected as claimed or to show that the Forrest City District is improving as shown by those outcomes. In the Harbin Appeal, the incidents referred to occurred more than two years past and are too remote to be relevant to any current decision.

Again, however, those issues are irrelevant to the appeal because the basis for an appeal must be one that can be reached under the statute. To even reach such an issue for discussion, there must be a possibility of transfer. Here there is no possibility for transfer because of the exemption.

The Aldridge Appeal contains a reference to a "supreme court precedent" claiming to show that the Forrest City School District is not under a desegregation order. That "supreme court precedent" is actually selected pages of a law review article. The law review article cites various sources that indicate that the Forrest City School District is not the subject of a case brought by the United States Dept. of Justice. From that the writer makes the incorrect assumption that there is no desegregation case. As anyone familiar with these matters is aware, many desegregation cases, especially in Eastern Arkansas, were brought by private parties claiming violations of civil rights guaranteed under the United States Constitution.

Consequently, the appeal mistakenly contends that the Forrest City School District is not under "an order of desegregation or a mandate of a federal court." As recently as 1990, a Motion regarding magnet schools was filed and subsequently granted in the case of *McKissick, et al. vs. Forrest City School District No. 7*, Case No. H-69-C-42. In the district court order approving a magnet school proposal, the presiding judge reiterated at page 1 that "this court retain[s] jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this court." This was reinforced by an appeal of a 1970 order in which the United States Court of Appeals for the 8th Circuit concluded by stating "the district court has retained jurisdiction to ensure compliance and affirm its Order." 427 F.2d 331 (1970)

There are no orders dismissing the case or declaring that the Forrest City School District is unitary.

The Scaife-Hardin Appeal does make a point that would have been appropriate under the 1989 act (A.C.A. 6-18-206 repealed). Transfer of a student in the minority in the resident district, to a district with a lesser population was allowed. However, this provision was not retained in the 2013 act. The exemption that has been declared is a blanket exemption. Thus, none of those issues raised can be reached when an exemption has been declared by the resident district.

In examining the rules governing this Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the applications. The notification by Palestine-Wheatley was merely a formality it was required to issue to comply with the act and was not an appealable "rejection" as provided by the act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the act or the

emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the Board could presumably evaluate based upon mathematical calculations or empirical evidence.

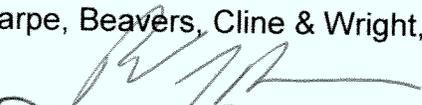
Further, the non-reviewability of the exemption is further fortified by the fact that the new statute has no provision for the resident district to be heard as a party on appeal. If an appeal of the exemption was contemplated, then party status would have been accorded the resident district. As it was not, its absence would result in a denial of procedural and substantive due process to the resident district.

We appreciate your consideration of this response and would request an opportunity to be heard at any hearing. We are further authorized to submit this letter on behalf of and to indicate that Sam Jones of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

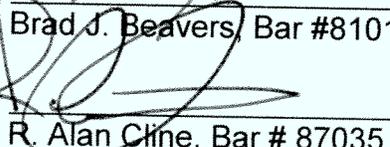
Respectfully submitted,

Sharpe, Beavers, Cline & Wright, Attorneys

By:


Brad J. Beavers, Bar #81012

By:


R. Alan Cline, Bar # 87035

cc: Cody and Cory Jackson
635 Calvert Road
Forrest City, AR 72335

John and Carrie Harbin
253 Lexington Dr.
Forrest City, AR 72335

Tonja Scaife-Hardin
2106 Peevey Ave.
Forrest City, AR 72335

Sabrina Aldridge
237 SFC 300
Forrest City, AR 72335

Wade and Robyn Pipkin
364 Concord Drive
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

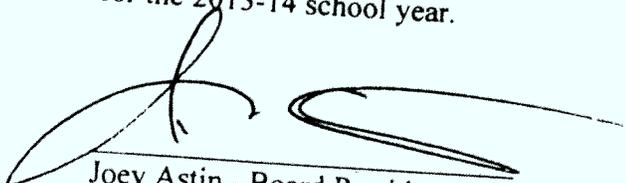
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013
Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013
Date

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 6 1990

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

PHIL R. DENNIS, CLERK
By: Lawley
DEP. CLERK
PLAINTIFFS

ERIC MCKISSIC, ET AL.

v. Civil No. H-69-C-42

FORREST CITY SCHOOL DISTRICT NO. 7
(formerly Forrest City Special School
District No. 7), ET AT.

DEFENDANTS

ORDER

The court is in receipt of a petition in this ancient case on behalf of the Forrest City School District No. 7. Jurisdiction of the court in this case commenced in 1969 by the filing of civil rights relief in the name of Eric McKissic et al. v. Forrest City Special School District No. 7 et al., Case No. H-69-C-42. Pursuant to the extended complications in the problems facing the court at that time, the court specifically concluded and ordered that "this Court retain jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this Court. Dated: August 13, 1971."

The School District has monitored and continued the operation of the Forrest City Schools in compliance with orders of this court since that time. Therefore, the court has had continuing jurisdiction for an indefinite period of time.

This petition of the defendant School District is in relation to the establishment of a "Magnet School proposal" (Magnet School

Plan) of Forrest City School District No. 7. The plaintiffs named in the complaint originally were at that time students in the Forrest City School. At this time, none of the named plaintiffs are students, parents-next friend, student teachers or employees of the school.

In the petition on behalf of the Forrest City School District No. 7, the School District at this time is seeking approval of a proposed Magnet School Plan. The petition provides that the Plan is to be effective in promoting voluntary desegregation and to generate more positive student activities towards school. The Plan has been approved and will be monitored by the Arkansas State Board of Education.

There is a requirement of the U.S. Department of Education which provides, in part, that grants by U.S. Department of Education to eligible schools in support of magnet schools must be approved by this court in order to modify the court's previously approved plan. The Forrest City School District No. 7 is requesting the approval of the proposed Plan for a magnet school to become a part of the School District program.

After carefully scrutinizing the proposed Magnet School Plan of the Forrest City School District No. 7, it is therefore the order and judgment of this court that the Magnet School Plan be adopted and authorized by appropriate officials of the District,

the Arkansas Department of Education, and the U.S. Department of Education as requested by the Forrest City School District No. 7.

IT IS SO ORDERED.

Dated this 3rd day of December, 1990.


UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP
ON 12/4/90 BY BJ

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

- 10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).
- 10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

- 11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and
- 11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and
- 11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;
- 11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 24, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
845 N. Rosser
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Wade and Robin Pipkin
364 Concord Drive
Forrest City, AR 72335

**Re: Appeal Under the Public School Choice Act of 2013
Pipkin v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 21, 2013, Wade and Robin Pipkin filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- M. Pipkin

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 24, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
June 24, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is stylized and cursive.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

Wade & Robyn Pipkin

364 Concord Dr

Forrest City, AR 72335

June 16, 2013

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

4 Capital Mall

Little Rock, AR 72201

RECEIVED
COMMISSIONER'S OFFICE
JUN 21 2013

DEPARTMENT OF EDUCATION
RECEIVED
ATTORNEY'S OFFICE

JUN 21 2013

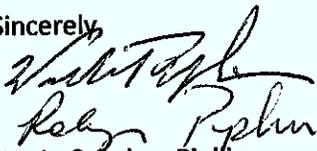
DEPARTMENT OF EDUCATION
GENERAL DIVISION

My name is Robyn Pipkin. My husband is Wade Pipkin. Our daughter, Molly, was recently denied a school transfer to the Palestine -Wheatley School District. The reason was given that our child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order. We reside in the Forrest City School District. I have enclosed our paperwork requesting a transfer as well as our denial letter. We received the letter from Palestine on June 10, 2013. We are appealing the denial of transfer as well as requesting a hearing with the appeals board.

We feel that allowing Molly to attend school in the Palestine School District would be educationally beneficial. We pulled her out of Forrest City after the 2011-2012 school year, and she completed the 2012-2013 at a private Christian School, where she excelled in a more structured and safe environment.

We are trying everything in our power to re-enter public school without sacrificing her educational and emotional well being.

Sincerely,


Wade & Robyn Pipkin

P.S. Also included are the report cards and ratings for both Forrest City and Palestine School Districts from the 2011-2012 school years.

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Molly Pipkin has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Received 6/10/13

Respectfully,

Jan Estes

Superintendent
Palestine-Wheatley School District

**APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
 "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
 (Must Be Submitted to Non-Resident and Resident Districts)**

APPLICANT INFORMATION

Student Name: Molly Faith Pipkin

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 4th

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)

| | | |
|---|---|---|
| 2 or More Races <input type="checkbox"/> | Asian <input type="checkbox"/> | African-American <input type="checkbox"/> |
| Hispanic <input type="checkbox"/> | Native American/ Native Alaskan <input type="checkbox"/> | Native Hawaiian/ Pacific Islander <input type="checkbox"/> |
| White <input checked="" type="checkbox"/> | | |

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: Forrest City County Name: St. Francis

Address: 625 Irving St. Forrest City, AR 72535

Phone: 633-1485

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Palestine, AR County Name: St. Francis

Address: P.O. Box 790 Palestine, AR 72372

Phone: 870 581-2646

Does the applicant already have a sibling or step-sibling in attendance in this district?

NO

PARENT OR GUARDIAN INFORMATION

Name: *Wade & Rebyn Pipkin* Home Phone: [REDACTED]
 Address: [REDACTED] Work Phone: *870 633-7432 (Rebyn)*
Forrest City, AR 72335

Parent/Guardian Signature: *Rebyn Pipkin* Date: *5/2/2013*

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

Date and Time Received by Resident District: _____ Date and Time Received by Nonresident District: *5/2/13 2:58 PM*
 Resident District LEA #: _____ Nonresident District LEA#: _____

Student's State Identification #: _____

Application Accepted Rejected *See Attached letter*

Reason for Rejection (If Applicable): _____

Date Notification Sent to Parent/Guardian of Applicant: *6/4/13*

Date Notification Sent to Resident District : _____



schools

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Palestine-Wheatley School District

GreatSchools
District Rating



This district's rating is based on its schools' test results; 10 is best. [Learn more >](#)

LEARN ABOUT THIS DISTRICT'S:

- [▶ Benchmark Exam Results](#)
- [▶ End of Course Exam Results](#)
- [▶ Teachers](#)
- [▶ Students](#)
- [▶ Spending Per Pupil](#)

7950 Hwy 70 West
Palestine, AR 72372
St. Francis County
[Map >](#)
PH: (870) 581-2646

Grades PK-12
763 students
3 schools

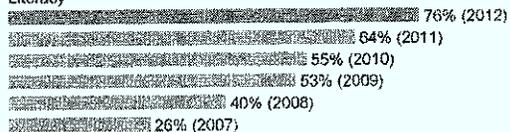
[View all schools in this district >](#)

Benchmark Exam Results

Scale: % at or above proficient

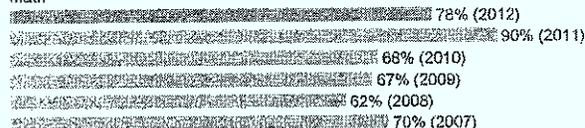
Grade 3

Literacy

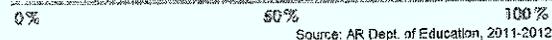


The state average for Literacy was 82% in 2012.

Math

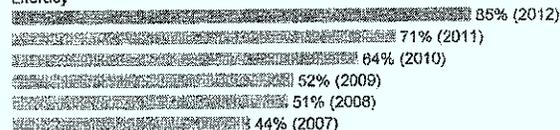


The state average for Math was 87% in 2012.



Grade 4

Literacy



The state average for Literacy was 85% in 2012.

Math



49% (2007)
 The state average for Math was 82% in 2012.

0% 50% 100%
 Source: AR Dept. of Education, 2011-2012

Grade 5
Science
 60% (2012)
 47% (2011)
 25% (2010)
 20% (2009)
 The state average for Science was 60% in 2012.

Literacy
 77% (2012)
 55% (2011)
 56% (2010)
 51% (2009)
 45% (2008)
 49% (2007)
 The state average for Literacy was 85% in 2012.

Math
 64% (2012)
 64% (2011)
 60% (2010)
 53% (2009)
 39% (2008)
 34% (2007)
 The state average for Math was 76% in 2012.

0% 50% 100%
 Source: AR Dept. of Education, 2011-2012

Grade 6
Literacy
 60% (2012)
 46% (2011)
 58% (2010)
 40% (2009)
 43% (2008)
 56% (2007)
 The state average for Literacy was 75% in 2012.

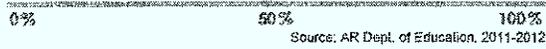
Math
 70% (2012)
 59% (2011)
 59% (2010)
 67% (2009)
 53% (2008)
 39% (2007)
 The state average for Math was 75% in 2012.

0% 50% 100%
 Source: AR Dept. of Education, 2011-2012

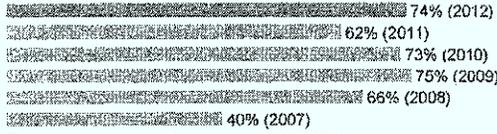
Grade 7
Science
 28% (2012)
 31% (2011)
 22% (2010)
 Data not available for this district (2009)
 The state average for Science was 41% in 2012.

Literacy
 64% (2012)
 52% (2011)
 57% (2010)
 Data not available for this district (2009)
 64% (2008)
 39% (2007)
 The state average for Literacy was 80% in 2012.

Math
 56% (2012)
 73% (2011)
 64% (2010)
 Data not available for this district (2009)
 55% (2008)
 48% (2007)
 The state average for Math was 77% in 2012.

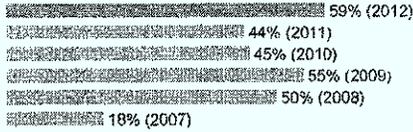


**Grade 8
Literacy**



The state average for Literacy was 80% in 2012.

Math



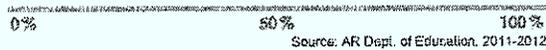
The state average for Math was 68% in 2012.



**Grade 11
Literacy**



The state average for Literacy was 68% in 2012.



About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

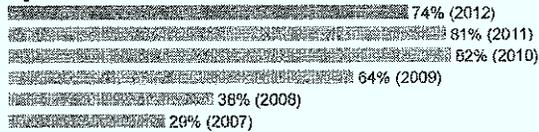
See Arkansas' state standards Compare all elementary, middle and high schools in this district

[Back to top >](#)

End of Course Exam Results

Scale: % at or above proficient

Algebra I



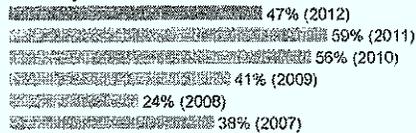
The state average for Algebra I was 80% in 2012.

Biology

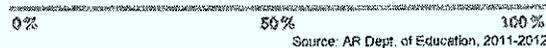


The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

[See Arkansas' state standards](#) Compare all [high](#) schools in this district

[Back to top >](#)

Teachers

Student-Teacher Ratio ⓘ

| | This District | State Average |
|---------------------------------------|---------------|---------------|
| Students per FTE teacher ¹ | 14 | 13 |

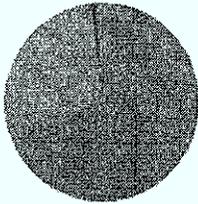
Source: NCES, 2008-2009

[How Important is Class Size? >](#)

[Back to top >](#)

Students

Student Ethnicity ⓘ



| Ethnicity | This District | State Average |
|--------------------------------|---------------|---------------|
| White, not Hispanic | 71% | 67% |
| Black, not Hispanic | 28% | 22% |
| Hispanic | <1% | 9% |
| American Indian/Alaskan Native | <1% | <1% |

Source: NCES, 2008-2009

[How important is Cultural Diversity at Your School? >](#)

Student Economic Level ⓘ

| | This District | State Average |
|--|---------------|---------------|
| Students eligible for free or reduced-price lunch program ¹ | 82% | 57% |

Source: NCES, 2008-2009

[The Achievement Gap: Is Your School Helping All Students? >](#)

[Back to top >](#)

Spending Per Pupil

Finance data was not reported for this district.

[Back to top >](#)

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| | | | | | |
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GreatSchools, Inc. 160 Spear Street, Suite 1020, San Francisco, CA 94105

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that **Lincoln Middle Academy of Excellence** has an AYP Status for the 2011-2012 school year of **Alert**.

2011-12 District REPORT CARD for PALESTINE-WHEATLEY SCH. DIST.

INDICATOR 1: STUDENT ACHIEVEMENT

| | Percent tested overall | Percent below basic | Percent Basic | Percent Proficient | Percent Advanced | Percent proficient and above |
|-----------------------------------|------------------------|---------------------|---------------|--------------------|------------------|------------------------------|
| Grade Three Literacy | | | | | | |
| Combined Population | 98.2 | 7.8 | 17.7 | 35.3 | 39.2 | 74.5 |
| TAGG | 98.1 | 8 | 18 | 36 | 38 | 74 |
| African-American | 100 | 9.1 | 27.3 | 27.3 | 36.4 | 63.6 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.6 | 7.7 | 12.8 | 38.5 | 41 | 79.5 |
| Economically Disadvantaged | 98.1 | 8 | 18 | 36 | 38 | 74 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 7.7 | 11.5 | 34.6 | 46.2 | 80.8 |
| Male | 96.2 | 8 | 24 | 36 | 32 | 68 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Three Mathematics | | | | | | |
| Combined Population | 98.2 | 2 | 21.6 | 31.4 | 45.1 | 76.5 |
| TAGG | 98.1 | 2 | 22 | 32 | 44 | 76 |
| African-American | 100 | 0 | 27.3 | 36.4 | 36.4 | 72.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.6 | 2.6 | 18 | 30.8 | 48.7 | 79.5 |
| Economically Disadvantaged | 98.1 | 2 | 22 | 32 | 44 | 76 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 3.9 | 23.1 | 34.6 | 38.5 | 73.1 |
| Male | 96.2 | 0 | 20 | 28 | 52 | 80 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Literacy | | | | | | |
| Combined Population | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| TAGG | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 0 | 8.6 | 34.3 | 57.1 | 91.4 |
| Economically Disadvantaged | 100 | 0 | 11.6 | 39.5 | 48.8 | 88.4 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 0 | 4.4 | 34.8 | 60.9 | 95.7 |
| Male | 100 | 0 | 20 | 45 | 35 | 80 |

| | | | | | | |
|-----------------------------------|-----|------|------|------|------|------|
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Mathematics | | | | | | |
| Combined Population | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| TAGG | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 0 | 8.6 | 31.4 | 60 | 91.4 |
| Economically Disadvantaged | 100 | 2.3 | 16.3 | 27.9 | 53.5 | 81.4 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 0 | 13 | 26.1 | 60.9 | 87 |
| Male | 100 | 5 | 20 | 30 | 45 | 75 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Five Literacy | | | | | | |
| Combined Population | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| TAGG | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 5.9 | 14.7 | 50 | 29.4 | 79.4 |
| Economically Disadvantaged | 100 | 4.8 | 14.3 | 50 | 31 | 81 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 11.1 | 38.9 | 44.4 | 83.3 |
| Male | 100 | 4.2 | 16.7 | 58.3 | 20.8 | 79.2 |
| Migrant | | | | | | |
| Grade Five Mathematics | | | | | | |
| Combined Population | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| TAGG | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 26.5 | 35.3 | 29.4 | 64.7 |
| Economically Disadvantaged | 100 | 11.9 | 21.4 | 40.5 | 26.2 | 66.7 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 22.2 | 38.9 | 33.3 | 72.2 |
| Male | 100 | 16.7 | 20.8 | 41.7 | 20.8 | 62.5 |
| Migrant | | | | | | |
| Grade Five Science | | | | | | |
| Combined Population | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| TAGG | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 29.4 | 50 | 11.8 | 61.8 |
| Economically Disadvantaged | 100 | 7.1 | 31 | 52.4 | 9.5 | 61.9 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 33.3 | 44.4 | 16.7 | 61.1 |
| Male | 100 | 8.3 | 29.2 | 58.3 | 4.2 | 62.5 |
| Migrant | | | | | | |

Grade Six Literacy

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| TAGG | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| African-American | 100 | 40 | 30 | 20 | 10 | 30 |
| Hispanic | | | | | | |
| Caucasian | 100 | 7.1 | 26.2 | 28.6 | 38.1 | 66.7 |
| Economically Disadvantaged | 100 | 13.5 | 26.9 | 26.9 | 32.7 | 59.6 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 10 | 20 | 20 | 50 | 70 |
| Male | 100 | 15.6 | 31.3 | 31.3 | 21.9 | 53.1 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Six Mathematics

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| TAGG | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| African-American | 100 | 60 | 10 | 20 | 10 | 30 |
| Hispanic | | | | | | |
| Caucasian | 100 | 0 | 21.4 | 33.3 | 45.2 | 78.6 |
| Economically Disadvantaged | 100 | 11.5 | 19.2 | 30.8 | 38.5 | 69.2 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5 | 15 | 35 | 45 | 80 |
| Male | 100 | 15.6 | 21.9 | 28.1 | 34.4 | 62.5 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Seven Literacy

| | | | | | | |
|---------------------|------|-----|------|------|------|------|
| Combined Population | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| TAGG | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| African-American | 100 | 10 | 80 | 10 | 0 | 10 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 6.1 | 16.3 | 55.1 | 22.5 | 77.6 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Economically Disadvantaged | 98.5 | 6.4 | 28.6 | 46 | 19.1 | 65.1 |
| Students with Disabilities | 90.9 | 30 | 70 | 0 | 0 | 0 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 0 | 26.7 | 46.7 | 26.7 | 73.3 |
| Male | 100 | 12.1 | 30.3 | 45.5 | 12.1 | 57.6 |
| Migrant | | | | | | |

Grade Seven Mathematics

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| TAGG | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| African-American | 100 | 70 | 20 | 10 | 0 | 10 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 8.2 | 22.5 | 44.9 | 24.5 | 69.4 |
| Economically Disadvantaged | 98.5 | 19.1 | 22.2 | 38.1 | 20.6 | 58.7 |
| Students with Disabilities | 90.9 | 60 | 20 | 10 | 10 | 20 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 20 | 26.7 | 33.3 | 20 | 53.3 |
| Male | 100 | 18.2 | 18.2 | 42.4 | 21.2 | 63.6 |
| Migrant | | | | | | |

Grade Seven Science

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Combined Population | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| TAGG | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| African-American | 100 | 70 | 10 | 20 | 0 | 20 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 98.1 | 16.3 | 53.1 | 28.6 | 2 | 30.6 |
| Economically Disadvantaged | 98.5 | 25.4 | 46 | 27 | 1.6 | 28.6 |
| Students with Disabilities | 90.9 | 60 | 30 | 10 | 0 | 10 |
| Limited English Proficient | | | | | | |
| Female | 96.8 | 26.7 | 53.3 | 20 | 0 | 20 |
| Male | 100 | 24.2 | 39.4 | 33.3 | 3 | 36.4 |
| Migrant | | | | | | |

Grade Eight Literacy

| | | | | | | |
|----------------------------|-----|-----|------|------|------|------|
| Combined Population | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| TAGG | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| African-American | 100 | 10 | 30 | 50 | 10 | 60 |
| Hispanic | | | | | | |
| Caucasian | 100 | 3.2 | 12.9 | 48.4 | 35.5 | 83.9 |
| Economically Disadvantaged | 100 | 4.7 | 18.6 | 46.5 | 30.2 | 76.7 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 5.6 | 16.7 | 27.8 | 50 | 77.8 |

| | | | | | | |
|--------------------------------|------|------|------|------|------|------|
| Male | 100 | 4 | 20 | 60 | 16 | 76 |
| Migrant | | | | | | |
| Grade Eight Mathematics | | | | | | |
| Combined Population | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| TAGG | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| African-American | 100 | 40 | 20 | 40 | 0 | 40 |
| Hispanic | | | | | | |
| Caucasian | 100 | 6.5 | 25.8 | 51.6 | 16.1 | 67.7 |
| Economically Disadvantaged | 100 | 16.3 | 23.3 | 48.8 | 11.6 | 60.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 22.2 | 27.8 | 44.4 | 5.6 | 50 |
| Male | 100 | 12 | 20 | 52 | 16 | 68 |
| Migrant | | | | | | |
| Grade Eleven Literacy | | | | | | |
| Combined Population | 100 | 4.4 | 17.8 | 48.9 | 28.9 | 77.8 |
| TAGG | 100 | 4.6 | 18.2 | 47.7 | 29.6 | 77.3 |
| African-American | 100 | RV | RV | RV | RV | RV |
| Hispanic | | | | | | |
| Caucasian | 100 | 5.4 | 16.2 | 48.7 | 29.7 | 78.4 |
| Economically Disadvantaged | 100 | 4.6 | 18.2 | 47.7 | 29.6 | 77.3 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 100 | 3.3 | 10 | 46.7 | 40 | 86.7 |
| Male | 100 | 6.7 | 33.3 | 53.3 | 6.7 | 60 |
| Migrant | | | | | | |
| EOC Algebra | | | | | | |
| Combined Population | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| TAGG | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| African-American | 100 | 0 | 45.5 | 45.5 | 9.1 | 54.6 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 94 | 2.4 | 17.1 | 58.5 | 22 | 80.5 |
| Economically Disadvantaged | 95.2 | 1.9 | 22.6 | 56.6 | 18.9 | 75.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 91.9 | 0 | 17.2 | 62.1 | 20.7 | 82.8 |
| Male | 100 | 4.2 | 29.2 | 50 | 16.7 | 66.7 |
| Migrant | | | | | | |
| EOC Geometry | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| TAGG | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| African-American | 93.3 | 28.6 | 28.6 | 35.7 | 7.1 | 42.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 12.1 | 39.4 | 39.4 | 9.1 | 48.5 |
| Economically Disadvantaged | 98 | 18.4 | 34.7 | 36.7 | 10.2 | 46.9 |
| Students with Disabilities | | | | | | |
| Limited English Proficient | | | | | | |
| Female | 96.6 | 21.4 | 35.7 | 32.1 | 10.7 | 42.9 |
| Male | 100 | 14.3 | 33.3 | 42.9 | 9.5 | 52.4 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Biology

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Combined Population | 95.1 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| TAGG | 95 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| African-American | 95.2 | 63.2 | 15.8 | 21.1 | 0 | 21.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 94.7 | 15.2 | 48.5 | 30.3 | 6.1 | 36.4 |
| Economically Disadvantaged | 95 | 31.5 | 37 | 25.9 | 5.6 | 31.5 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | | | | | | |
| Female | 93.8 | 25.9 | 37 | 29.6 | 7.4 | 37 |
| Male | 96.6 | 37 | 37 | 22.2 | 3.7 | 25.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Number of Recently Arrived LEP Students Not Assessed in Literacy

| | |
|--------------|----|
| Grade Three | NA |
| Grade Four | NA |
| Grade Five | NA |
| Grade Six | NA |
| Grade Seven | NA |
| Grade Eight | NA |
| Grade Eleven | NA |
| Total | NA |

Norm-Reference Test (ITBS)

| | |
|---------------------------------|----|
| Grade One Reading Comprehension | NA |
| Grade One Math Problems | NA |
| Grade Two Reading Comprehension | NA |
| Grade Two Math Problems | NA |
| Grade Three Reading | NA |
| Grade Three Math | NA |
| Grade Four Reading | NA |
| Grade Four Math | NA |

| | |
|---|------|
| Grade Five Reading | NA |
| Grade Five Math | NA |
| Grade Five Science | NA |
| Grade Six Reading | NA |
| Grade Six Math | NA |
| Grade Seven Reading | NA |
| Grade Seven Math | NA |
| Grade Seven Science | NA |
| Grade Eight Reading | NA |
| Grade Eight Math | NA |
| Grade Nine Reading Comprehension | NA |
| Grade Nine Math Concepts and Problems | NA |
| American College Test (ACT) | |
| Number of Students Taking Voluntary Universal ACT | |
| District Provided Remediation for Students Taking Voluntary Universal ACT | |
| Number of Students in College and Career Readiness Planning (CCRPP) | |
| Number of Students Taking ACT in Grades 9-11 | 31 |
| Number of Students Taking ACT in Grade 12 | 27 |
| Mathematics | 18.9 |
| Science | 19.7 |
| English | 18.6 |
| Composite | 19.1 |
| Reading | 20 |
| Scholastic Assessment Test (SAT) | |
| Number of Students Taking SAT College Admission Test | |
| Advanced Placement Courses (AP) | |
| Number of Students Taking AP courses | 15 |
| Number of AP exams taken | 1 |
| Number of Exams scored 3,4 or 5 | 0 |
| Number of Students Taking International Baccalaureate Courses | |

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

| | |
|---|---|
| Needs Improvement | 1 |
| Needs Improvement Priority | 0 |
| Needs Improvement Priority Met Year 1 Exit Criteria | 0 |
| Needs Improvement Focus | 2 |
| Needs Improvement Focus Met Year 1 Exit Criteria | 0 |
| Achieving | 0 |
| Exemplary | 0 |
| Improvement School Rating (Gains) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools Approaching Standards (Alert) | 0 |

| | |
|--|---|
| 3-Schools Meeting Improvement Standards | 2 |
| 4-Schools Exceeding Improvement Standards | 1 |
| 5-Schools of Excellence for Improvement | 0 |
| Performance School Rating (Status) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools on Alert | 0 |
| 3-Schools Meeting Standards | 0 |
| 4-Schools Exceeding Standards | 3 |
| 5-Schools of Excellence | 0 |

District Provides Textbooks

| | |
|---|-----|
| District Provides Textbooks or Digital Resources for all Pupils | YES |
|---|-----|

Annual Accreditation Status

| | |
|-------------------------|---|
| Accredited | 3 |
| Accredited-Cited | 0 |
| Accredited-Probationary | 0 |

| | |
|-----------------|------|
| Attendance rate | 92.7 |
|-----------------|------|

| | |
|--------------|-----|
| Dropout rate | 2.1 |
|--------------|-----|

| | |
|--|------|
| Combined Population Graduation Rate | 79 |
| African American Graduation Rate | 76.9 |
| Hispanic Graduation Rate | NA |
| Caucasian Graduation Rate | 80 |
| Economically Disadvantaged Graduation Rate | 79 |
| Limited English Proficient Graduation Rate | NA |
| Students with a Disability Graduation Rate | RV |

| | |
|----------------------|------|
| Grade Inflation Rate | 16.7 |
|----------------------|------|

| | |
|------------------|------|
| Remediation Rate | 61.9 |
|------------------|------|

| | |
|--------------------|-----|
| October Enrollment | 665 |
|--------------------|-----|

INDICATOR 3: RETENTION

| | |
|---|-----|
| Number of Students Retained at Grade One | 3 |
| Percent of Students Retained at Grade One | 7 |
| Number of Students Retained at Grade Two | 2 |
| Percent of Students Retained at Grade Two | 4.2 |
| Number of Students Retained at Grade Three | 1 |
| Percent of Students Retained at Grade Three | 1.9 |
| Number of Students Retained at Grade Four | 0 |

| | |
|---|----|
| Percent of Students Retained at Grade Four | 0 |
| Number of Students Retained at Grade Five | 0 |
| Percent of Students Retained at Grade Five | 0 |
| Number of Students Retained at Grade Six | 0 |
| Percent of Students Retained at Grade Six | 0 |
| Number of Students Retained at Grade Seven | 7 |
| Percent of Students Retained at Grade Seven | 10 |
| Number of Students Retained at Grade Eight | 0 |
| Percent of Students Retained at Grade Eight | 0 |

INDICATOR 4: SAFE & ORDERLY ENVIRONMENT

| | |
|--|-----|
| Discipline Policies Distributed to Parents | Y |
| Discipline Training Provided to Staff | Y |
| Parental Involvement Plan Adopted | Y |
| Expulsions | 0 |
| Weapons Incidents | 0.2 |
| Staff Assaults | 0 |
| Student Assaults | 0.8 |

INDICATOR 5: TEACHER QUALITY

| | |
|--|------|
| Percent of Teachers Completely Certified (Licensed) | 98.3 |
| Percent Teaching with Emergency/ Provisional Credentials | 10.3 |
| Percent of Teachers with Bachelor's Degree | 83 |
| Percent of Teachers with Master's Degree | 15.1 |
| Percent of Teachers with Advanced Degree | 1.9 |
| Teachers in High Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |
| Teachers in Low Poverty Schools | |
| Percent of Classes not Taught by Highly Qualified Teachers | |
| Aggregate all Economic Levels | |
| Percent of Classes not Taught by Highly Qualified Teachers | 0 |

Indicator 6: Choice

| | |
|--|---|
| Percent of Students Obtained Through School Choice | 9 |
|--|---|

Indicator 7: Economic

| | |
|---------------------------------------|-------------|
| District Total Mills Voted | 36.8 |
| District Expenditure Per Student | \$8,987 |
| District Average Teacher Salary | \$36,885 |
| District Total Expenditures | \$8,719,218 |
| District Instructional Expenditures | \$3,294,478 |
| District Administrative Expenditures | \$521,552 |
| District Extracurricular Expenditures | \$157,480 |
| District Capital Expenditures | \$2,550,218 |

| | |
|---|-----------|
| District Debt Service Expenditures | \$291,904 |
| Percent of Students Eligible for Free and Reduced Meals | 100 |
| State Free and Reduced-Price Meal Rate ** | 60.33% |
| National Free and Reduced-Price Meal Rate ** | 53.92% |



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Forrest City School District

GreatSchools
District Rating



This district's rating is based on its schools' test results; 10 is best. [Learn more >](#)

LEARN ABOUT THIS DISTRICT'S:

- ▶ [Benchmark Exam Results](#)
- ▶ [End of Course Exam Results](#)
- ▶ [Teachers](#)
- ▶ [Students](#)
- ▶ [Spending Per Pupil](#)

845 North Rosser
Forrest City, AR 72335
St. Francis County
[Map >](#)
PH: (870) 633-1485

Grades PK-12 & ungraded
3429 students
5 schools

[View all schools in this district >](#)

Compare top-rated schools in this district:

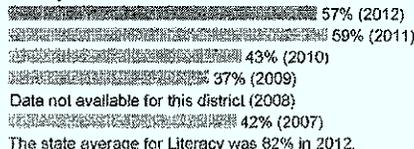
Elementary schools

Benchmark Exam Results

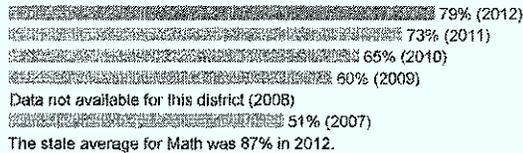
Scale: % at or above proficient

Grade 3

Literacy

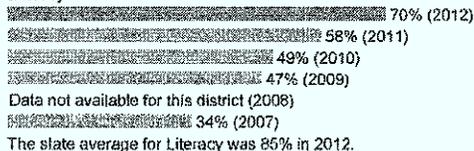


Math



Grade 4

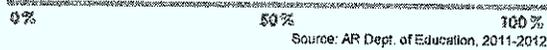
Literacy



Math



Data not available for this district (2008)
 ██████████ 52% (2007)
 The state average for Math was 82% in 2012.



Grade 5

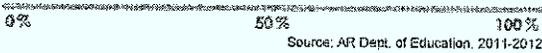
Science
 ██████████ 32% (2012)
 ██████████ 21% (2011)
 ██████████ 23% (2010)
 ██████████ 19% (2009)
 The state average for Science was 60% in 2012.

Literacy

██████████ 58% (2012)
 ██████████ 47% (2011)
 ██████████ 53% (2010)
 ██████████ 39% (2009)
 ██████████ 33% (2008)
 ██████████ 40% (2007)
 The state average for Literacy was 85% in 2012.

Math

██████████ 49% (2012)
 ██████████ 47% (2011)
 ██████████ 42% (2010)
 ██████████ 43% (2009)
 ██████████ 45% (2008)
 ██████████ 36% (2007)
 The state average for Math was 76% in 2012.

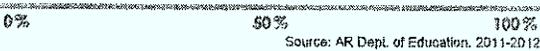


Grade 6

Literacy
 ██████████ 36% (2012)
 ██████████ 50% (2011)
 ██████████ 49% (2010)
 ██████████ 36% (2009)
 ██████████ 41% (2008)
 ██████████ 32% (2007)
 The state average for Literacy was 75% in 2012.

Math

██████████ 49% (2012)
 ██████████ 64% (2011)
 ██████████ 53% (2010)
 ██████████ 57% (2009)
 ██████████ 52% (2008)
 ██████████ 42% (2007)
 The state average for Math was 75% in 2012.



Grade 7

Science
 ██████████ 7% (2012)
 ██████████ 10% (2011)
 ██████████ 4% (2010)
 ██████████ 9% (2009)
 The state average for Science was 41% in 2012.

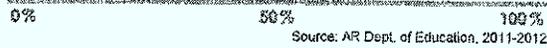
Literacy

██████████ 58% (2012)
 ██████████ 31% (2011)
 ██████████ 37% (2010)
 ██████████ 34% (2009)
 ██████████ 27% (2008)
 ██████████ 30% (2007)
 The state average for Literacy was 80% in 2012.

Math

██████████ 50% (2012)
 ██████████ 35% (2011)
 ██████████ 38% (2010)
 ██████████ 44% (2009)
 ██████████ 31% (2008)
 ██████████ 38% (2007)

The state average for Math was 77% in 2012.



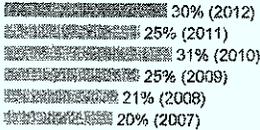
Grade 8

Literacy



The state average for Literacy was 80% in 2012.

Math



The state average for Math was 68% in 2012.



Grade 11

Literacy



The state average for Literacy was 68% in 2012.



About the tests

- In 2011-2012 Arkansas used the Benchmark Exam to test students in grades 3 through 8 and 11 in literacy and grades 3 through 8 in math.
- The Benchmark Exam is a standards-based test, which means it measures specific skills defined for each grade by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

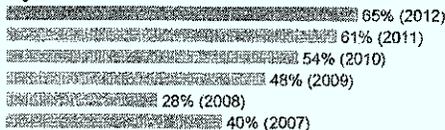
See Arkansas' state standards Compare all elementary, middle and high schools in this district

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End of Course Exam Results

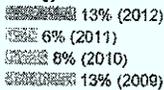
Scale: % at or above proficient

Algebra I



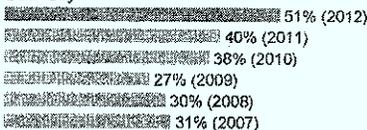
The state average for Algebra I was 80% in 2012.

Biology

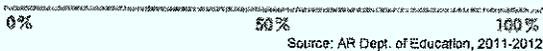


The state average for Biology was 43% in 2012.

Geometry



The state average for Geometry was 76% in 2012.



About the tests

- In 2011-2012 Arkansas used the End of Course Exam to test high school students in algebra I, biology, and geometry.
- The results for End of Course Exams administered in spring of each year are displayed on GreatSchools profiles.
- The End of Course Exam is a standards-based test, which means it measures specific skills defined by the state of Arkansas.
- The goal is for all students to score at or above the proficient level.

Testing in Arkansas: An Overview

[See Arkansas' state standards](#) Compare all [high](#) schools in this district

[Back to top >](#)

Teachers

Student-Teacher Ratio

| | This District | State Average |
|---------------------------------------|---------------|---------------|
| Students per FTE teacher ¹ | 15 | 13 |

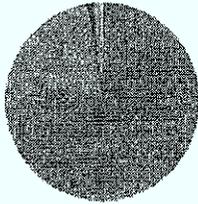
Source: ¹NCES, 2008-2009

[How important is Class Size? >](#)

[Back to top >](#)

Students

Student Ethnicity



| Ethnicity | This District | State Average |
|--------------------------------|---------------|---------------|
| Black, not Hispanic | 80% | 22% |
| White, not Hispanic | 18% | 67% |
| Hispanic | <1% | 9% |
| Asian/Pacific Islander | <1% | 2% |
| American Indian/Alaskan Native | <1% | <1% |

Source: NCES, 2008-2009

[How important is Cultural Diversity at Your School? >](#)

Student Economic Level

| | This District | State Average |
|--|---------------|---------------|
| Students eligible for free or reduced-price lunch program ¹ | 100% | 57% |

Source: ¹NCES, 2008-2009

[The Achievement Gap: Is Your School Helping All Students? >](#)

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Spending Per Pupil

Finance data was not reported for this district.

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GreatSchools, Inc. 160 Spear Street, Suite 1020, San Francisco, CA 94105

2011-12 District REPORT CARD for FORREST CITY SCHOOL DISTRICT

INDICATOR 1: STUDENT ACHIEVEMENT

| | Percent tested overall | Percent below basic | Percent Basic | Percent Proficient | Percent Advanced | Percent proficient and above |
|--------------------------------|------------------------|---------------------|---------------|--------------------|------------------|------------------------------|
| Grade Three Literacy | | | | | | |
| Combined Population | 99.1 | 16.8 | 25.7 | 28.7 | 28.7 | 57.4 |
| TAGG | 99 | 18.2 | 27.8 | 26.7 | 27.3 | 54 |
| African-American | 99.4 | 18.3 | 26.2 | 30.5 | 25 | 55.5 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.2 | 11.8 | 20.6 | 23.5 | 44.1 | 67.7 |
| Economically Disadvantaged | 99 | 18.5 | 27.2 | 27.2 | 27.2 | 54.4 |
| Students with Disabilities | 92.6 | 54.2 | 20.8 | 12.5 | 12.5 | 25 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 98.2 | 10.8 | 25.5 | 31.4 | 32.4 | 63.7 |
| Male | 100 | 23 | 26 | 26 | 25 | 51 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Three Mathematics | | | | | | |
| Combined Population | 99.1 | 5.9 | 11.9 | 25.7 | 56.4 | 82.2 |
| TAGG | 99 | 6.4 | 12.8 | 26.2 | 54.6 | 80.8 |
| African-American | 99.4 | 6.7 | 13.4 | 28.7 | 51.2 | 79.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 97.2 | 2.9 | 5.9 | 14.7 | 76.5 | 91.2 |
| Economically Disadvantaged | 99 | 6.5 | 12.5 | 26.6 | 54.4 | 81 |
| Students with Disabilities | 92.6 | 16.7 | 20.8 | 16.7 | 45.8 | 62.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 98.2 | 3.9 | 11.8 | 28.4 | 55.9 | 84.3 |
| Male | 100 | 8 | 12 | 23 | 57 | 80 |
| Migrant | 100 | RV | RV | RV | RV | RV |
| Grade Four Literacy | | | | | | |
| Combined Population | 99.6 | 11.8 | 19.3 | 42.4 | 26.5 | 68.9 |
| TAGG | 99.5 | 13.3 | 21.3 | 45.5 | 19.9 | 65.4 |
| African-American | 99.5 | 12.2 | 20.5 | 44.4 | 22.9 | 67.3 |
| Hispanic | | | | | | |
| Caucasian | 100 | 9.7 | 12.9 | 29 | 48.4 | 77.4 |
| Economically Disadvantaged | 99.5 | 12.9 | 21.1 | 45.9 | 20.1 | 66 |
| Students with Disabilities | 97.4 | 42.1 | 34.2 | 23.7 | 0 | 23.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 4.9 | 16.3 | 49.6 | 29.3 | 78.9 |
| Male | 99.2 | 19.1 | 22.6 | 34.8 | 23.5 | 58.3 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Migrant | | | | | | |
| Grade Four Mathematics | | | | | | |
| Combined Population | 99.6 | 14.7 | 13.9 | 29 | 42.4 | 71.4 |
| TAGG | 99.5 | 16.6 | 15.6 | 28.4 | 39.3 | 67.8 |
| African-American | 99.5 | 15.6 | 14.2 | 30.7 | 39.5 | 70.2 |
| Hispanic | | | | | | |
| Caucasian | 100 | 9.7 | 12.9 | 16.1 | 61.3 | 77.4 |
| Economically Disadvantaged | 99.5 | 16.3 | 15.8 | 28.2 | 39.7 | 67.9 |
| Students with Disabilities | 97.4 | 50 | 26.3 | 15.8 | 7.9 | 23.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 6.5 | 17.9 | 35 | 40.7 | 75.6 |
| Male | 99.2 | 23.5 | 9.6 | 22.6 | 44.4 | 67 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Five Literacy | | | | | | |
| Combined Population | 99.2 | 13 | 30 | 37.4 | 19.6 | 57 |
| TAGG | 99.1 | 14.3 | 31 | 37.6 | 17.1 | 54.8 |
| African-American | 99 | 12.3 | 29.4 | 38 | 20.3 | 58.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 13.5 | 35.1 | 37.8 | 13.5 | 51.4 |
| Economically Disadvantaged | 99.1 | 14.4 | 30.8 | 37.5 | 17.3 | 54.8 |
| Students with Disabilities | 100 | 60.6 | 30.3 | 9.1 | 0 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 5.8 | 20.4 | 48.5 | 25.2 | 73.8 |
| Male | 99.3 | 18.9 | 37.8 | 28.4 | 15 | 43.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Five Mathematics | | | | | | |
| Combined Population | 99.2 | 27 | 24.4 | 32.6 | 16.1 | 48.7 |
| TAGG | 99.1 | 28.6 | 25.2 | 32.9 | 13.3 | 46.2 |
| African-American | 99 | 27.3 | 22.5 | 34.8 | 15.5 | 50.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 24.3 | 35.1 | 21.6 | 18.9 | 40.5 |
| Economically Disadvantaged | 99.1 | 28.4 | 25.5 | 33.2 | 13 | 46.2 |
| Students with Disabilities | 100 | 75.8 | 15.2 | 3 | 6.1 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 20.4 | 24.3 | 36.9 | 18.5 | 55.3 |
| Male | 99.3 | 32.3 | 24.4 | 29.1 | 14.2 | 43.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|---------------------|------|------|------|------|---|------|
| Grade Five Science | | | | | | |
| Combined Population | 99.2 | 31.3 | 37.4 | 28.3 | 3 | 31.3 |

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| TAGG | 99.1 | 33.3 | 38.6 | 26.2 | 1.9 | 28.1 |
| African-American | 99 | 31.6 | 38 | 27.8 | 2.7 | 30.5 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 27 | 37.8 | 29.7 | 5.4 | 35.1 |
| Economically Disadvantaged | 99.1 | 33.2 | 38.9 | 26 | 1.9 | 27.9 |
| Students with Disabilities | 100 | 78.8 | 12.1 | 9.1 | 0 | 9.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99.1 | 25.2 | 46.6 | 26.2 | 1.9 | 28.2 |
| Male | 99.3 | 36.2 | 29.9 | 29.9 | 3.9 | 33.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Grade Six Literacy

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 20.5 | 43.3 | 19.6 | 16.5 | 36.2 |
| TAGG | 100 | 22.4 | 43.3 | 20.9 | 13.4 | 34.3 |
| African-American | 100 | 21.1 | 43.7 | 21.1 | 14.2 | 35.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 13.3 | 43.3 | 13.3 | 30 | 43.3 |
| Economically Disadvantaged | 100 | 21.8 | 43.2 | 21.3 | 13.7 | 35 |
| Students with Disabilities | 100 | 71 | 29 | 0 | 0 | 0 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 14.3 | 41.2 | 22.7 | 21.9 | 44.5 |
| Male | 100 | 27.6 | 45.7 | 16.2 | 10.5 | 26.7 |
| Migrant | | | | | | |

Grade Six Mathematics

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 29.9 | 21.9 | 17.9 | 30.4 | 48.2 |
| TAGG | 100 | 32.8 | 23.4 | 16.4 | 27.4 | 43.8 |
| African-American | 100 | 31.6 | 22.6 | 18.4 | 27.4 | 45.8 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 20 | 16.7 | 13.3 | 50 | 63.3 |
| Economically Disadvantaged | 100 | 31.5 | 23.9 | 16.8 | 27.9 | 44.7 |
| Students with Disabilities | 100 | 80.7 | 12.9 | 6.5 | 0 | 6.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 30.3 | 18.5 | 16.8 | 34.5 | 51.3 |
| Male | 100 | 29.5 | 25.7 | 19.1 | 25.7 | 44.8 |
| Migrant | | | | | | |

Grade Seven Literacy

| | | | | | | |
|---------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 10 | 31 | 41 | 18.1 | 59.1 |
| TAGG | 100 | 11.3 | 32.3 | 39.8 | 16.7 | 56.5 |
| African-American | 100 | 8.8 | 34.5 | 40.9 | 15.8 | 56.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 16.7 | 13.9 | 44.4 | 25 | 69.4 |

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Economically Disadvantage | 100 | 11.5 | 31.7 | 39.9 | 16.9 | 56.8 |
| Students with Disabilities | 100 | 46.2 | 42.3 | 3.9 | 7.7 | 11.5 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 4.5 | 21.4 | 50.6 | 23.6 | 74.2 |
| Male | 100 | 14.1 | 38 | 33.9 | 14.1 | 47.9 |
| Migrant | | | | | | |

Grade Seven Mathematics

| | | | | | | |
|----------------------------|-----|------|------|------|------|------|
| Combined Population | 100 | 23.7 | 24.6 | 38.4 | 13.3 | 51.7 |
| TAGG | 100 | 25.7 | 24.1 | 38 | 12.3 | 50.3 |
| African-American | 100 | 25.2 | 27.5 | 35.1 | 12.3 | 47.4 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 18.9 | 13.5 | 48.7 | 18.9 | 67.6 |
| Economically Disadvantage | 100 | 25 | 23.9 | 38.6 | 12.5 | 51.1 |
| Students with Disabilities | 100 | 57.7 | 23.1 | 11.5 | 7.7 | 19.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 25.6 | 20 | 37.8 | 16.7 | 54.4 |
| Male | 100 | 22.3 | 28.1 | 38.8 | 10.7 | 49.6 |
| Migrant | | | | | | |

Grade Seven Science

| | | | | | | |
|----------------------------|-----|------|------|------|-----|------|
| Combined Population | 100 | 54 | 39.3 | 5.7 | 1 | 6.6 |
| TAGG | 100 | 57.8 | 35.8 | 5.4 | 1.1 | 6.4 |
| African-American | 100 | 60.2 | 35.7 | 2.9 | 1.2 | 4.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 29.7 | 54.1 | 16.2 | 0 | 16.2 |
| Economically Disadvantage | 100 | 57.1 | 36.4 | 5.4 | 1.1 | 6.5 |
| Students with Disabilities | 100 | 80.8 | 11.5 | 0 | 7.7 | 7.7 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 52.2 | 43.3 | 3.3 | 1.1 | 4.4 |
| Male | 100 | 55.4 | 36.4 | 7.4 | 0.8 | 8.3 |
| Migrant | | | | | | |

Grade Eight Literacy

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 99.6 | 14.3 | 31.2 | 38.1 | 16.5 | 54.6 |
| TAGG | 99.5 | 16.4 | 34.9 | 36.4 | 12.3 | 48.7 |
| African-American | 99.5 | 15 | 33.7 | 38.3 | 13 | 51.3 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8.8 | 20.6 | 38.2 | 32.4 | 70.6 |
| Economically Disadvantage | 99.5 | 16.3 | 34.2 | 37.4 | 12.1 | 49.5 |
| Students with Disabilities | 100 | 42.4 | 39.4 | 3 | 15.2 | 18.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 8.9 | 23.4 | 45.2 | 22.6 | 67.7 |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Male | 99.2 | 20.6 | 40.2 | 29.9 | 9.4 | 39.3 |
| Migrant | | | | | | |
| Grade Eight Mathematics | | | | | | |
| Combined Population | 99.6 | 42.9 | 26 | 24.2 | 6.9 | 31.2 |
| TAGG | 99.5 | 46.2 | 27.2 | 19.5 | 7.2 | 26.7 |
| African-American | 99.5 | 46.1 | 29 | 20.2 | 4.7 | 24.9 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 23.5 | 8.8 | 50 | 17.7 | 67.7 |
| Economically Disadvantaged | 99.5 | 46.3 | 26.8 | 20 | 6.8 | 26.8 |
| Students with Disabilities | 100 | 66.7 | 15.2 | 0 | 18.2 | 18.2 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 39.5 | 29.8 | 26.6 | 4 | 30.7 |
| Male | 99.2 | 46.7 | 21.5 | 21.5 | 10.3 | 31.8 |
| Migrant | | | | | | |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Grade Eleven Literacy | | | | | | |
| Combined Population | 98.9 | 19.3 | 43.3 | 29.2 | 8.2 | 37.4 |
| TAGG | 98.6 | 24.1 | 46.7 | 23.4 | 5.8 | 29.2 |
| African-American | 98.7 | 21.2 | 45.7 | 27.2 | 6 | 33.1 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 6.3 | 25 | 43.8 | 25 | 68.8 |
| Economically Disadvantaged | 98.6 | 23.7 | 47.4 | 23.7 | 5.2 | 28.9 |
| Students with Disabilities | 96.7 | 77.8 | 11.1 | 0 | 11.1 | 11.1 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 99 | 13.8 | 40.4 | 37.2 | 8.5 | 45.7 |
| Male | 98.8 | 26 | 46.8 | 19.5 | 7.8 | 27.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| EOC Algebra | | | | | | |
| Combined Population | 98.9 | 13.3 | 20.2 | 44.5 | 22 | 66.5 |
| TAGG | 98.7 | 15.3 | 20.1 | 43.1 | 21.5 | 64.6 |
| African-American | 98.7 | 14 | 20.3 | 49 | 16.8 | 65.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 100 | 8 | 20 | 24 | 48 | 72 |
| Economically Disadvantaged | 98.7 | 15.4 | 20.3 | 43.4 | 21 | 64.3 |
| Students with Disabilities | 100 | 50 | 40 | 0 | 10 | 10 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 100 | 13.4 | 19.6 | 47.4 | 19.6 | 67 |
| Male | 97.6 | 13.2 | 21.1 | 40.8 | 25 | 65.8 |
| Migrant | | | | | | |

EOC Geometry

| | | | | | | |
|----------------------------|------|------|------|------|------|------|
| Combined Population | 96.8 | 11.8 | 37.6 | 39.3 | 11.4 | 50.7 |
| TAGG | 95.8 | 13.8 | 42 | 36.8 | 7.5 | 44.3 |
| African-American | 97.1 | 13.2 | 42.1 | 35.8 | 9 | 44.7 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 95 | 2.8 | 13.9 | 61.1 | 22.2 | 83.3 |
| Economically Disadvantage | 95.8 | 13.8 | 42 | 36.8 | 7.5 | 44.3 |
| Students with Disabilities | 100 | RV | RV | RV | RV | RV |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 96.1 | 12.3 | 41.2 | 37.7 | 8.8 | 46.5 |
| Male | 97.5 | 10.5 | 34.2 | 41.2 | 14 | 55.3 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Biology

| | | | | | | |
|----------------------------|------|------|------|------|-----|------|
| Combined Population | 95 | 43.8 | 37.6 | 12.4 | 6.2 | 18.6 |
| TAGG | 94.2 | 49.8 | 33.5 | 9.5 | 7.2 | 16.7 |
| African-American | 95.3 | 50.6 | 33.2 | 9.4 | 6.8 | 16.2 |
| Hispanic | 100 | RV | RV | RV | RV | RV |
| Caucasian | 93.1 | 13.5 | 57.7 | 25 | 3.9 | 28.9 |
| Economically Disadvantage | 94.2 | 50 | 33.2 | 9.6 | 7.3 | 16.8 |
| Students with Disabilities | 96.9 | 33.3 | 3.3 | 13.3 | 50 | 63.3 |
| Limited English Proficient | 100 | RV | RV | RV | RV | RV |
| Female | 96.9 | 42.2 | 39.5 | 12.9 | 5.4 | 18.4 |
| Male | 93 | 45.5 | 35.7 | 11.9 | 7 | 18.9 |
| Migrant | 100 | RV | RV | RV | RV | RV |

Number of Recently Arrived LEP Students Not Assessed in Literacy

| | |
|--------------|----|
| Grade Three | 0 |
| Grade Four | 0 |
| Grade Five | 0 |
| Grade Six | RV |
| Grade Seven | 0 |
| Grade Eight | RV |
| Grade Eleven | 0 |
| Total | RV |

Norm-Reference Test (ITBS)

| | |
|---------------------------------|----|
| Grade One Reading Comprehension | NA |
| Grade One Math Problems | NA |
| Grade Two Reading Comprehension | NA |
| Grade Two Math Problems | NA |
| Grade Three Reading | NA |
| Grade Three Math | NA |
| Grade Four Reading | NA |
| Grade Four Math | NA |

| | |
|---|------|
| Grade Five Reading | NA |
| Grade Five Math | NA |
| Grade Five Science | NA |
| Grade Six Reading | NA |
| Grade Six Math | NA |
| Grade Seven Reading | NA |
| Grade Seven Math | NA |
| Grade Seven Science | NA |
| Grade Eight Reading | NA |
| Grade Eight Math | NA |
| Grade Nine Reading Comprehension | NA |
| Grade Nine Math Concepts and Problems | NA |
| American College Test (ACT) | |
| Number of Students Taking Voluntary Universal ACT | |
| District Provided Remediation for Students Taking Voluntary Universal ACT | |
| Number of Students in College and Career Readiness Planning (CCRPP) | |
| Number of Students Taking ACT in Grades 9-11 | 93 |
| Number of Students Taking ACT in Grade 12 | 157 |
| Mathematics | 17.4 |
| Science | 17.8 |
| English | 17 |
| Composite | 17.2 |
| Reading | 17.5 |
| Scholastic Assessment Test (SAT) | |
| Number of Students Taking SAT College Admission Test | 3 |
| Advanced Placement Courses (AP) | |
| Number of Students Taking AP courses | 120 |
| Number of AP exams taken | 167 |
| Number of Exams scored 3,4 or 5 | 11 |
| Number of Students Taking International Baccalaureate Courses | |

INDICATOR 2: SCHOOL PERFORMANCE

Arkansas ESEA Accountability 2012

| | |
|---|---|
| Needs Improvement | 0 |
| Needs Improvement Priority | 2 |
| Needs Improvement Priority Met Year 1 Exit Criteria | 0 |
| Needs Improvement Focus | 3 |
| Needs Improvement Focus Met Year 1 Exit Criteria | 2 |
| Achieving | 0 |
| Exemplary | 0 |
| Improvement School Rating (Gains) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools Approaching Standards (Alert) | 1 |

| | |
|--|---|
| 3-Schools Meeting Improvement Standards | 1 |
| 4-Schools Exceeding Improvement Standards | 2 |
| 5-Schools of Excellence for Improvement | 0 |
| Performance School Rating (Status) | |
| 1-Schools in Need of Immediate Improvement | 0 |
| 2-Schools on Alert | 0 |
| 3-Schools Meeting Standards | 3 |
| 4-Schools Exceeding Standards | 1 |
| 5-Schools of Excellence | 0 |

District Provides Textbooks

| | |
|---|-----|
| District Provides Textbooks or Digital Resources for all Pupils | YES |
|---|-----|

Annual Accreditation Status

| | |
|-------------------------|---|
| Accredited | 4 |
| Accredited-Cited | 1 |
| Accredited-Probationary | 0 |

| | |
|-----------------|------|
| Attendance rate | 94.1 |
|-----------------|------|

| | |
|--------------|-----|
| Dropout rate | 3.8 |
|--------------|-----|

| | |
|--|------|
| Combined Population Graduation Rate | 76 |
| African American Graduation Rate | 76.3 |
| Hispanic Graduation Rate | RV |
| Caucasian Graduation Rate | 72.5 |
| Economically Disadvantaged Graduation Rate | 69.7 |
| Limited English Proficient Graduation Rate | RV |
| Students with a Disability Graduation Rate | 74.3 |

| | |
|----------------------|-----|
| Grade Inflation Rate | 5.6 |
|----------------------|-----|

| | |
|------------------|----|
| Remediation Rate | 80 |
|------------------|----|

| | |
|--------------------|-------|
| October Enrollment | 3,115 |
|--------------------|-------|

INDICATOR 3: RETENTION

| | |
|---|-----|
| Number of Students Retained at Grade One | 15 |
| Percent of Students Retained at Grade One | 6.4 |
| Number of Students Retained at Grade Two | 11 |
| Percent of Students Retained at Grade Two | 4.8 |
| Number of Students Retained at Grade Three | 0 |
| Percent of Students Retained at Grade Three | 0 |
| Number of Students Retained at Grade Four | 0 |

| | |
|---|-------------|
| District Debt Service Expenditures | \$1,112,425 |
| Percent of Students Eligible for Free and Reduced Meals | 82.3 |
| State Free and Reduced-Price Meal Rate ** | 60.33% |
| National Free and Reduced-Price Meal Rate ** | 53.92% |

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 al-

lowed 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.

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
Editor

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.

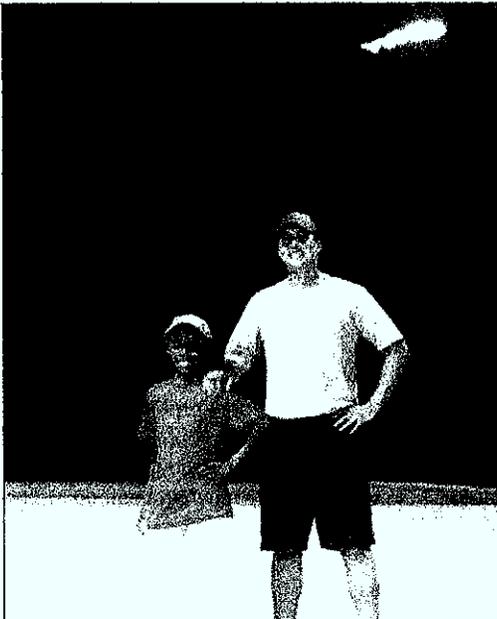
Act 1227 by Sen. Johnny Key, R-Mountain Home, chairman of the Senate Education Committee, removes the race-based provisions of the state's old school choice law that a district court found unconstitutional last year. Under the Arkansas Public School Choice Act of 1989, nonresident students could not 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



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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, Jessierville, Junction City, Lake Hamilton, Lakeside - Chicot County, Little Rock, Marvell-Elaine, 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,



SEN. JOHNNY KEY, R-Mountain Home, sponsored the bill that became Act 1227.

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-Lonsdale, 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.

CIVIL RIGHTS DIVISION
PENDING SCHOOL DISTRICTS OPERATING UNDER
DESEGREGATION CASES
TO WHICH THE UNITED STATES IS A PARTY

ARKANSAS

United States v. England School District No. 2
 United States v. Watson Chapel School District No. 24
United States v. Crawfordville School District No. 2
United States v. Bradley School District No. 20
United States v. Bearden School District
United States v. Hermitage School District No. 12
United States v. Junction City School District No. 75
United States v. Lovett (Warren School District No. 1)

CALIFORNIA

United States v. Bakersfield City School District

CONNECTICUT

United States v. Board of Education of Waterbury

FLORIDA

United States v. Gulf County School District
 United States v. Jackson County School District
 United States v. Jefferson County School District
 United States v. Lafayette County School
District
 United States v. Wakulla County
School District
U.S. and Youngblood v. Board of Public Instruction of Bay
County
United States v. Baker County School District
United States v. Bradford County School District
United States v. Flagler County School District
United States v. Pasco County School District
United States v. St. John's County School District
United States v. Seminole County School District
United States v. Marion County School District
United States v. Hendry County School District

GEORGIA

*Other parties may be involved.

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City Jr. High School** will be subject to **State Directed Status Year 7** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, Caucasian, Economically Disadvantaged, and Students with a Disability populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 75.70 / Math –73.41)

Percent Proficient/Advanced: Grade 7

| | Literacy | Math |
|----------------------------|-----------------|-------------|
| Combined | 31.0 | 35.0 |
| African-American | 28.0 | 31.0 |
| Caucasian | 45.0 | 54.0 |
| Economically Disadvantaged | 31.0 | 35.0 |
| Students with a Disability | 0.0 | 0.0 |

Percent Proficient/Advanced: Grade 8

| | Literacy | Math |
|----------------------------|-----------------|-------------|
| Combined | 46.0 | 25.0 |
| African-American | 44.0 | 20.0 |
| Caucasian | 51.0 | 42.0 |
| Economically Disadvantaged | 46.0 | 25.0 |
| Students with a Disability | 4.0 | 0.0 |

Forrest City Jr. High School is the only junior high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Reginald Murphy at 870-633-3230 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 7 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.

Under the federal No Child Left Behind (NCLB) Act of 2001, the Arkansas Department of Education (ADE) is required to identify schools as being in "School Improvement" if the school has not made Adequate Yearly Progress (AYP) for two, or more, consecutive years. The ADE designates Arkansas schools as being in "School Improvement" status based on Benchmark and End-of-Course Examination calculations. The test scores of six different subgroups, as well as the schools' combined population, are used to determine school improvement status.

The ADE has notified our administration that the **Forrest City High School** will be subject to **State Directed Status Year 8** for failure to make AYP during the time period the school has implemented a Restructuring plan. During the 2010-2011 school year the Combined Population, African American, and economically disadvantaged populations failed to achieve the expected percentage of students scoring proficient/advanced in literacy and math. Following is information showing the expected AYP Target for the 2010-2011 school year and the schools performance for the combined population and each subpopulation in the building.

(State AYP Target: Literacy – 78.81 / Math – 73.45)

| Percent Proficient/Advanced | Math | | |
|-----------------------------|----------|-----------|----------|
| | Literacy | Algebra I | Geometry |
| Combined | 33.0 | 56.0 | 41.0 |
| African-American | 26.0 | 51.0 | 32.0 |
| Caucasian | 59.0 | 74.0 | 72.0 |
| Economically Disadvantaged | 32.0 | 55.0 | 40.0 |

The Forrest City High School is the only high school in the district; however, if you would like more information regarding your child's school and how it compares to all schools in the state, please contact Mr. Charles Earle at 870-633-1464 or visit the Arkansas Department of Education's website at <http://arkansased.org/>.

As a result of the school being identified for "School Improvement Year 8 State Directed", the district will continue to implement Option F from the following alternative governance options for the school consistent with State law:

- A. Replacing all, or most, of the school staff (which may include the Principal) who are relevant to the failure to make Adequate Yearly Progress.
- B. Reopening the school as a public charter school.
- C. Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness to operate the public school.
- D. Turning the operation of the school over to the State Educational Agency, if permitted under State Law and agreed to by the State.
- E. Extend the school year or school day; OR
- F. Other major restructuring of the school's governance.

The school's restructuring plan will also be reviewed and revised as needed.

The district will continue to provide technical assistance, oversight and on-going support to the school through meetings, professional development, Classroom Walkthroughs, focus walks and the purchase of materials and supplies to support the restructuring plan.

In addition, because of the State Directed status the ADE shall, in a manner consistent with Arkansas Law:

- Direct a school team to participate in a leadership institute during the summer
- Determine how federal and state school improvement funds will be used.

- Replace school staff relevant to the failure of students meeting their AMO's, if necessary. Reallocate resources and provide professional development to fulfill the school's mandated plan using district funds, if necessary.
- Determine the future of the schools status.
- Assess progress and continue implementation of best instructional strategies listed in Targeted and/or Whole School Improvement and Targeted and/or Whole School Intensive Improvement.

Also, at the discretion of the Commissioner of Education, the state may assign a School Improvement (SI) Director who shall report to the Commissioner of Education (or designee) to oversee the administration of the schools learning environment.

The Forrest City School District is committed to providing ongoing technical assistance to your child's school, and we are taking the following additional steps to address the problem of low achievement: Contracting with the America's Choice Design to provide extensive professional development, sustained technical assistance, and coaching that will focus on instructional practice critical to improving the quality of students' learning.

In addition, the Forrest City High School has taken measures to implement the following programs during the upcoming school year that are designed to make a positive difference in the teaching and learning that occurs therein. Some of these programs include: The implementation of the America's Choice Design, Ninth Grade Academy, and Ombudsman.

You are very important to your child's education. We invite you to become more involved in your child's school and partner with the school in helping address the academic issues that caused it to be identified for improvement. Following are ways in which you can become involved: visiting Forrest City High School, attending parent conferences and meetings, serving on committees, completing district and school surveys, discussing problems with your child's teacher, helping your child with homework, completing your child's school-parent compact and discussing your child's school day.

Based on the AYP status of this school, your child is eligible to transfer to another public school in the district that is not in need of improvement, and the district will provide transportation to that school. This is not an option for students attending the Forrest City High School, because it is the only school with these grade levels in the district.

In addition, any school identified for improvement (Year 2 +) is required to offer Supplemental Educational Services (SES) to eligible students from low-income families. These services are available to students after the regular school day with educational providers approved by the State Board of Education. **If the number of eligible students who apply for SES exceeds the financial resources available, the lowest achieving students from low-income families will receive first priority.**

7011 2970 0002 5251 1704

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7011 2970 0002 5251 1704

72335



1000



72201

U.S. POSTAGE
PAID
FORREST CITY, AR
72335
JUN 18, 13
AMOUNT

\$5.42
00089888-04

First Class Mail

Officer of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
4 Capital Mall
Little Rock, AR 72201

RECEIVED
COMMISSIONER'S OFFICE

RESPONSE

Jeremy Lasiter (ADE)

From: Jon Estes <pwsdestes@gmail.com>
Sent: Monday, July 22, 2013 2:23 PM
To: Jeremy Lasiter (ADE)
Subject: Re: School Choice Appeal - Miller Family

Categories: Red Category

Jeremy:

Please note that any and all school choice applicants to the Palestine-Wheatley School District from the Forrest City School District were turned down because Forrest City declared an exemption due to a desegregation order.

Thanks

Jon Estes
Superintendent
Palestine-Wheatley School District

On Wed, Jul 10, 2013 at 9:07 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Estes:

Please find attached a school choice appeal filed with the ADE by the Miller Family. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter shortly. Thank you for your attention to this matter. It is likely that this appeal will be heard during the August 12, 2013 meeting of the State Board of Education.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, Arkansas 72201

(501) 682-4899

(501) 682-4249 (fax)

jeremy.lasiter@arkansas.gov

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

RECEIVED
COMMISSIONER'S OFFICE
JUN 27 2013

June 18, 2013

DEPARTMENT OF EDUCATION

RE: Pipkin Family School Choice Appeal

TO: Arkansas Department of Education

The Palestine-Wheatley School District rejected the school choice application of Molly Pipkin because the resident district, Forrest City, declared itself exempt from the provisions of the school choice law due to it being under a desegregation order.

Respectfully,



Jon Estes
Superintendent
Palestine-Wheatley School District

RECEIVED
ATTORNEY'S OFFICE

JUN 27 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Palestine-Wheatley School District
 Enrollment
 June 24, 2013

| 2013-14 | student # | Capacity | 90% | spaces available |
|---------|-----------|----------|-----|------------------|
| K | 45 | 60 | 54 | 9 |
| 1 | 48 | 50 | 45 | 0 |
| 2 | 48 | 50 | 45 | 0 |
| 3 | 40 | 50 | 45 | 5 |
| 4 | 45 | 56 | 50 | 5 |
| 5 | 50 | 56 | 50 | 0 |
| 6 | 51 | 56 | 50 | 0 |
| 7 | 45 | | | |
| 8 | 58 | | | |
| 9 | 62 | | | |
| 10 | 64 | | | |
| 11 | 53 | | | |
| 12 | 45 | | | |
| | | | | |

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT
P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephone:
870-633-3141
Fax: 870-633-3594

June 27, 2013

Via email & certified mail

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

From: The Forrest City School District

Re: Appeals brought by the Jacksons, Harbins, Scaife-Hardin,
Aldridge and Pipkin

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals. In each instance, the Palestine-Wheatley School District necessarily declined the transfer requests because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

This ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District declared the exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A."

The appeals each state various reasons why the families wish to enroll their children in the Palestine-Wheatley district. However, none of those reasons operate to over-ride the exemption declared by the Forrest City School District as permitted by the statute.

The Forrest City School District could take issue with many of the statements contained in the appeals. For instance, in the Jackson, Aldridge and Pipkin Appeals statistical comparisons are made. However, statistics can be viewed in many ways. They can be broken down to various sub-groups to show that the children would not be as adversely affected as claimed or to show that the Forrest City District is improving as shown by those outcomes. In the Harbin Appeal, the incidents referred to occurred more than two years past and are too remote to be relevant to any current decision.

Again, however, those issues are irrelevant to the appeal because the basis for an appeal must be one that can be reached under the statute. To even reach such an issue for discussion, there must be a possibility of transfer. Here there is no possibility for transfer because of the exemption.

The Aldridge Appeal contains a reference to a "supreme court precedent" claiming to show that the Forrest City School District is not under a desegregation order. That "supreme court precedent" is actually selected pages of a law review article. The law review article cites various sources that indicate that the Forrest City School District is not the subject of a case brought by the United States Dept. of Justice. From that the writer makes the incorrect assumption that there is no desegregation case. As anyone familiar with these matters is aware, many desegregation cases, especially in Eastern Arkansas, were brought by private parties claiming violations of civil rights guaranteed under the United States Constitution.

Consequently, the appeal mistakenly contends that the Forrest City School District is not under "an order of desegregation or a mandate of a federal court." As recently as 1990, a Motion regarding magnet schools was filed and subsequently granted in the case of *McKissick, et al. vs. Forrest City School District No. 7*, Case No. H-69-C-42. In the district court order approving a magnet school proposal, the presiding judge reiterated at page 1 that "this court retain[s] jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this court." This was reinforced by an appeal of a 1970 order in which the United States Court of Appeals for the 8th Circuit concluded by stating "the district court has retained jurisdiction to ensure compliance and affirm its Order." 427 F.2d 331 (1970)

There are no orders dismissing the case or declaring that the Forrest City School District is unitary.

The Scaife-Hardin Appeal does make a point that would have been appropriate under the 1989 act (A.C.A. 6-18-206 repealed). Transfer of a student in the minority in the resident district, to a district with a lesser population was allowed. However, this provision was not retained in the 2013 act. The exemption that has been declared is a blanket exemption. Thus, none of those issues raised can be reached when an exemption has been declared by the resident district.

In examining the rules governing this Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the applications. The notification by Palestine-Wheatley was merely a formality it was required to issue to comply with the act and was not an appealable "rejection" as provided by the act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the act or the

emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the Board could presumably evaluate based upon mathematical calculations or empirical evidence.

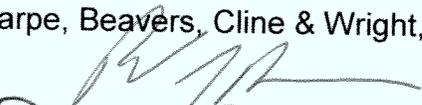
Further, the non-reviewability of the exemption is further fortified by the fact that the new statute has no provision for the resident district to be heard as a party on appeal. If an appeal of the exemption was contemplated, then party status would have been accorded the resident district. As it was not, its absence would result in a denial of procedural and substantive due process to the resident district.

We appreciate your consideration of this response and would request an opportunity to be heard at any hearing. We are further authorized to submit this letter on behalf of and to indicate that Sam Jones of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

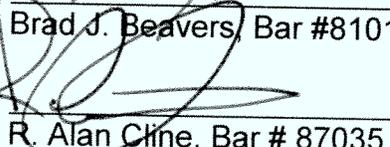
Respectfully submitted,

Sharpe, Beavers, Cline & Wright, Attorneys

By:


Brad J. Beavers, Bar #81012

By:


R. Alan Cline, Bar # 87035

cc: Cody and Cory Jackson
635 Calvert Road
Forrest City, AR 72335

John and Carrie Harbin
253 Lexington Dr.
Forrest City, AR 72335

Tonja Scaife-Hardin
2106 Peevey Ave.
Forrest City, AR 72335

Sabrina Aldridge
237 SFC 300
Forrest City, AR 72335

Wade and Robyn Pipkin
364 Concord Drive
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

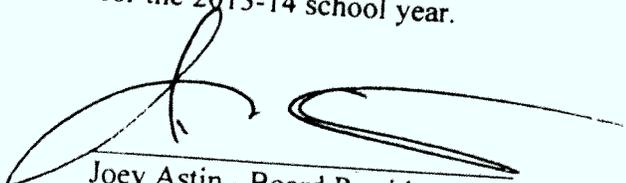
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013
Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013
Date

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 10 1990

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

PHIL R. DENNIS, CLERK
By: Lawley
DEP. CLERK

ERIC MCKISSIC, ET AL.

PLAINTIFFS

v. Civil No. H-69-C-42

FORREST CITY SCHOOL DISTRICT NO. 7
(formerly Forrest City Special School
District No. 7), ET AT.

DEFENDANTS

ORDER

The court is in receipt of a petition in this ancient case on behalf of the Forrest City School District No. 7. Jurisdiction of the court in this case commenced in 1969 by the filing of civil rights relief in the name of Eric McKissic et al. v. Forrest City Special School District No. 7 et al., Case No. H-69-C-42. Pursuant to the extended complications in the problems facing the court at that time, the court specifically concluded and ordered that "this Court retain jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this Court. Dated: August 13, 1971."

The School District has monitored and continued the operation of the Forrest City Schools in compliance with orders of this court since that time. Therefore, the court has had continuing jurisdiction for an indefinite period of time.

This petition of the defendant School District is in relation to the establishment of a "Magnet School proposal" (Magnet School

Plan) of Forrest City School District No. 7. The plaintiffs named in the complaint originally were at that time students in the Forrest City School. At this time, none of the named plaintiffs are students, parents-next friend, student teachers or employees of the school.

In the petition on behalf of the Forrest City School District No. 7, the School District at this time is seeking approval of a proposed Magnet School Plan. The petition provides that the Plan is to be effective in promoting voluntary desegregation and to generate more positive student activities towards school. The Plan has been approved and will be monitored by the Arkansas State Board of Education.

There is a requirement of the U.S. Department of Education which provides, in part, that grants by U.S. Department of Education to eligible schools in support of magnet schools must be approved by this court in order to modify the court's previously approved plan. The Forrest City School District No. 7 is requesting the approval of the proposed Plan for a magnet school to become a part of the School District program.

After carefully scrutinizing the proposed Magnet School Plan of the Forrest City School District No. 7, it is therefore the order and judgment of this court that the Magnet School Plan be adopted and authorized by appropriate officials of the District,

the Arkansas Department of Education, and the U.S. Department of Education as requested by the Forrest City School District No. 7.

IT IS SO ORDERED.

Dated this 3rd day of December, 1990.


UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP
ON 12/4/90 BY BW

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

9
10 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
11 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
12 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
13
14

Subtitle

15
16 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
17 *OF 2013; AND TO DECLARE AN EMERGENCY.*
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 27, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
625 Irving Street
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Leslie Anderson
706 Dillard Street
Forrest City, AR 72335

**Re: Appeal Under the Public School Choice Act of 2013
Anderson v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 27, 2013, Ms. Leslie Anderson filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- S. Anderson
- K. Anderson

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 24, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
June 27, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is stylized with a large initial "J" and a flourish at the end.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

RECEIVED

JUN 25 2013

SPECIAL EDUCATION

To whom it may concern

We live in the Forrest City School District. We have 2 daughters that have always attended a private school in Forrest City. We recently tried to enroll them in the Palestine School District. I attended Palestine from kindergarten to ~~10th~~^{10th} grade. I love the school and have always wanted my girls to attend the same school we did growing up. We received our rejection letter that the Forrest City School District wouldn't release them. My children have never attended Forrest City public schools and we never plan to enroll them in the Forrest City School District. I understand that FCSD was just released from academic distress. I have been doing some research online and their test ~~scores~~ scores are low. We would really appreciate if you would please consider allowing my girls to attend Palestine Wheatley School ^{starting} for the 2013 school year please. Thank you so much for your time.

Ruslee Anderson

RECEIVED
ATTORNEY'S OFFICE

JUN 27 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Kayleigh Anderson has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

1-870-581-4420

Mrs. Bryant

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

Date: 04-23-13
Time: 9:20 AM

| | |
|--|--|
| APPLICANT INFORMATION | |
| Applicant Name | Sara Kate Anderson |
| Date of Birth | [REDACTED] |
| Gender | Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| Present GRADE | 1KS |
| Next Year Grade | 118 |
| Does the applicant require special needs or programs? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Is applicant currently under expulsion? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| ETHNIC ORIGIN (CHECK ONE) | |
| 2 or More Races | <input type="checkbox"/> |
| African American | <input type="checkbox"/> |
| Asian | <input type="checkbox"/> |
| Hispanic | <input type="checkbox"/> |
| Native American/ Native Alaskan | <input type="checkbox"/> |
| Native Hawaiian/ Pacific Islander | <input type="checkbox"/> |
| White | <input checked="" type="checkbox"/> |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | |
| District Name | Forest City |
| County Name | St. Francis |
| Address | |
| Phone | |
| NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND | |
| District Name | Palatine Wheatley Elem |
| County Name | St. Francis |
| Address | |
| Phone | 581-2046 |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | |
| Name | Leile: Andy Anderson |
| Home Phone | [REDACTED] |
| Address | [REDACTED] |
| Work Phone | [REDACTED] |
| Parent/Guardian Signature | [Signature: Preslie Anderson] |
| Date | 4-23-13 |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p> | |
| DISTRICT USE ONLY | |
| Application | Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> See attached letter |
| Date Notification Sent to Parent/Guardian of Applicant | 6/3/13 |
| Date Notification Sent to Resident District | |

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for SARA ANDERSON has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

| | | | |
|--|---|--|----------------------------|
| APPLICANT INFORMATION | | Date: 04-23-13 | |
| Applicant Name <u>Kayleigh Elizabeth Anderson</u> | | Time: 9:20 AM | |
| Date of Birth <u>[REDACTED]</u> | Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> | Present GRADE <u>4th</u> | Next Year Grade <u>5th</u> |
| Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | | |
| Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/> | | | |
| ETHNIC ORIGIN (CHECK ONE) | | | |
| 2 or More Races <input type="checkbox"/> | | | |
| African American <input type="checkbox"/> | Asian <input type="checkbox"/> | Hispanic <input type="checkbox"/> | |
| Native American/ Native Alaskan <input type="checkbox"/> | Native Hawaiian/ Pacific Islander <input type="checkbox"/> | White <input checked="" type="checkbox"/> | |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | | | |
| District Name <u>Palmer Wheatley Forest City</u> | | County Name <u>St. Francis</u> | |
| Address _____ | | | |
| Phone <u>[REDACTED]</u> | | | |
| NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND | | | |
| District Name <u>Palmer Wheatley</u> | | County Name <u>St. Francis</u> | |
| Address _____ | | | |
| Phone <u>581-2646</u> <u>Calvary</u> | | | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | | | |
| Name <u>Cecil & Andy Anderson</u> | | Home Phone <u>[REDACTED]</u> | |
| Address <u>[REDACTED]</u> | | Work Phone _____ | |
| Parent/Guardian Signature <u>[Signature]</u> | | | Date <u>4-23-13</u> |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p> | | | |
| DISTRICT USE ONLY | | | |
| Application | Accepted <input type="checkbox"/> | Rejected <input checked="" type="checkbox"/> | <u>See attached letter</u> |
| Date Notification Sent to Parent/Guardian of Applicant | | <u>6/3/13</u> | |
| Date Notification Sent to Resident District _____ | | | |

[REDACTED]
Forest City Av. 72335

RECEIVED
JUN 25 2013
SPECIAL EDUCATION

Arkansas State Board of Education
1401 West Capitol Ave. 450
Little Rock Ar. 72201-2936



722012936



RESPONSE

Jeremy Lasiter (ADE)

From: Jon Estes <pwsdestes@gmail.com>
Sent: Monday, July 22, 2013 2:23 PM
To: Jeremy Lasiter (ADE)
Subject: Re: School Choice Appeal - Miller Family

Categories: Red Category

Jeremy:

Please note that any and all school choice applicants to the Palestine-Wheatley School District from the Forrest City School District were turned down because Forrest City declared an exemption due to a desegregation order.

Thanks

Jon Estes
Superintendent
Palestine-Wheatley School District

On Wed, Jul 10, 2013 at 9:07 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Estes:

Please find attached a school choice appeal filed with the ADE by the Miller Family. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter shortly. Thank you for your attention to this matter. It is likely that this appeal will be heard during the August 12, 2013 meeting of the State Board of Education.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, Arkansas 72201

(501) 682-4899

(501) 682-4249 (fax)

jeremy.lasiter@arkansas.gov

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT
P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephone:
870-633-3141
Fax: 870-633-3594

July 2, 2013

Via email & certified mail

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

From: The Forrest City School District

Re: Appeal brought by the Andersons

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeal. In this instance, the Palestine-Wheatley School District necessarily declined the transfer request because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

This ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District declared the exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A."

The appeal states various reasons why the family wishes to enroll their children in the Palestine-Wheatley district. However, none of those reasons operate to over-ride the exemption declared by the Forrest City School District as permitted by the statute.

The Forrest City School District could take issue with the statements contained in the appeals. For instance, in the appeal states the appellant has done research and "there test scores are low". However, statistics can be viewed in many ways. They can be broken down to various sub-groups to show that the children would not be as adversely affected as claimed or to show that the Forrest City District is improving as shown by those outcomes. From this statement, it is impossible to even determine the reference for comparison or consideration.

The appeal states that the Forrest City School District was just released from **academic** distress. That is inaccurate. The District has not been placed on academic distress. (The district was on fiscal distress and was released in April of 2012.)

This appeal actually states no factual basis to support an appeal. Only: *I went there and I want my daughters to go there*. This is no basis for appeal under the statute.

Again, however, those statements are irrelevant for the purpose of the appeal because the basis for an appeal must be one that can be considered under the statute. To even present such an issue for discussion, there must be a possibility of transfer. Here there is no possibility for transfer because of the exemption.

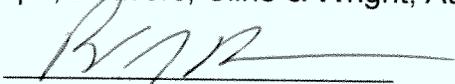
In examining the rules governing this Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the applications. The notification by Palestine-Wheatley was merely a formality it was required to issue to comply with the act and was not an appealable "rejection" as provided by the act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the act or the emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the Board could presumably evaluate based upon mathematical calculations or empirical evidence.

Further, the non-reviewability of the exemption is further fortified by the fact that the new statute has no provision for the resident district to be heard as a party on appeal. If an appeal of the exemption was contemplated, then party status would have been accorded the resident district. As it was not, its absence would result in a denial of procedural and substantive due process to the resident district.

We appreciate your consideration of this response and would request an opportunity to be heard at any hearing. We are further authorized to submit this letter on behalf of and to indicate that Sam Jones of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

Respectfully submitted,
Sharpe, Beavers, Cline & Wright, Attorneys

By: 

Brad J. Beavers, Bar #81012

By: 

R. Alan Cline, Bar # 87035

cc: Leslie Anderson
706 Dillard St
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

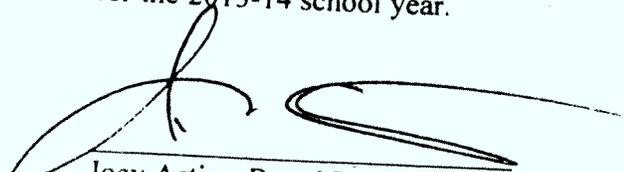
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013
Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013
Date

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

SEP 10 1990

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

PHIL R. DENNIS, CLERK
By: Lawley
DEP. CLERK
PLAINTIFFS

ERIC MCKISSIC, ET AL.

v. Civil No. H-69-C-42

FORREST CITY SCHOOL DISTRICT NO. 7
(formerly Forrest City Special School
District No. 7), ET AT.

DEFENDANTS

ORDER

The court is in receipt of a petition in this ancient case on behalf of the Forrest City School District No. 7. Jurisdiction of the court in this case commenced in 1969 by the filing of civil rights relief in the name of Eric McKissic et al. v. Forrest City Special School District No. 7 et al., Case No. H-69-C-42. Pursuant to the extended complications in the problems facing the court at that time, the court specifically concluded and ordered that "this Court retain jurisdiction for further consideration of any problems that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this Court. Dated: August 13, 1971."

The School District has monitored and continued the operation of the Forrest City Schools in compliance with orders of this court since that time. Therefore, the court has had continuing jurisdiction for an indefinite period of time.

This petition of the defendant School District is in relation to the establishment of a "Magnet School proposal" (Magnet School

Plan) of Forrest City School District No. 7. The plaintiffs named in the complaint originally were at that time students in the Forrest City School. At this time, none of the named plaintiffs are students, parents-next friend, student teachers or employees of the school.

In the petition on behalf of the Forrest City School District No. 7, the School District at this time is seeking approval of a proposed Magnet School Plan. The petition provides that the Plan is to be effective in promoting voluntary desegregation and to generate more positive student activities towards school. The Plan has been approved and will be monitored by the Arkansas State Board of Education.

There is a requirement of the U.S. Department of Education which provides, in part, that grants by U.S. Department of Education to eligible schools in support of magnet schools must be approved by this court in order to modify the court's previously approved plan. The Forrest City School District No. 7 is requesting the approval of the proposed Plan for a magnet school to become a part of the School District program.

After carefully scrutinizing the proposed Magnet School Plan of the Forrest City School District No. 7, it is therefore the order and judgment of this court that the Magnet School Plan be adopted and authorized by appropriate officials of the District,

the Arkansas Department of Education, and the U.S. Department of Education as requested by the Forrest City School District No. 7.

IT IS SO ORDERED.

Dated this 3rd day of December, 1990.


UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 79(a) FRCP
ON 12/4/90 BY BW

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

- 10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).
- 10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

- 11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and
- 11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and
- 11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;
- 11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 10, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
*Melbourne
Chair*

Brenda Gullett
*Fayetteville
Vice Chair*

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
625 Irving Street
Forrest City, AR 72335

Mr. Jon Estes, Superintendent
Palestine-Wheatley School District
P.O. Box 790
Palestine, AR 72372

Ms. Melissa Miller
1758 SFC 359
Forrest City, AR 72335

**Re: Appeal Under the Public School Choice Act of 2013
Miller v. Palestine-Wheatley School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 8, 2013, Ms. Melissa Miller filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- S. Miller

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 24, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 10, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large, stylized initial "J" and "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

To whom it may concern:

I currently have three children enrolled in Palestine-Wheatley School District, under the school choice option. They are in the ninth, fifth, and third grades and have been attending this school district for the last five years. My daughter is registered for kindergarten in Palestine and has been denied for school choice. Forrest city School district is not being cooperative. If she does not attend at Palestine she will be going to Calvary Christian Academy. As a family we would appreciate having all the kids attending in Palestine. Thank you for your consideration.

Thank you,



Miller Family

RECEIVED
COMMISSIONER'S OFFICE

JUL 8 - 2013

DEPARTMENT OF EDUCATION

RECEIVED
ATTORNEY'S OFFICE

JUL 08 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

**APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"**

(Must be submitted to Non-Resident and Resident Districts)

| | | | |
|---|-----------------------------------|--|--|
| APPLICANT INFORMATION | | Date and Time Received by Resident District: | |
| Applicant Name <i>Susanna Miller</i> | | Date and Time Received <i>5/3/13</i> by Non-Resident District: <i>2:00 PM</i> <i>5/3/13</i> | |
| Date of Birth | | Gender | Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| GRADE | | | |
| Does the applicant require special needs or programs? | | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Is applicant currently under expulsion? | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| ETHNIC ORIGIN (CHECK ONE) | | (For data reporting purposes only) | |
| 2 or More Races | <input type="checkbox"/> | Asian | <input type="checkbox"/> |
| African American | <input type="checkbox"/> | Hispanic | <input type="checkbox"/> |
| Native American/ Native Alaskan | <input type="checkbox"/> | Native Hawaiian/ Pacific Islander | <input type="checkbox"/> |
| | | White | <input checked="" type="checkbox"/> |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | | | |
| District Name | <i>Forrest City</i> | County Name | <i>St. Francis</i> |
| Address | | | |
| Phone | | | |
| NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND | | | |
| District Name | <i>P/W School District</i> | County Name | <i>St. Francis</i> |
| Address <i>Palatine AR</i> | | | |
| Phone | | | |
| Does the applicant already have a sibling or step-sibling in attendance in this district? | | <i>Yes</i> <input checked="" type="checkbox"/> <i>3</i> | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | | | |
| Name | <i>Melissa Miller</i> | Home Phone | |
| Address | | Work Phone | <i>630 6390</i> |
| Parent/Guardian Signature | <i>Melissa Miller</i> | Date | <i>5-1-13</i> |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. A school district receiving transfers under the School Choice Act shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Act 1227 of 2013 (School Choice Act). Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. Both the resident and non-resident districts receiving this application must retain it in its district records for at least one (1) year from the date it is received, for data verification and general recordkeeping purposes.</p> | | | |
| DISTRICT USE ONLY | | | |
| Application | Accepted <input type="checkbox"/> | Rejected <input checked="" type="checkbox"/> | <i>See attached letter</i> |
| Date Notification Sent to Parent/Guardian of Applicant | <i>6-4-13</i> | | |
| Date Notification Sent to Resident District | | | |

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

I am sorry, but the application you submitted for Susanna Miller has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under a desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child would require the district to add staff, teachers or classrooms.

You have ten days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Superintendent
Palestine-Wheatley School District

RESPONSE

Jeremy Lasiter (ADE)

From: Jon Estes <pwsdestes@gmail.com>
Sent: Monday, July 22, 2013 2:23 PM
To: Jeremy Lasiter (ADE)
Subject: Re: School Choice Appeal - Miller Family

Categories: Red Category

Jeremy:

Please note that any and all school choice applicants to the Palestine-Wheatley School District from the Forrest City School District were turned down because Forrest City declared an exemption due to a desegregation order.

Thanks

Jon Estes
Superintendent
Palestine-Wheatley School District

On Wed, Jul 10, 2013 at 9:07 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Estes:

Please find attached a school choice appeal filed with the ADE by the Miller Family. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter shortly. Thank you for your attention to this matter. It is likely that this appeal will be heard during the August 12, 2013 meeting of the State Board of Education.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, Arkansas 72201

(501) 682-4899

(501) 682-4249 (fax)

jeremy.lasiter@arkansas.gov

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT
P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephone:
870-633-3141
Fax: 870-633-3594

July 16, 2013

Via email & certified mail

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

From: The Forrest City School District

Re: School Choice transfer appeal brought by the Miller Family

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeal.

As a threshold matter in this appeal, the burden is on the appellant to show compliance with the statutory and regulatory requirements for appeal. Pursuant to A.C.A. 6-18-1907(b)(2)(A) and rule 8.01.1, the appeal must be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student's parent receives a notice of rejection of the application. As shown on the application, the non-resident district declined the application on June 4, 2013. The Department did not receive the appeal until July 8, 2013, more than one month later.

Thus, the Appellant's failure to show timely filing demonstrates failure to comply with the requirements of the statute, so the appeal should be summarily denied before any other issue is reached.

In this instance, the Palestine-Wheatley School District necessarily declined the transfer requests because the Forrest City School District has declared itself exempt from the provisions of the new school choice law.

Because of the exemption declared by Forrest City, this ministerial act of the Palestine-Wheatley District was correct. It is undisputed that the Forrest City School District

declared the statutory exemption on May 14, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A." The Millers do not challenge the exemption, merely stating the Forrest City District "is not being cooperative".

The appeal actually states no reasons why the family has or wishes to enroll their children in the Palestine-Wheatley District. The appellant should be limited at any hearing to the issues raised in the appeal.

In this appeal, the issue of siblings already attending Palestine-Wheatley is raised. However, this reason for transfer is applicable only in determining priority among competing transfer requests under 6-18-1903(d)(2) relating to the standards to be set by a non-resident district for acceptance or rejection of eligible students. It does not trump the statutory exemption which requires the non-resident district to decline such applications.

It should also be noted that in the case of white students, although a claim of previous "legal" or "choice" transfers is made, no such transfers were approved by the Forrest City School District and would not have been allowed from the Forrest City School District to the Palestine Wheatley School District under, now repealed A.C.A. 6-18-206 (f)(1). Consequently, even the currently enrolled siblings may well be illegally enrolled in the non-resident district. Because no such transfer was appropriate under the 1989 act (A.C.A. 6-18-206), the grandfather provision in the 2013 Act would not apply to this child.

The copy of the Miller Application provided to the Forrest City School District, which was received from the Palestine Wheatley School District (and not from the parent as required by the statute) indicates that the child is white. If the siblings are also white, the 1989 act would not have allowed the transfer of the older siblings. Therefore, even if available, the sibling priority could not be used to bootstrap this application.

In examining the rules governing this Act, 8.01.3 requires the parents to state the basis for appealing the decision of the non-resident district. Here, the non-resident district did not make a decision. The Forrest City School District, the resident district, made the decision to declare the exemption. All Palestine-Wheatley did was honor the declaration and declined the application. The notification by Palestine-Wheatley was merely a formality it was required to issue to comply with the act and was not an appealable "rejection" as contemplated by the act. There is nothing for the non-resident district to present to this Board.

Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the act or the emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that this Board could presumably evaluate based upon mathematical calculations or empirical evidence.

Further, the non-reviewability of the exemption is further fortified by the fact that the new statute has no provision for the resident district to be heard as a party on appeal. If an appeal of the exemption was contemplated, then party status would have been accorded the resident district. As it was not, its absence would result in a denial of procedural and substantive due process to the resident district.

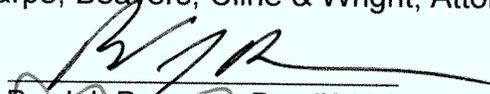
Also, it was established at the July 8, 2013 appeal hearings that the Palestine-Wheatley board of directors failed to establish written standards for students wishing to transfer. The statute makes it clear that this is a mandatory requirement. Thus, not only the parents but the non-resident district has failed to comply with the statutory requirements to initiate an appeal process.

The Board has previously addressed these issues and should determine this appeal consistently with its previous decisions.

We appreciate your consideration of this response and would request an opportunity to be heard at any hearing. We are further authorized to submit this letter on behalf of and to indicate that Sam Jones of the Mitchell Williams firm will be associated as co-counsel for the Forrest City School District in this matter.

Sharpe, Beayers, Cline & Wright, Attorneys

By:


Brad J. Beavers, Bar #81012

By:


R. Alan Cline, Bar # 87035

cc: Melissa Miller
1758 SFC 359
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

WHEREAS, the Forrest City School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 14, 2013, in Forrest City, Arkansas;

WHEREAS, 5 members were present, a quorum was declared by the chair;

WHEREAS, on April 16, 2013, Governor Mike Beebe signed into law Act 1227, the Public School Choice Act of 2013 ("Act 1227"), which was duly passed by the Arkansas General Assembly; and

WHEREAS, Act 1227 establishes a public school choice program that would allow students who are residents of the Forrest City School District to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Act 1227 provides that "[a] school district annually may declare an exemption under this section if the school district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation"; and,

WHEREAS, the Forrest City School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Forrest City School District is subject to a desegregation order or mandate of a federal court remedying the effects of past racial segregation; and

WHEREAS, Forrest City, Arkansas historically operated racially dual school systems that segregated black and non-black students and was desegregated in the early 1970s by closing the black school(s) and merging their enrollment with the white students; and

WHEREAS, the federal court or agency orders include the original directive from the United States Supreme Court in *Brown v. Board of Education of Topeka, Kansas* (1954), and its progeny, that maintenance of racially dual public schools is unconstitutional and directing that racially segregated schools be dismantled; and the 1969 mandate from the federal department of Health, Education, and Welfare to the same effect; and the various orders entered over the years in *McKissick, et al v. Forrest City School District, et al*, U.S. District Court of Eastern District of Arkansas, Eastern Division, Case Number Civil No. H-69-C-42; and

WHEREAS, the Board of the Forrest City School District desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013 on the basis of the aforementioned federal court cases and orders, and agency mandates; and

WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

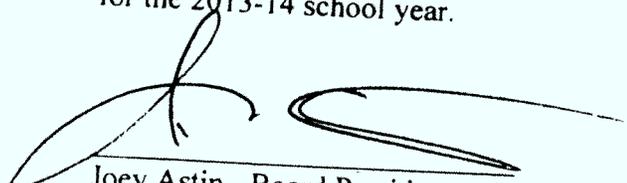
Exhibit A

NOW THEREFORE, the Board, upon due consideration and deliberation, hereby resolves, approves and adopts this Resolution for the purpose of declaring an exemption under the Public School Choice of 2013, Act 1227 of 2013 (to be codified), for a period of one (1) year from the date that this Resolution is received by the Department of Education, for use in the Forrest City School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Forrest City School District hereby authorizes the Superintendent of the Forrest City School District to immediately submit a copy of this Resolution to the Department of Education; to post the exemption as the District's School Choice Policy (Policy) in the appropriate Board policies, student handbooks, Forrest City School District website, and all other places in order to give notice to the District's patrons and the general public of the Board's adoption of the Policy; and

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to carefully monitor and study the racial segregation implications of application of the Public School Choice Act of 2013 in other Arkansas districts, as well as the interest expressed therein within this district, and report the same to the Board from time to time during 2013-14; and,

THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

I, Glenn Shepherd, Secretary of the Board of Education of the Forrest City School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 14, 2013.



Glenn Shepherd - Board Secretary

5-14-2013

Date

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Ms. Joye Hughes, Superintendent
Forrest City School District
625 Irving Street
Forrest City, AR 72335

Mr. Carl Easley, Superintendent
Wynne School District
P.O. Box 69
Wynne, AR 72396

Ms. Shara Mefford
6273 Hwy 284
Forrest City, AR 72355

**Re: Appeal Under the Public School Choice Act of 2013
Mefford v. Wynne School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 16, 2013, Ms. Shara Mefford filed a petition appealing the decision of the Wynne School District to deny her child's application made pursuant to the Public School Choice Act of 2013.

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is written in a cursive style with a large initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

RECEIVED
ATTORNEY'S OFFICE

JUL 16 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

July 9, 2013

I would like to request a hearing before the State Board of Education to reconsider my child's transfer to Wynne Public Schools through which I filed a School Choice form to which it was denied because of Forrest City School district declaring an exemption from the Public School Choice Act due to provisions of a desegregation Court order. No one in their right mind would want to send their child to Forrest City School. I feel since my child has never been enrolled in any school then I should have the choice as in School Choice of what school my child goes to. I may be able to see if he was transferring out of Forrest City School but he isn't he has never attended he's 5 years old. Forrest City School is an awful school district with violence, gangs, drugs and faculty that doesn't care about your child's learning. I feel that my child will at least have a chance at Wynne Public School and won't be one to attend Forrest City even if he isn't approved to attend Wynne because I will home school my child. The law was approved to let the School Choice act happen this year I don't understand what gives Forrest City the right to declare an exemption from something.

that has already been passed.

Thank you,

Shara Mefford

Return Address

Shara Mefford

6273 Hwy 284

Forrest city, AR 72335

Phone: 870-317-8532

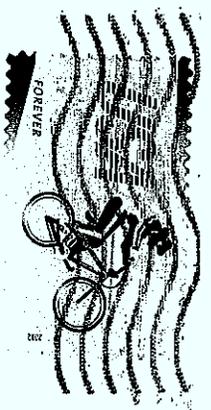


Miss Shara Medford

RECEIVED
COMMISSIONER'S OFFICE
JUL 12 2013
DEPARTMENT OF EDUCATION

MEMPHIS TN 380

10 JUN 2013 PM 3 L



Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR

72201

72201101999



RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
*Melbourne
Chair*

Brenda Gullett
*Fayetteville
Vice Chair*

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Brad J. Beavers
Attorney at Law
407 Cleveland Street
Forrest City, AR 72335-3302

Mr. Carl Easley, Superintendent
Wynne School District
P.O. Box 69
Wynne, AR 72396

Marvin & Monica Barnett
447 SFC 503
Widener, AR 72394

Ms. Joye Hughes, Superintendent
Forrest City School District
625 Irving Street
Forrest City, AR 72335

**Re: Appeal Under the Public School Choice Act of 2013
Barnett v. Wynne School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 19, 2013, Marvin and Monica Barnett filed a petition appealing the decision of the Wynne School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

M. Barnett

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

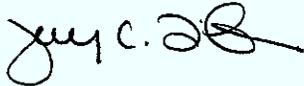
The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large initial "J" and "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

To: Whom it may concern

This letter is to request a hearing before the State Board of Education regarding the rejection of my daughter's, Maria Barnett (DOB:10/29/13), Public School Choice application. It was rejected due to the Forrest City Schools declaring an exemption from the Public School Choice Act of 2013.

My husband and I tried to put my daughter in Wynne Public Schools mainly due to me, her mother and primary caregiver, being employed at the Cross County Department of Health located in Wynne. I am the Clinic coordinator/ RN and have been employed there since 2009. If she is not allowed to go to Wynne public school it would cause a hardship for our family. Due to my husband and my jobs schedule, there would be no one to pick her up in the Forrest city area. Reliable and safe arrangements are already in place to have her pickup and cared for after school in Wynne. Any after school programs in the Forrest city area would end too early for her father or me to pick her up after work. My daughter also was sexually assaulted by another student during an after school program provided by the ABC school in Forrest City. Therefore we are not comfortable with her staying in any after school programs in that area (This matter was reported to DHS by the ABC school officials).

We are praying that there are some revisions to the exemption for families that would endure a hardship under this regulation. I would also like add that her application for the public school Choice was done in April, which was before the exemption was declared. Please feel free to contact me at 1-870- 589-0973 with any questions or concerns.

Sincerely,

Marvin Barnett
Monica Barnett

Marvin and Monica Barnett

The Parents of Maria Barnett

RECEIVED
ATTORNEY'S OFFICE

JUL 19 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

RECEIVED
COMMISSIONER'S OFFICE

JUL 19 2013

DEPARTMENT OF EDUCATION

Marvin & Monica Barnett



Widener AR 72394



MEMPHIS, TN 382

16 JUL 2013 PM 31

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, AR 72201

72201101999



RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

9
10 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
11 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
12 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
13
14

Subtitle

15
16 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
17 *OF 2013; AND TO DECLARE AN EMERGENCY.*
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
**Melbourne
Chair**

Brenda Gullett
**Fayetteville
Vice Chair**

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Bobby Acklin, Superintendent
Dollarway School District
4900 Dollarway Road
Pine Bluff, AR 71602

Ms. Amanda O'Neal
2711 Ashley Road
Sheridan, AR 72150

Dr. Larry Smith, Superintendent
1020 W. Holland Ave.
White Hall, AR 71602

**Re: Appeal Under the Public School Choice Act of 2013
O'Neal v. White Hall School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 16, 2013, Ms. Amanda O'Neal filed a petition appealing the decision of the White Hall School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

T. O'Neal

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with the first name "Jeremy" written in a larger, more prominent script than the last name "Lasiter".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

State Board of Education Appeals:

July 6, 2013

This letter is to request a review and reconsideration in the denial of accepting my son to transfer school districts. My son, Tristan M. O'Neal, is currently attending Dollarway School District in Pine Bluff, AR. He will begin second grade this August. During the last two years at his school, he has been a constant target for bullies as a result of "being different". He has been taunted, hit, pushed, laughed at punished for defending himself. There have been multiple complaints with no resolution. It came to the point that my child did not want to attend school anymore because he was "worried" that he would be bullied and the teachers would not do anything. He has come home with bite marks, black eyes, and tears. This is much more than any child should have to endure especially while attending a school. School is the place a child should be free of bullying, excited to learn, and expect that someone will stand up for them.

In the rejection letter from White Hall School District that I recently received, it stated that my child has been denied school admission due to "desegregation". I can only speak on behalf of my child and myself. He was the only white child in his class and the first grade consisted of maybe three other white children. I am not asking that you reconsider based on his race, but please try to imagine the bullying that he has endured.

The road, in which we live on, Ashley Road, is a dead end road. The first half of the road is within Dollarway School District and the end of the road, the dead end, is within White Hall School District, in which both buses come down this road. I do not understand why I cannot simply enter my child into White Hall. Driving him to the end of the road would take less than three minutes to catch and exit the bus each day.

I am pleading to you to please reconsider his admission to White Hall School District. He does not want to attend second grade because he fears he will constantly be bullied and violated. He has family and friends that attend White Hall School District and wants to go to school with them, the people that he knows and trust. I will do anything to make his learning experience fun and wonderful, but I should not have to fear for my child each day he leaves for school. I should not have to move to the end of my dead end road just so he can change schools. My son deserves a high education free from fear. I am pleading for your help, for my son.

If you have any questions, please feel free to contact me at (870) 489-2369.

Best Regards,

Amanda O'Neal

RECEIVED

JUL 17 2013

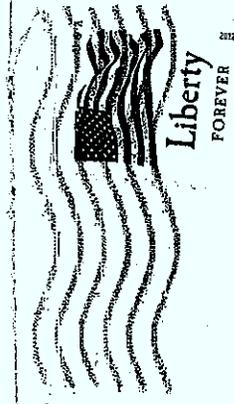
EQUITY ASSISTANCE CENTER

Amanda O'Neal
[REDACTED]
Sheridan, AR 72150

LITTLE ROCK AR 722

13 JUL 2013 PM 4 L

REC'D JUL 16 2013



Box 25

Arkansas State Board of Education
Attn: Appeal - School Choice
Little Rock, AR 72201

RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Bobby Acklin, Superintendent
Dollarway School District
4900 Dollarway Road
Pine Bluff, AR 71602

Carole McCarroll
503 Monk Road
White Hall, AR 71602

Dr. Larry Smith, Superintendent
1020 W. Holland Ave.
White Hall, AR 71602

**Re: Appeal Under the Public School Choice Act of 2013
McCarroll v. White Hall School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 19, 2013, Carole McCarroll filed a petition appealing the decision of the White Hall School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- A. McCarroll (7)
- A. McCarroll (10)
- A. McCarroll (13)

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large, stylized initial "J" and "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

My name is Carole McCarroll and I have 3 sons ages 7, 10, and 13. I have sent them to private school over the years and just last year due to financial reasons started sending them to Watson Chapel public school under school choice. We are residents of the Dollarway school district. As you know, the Dollarway school district has been in academic distress on and off over the past years and recently has been in financial distress. Dollarway is not where we would choose to send our children to offer them the best education. We have to travel further to send our children to Watson Chapel but since it has better academic credentials this was a sacrifice we made. Once school choice was opened up freely we went to White Hall school district to gather our information. We live only 3 miles from the White Hall schools so it would benefit us to be allowed to send our children to this school district. Since Dollarway opted out of school choice this option is no longer available to us. Since they are funded by tax dollars why were they allowed to opt of out a court order? No one would want to knowingly have to send their child to a lesser school and this is obvious that the Dollarway school district at this time is not where White Hall school district is in the academic or financial status. I have been allowed to send my children back to Watson Chapel since they were already enrolled from last year and this is the option I will be choosing since I have been denied access to White Hall. I'm requesting a release from Dollarway school district for my three children be granted to White Hall School. Their names are Andrew, Aaron, and Austin Wheeler. My address is 503 Monk Rd. White Hall AR, 71602. Please consider my request and assist me if possible in this matter.

**RECEIVED
ATTORNEY'S OFFICE**

JUL 19 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

**RECEIVED
COMMISSIONER'S OFFICE
JUL 19 2013**

DEPARTMENT OF EDUCATION

WHITE HALL SCHOOL DISTRICT NO. 27

1020 West Holland Avenue
White Hall, Arkansas 71602-9632
Phone 870-247-2002
Fax 870-247-3707

DR. LARRY SMITH
Superintendent

BILL MITCHELL
Assistant Superintendent

DOROTHY WELCH
Assistant Superintendent

HEATH BENNETT
Assistant Superintendent

July 1, 2013

Ms Carole McCarroll
503 Monk Road
White Hall, AR 71602

Ms. McCarroll,

I am sorry, but the applications you submitted for Aaron, Andrew and Austin has been rejected for the following reason.

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child does not meet the openings identified for the coming school-year identified in its Board of Directors Resolution adopted on May 21, 2013.

The specific reason for rejection is that acceptance would cause the district to have to add:

Staff

Teachers

classroom(s)

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the Arkansas State Board of Education.

Respectfully,



Dr. Larry Smith, Superintendent


Mark McCarroll
White Hall, AR 71602

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL™



7012 2920 0001 2046 6772



1000



72201

Arkansas Board of Education
4 Capitol Mall
Little Rock, AR 72201

72201101999



U.S. POSTAGE
PAID
PINE BLUFF, AR
JUL 17 71602 13
AMOUNT
\$3.56
00020223-11

RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert
7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

11 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
12 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
13 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

- 10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).
- 10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

- 11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and
- 11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and
- 11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;
- 11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Ms. Suzanne Bailey, Superintendent
Lonoke School District
401 W. Holly Street
Lonoke, AR 72086

Dr. Tony Thurman, Superintendent
Cabot School District
602 N. Lincoln
Cabot, AR 72023

Ms. Jill Shirley
1284 Old Stagecoach Road
Cabot, AR 72023

Re: **Appeal Under the Public School Choice Act of 2013**
Shirley v. Lonoke School District
VIA CERTIFIED AND REGULAR MAIL

Everyone:

On July 16, 2013, Ms. Jill Shirley filed a petition appealing the decision of the Lonoke School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- H. Shirley
- A. Bearden

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with the first name "Jeremy" written in a larger, more prominent script than the last name "Lasiter".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

To Whom this may concern:

I would like to request to have my children Ashton Bearden⁷ and Hayden Shirley⁶ transferred from Cabot schools to Lonske schools. My reasons are because I have not had good experiences with the Cabot school district. I pulled Ashton out last year and homeschooled him for the remaining of the year because he was extremely depressed, (diagnosed by a doctor). Even after speaking with not only his teacher, but, his counsiler and principal they did nothing. They punished him everyday for things that were not his fault, sometimes for things that were my fault, and I had already contacted them about. I realize that he is not perfect but I do believe that he was acting out sometimes because he was unsure of how to handle his personal situation. Now that Hayden will be starting school this year I would really like for them both to attend Lonske. I have heard the teachers are much more compassionate towards the children. I understand it will not fix all of my problems but I do believe they will do much better there. Thank you,
M Shirley

RECEIVED
ATTORNEY'S OFFICE

JUL 16 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

Lonoke School District

SUZANNE BAILEY, SUPERINTENDENT

401 W. Holly Street
Lonoke, Arkansas 72086
Telephone: (501) 676-2042
Fax: (501) 676-7074
Email: suzannebailey@lonokeschools.org

June 28, 2013

Ms Jill Shirley
[REDACTED]

Cabot, AR 72023

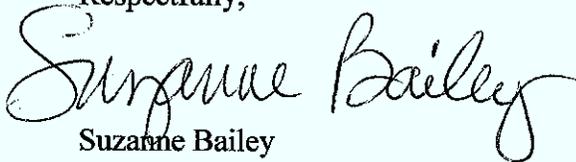
Dear Ms Shirley,

I am sorry, but the application you submitted for Hayden G. Shirley (Kindergarten) and Ashton Bearden (3rd grade) has been rejected for the following reason.

 X Your children's application was received after the June 1, 2013 deadline for submission.

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Suzanne Bailey
Superintendent

cc: Cabot School District

**APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)**

APPLICANT INFORMATION

Student Name: Ashton M. Bearden

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 3rd

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)

2 or More Races Asian African-American

Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: Cabot County Name: Lonoke

Address: ~~1284 Old Stagecoach Rd., Cabot, AR 72023~~

Phone: ~~501-766-8990~~

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Lonoke County Name: Lonoke

Address: 401 W. Holland

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

No

RECEIVED

JUN 19 2011

LONOKE SCHOOLS

- Written appeal -
 Office of Commissioner
 AAN: Opportunity School choice appeal

PARENT OR GUARDIAN INFORMATION

Name: Jill Shirley Home Phone: [REDACTED]
 Address: [REDACTED] Work Phone: N/A

Cabot, AR 72023

Parent/Guardian Signature: Jill C Shirley Date: 10-11-13

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

Date and Time Received by Resident District: Date and Time Received by Nonresident District:

Resident District LEA #: Nonresident District LEA#:

Student's State Identification #:

| | | |
|-------------|----------|----------|
| Application | Accepted | Rejected |
|-------------|----------|----------|

Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:

Date Notification Sent to Resident District :

4 Capital Mall
 LR, AR 72201

501-682-4234

**APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)**

APPLICANT INFORMATION

Student Name: Hayden G. Shirley

Student Date of Birth: [REDACTED] Gender Male Female

Grade: Kindergarten

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)

2 or More Races Asian African-American
Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander
White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: Cabot County Name: Lenoir

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Lenoir County Name: Lenoir

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

No

RECEIVED
JUN 19 2013
LENOIR SCHOOLS

PARENT OR GUARDIAN INFORMATION

Name: Jill C Shirley Home Phone: [REDACTED]

Address: [REDACTED] Work Phone: N/A

Cabot, Ark 72023

Parent/Guardian Signature: [Signature] Date: 6-11-13

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class/grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

Date and Time Received by Resident District: _____ Date and Time Received by Nonresident District: _____

Resident District LEA #: _____ Nonresident District LEA#: _____

Student's State Identification #: _____

| | | | | |
|-------------|----------|--|----------|--|
| Application | Accepted | | Rejected | |
|-------------|----------|--|----------|--|

Reason for Rejection (If Applicable): _____

Date Notification Sent to Parent/Guardian of Applicant: _____

Date Notification Sent to Resident District : _____

Lila C. Shirley

Garret, AR 72023

RECEIVED
COMMISSIONER'S OFFICE
JUL 12 2013
DEPARTMENT OF EDUCATION

LITTLE ROCK AR 722

11 JUL 2013 4PM 4 L



Office of Commissioner
Attn: Opportunity School Choice
4 Capital Mall
Little Rock, AR

72201

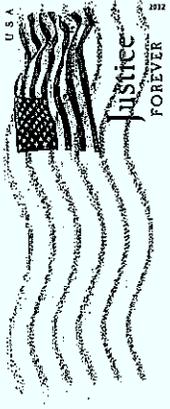
72201 101 999



L. Shirkey



Cabot AR 72023



LITTLE ROCK AR 722

18 JUN 2013 PM 4 L

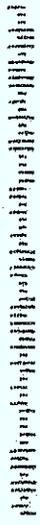
RECEIVED

JUN 19 2013

LONOKE SCHOOLS

401 W. Holland
Lonoke, AR 72086

72086541701



4402-53-10

500-4000000000

RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

9
10 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
11 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
12 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
13
14
15

Subtitle

16
17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

- 10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).
- 10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

- 11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and
- 11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and
- 11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;
- 11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

Ms. LaShonda Hale
P.O. Box 753
Hughes, AR 72348

Mr. Don Johnston, Superintendent
Marion School District
200 Manor Street
Marion, AR 72364

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Ms. Sheryl Owens, Superintendent
Hughes School District
P.O. Box 9
Hughes, AR 72348

**Re: Appeal Under the Public School Choice Act of 2013
Hale v. Marion School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 15, 2013, Ms. LaShonda Hale filed a petition appealing the decision of the Marion School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- J. Williams

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

FAX

To: Office of the Commissioner From: LaShonda Hale

Fax: 501-682-4249 Pages: 5 including cover

Phone: 501-682-4203 Date: 7-15-13

Re: Jameon Williams' cc: Don Johnston, Marion Supt,
 school choice application

viation's rejection letter

RECEIVED
 ATTORNEY'S OFFICE
 JUL 15 2013
 DEPARTMENT OF EDUCATION
 GENERAL DIVISION

Marion School District

**200 Manor Street
Marion, AR 72364
(870) 739-5100
(870) 739-5156 FAX**

**Don Johnston
Superintendent
Jeffery D. Altemire
Deputy Superintendent
Alfred Hogan
Assistant Superintendent**

**Board of Directors:
A. Jon Thomas, Jr., President
Steve A. Sutton, Vice-President
Rev. Jeffrey Richardson, Secretary
Darrylee Arms
Brian Preffitt
Daryel Jackson
Wm. Bart Turner**

July 1, 2013

**Ms. LaShonda Hale
PO Box 753
Hughes, AR 72348**

Dear Ms. Hale:

This is to advise you that pursuant to the Arkansas Public School Choice Act, Jameon Williams is hereby approved for enrollment in the Marion Public Schools beginning with the 2013-14 school year.

You may contact Mrs. Glenda Bryan, Principal, Avondale Elementary School, for advice on registration and any other questions you may have about our school program. Mrs. Bryan may be reached at (870) 735-4588 after July 21.

In accordance with the Arkansas Public School Choice Act, the deadline for you to have Jameon Williams enrolled is August 5 or the approval for Jameon to enroll is voided.

Your transfer is effective until such time as you choose to return to your resident district, choose to be home-schooled, or choose another school. You may return to school in your district of residence at any time during the school year, but once you do so, your transfer to the Marion School District will be voided. You will not be permitted to return to school in the Marion School District unless you re-apply for a new transfer and are accepted for the following school year.

You are responsible for transportation to and from the Marion School District.

We look forward to having Jameon attend Avondale Elementary School. It is our desire that you become an active partner with us in our educational program.

Please let me know if you have any questions or if I may be of any assistance.

Sincerely,



**Don Johnston
Superintendent**

**C: Dr. Robin Catt
Mrs. Glenda Bryan**

**RECEIVED
ATTORNEY'S OFFICE**

JUL 15 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

Post Office Box 9

Telephone 870-339-2570

HUGHES PUBLIC SCHOOLS

Office Of The Superintendent
Hughes, Arkansas 72348

July 8, 2013

Mr. Don Johnson, Superintendent

Marion School District

200 Manor Street

Marion, AR 72364

Dear Mr. Johnson:

I am in receipt of your letter dated July 3, 2013 concerning releasing four students to enroll in the Marion School District. We have already reached our 3%, thus we aren't releasing the mentioned students. The transfer issue with these students was previously discussed with the students.

Please provide us a list of any other students have enrolled from Hughes this year. Thanks.

Sincerely,



Sheryl Owens
Superintendent

**RECEIVED
ATTORNEY'S OFFICE**

JUL 15 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

Marion School District

**200 Manor Street
Marion, AR 72364
(870) 739-5100
(870) 739-5156 FAX**

Board of Directors:
A. Jan Thomas, Jr., President
Steve A. Sutton, Vice-President
Rev. Jeffrey Richardson, Secretary
Darrylee Arms
Brian Proffitt
Daryel Jackson
Wm. Bart Turner

Don Johnston
Superintendent
Jeffery D. Aitemus
Deputy Superintendent

July 11, 2013

Ms. LaShonda Hale
P. O. Box 753
Hughes, Arkansas

Dear Ms. Hale:

I have been notified by Ms. Sheryl Owens, Superintendent, Hughes School District, that Hughes has reached the level allowed by law (3 percent) of students transferring out under school choice. A copy of the notification letter from Mrs. Owens is enclosed. Therefore, it is with regret that I have to inform you that the transfer previously approved for the Jameon Williams, first grade, has to be denied.

Please let me know if you have any questions concerning this matter.

Sincerely,



Don Johnston
Superintendent

C: Mrs. Glenda Bryan
Dr. Robin Catt
Mrs. Sheryl Owens

**RECEIVED
ATTORNEY'S OFFICE
JUL 15 2013
DEPARTMENT OF EDUCATION
GENERAL DIVISION**

LaShonda Hale
PO Box 753
Hughes, AR 72348

July 15, 2013

Office of the Commissioner
Arkansas Public School Choice Act Appeal
Four Capitol Mall
Little Rock, AR 72201

Dear Commissioner:

I am requesting an appeal of the rejection of Jameon Williams' transfer to the Marion School District under the Public School Choice Act.

I received a letter of acceptance from the Marion School District on 7/2/2013. Then, on 7/13/13, I received a rejection letter from them along with a copy of a letter from the Hughes School District (resident school). The rejection letter stated that Jameon's application had to be rejected based on information they received from the Hughes School District. The Hughes School district alleges that they have already met the three percent maximum number of students allowed to transfer under school choice. I cannot confirm this to be true or false. Therefore, I am asking for this appeal.

It is unfortunate and I deeply regret that the Hughes School District is in financial and academic distress. However, this is no fault of me and my son. I'm only looking out for his best interest. In addition to that, I work in Marion and he has an older sibling in the Marion school district. Jameon has had bouts with asthma this year and I've had to abruptly leave work and drive thirty minutes before I can get to him. It only makes sense for him to be closer to me and his sibling.

So, please accept this letter for reconsideration of his application.

Sincerely,



LaShonda Hale
Mother

C: Mr. Don Johnston, Marion Superintendent

Enclosures:
Marion's acceptance letter
Hughes' response letter
Marion's rejection letter

RECEIVED
ATTORNEY'S OFFICE
JUL 15 2013
DEPARTMENT OF EDUCATION
GENERAL DIVISION

RESPONSE

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

9
10 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
11 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
12 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
13
14
15

Subtitle

16
17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Shawn Cook, Superintendent
Lakeside School District
2837 Malvern Avenue
Hot Springs, AR 71901

Ms. Joyce Craft, Superintendent
Hot Springs School District
400 Linwood Avenue
Hot Springs, AR 71913

Mr. Stephen Ezelle
304 Franklin Street
Hot Springs, AR 71913

Re: **Appeal Under the Arkansas Public School Choice Act of 1989**
Ezelle v. Lakeside (Garland County) School District
VIA CERTIFIED AND REGULAR MAIL

Everyone:

On July 10, 2013, Mr. Stephen Ezelle filed a petition appealing the decision of the Lakeside School District to deny the following application(s) made pursuant to the Arkansas Public School Choice Act of 1989¹:

- B. Ezelle

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-206 (repealed) and an excerpt from the School Choice Eligibility Report for Garland County. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

¹ Mr. Ezelle filed the appeal under the School Choice Act of 2013. However, the current Garland County desegregation order in the case of *Davis et al., v. Hot Springs School District, et al.*, Case No. 6:89-cv-06088, as clarified by D.E. # 168 on June 10, 2013, requires school choice transfers in Garland County to be conducted in accordance with the provisions of the Arkansas Public School Choice Act of 1989. The State Board of Education remains a party to the *Davis* case and may hear school choice appeals from Garland County pursuant to Ark. Code Ann. § 6-18-206 (repealed).

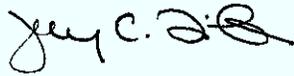
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

An Equal Opportunity
Employer

School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Respectfully,



Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

Arkansas Code of 1987 Annotated Official Edition

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*** Legislation is current through the 2012 Fiscal Session and updates ***

*** received from the Arkansas Code Revision Commission through ***

*** August 1, 2012. ***

Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 18 Students

Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2012)

6-18-206. Public school choice.

(a) (1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

1

(B) (i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(ii) If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

(iii) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

(b) Any instructions for the renewal procedures established by the district.

(iv) (a) Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

(b) If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

(2) (A) The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

(B) (i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

(3) Each school district shall participate in public school choice consistent with this section.

(c) The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

(d) (1) A nonresident district shall accept credits toward graduation that were awarded by another district.

(2) The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

(e) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:

(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

(2) (A) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

(B) (i) By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

(ii) (a) In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

(b) In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

(3) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

(4) In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

(5) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

(6) The department shall monitor school districts for compliance with this section.

(g) The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

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

(i) (1) All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

HISTORY: Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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1 of 1



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A.C.A. § 6-18-206 (Copy w/ Cite)

Pages: 5

In

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Approved Memos: Garland County School Choice



**ARKANSAS
DEPARTMENT
OF EDUCATION**

Version History

| | |
|-----------------------------|--|
| Title | Garland County School Choice |
| Memo Number | COM-13-052 |
| Memo Date | 5/9/2013 |
| Attention | Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents |
| Memo Type | Regulatory |
| Response Required | No |
| Section | Public School Accountability |
| Regulatory Authority | §6-18-206 |
| Contact Person | Oliver Dillingham, Keyth Howard, or Dr. Taniesa Moore |
| Phone Number | 501-682-4213 |
| E-Mail | michala.toney@arkansas.gov |
| Memo Text | <p>"Arkansas Public School Choice Act of 1989"</p> <p>The Public School Choice program was established to give parents and students more options with respect to where the student attends public school and to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in Ark. Code Ann. § 6-18-206.</p> <p>In lieu of the Public School Choice Act of 2013 (Ark. Code Ann. 6-18-1901), Garland County School Districts will continue to adhere to the previous Arkansas Public School Choice Act of 1989, Ark. Code Ann. § 6-18-206.</p> <p>Therefore, the Arkansas Department of Education shall continue to calculate and provide the necessary data.</p> <p>Attached is the Garland County School Districts Choice Application, Garland County School District Eligibility Chart, and Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.</p> |
| Attachments | <p>ADE Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.pdf</p> <p>Garland County School District Choice Eligibility Chart for SY 2013-2014.pdf</p> <p>Garland County School Districts Choice Application.pdf</p> |

Version: 10.0

Created at 5/13/2013 12:34 PM by Holly Glover (ADE)

Last modified at 6/3/2013 2:25 PM by Phyllis Stewart (ADE)

| District | % K-12 Students | | | | | | |
|--------------------------------|-----------------|---------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|
| | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White |
| FULTON COUNTY LEA | | | | | | | |
| MAMMOTH SPRING SCHOOL DISTRICT | 2.39% | 0% | 0.43% | 0.43% | 0% | 0% | 96.74% |
| SALEM SCHOOL DISTRICT | 3.55% | 0.13% | 0.53% | 2.63% | 0.26% | 0% | 92.90% |
| VIOLA SCHOOL DISTRICT | 0.74% | 0.25% | 0.25% | 3.20% | 0.99% | 0% | 94.58% |
| County Percentages | 2.52% | 0.12% | 0.43% | 2.15% | 0.37% | 0% | 94.41% |
| Acceptable Ranges | 2.2% - 2.83% | 0.11% - 0.14% | 0.38% - 0.48% | 1.88% - 2.42% | 0.32% - 0.41% | 0% - 0% | 82.61% - 106.21% |

| District | % K-12 Students | | | | | | |
|--------------------------------|-----------------|---------------|-----------------|----------------|------------------------------------|--------------------------------------|-----------------|
| | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White |
| GARLAND COUNTY LEA | | | | | | | |
| CUTTER-MORNING STAR SCH. DIST. | 2.92% | 0.34% | 4.12% | 8.40% | 1.37% | 0.34% | 82.50% |
| FOUNTAIN LAKE SCHOOL DISTRICT | 5.61% | 0.47% | 1.87% | 5.30% | 1.25% | 0.16% | 85.36% |
| HOT SPRINGS SCHOOL DISTRICT | 4.91% | 0.80% | 38.59% | 13.29% | 0.50% | 0.28% | 41.65% |
| JESSIEVILLE SCHOOL DISTRICT | 0.22% | 1.31% | 1.64% | 11.69% | 0.55% | 0.33% | 84.26% |
| LAKE HAMILTON SCHOOL DISTRICT | 6.90% | 0.53% | 1.60% | 9.01% | 0.18% | 0.14% | 81.64% |
| LAKESIDE SCHOOL DIST(GARLAND) | 2.37% | 1.87% | 7.93% | 8.46% | 1.03% | 0.47% | 77.86% |
| MOUNTAIN PINE SCHOOL DISTRICT | 0.85% | 1.02% | 10.68% | 3.56% | 0% | 0.34% | 83.56% |
| County Percentages | 4.47% | 0.95% | 12.70% | 9.55% | 0.60% | 0.27% | 71.45% |
| Acceptable Ranges | 3.91% - 5.03% | 0.83% - 1.07% | 11.11% - 14.29% | 8.36% - 10.74% | 0.53% - 0.68% | 0.24% - 0.31% | 62.52% - 80.38% |

| District | % K-12 Students | | | | | | |
|--------------------------|-----------------|---------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|
| | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White |
| GRANT COUNTY LEA | | | | | | | |
| POYEN SCHOOL DISTRICT | 0% | 0.36% | 0.18% | 3.20% | 0.18% | 0.18% | 95.91% |
| SHERIDAN SCHOOL DISTRICT | 0.14% | 1.43% | 2.65% | 3.11% | 0.41% | 0.10% | 92.16% |
| County Percentages | 0.13% | 1.31% | 2.36% | 3.12% | 0.38% | 0.11% | 92.60% |
| Acceptable Ranges | 0.11% - 0.14% | 1.14% - 1.47% | 2.06% - 2.65% | 2.73% - 3.51% | 0.33% - 0.43% | 0.09% - 0.12% | 81.03% - 104.18% |

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

JUL 10 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

**Stephen L. Ezelle
304 Franklin St
Hot Springs, Arkansas 71913**

July 8, 2013

Arkansas Department of Education
School Choice Appeals
4 Capital Mall
Little Rock, Arkansas 72201

**RECEIVED
COMMISSIONER'S OFFICE**

JUL 10 2013

DEPARTMENT OF EDUCATION

Dear sirs:

Recently, we applied for my daughters transfer under the School Choice Act of 2013 to the Lakeside School District. Under rules for appeal in the Act 6-18-1907 we are requesting an overturn of the decision of the local school board. Although we were advised that any request for transfer to this district before July 1, 2013, we received our letter of denial on July 28, 2013.

First let me make a clarification to the application as I had mistakenly marked the wrong box indicating our ethnic background. The box that is for "two or more races" should have been marked in my application as I am of spanish-blood descendent. Thereby making me eligible for the School Choice transfer. The Act also states under the same in section 6-18-1907(B)2(a), "As part of the review process, the parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student".

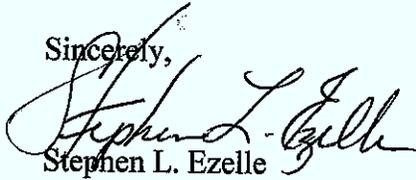
To support the subsection (B) of The Act, we feel the benefit to our daughter transferring to Lakeside she will have in our opinion superior educational needs met. Our daughter is academically bright, she has taken great strides in excellent scores through the Duke IP Talent search scoring in top percentage of test takers and she succeeds in scoring highest in her class. We believe that her challenges have not been met to her fullest. By her entering into the population at Lakeside she will have those educational challenges met. Lakeside provides the highest in standards in helping its students in achieve excellence in education on all levels with its' Advance Placement curriculum. We are fully aware of this school districts' curriculum by virtue of having taught there and knowing the high standards the school board and its faculty place upon its students.

Lakeside provides a very unique setting socially where all students have a sense of family and working well with each other. Our daughter fits ideally within the classmates where all have the same attitudes, goals, a sense of belonging that we as parents try to instill the very core values upon her. The social setting of this district fits very well with our daughter whom looks forward to becoming a productive member of the Lakeside School District.

And lastly, is the psychological component which is very much a given when it comes to her ability to make adjustments to the new surroundings. Adaptability becomes a natural for this typical 13 year old. She seeks no front row seat, or looks to stand out but only to blend in psychologically and mentally.

In closing, this letter is my formal request for a hearing concerning getting my daughter in the Lakeside School District. Please advise what my next process

Sincerely,

A handwritten signature in cursive script that reads "Stephen L. Ezelle". The signature is written in black ink and is positioned above the printed name.

Stephen L. Ezelle

Stephen L. Ezelle
Hot Springs, Arkansas 71913

Arkansas Department of Education
School Choice Appeals
4 Capital Mall
Little Rock, Arkansas 72201



72201 101599

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

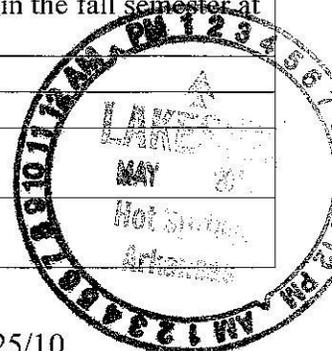
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

2013-2014 School Year

| | |
|--|---|
| APPLICANT INFORMATION | |
| Applicant Name <u>Breanna G. Ezelle</u> | |
| Date of Birth [REDACTED] | Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| GRADE <u>8</u> (in Fall) | |
| Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| ETHNIC ORIGIN (CHECK ONE) | |
| 2 or More Races <input type="checkbox"/> | |
| African American <input type="checkbox"/> | Asian <input type="checkbox"/> |
| Native American/ Native Alaskan <input type="checkbox"/> | Native Hawaiian/ Pacific Islander <input type="checkbox"/> |
| Hispanic <input type="checkbox"/> | |
| White <input checked="" type="checkbox"/> | |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | |
| District Name <u>Hot Springs School Dist.</u> | County Name <u>Garland</u> |
| Address <u>301 Oaklawn St, 1425 Greenwood Ave</u> | |
| Phone <u>501-623-2611</u> | |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | |
| District Name <u>Lakeside School District</u> | County Name <u>Garland</u> |
| Address <u>2837 Malvern Ave. Hot Springs, AR 71901</u> | |
| Phone <u>501-262-1880</u> | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | |
| Name <u>Stephen L. Ezelle</u> | Home Phone [REDACTED] |
| Address [REDACTED] | Work Phone [REDACTED] |
| City, State and Zip Code <u>Hot Springs, Ark 71913</u> | |
| Parent/Guardian Signature <u>Stephen L. Ezelle</u> | Date <u>5-10-13</u> |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p> | |
| DISTRICT USE ONLY | |
| Application Accepted <input type="checkbox"/> | Rejected <input checked="" type="checkbox"/> |
| Date Notification Sent to Parent/Guardian of Applicant <u>7-1-13</u> | |
| Date Notification Sent to Resident District | |

Please return this form to:
Lakeside Administration Office 2837 Malvern Ave. Hot Springs, AR 71901 Fax: 501-262-2732

R 02/25/10





Lakeside School District

Administrative Offices
2837 Malvern Road
Hot Springs, Arkansas 71901-8319
501-262-1880 Fax 501-262-2732

June 28, 2013

Stephen Ezelle
304 Franklin
Hot Springs, AR 71913

Dear Mr. Ezelle:

I received your application for "School Choice" dated May 10, 2013 for Breanna Ezelle. Based on the data you provided on the enclosed application, it appears the student(s) are being presented as White student(s).

The provisions of Section 6-18-206 A.C.A. and information provided by the Arkansas Department of Education in Commissioner's Communication COM-13-052 appear to prohibit transfers from Hot Spring School District to Lakeside School District. If the minority percentages contained in the attachment to the ADE communication referenced above are accurate, it appears the White percentage in Lakeside is 77.86% while a corresponding percentage in Hot Springs is 41.65%. Other provisions covering within-county transfers and the acceptable ranges do not appear to change the basic prohibition upon transfers of this type.

Thank you for your interest in the Lakeside School District. If I can be of further assistance please don't hesitate to call. You may reach me at my office at 501-262-1880 Monday -Thursday 8:00 AM - 3:00 PM and Friday 8:00 AM - 1:00 PM.

Sincerely,

Rick McLaughlin
Assistant Superintendent

RESPONSE

Jeremy Lasiter (ADE)

From: Rick McLaughlin <Rick_McLaughlin@lakesidesd.org>
Sent: Friday, July 12, 2013 10:49 AM
To: Jeremy Lasiter (ADE)
Cc: Shawn Cook
Subject: School Choice application
Attachments: Attached Image

Mr. Lasiter,

A copy of the choice application from Stephen Ezelle concerning 8th grader to be , BreAnna Ezelle is attached. The application was denied because they marked "White" as their ethnic origin from the Hot Springs School District. Based on the percentage numbers received from the State Department they had to be denied because the "white" population at Lakeside (77.86%) is higher than Hot Springs School District (41.65%).

Rick McLaughlin
Assistant Superintendent
Lakeside School District



Lakeside School District

Administrative Offices
2837 Malvern Road
Hot Springs, Arkansas 71901-8319
501-262-1880 Fax 501-262-2732

June 28, 2013

Stephen Ezelle
304 Franklin
Hot Springs, AR 71913

Dear Mr. Ezelle:

I received your application for "School Choice" dated May 10, 2013 for Breanna Ezelle. Based on the data you provided on the enclosed application, it appears the student(s) are being presented as White student(s).

The provisions of Section 6-18-206 A.C.A. and information provided by the Arkansas Department of Education in Commissioner's Communication COM-13-052 appear to prohibit transfers from Hot Spring School District to Lakeside School District. If the minority percentages contained in the attachment to the ADE communication referenced above are accurate, it appears the White percentage in Lakeside is 77.86% while a corresponding percentage in Hot Springs is 41.65%. Other provisions covering within-county transfers and the acceptable ranges do not appear to change the basic prohibition upon transfers of this type.

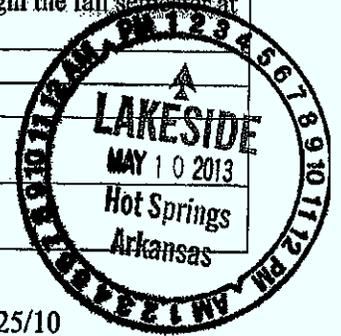
Thank you for your interest in the Lakeside School District. If I can be of further assistance please don't hesitate to call. You may reach me at my office at 501-262-1880 Monday -Thursday 8:00 AM - 3:00 PM and Friday 8:00 AM - 1:00 PM.

Sincerely,

Rick McLaughlin
Assistant Superintendent

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"
2013-2014 School Year

| | |
|--|---|
| APPLICANT INFORMATION | |
| Applicant Name <u>Breanna G. Ezelle</u> | |
| Date of Birth [REDACTED] | Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| GRADE <u>8</u> (in Fall) | |
| Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| ETHNIC ORIGIN (CHECK ONE) | |
| 2 or More Races <input type="checkbox"/> | |
| African American <input type="checkbox"/> | Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> |
| Native American/ Native Alaskan <input type="checkbox"/> | Native Hawaiian/ Pacific Islander <input type="checkbox"/> White <input checked="" type="checkbox"/> |
| [REDACTED] | |
| District Name <u>Hot Springs School Dist.</u> | County Name <u>Garland</u> |
| Address <u>301 Oaklawn St, 1425 Greenwood Ave</u> | |
| Phone <u>501-623-2611</u> | |
| [REDACTED] | |
| District Name <u>Lakeside School District</u> | County Name <u>Garland</u> |
| Address <u>2837 Malvern Ave. Hot Springs, AR 71901</u> | |
| Phone <u>501-262-1880</u> | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | |
| Name <u>Stephen L. Ezelle</u> | Home Phone [REDACTED] |
| Address [REDACTED] | Work Phone [REDACTED] |
| City, State and Zip Code <u>Hot Springs, Ark 71913</u> | |
| Parent/Guardian Signature <u>Stephen L. Ezelle</u> | Date <u>5-10-13</u> |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p> | |
| DISTRICT USE ONLY | |
| Application Accepted <input type="checkbox"/> | Rejected <input checked="" type="checkbox"/> |
| Date Notification Sent to Parent/Guardian of Applicant <u>7-1-13</u> | |
| Date Notification Sent to Resident District | |



Please return this form to:
 Lakeside Administration Office 2837 Malvern Ave. Hot Springs, AR. 71901 Fax: 501-262-2732

R 02/25/10

STATUTE

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** August 1, 2012. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2012)

6-18-206. Public school choice.

(a) (1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

(B) (i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(ii) If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

(iii) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

(b) Any instructions for the renewal procedures established by the district.

(iv) (a) Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

(b) If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

(2) (A) The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

(B) (i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

(3) Each school district shall participate in public school choice consistent with this section.

(c) The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

(d) (1) A nonresident district shall accept credits toward graduation that were awarded by another district.

(2) The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

(e) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:

(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

(2) (A) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

(B) (i) By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

(ii) (a) In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in *Little Rock School District v. Pulaski County Special School District* of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

(b) In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

(3) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

(4) In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

(5) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

(6) The department shall monitor school districts for compliance with this section.

(g) The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

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

(i) (1) All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

HISTORY: Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

View

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A.C.A. § 6-18-206 (Copy w/ Cite)

Pages: 5

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**GARLAND COUNTY
SCHOOL CHOICE
ELIGIBILITY DATA**

 Commissioner's Memos

All Sites



Advanced Search

ADE SharePoint > Commissioner's Memos > Approved Memos > Garland County School Choice

Approved Memos: Garland County School Choice



ARKANSAS
DEPARTMENT
OF EDUCATION

 Version History

| | |
|-----------------------------|--|
| Title | Garland County School Choice |
| Memo Number | COM-13-052 |
| Memo Date | 5/9/2013 |
| Attention | Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents |
| Memo Type | Regulatory |
| Response Required | No |
| Section | Public School Accountability |
| Regulatory Authority | §6-18-206 |
| Contact Person | Oliver Dillingham, Keyth Howard, or Dr. Taniesa Moore |
| Phone Number | 501-682-4213 |
| E-Mail | michala.toney@arkansas.gov |
| Memo Text | <p>"Arkansas Public School Choice Act of 1989"</p> <p>The Public School Choice program was established to give parents and students more options with respect to where the student attends public school and to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in Ark. Code Ann. § 6-18-206.</p> <p>In lieu of the Public School Choice Act of 2013 (Ark. Code Ann. 6-18-1901), Garland County School Districts will continue to adhere to the previous Arkansas Public School Choice Act of 1989, Ark. Code Ann. § 6-18-206.</p> <p>Therefore, the Arkansas Department of Education shall continue to calculate and provide the necessary data.</p> <p>Attached is the Garland County School Districts Choice Application, Garland County School District Eligibility Chart, and Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.</p> |
| Attachments | <p>ADE Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.pdf</p> <p>Garland County School District Choice Eligibility Chart for SY 2013-2014.pdf</p> <p>Garland County School Districts Choice Application.pdf</p> |

Version: 10.0

Created at 5/13/2013 12:34 PM by Holly Glover (ADE)

Last modified at 6/3/2013 2:25 PM by Phyllis Stewart (ADE)

| FULTON COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------------|-----------------|-----------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| MAMMOTH SPRING SCHOOL DISTRICT | 2.39% | 0% | 0.43% | 0.43% | 0% | 0% | 96.74% | |
| SALEM SCHOOL DISTRICT | 3.55% | 0.13% | 0.53% | 2.63% | 0.26% | 0% | 92.90% | |
| VIOLA SCHOOL DISTRICT | 0.74% | 0.25% | 0.25% | 3.20% | 0.99% | 0% | 94.58% | |
| County Percentages | 2.52% | 0.12% | 0.43% | 2.15% | 0.37% | 0% | 94.41% | |
| Acceptable Ranges | 2.2% - 2.83% | 0.11% - 0.14% | 0.38% - 0.48% | 1.88% - 2.42% | 0.32% - 0.41% | 0% - 0% | 82.61% - 106.21% | |

| GARLAND COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------------|-----------------|-----------------|-----------------|----------------|------------------------------------|--------------------------------------|-----------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| CUTTER-MORNING STAR SCH. DIST. | 2.92% | 0.34% | 4.12% | 8.40% | 1.37% | 0.34% | 82.50% | |
| FOUNTAIN LAKE SCHOOL DISTRICT | 5.61% | 0.47% | 1.87% | 5.30% | 1.25% | 0.16% | 85.36% | |
| HOT SPRINGS SCHOOL DISTRICT | 4.91% | 0.80% | 38.59% | 13.29% | 0.50% | 0.28% | 41.65% | |
| JESSIEVILLE SCHOOL DISTRICT | 0.22% | 1.31% | 1.64% | 11.69% | 0.55% | 0.33% | 84.26% | |
| LAKE HAMILTON SCHOOL DISTRICT | 6.90% | 0.53% | 1.60% | 9.01% | 0.18% | 0.14% | 81.64% | |
| LAKESIDE SCHOOL DIST(GARLAND) | 2.37% | 1.87% | 7.93% | 8.46% | 1.03% | 0.47% | 77.86% | |
| MOUNTAIN PINE SCHOOL DISTRICT | 0.85% | 1.02% | 10.68% | 3.56% | 0% | 0.34% | 83.56% | |
| County Percentages | 4.47% | 0.95% | 12.70% | 9.55% | 0.60% | 0.27% | 71.45% | |
| Acceptable Ranges | 3.91% - 5.03% | 0.83% - 1.07% | 11.11% - 14.29% | 8.36% - 10.74% | 0.53% - 0.68% | 0.24% - 0.31% | 62.52% - 80.38% | |

| GRANT COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------|-----------------|-----------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| POYEN SCHOOL DISTRICT | 0% | 0.36% | 0.18% | 3.20% | 0.18% | 0.18% | 95.91% | |
| SHERIDAN SCHOOL DISTRICT | 0.14% | 1.43% | 2.65% | 3.11% | 0.41% | 0.10% | 92.16% | |
| County Percentages | 0.13% | 1.31% | 2.36% | 3.12% | 0.38% | 0.11% | 92.60% | |
| Acceptable Ranges | 0.11% - 0.14% | 1.14% - 1.47% | 2.06% - 2.65% | 2.73% - 3.51% | 0.33% - 0.43% | 0.09% - 0.12% | 81.03% - 104.18% | |

**GARLAND COUNTY
ORDER – JUNE 10, 2013**

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

W.T. DAVIS, Individually;
AARON GORDON and CARLTON R. BERRY
on Behalf of a Class of Taxpayers
of Garland County, Arkansas,
similarly situated; and THE GARLAND
COUNTY CHAPTER OF THE N.A.A.C.P.

PLAINTIFFS

v.

Civil No. 89-6088

HOT SPRINGS SCHOOL DISTRICT;
STATE OF ARKANSAS; ARKANSAS STATE
BOARD OF EDUCATION; THE COMMISSIONER
OF THE STATE BOARD OF EDUCATION;
CUTTER MORNING STAR SCHOOL DISTRICT;
FOUNTAIN LAKE SCHOOL DISTRICT;
JESSIEVILLE SCHOOL DISTRICT;
LAKE HAMILTON SCHOOL DISTRICT;
LAKESIDE SCHOOL DISTRICT; and
MOUNTAIN PINE SCHOOL DISTRICT

DEFENDANTS

O R D E R

Now on this 10th day of June 2013, comes on for consideration the **Petition for Declaratory Relief** (document #161), brought by Cutter Morning Star School District, Fountain Lake School District, Jessieville School District, Lake Hamilton School District, Lakeside School District, and Mountain Pine School District (collectively, the "petitioning districts"). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. This action was originally filed on August 18, 1989, seeking to remedy the effects of racial segregation in Garland County public schools.

2. On November 25, 1991, the parties entered into the Garland County School Desegregation Case Comprehensive Settlement Agreement ("Settlement Agreement"), in which they agreed -- among other things -- to implement the provisions of the **School Choice Act of 1989, Ark. Code Ann. § 6-18-206 (repealed 2013)**, with regard to the transfer of students between resident and non-resident districts.

3. Following a fairness hearing held on March 30, 1992, the Court approved the Settlement Agreement, finding it to be "fair and reasonable, [and] that it affords appropriate relief to the plaintiff class." (Order and Memorandum, p. 2, document #82). Noting that the Eighth Circuit Court of Appeals has favored such agreements in desegregation cases, the Court further concluded that "[n]othing has been presented to this court to vitiate [the] presumption of constitutionality and appropriateness" of the Settlement Agreement. (Order and Memorandum, p. 3, document #82).

4. On May 22, 2013, the petitioning districts filed the present Petition for Declaratory Relief, seeking the Court's approval to continue operating under the Settlement Agreement despite recent changes in the law.

Specifically, the petitioning districts point to the Court's 2012 decision in Teague, et al. v. Arkansas Board of Education, et al., Case No. 6:10-cv-6098-RTD, in which it found the School Choice Act of 1989 to be unconstitutional because it contained

race-based restrictions.

Moreover, in its most recent session, the Arkansas General Assembly repealed the 1989 Act by passing the **Public School Choice Act of 2013, Ark. Code Ann. §§ 1901-1909**, which contains no race-based restrictions.

5. Pursuant to the Public School Choice Act of 2013,

If the provisions of [the Act] conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

Ark. Code Ann. § 6-18-1906(a).

The petitioning districts contend that the Settlement Agreement in this case is a court-approved desegregation plan and, thus, it is unaffected by the new law. They seek to maintain the status quo.

6. In response to the Petition, the plaintiffs and the remaining defendants agree that judicial clarification is warranted, and they ask the Court to grant the declaratory relief requested by the petitioning districts.

7. Upon review of the record, the Court first notes that some of the original parties are no longer necessary to this action and should be formally dismissed. While the Arkansas State Board of Education remains an essential party, its individual members -- who were made parties solely due to their membership -- are no longer members of that entity and, therefore, should be

dismissed.

Likewise, the Garland County Board of Education and its individual members should be dismissed as parties, as all county boards of education were abolished by Act 2190 of 2005, codified at Ark. Code Ann. § 6-12-317.

8. Regarding the merits of the Petition, the Court finds that the Settlement Agreement constitutes a court-approved desegregation plan that should remain in effect despite recent changes to the law on which the Settlement Agreement was partly based.

The provisions of the Settlement Agreement consist of more than the mere implementation of the 1989 Act. It is a contract that also addresses the districts' staff development, curricula, testing and assessments, special education and gifted-and-talented programs, student-teacher interactions, and other services designed to enhance and improve public education in Garland County.

The Settlement Agreement was approved by the Court after an appropriately noticed fairness hearing and reasonable opportunity for the filing and consideration of any objections to the plan. The 1992 Order and Memorandum reflects that the Court considered the Settlement Agreement in its entirety, as well as the presentations of the parties and the response from the community, before finding that it afforded the parties appropriate relief and

was reasonable in all aspects.

As such, the Settlement Agreement will remain in effect, and the parties will remain bound to enforce and comply with its terms.

IT IS THEREFORE ORDERED that the Garland County Board of Education, its individual members, and the individually named members of the Arkansas State Board of Education are hereby **dismissed as parties** to this action.

IT IS FURTHER ORDERED that the **Petition for Declaratory Relief** (document #161) is **granted**, and the Court hereby declares that:

* The import of the Garland County School Desegregation Case Comprehensive Settlement Agreement and the Court's approval thereof was not simply a declaration that the parties would obey Arkansas law as it might from time to time be set forth in the School Choice Act of 1989;

* Rather, the import of those actions was to incorporate by reference the language, terms, and provisions of the 1989 Act as a consent desegregation plan of the Court applicable to all public school districts within Garland County, Arkansas, for the purpose of remedying the vestiges of prior de jure racial segregation within the public education system of that county;

* Accordingly, neither the judicial decision declaring the 1989 Act to be unconstitutional, nor the repeal of the 1989 Act,

have any impact per se on the efficacy of the Settlement Agreement; and

* The Court retains supervisory jurisdiction over the enforcement of the Settlement Agreement subject only to subsequent modifications or termination thereof by the Court.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 19, 2013

Dr. Tom W. Kimbrell
Commissioner

State Board
of Education

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Mr. Shawn Cook, Superintendent
Lakeside School District
2837 Malvern Avenue
Hot Springs, AR 71901

Ms. Joyce Craft, Superintendent
Hot Springs School District
400 Linwood Avenue
Hot Springs, AR 71913

Ms. Darlene Farmer
109 Buster Reed Drive
Hot Springs, AR 71913

**Re: Appeal Under the Arkansas Public School Choice Act of 1989
Farmer v. Lakeside (Garland County) School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 12, 2013, Ms. Darlene Farmer filed a petition appealing the decision of the Lakeside School District to deny the following application(s) made pursuant to the Arkansas Public School Choice Act of 1989¹:

- C. Farmer

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-206 (repealed) and an excerpt from the School Choice Eligibility Report for Garland County. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on August 2, 2013.**

¹ Ms. Farmer filed the appeal under the School Choice Act of 2013. However, the current Garland County desegregation order in the case of *Davis et al., v. Hot Springs School District, et al.*, Case No. 6:89-cv-06088, as clarified by D.E. # 168 on June 10, 2013, requires school choice transfers in Garland County to be conducted in accordance with the provisions of the Arkansas Public School Choice Act of 1989. The State Board of Education remains a party to the *Davis* case and may hear school choice appeals from Garland County pursuant to Ark. Code Ann. § 6-18-206 (repealed).

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Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

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School Choice Appeal Hearing Notice
July 19, 2013
Page 2 of 2

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with the first name "Jeremy" written in a larger, more prominent script than the last name "Lasiter".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

Arkansas Code of 1987 Annotated Official Edition

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*** Legislation is current through the 2012 Fiscal Session and updates ***

*** received from the Arkansas Code Revision Commission through ***

*** August 1, 2012. ***

Title 6 Education

Subtitle 2. Elementary And Secondary Education Generally

Chapter 18 Students

Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2012)

6-18-206. Public school choice.

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(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

(B) (i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(ii) If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

(iii) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

(b) Any instructions for the renewal procedures established by the district.

(iv) (a) Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

(b) If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

(2) (A) The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

(B) (i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

(3) Each school district shall participate in public school choice consistent with this section.

(c) The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

(d) (1) A nonresident district shall accept credits toward graduation that were awarded by another district.

(2) The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

(e) For purposes of determining a school district's state equalization aid, the nonresident student shall be counted as a part of the average daily membership of the district to which the

student has transferred.

(f) The provisions of this section and all student choice options created in this section are subject to the following limitations:

(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district except in the circumstances set forth in subdivisions (f)(2) and (3) of this section;

(2) (A) A transfer to a district is exempt from the restriction set forth in subdivision (f)(1) of this section if the transfer is between two (2) districts within a county and if the minority percentage in the student's race and majority percentages of school enrollment in both the resident and nonresident district remain within an acceptable range of the county's overall minority percentage in the student's race and majority percentages of school population as set forth by the department.

(B) (i) By the filing deadline each year, the department shall compute the minority percentage in the student's race and majority percentages of each county's public school population from the October Annual School Report and shall then compute the acceptable range of variance from those percentages for school districts within each county.

(ii) (a) In establishing the acceptable range of variance, the department is directed to use the remedial guideline established in Little Rock School District v. Pulaski County Special School District of allowing an overrepresentation or underrepresentation of black or white students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance.

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(3) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

(4) In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

(5) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

(6) The department shall monitor school districts for compliance with this section.

(g) The state board shall be authorized to resolve disputes arising under subsections (b)-(f) of this section.

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

(i) (1) All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the provisions of this section.

(2) The reports may be on those forms that are prescribed by the department, or the data may be submitted electronically by the district using a format authorized by the department.

(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

HISTORY: Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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A.C.A. § 6-18-206 (Copy w/ Cite)

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Approved Memos: Garland County School Choice



Version History

| | |
|-----------------------------|---|
| Title | Garland County School Choice |
| Memo Number | COM-13-052 |
| Memo Date | 5/9/2013 |
| Attention | Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents |
| Memo Type | Regulatory |
| Response Required | No |
| Section | Public School Accountability |
| Regulatory Authority | §6-18-206 |
| Contact Person | Oliver Dillingham, Keyth Howard, or Dr. Taniesa Moore |
| Phone Number | 501-682-4213 |
| E-Mail | michala.toney@arkansas.gov |
| Memo Text | "Arkansas Public School Choice Act of 1989" |

The Public School Choice program was established to give parents and students more options with respect to where the student attends public school and to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in Ark. Code Ann. § 6-18-206.

In lieu of the Public School Choice Act of 2013 (Ark. Code Ann. 6-18-1901), Garland County School Districts will continue to adhere to the previous Arkansas Public School Choice Act of 1989, Ark. Code Ann. § 6-18-206.

Therefore, the Arkansas Department of Education shall continue to calculate and provide the necessary data.

Attached is the Garland County School Districts Choice Application, Garland County School District Eligibility Chart, and Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.

Attachments

- ADE Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.pdf
- Garland County School District Choice Eligibility Chart for SY 2013-2014.pdf
- Garland County School Districts Choice Application.pdf

Version: 10.0
 Created at 5/13/2013 12:34 PM by Holly Glover (ADE)
 Last modified at 6/3/2013 2:25 PM by Phyllis Stewart (ADE)

| FULTON COUNTY | | % K-12 Students | | | | | | | |
|--------------------|--------------------------------|-----------------|---------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| LEA | District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| 2501000 | MAMMOTH SPRING SCHOOL DISTRICT | 2.39% | 0% | 0.43% | 0.43% | 0% | 0% | 96.74% | |
| 2502000 | SALEM SCHOOL DISTRICT | 3.55% | 0.13% | 0.53% | 2.63% | 0.26% | 0% | 92.90% | |
| 2503000 | VIOLA SCHOOL DISTRICT | 0.74% | 0.25% | 0.25% | 3.20% | 0.99% | 0% | 94.58% | |
| County Percentages | | 2.52% | 0.12% | 0.43% | 2.15% | 0.37% | 0% | 94.41% | |
| Acceptable Ranges | | 2.2% - 2.83% | 0.11% - 0.14% | 0.38% - 0.48% | 1.88% - 2.42% | 0.32% - 0.41% | 0% - 0% | 82.61% - 106.21% | |

| GARLAND COUNTY | | % K-12 Students | | | | | | | |
|--------------------|--------------------------------|-----------------|---------------|-----------------|----------------|------------------------------------|--------------------------------------|-----------------|--|
| LEA | District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| 2601000 | CUTLER-MORNING STAR SCH. DIST. | 2.92% | 0.34% | 4.12% | 8.40% | 1.37% | 0.34% | 82.50% | |
| 2602000 | FOUNTAIN LAKE SCHOOL DISTRICT | 5.61% | 0.47% | 1.87% | 5.30% | 1.25% | 0.16% | 85.36% | |
| 2603000 | HOT SPRINGS SCHOOL DISTRICT | 4.91% | 0.80% | 38.59% | 13.29% | 0.50% | 0.28% | 41.65% | |
| 2604000 | JESSIEVILLE SCHOOL DISTRICT | 0.22% | 1.31% | 1.64% | 11.69% | 0.55% | 0.33% | 84.26% | |
| 2605000 | LAKE HAMILTON SCHOOL DISTRICT | 6.90% | 0.53% | 1.60% | 9.01% | 0.18% | 0.14% | 81.64% | |
| 2606000 | LAKESIDE SCHOOL DIST(GARLAND) | 2.37% | 1.87% | 7.93% | 8.46% | 1.03% | 0.47% | 77.86% | |
| 2607000 | MOUNTAIN PINE SCHOOL DISTRICT | 0.85% | 1.02% | 10.68% | 3.56% | 0% | 0.34% | 83.56% | |
| County Percentages | | 4.47% | 0.95% | 12.70% | 9.55% | 0.60% | 0.27% | 71.45% | |
| Acceptable Ranges | | 3.91% - 5.03% | 0.83% - 1.07% | 11.11% - 14.29% | 8.36% - 10.74% | 0.53% - 0.68% | 0.24% - 0.31% | 62.52% - 80.38% | |

| GRANT COUNTY | | % K-12 Students | | | | | | | |
|--------------------|--------------------------|-----------------|---------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| LEA | District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| 2703000 | POYEN SCHOOL DISTRICT | 0% | 0.36% | 0.18% | 3.20% | 0.18% | 0.18% | 95.91% | |
| 2705000 | SHERIDAN SCHOOL DISTRICT | 0.14% | 1.43% | 2.65% | 3.11% | 0.41% | 0.10% | 92.16% | |
| County Percentages | | 0.13% | 1.31% | 2.36% | 3.12% | 0.38% | 0.11% | 92.60% | |
| Acceptable Ranges | | 0.11% - 0.14% | 1.14% - 1.47% | 2.06% - 2.65% | 2.73% - 3.51% | 0.33% - 0.43% | 0.09% - 0.12% | 81.05% - 104.18% | |

APPEAL

July 10, 2013

To whom it may concern,

I have been advised to write a letter appealing the denial of my child to participate in school choice in Garland County, Hot Springs, AR. Based on the denial letter that I received from the Lakeside School District assistant superintendent, Rick McLaughlin, my daughter has been denied due to her ethnic origin. When filling out the form I checked the box labeled white based off of her skin color. However, I should have chosen more than 2 races on the form. My daughter Callie is Native American, more specifically Cherokee Indian as well as Caucasian. Nevertheless, has 2 or more ethnicities. My older daughter attended Lakeside School District by using school choice due to her native American/Caucasian ethnicity. I was told that the ethnic origin was not a factor of school choice any longer when in fact it is. Had I known this, I would have been more specific on the form. I attempted to fill out another school choice application but the deadline had passed. Please allow us to appeal this denial and move forward before the next school year begins. Thank you so much for your time and understanding.

Sincerely,



Darlene Farmer

**RECEIVED
ATTORNEY'S OFFICE**

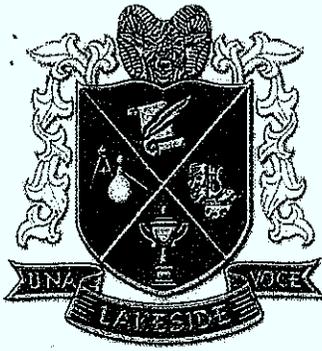
JUL 16 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

**RECEIVED
COMMISSIONER'S OFFICE**

JUL 12 2013

DEPARTMENT OF EDUCATION



Lakeside School District

Administrative Offices
2837 Malvern Road
Hot Springs, Arkansas 71901-8319
501-262-1880 Fax 501-262-2732

June 28, 2013

Darlene Farmer
109 Buster Reed Dr.
Hot Springs, AR 71913

Dear Ms. Farmer:

I received your application for "School Choice" dated May 3, 2013 for Callie Farmer. Based on the data you provided on the enclosed application, it appears the student(s) are being presented as White student(s).

The provisions of Section 6-18-206 A.C.A. and information provided by the Arkansas Department of Education in Commissioner's Communication COM-13-052 appear to prohibit transfers from Hot Spring School District to Lakeside School District. If the minority percentages contained in the attachment to the ADE communication referenced above are accurate, it appears the White percentage in Lakeside is 77.86% while a corresponding percentage in Hot Springs is 41.65%. Other provisions covering within-county transfers and the acceptable ranges do not appear to change the basic prohibition upon transfers of this type.

Thank you for your interest in the Lakeside School District. If I can be of further assistance please don't hesitate to call. You may reach me at my office at 501-262-1880 Monday -Thursday 8:00 AM - 3:00 PM and Friday 8:00 AM - 1:00 PM.

Sincerely,

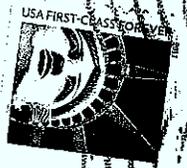
Rick McLaughlin
Assistant Superintendent

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

| | | | |
|--|--|---|--|
| APPLICANT INFORMATION | | | |
| Applicant Name <u>Callie Brooke Farmer</u> | | | |
| Date of Birth | [REDACTED] | Gender | Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| | | GRADE | <u>11</u> |
| Does the applicant require special needs or programs? | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Is applicant currently under expulsion? | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| ETHNIC ORIGIN (CHECK ONE) | | | |
| 2 or More Races <input checked="" type="checkbox"/> | | | |
| African American | <input type="checkbox"/> | Asian | <input type="checkbox"/> |
| Native American/ Native Alaskan | <input type="checkbox"/> | Native Hawaiian/ Pacific Islander | <input type="checkbox"/> |
| Hispanic | <input type="checkbox"/> | White | <input type="checkbox"/> |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | | | |
| District Name <u>Hot Springs</u> | | County Name <u>GARLAND</u> | |
| Address <u>4040 Lynwood Hot Springs, AR</u> | | | |
| Phone <u>624-3372</u> | | | |
| NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND | | | |
| District Name <u>LAKE SIDE</u> | | County Name <u>GARLAND</u> | |
| Address <u>2837 Malvern Ave Hot Springs, AR 71901</u> | | | |
| Phone <u>262-1880</u> | | | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | | | |
| Name <u>DARLENE FARMER</u> | | Home Phone [REDACTED] | |
| Address [REDACTED] | | Work Phone <u>501-282-2216</u> | |
| <u>Hot Springs AR 71913</u> | | | |
| Parent/Guardian Signature <u>Darlene Farmer</u> | | Date | |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p> | | | |
| DISTRICT USE ONLY | | | |
| Application | Accepted <input type="checkbox"/> | Rejected <input type="checkbox"/> | |
| Date Notification Sent to Parent/Guardian of Applicant | | | |
| Date Notification Sent to Resident District | | | |

Thames
Hot Springs, AR
71913

LETTER BOX AD 709
10 JUL 2013 10:51 L



Arkansas Dept. of Education
Attn: ~~Dr~~ Sarah Davis Appeal
4 Capital Mall
Little Rock, AR 72201

72201101999



RESPONSE

STATUTE

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** August 1, 2012. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2012)

6-18-206. Public school choice.

(a) (1) This section may be referred to and cited as the "Arkansas Public School Choice Act of 1989".

(2) The General Assembly finds that the students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students will stay in school and that other, more motivated students will find their full academic potential.

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

(4) The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which the student resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

(5) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b) (1) (A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit an application on a form approved by the Department of Education to the nonresident district by submitting the application to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

(B) (i) Within thirty (30) days of the receipt of an application from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(ii) If the application is rejected, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

(iii) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

(a) An absolute deadline for the student to enroll in the district, or the acceptance notification is null; and

(b) Any instructions for the renewal procedures established by the district.

(iv) (a) Any student who accepts a school choice transfer may return to his or her resident district during the course of the school year.

(b) If a transferred student returns to his or her resident district during the school year, the student's transfer is voided, and the student shall reapply for any future transfer.

(2) (A) The school board of directors of every public school district must adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district by choice. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

(B) (i) Any student who applies for a transfer under this section and is denied a transfer by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

(ii) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after notice of rejection of the application under subdivision (b)(1)(B) of this section is received by the student.

(3) Each school district shall participate in public school choice consistent with this section.

(c) The responsibility for transportation of a student from the student's resident school district to a nonresident school district shall be borne by the student or the student's parents. The nonresident school district may enter into a written agreement with the student, the student's parents, or the resident school district to provide transportation to or from any place in the resident district to the nonresident district, or both.

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(4) In any instance in which the provisions of this subsection would result in a conflict with a desegregation court order or a district's court-approved desegregation plan, the terms of the order or plan shall govern;

(5) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and

(6) The department shall monitor school districts for compliance with this section.

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(3) The department may withhold state aid from any school district that fails to file its report each year or fails to file any other information with a published deadline requested from school districts by the Equity Assistance Center so long as thirty (30) calendar days are given between the request for the information and the published deadline except when the request comes from a member or committee of the General Assembly.

(4) A copy of the report shall be provided to the Joint Interim Oversight Committee on Educational Reform.

(j) (1) The department shall develop a proposed set of rules as it determines is necessary or desirable to amend the provisions of this section.

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

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**GARLAND COUNTY
SCHOOL CHOICE
ELIGIBILITY DATA**

 Commissioner's Memos

All Sites



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Approved Memos: Garland County School Choice



ARKANSAS
DEPARTMENT
OF EDUCATION

Version History

| | |
|-----------------------------|--|
| Title | Garland County School Choice |
| Memo Number | COM-13-052 |
| Memo Date | 5/9/2013 |
| Attention | Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents |
| Memo Type | Regulatory |
| Response Required | No |
| Section | Public School Accountability |
| Regulatory Authority | §6-18-206 |
| Contact Person | Oliver Dillingham, Keyth Howard, or Dr. Taniesa Moore |
| Phone Number | 501-682-4213 |
| E-Mail | michala.toney@arkansas.gov |
| Memo Text | <p>"Arkansas Public School Choice Act of 1989"</p> <p>The Public School Choice program was established to give parents and students more options with respect to where the student attends public school and to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in Ark. Code Ann. § 6-18-206.</p> <p>In lieu of the Public School Choice Act of 2013 (Ark. Code Ann. 6-18-1901), Garland County School Districts will continue to adhere to the previous Arkansas Public School Choice Act of 1989, Ark. Code Ann. § 6-18-206.</p> <p>Therefore, the Arkansas Department of Education shall continue to calculate and provide the necessary data.</p> <p>Attached is the Garland County School Districts Choice Application, Garland County School District Eligibility Chart, and Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.</p> |
| Attachments | <p>ADE Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.pdf</p> <p>Garland County School District Choice Eligibility Chart for SY 2013-2014.pdf</p> <p>Garland County School Districts Choice Application.pdf</p> |

Version: 10.0

Created at 5/13/2013 12:34 PM by Holly Glover (ADE)

Last modified at 6/3/2013 2:25 PM by Phyllis Stewart (ADE)

| FULTON COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------------|-----------------|-----------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| MAMMOTH SPRING SCHOOL DISTRICT | 2.39% | 0% | 0.43% | 0.43% | 0% | 0% | 96.74% | |
| SALEM SCHOOL DISTRICT | 3.55% | 0.13% | 0.53% | 2.63% | 0.26% | 0% | 92.90% | |
| VIOLA SCHOOL DISTRICT | 0.74% | 0.25% | 0.25% | 3.20% | 0.99% | 0% | 94.58% | |
| County Percentages | 2.52% | 0.12% | 0.43% | 2.15% | 0.37% | 0% | 94.41% | |
| Acceptable Ranges | 2.2% - 2.83% | 0.11% - 0.14% | 0.38% - 0.48% | 1.88% - 2.42% | 0.32% - 0.41% | 0% - 0% | 82.61% - 106.21% | |

| GARLAND COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------------|-----------------|-----------------|-----------------|----------------|------------------------------------|--------------------------------------|-----------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| CUTTER-MORNING STAR SCH. DIST. | 2.92% | 0.34% | 4.12% | 8.40% | 1.37% | 0.34% | 82.50% | |
| FOUNTAIN LAKE SCHOOL DISTRICT | 5.61% | 0.47% | 1.87% | 5.30% | 1.25% | 0.16% | 85.36% | |
| HOT SPRINGS SCHOOL DISTRICT | 4.91% | 0.80% | 38.59% | 13.29% | 0.50% | 0.28% | 41.65% | |
| JESSIEVILLE SCHOOL DISTRICT | 0.22% | 1.31% | 1.64% | 11.69% | 0.55% | 0.33% | 84.26% | |
| LAKE HAMILTON SCHOOL DISTRICT | 6.90% | 0.53% | 1.60% | 9.01% | 0.18% | 0.14% | 81.64% | |
| LAKESIDE SCHOOL DIST(GARLAND) | 2.37% | 1.87% | 7.93% | 8.46% | 1.03% | 0.47% | 77.86% | |
| MOUNTAIN PINE SCHOOL DISTRICT | 0.85% | 1.02% | 10.68% | 3.56% | 0% | 0.34% | 83.56% | |
| County Percentages | 4.47% | 0.95% | 12.70% | 9.55% | 0.60% | 0.27% | 71.45% | |
| Acceptable Ranges | 3.91% - 5.03% | 0.83% - 1.07% | 11.11% - 14.29% | 8.36% - 10.74% | 0.53% - 0.68% | 0.24% - 0.31% | 62.52% - 80.38% | |

| GRANT COUNTY LEA | | % K-12 Students | | | | | | |
|--------------------------|-----------------|-----------------|---------------|---------------|------------------------------------|--------------------------------------|------------------|--|
| District | 2 or More Races | Asian | Black | Hispanic | Native American/ Native Alaskan | Native Hawaiian/ Pacific Islander | White | |
| POYEN SCHOOL DISTRICT | 0% | 0.36% | 0.18% | 3.20% | 0.18% | 0.18% | 95.91% | |
| SHERIDAN SCHOOL DISTRICT | 0.14% | 1.43% | 2.65% | 3.11% | 0.41% | 0.10% | 92.16% | |
| County Percentages | 0.13% | 1.31% | 2.36% | 3.12% | 0.38% | 0.11% | 92.60% | |
| Acceptable Ranges | 0.11% - 0.14% | 1.14% - 1.47% | 2.06% - 2.65% | 2.73% - 3.51% | 0.33% - 0.43% | 0.09% - 0.12% | 81.03% - 104.18% | |

**GARLAND COUNTY
ORDER – JUNE 10, 2013**

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

W.T. DAVIS, Individually;
AARON GORDON and CARLTON R. BERRY
on Behalf of a Class of Taxpayers
of Garland County, Arkansas,
similarly situated; and THE GARLAND
COUNTY CHAPTER OF THE N.A.A.C.P.

PLAINTIFFS

v.

Civil No. 89-6088

HOT SPRINGS SCHOOL DISTRICT;
STATE OF ARKANSAS; ARKANSAS STATE
BOARD OF EDUCATION; THE COMMISSIONER
OF THE STATE BOARD OF EDUCATION;
CUTTER MORNING STAR SCHOOL DISTRICT;
FOUNTAIN LAKE SCHOOL DISTRICT;
JESSIEVILLE SCHOOL DISTRICT;
LAKE HAMILTON SCHOOL DISTRICT;
LAKESIDE SCHOOL DISTRICT; and
MOUNTAIN PINE SCHOOL DISTRICT

DEFENDANTS

O R D E R

Now on this 10th day of June 2013, comes on for consideration the **Petition for Declaratory Relief** (document #161), brought by Cutter Morning Star School District, Fountain Lake School District, Jessieville School District, Lake Hamilton School District, Lakeside School District, and Mountain Pine School District (collectively, the "petitioning districts"). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. This action was originally filed on August 18, 1989, seeking to remedy the effects of racial segregation in Garland County public schools.

2. On November 25, 1991, the parties entered into the Garland County School Desegregation Case Comprehensive Settlement Agreement ("Settlement Agreement"), in which they agreed -- among other things -- to implement the provisions of the **School Choice Act of 1989, Ark. Code Ann. § 6-18-206 (repealed 2013)**, with regard to the transfer of students between resident and non-resident districts.

3. Following a fairness hearing held on March 30, 1992, the Court approved the Settlement Agreement, finding it to be "fair and reasonable, [and] that it affords appropriate relief to the plaintiff class." (Order and Memorandum, p. 2, document #82). Noting that the Eighth Circuit Court of Appeals has favored such agreements in desegregation cases, the Court further concluded that "[n]othing has been presented to this court to vitiate [the] presumption of constitutionality and appropriateness" of the Settlement Agreement. (Order and Memorandum, p. 3, document #82).

4. On May 22, 2013, the petitioning districts filed the present Petition for Declaratory Relief, seeking the Court's approval to continue operating under the Settlement Agreement despite recent changes in the law.

Specifically, the petitioning districts point to the Court's 2012 decision in Teague, et al. v. Arkansas Board of Education, et al., Case No. 6:10-cv-6098-RTD, in which it found the School Choice Act of 1989 to be unconstitutional because it contained

race-based restrictions.

Moreover, in its most recent session, the Arkansas General Assembly repealed the 1989 Act by passing the **Public School Choice Act of 2013, Ark. Code Ann. §§ 1901-1909**, which contains no race-based restrictions.

5. Pursuant to the Public School Choice Act of 2013,

If the provisions of [the Act] conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

Ark. Code Ann. § 6-18-1906(a).

The petitioning districts contend that the Settlement Agreement in this case is a court-approved desegregation plan and, thus, it is unaffected by the new law. They seek to maintain the status quo.

6. In response to the Petition, the plaintiffs and the remaining defendants agree that judicial clarification is warranted, and they ask the Court to grant the declaratory relief requested by the petitioning districts.

7. Upon review of the record, the Court first notes that some of the original parties are no longer necessary to this action and should be formally dismissed. While the Arkansas State Board of Education remains an essential party, its individual members -- who were made parties solely due to their membership -- are no longer members of that entity and, therefore, should be

dismissed.

Likewise, the Garland County Board of Education and its individual members should be dismissed as parties, as all county boards of education were abolished by Act 2190 of 2005, codified at Ark. Code Ann. § 6-12-317.

8. Regarding the merits of the Petition, the Court finds that the Settlement Agreement constitutes a court-approved desegregation plan that should remain in effect despite recent changes to the law on which the Settlement Agreement was partly based.

The provisions of the Settlement Agreement consist of more than the mere implementation of the 1989 Act. It is a contract that also addresses the districts' staff development, curricula, testing and assessments, special education and gifted-and-talented programs, student-teacher interactions, and other services designed to enhance and improve public education in Garland County.

The Settlement Agreement was approved by the Court after an appropriately noticed fairness hearing and reasonable opportunity for the filing and consideration of any objections to the plan. The 1992 Order and Memorandum reflects that the Court considered the Settlement Agreement in its entirety, as well as the presentations of the parties and the response from the community, before finding that it afforded the parties appropriate relief and

was reasonable in all aspects.

As such, the Settlement Agreement will remain in effect, and the parties will remain bound to enforce and comply with its terms.

IT IS THEREFORE ORDERED that the Garland County Board of Education, its individual members, and the individually named members of the Arkansas State Board of Education are hereby **dismissed as parties** to this action.

IT IS FURTHER ORDERED that the **Petition for Declaratory Relief** (document #161) is **granted**, and the Court hereby declares that:

* The import of the Garland County School Desegregation Case Comprehensive Settlement Agreement and the Court's approval thereof was not simply a declaration that the parties would obey Arkansas law as it might from time to time be set forth in the School Choice Act of 1989;

* Rather, the import of those actions was to incorporate by reference the language, terms, and provisions of the 1989 Act as a consent desegregation plan of the Court applicable to all public school districts within Garland County, Arkansas, for the purpose of remedying the vestiges of prior de jure racial segregation within the public education system of that county;

* Accordingly, neither the judicial decision declaring the 1989 Act to be unconstitutional, nor the repeal of the 1989 Act,

have any impact per se on the efficacy of the Settlement Agreement; and

* The Court retains supervisory jurisdiction over the enforcement of the Settlement Agreement subject only to subsequent modifications or termination thereof by the Court.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 10, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Dr. Jerry Guess, Superintendent
PCSSD
925 E. Dixon
Little Rock, AR 72206

Dr. Tony Thurman, Superintendent
Cabot School District
602 N. Lincoln
Cabot, AR 72023

Mr. Kelly Rodgers, Superintendent
NLRSD
2700 Poplar Street
North Little Rock, AR 72114

Ms. Tracy Rayburn-Moore
124 Fox Dell Circle
Jacksonville, AR 72076

Re: Appeal Under the Public School Choice Act of 2013
Rayburn v. Cabot School District
VIA CERTIFIED AND REGULAR MAIL

Everyone:

On July 9, 2013, Ms. Tracy Rayburn-Moore filed a petition appealing the decision of the Cabot School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- D. Rayburn

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, August 12, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 24, 2013.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 10, 2013
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is stylized and cursive.

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tom W. Kimbrell, Ed.D., Commissioner of Education
Mr. John Hoy, Asst. Commissioner, Div. of Public School Accountability
State Board of Education Office

APPEAL

July 3, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

RECEIVED
COMMISSIONER'S OFFICE

JUL 9 - 2013

Re: School Choice Act 2013, Request for Hearing

DEPARTMENT OF EDUCATION
GENERAL DIVISION
DEPARTMENT OF EDUCATION

To whom it may concern:

JUL 9 2013

I am writing to appeal the decision made by Cabot High School in their denial to allow my daughter, Dylan Sheffield Rayburn, 10th grade student, to transfer from NLR High School to attend Cabot High School in 2013/14 to completion. I am requesting a hearing on the matter.

My daughter is currently enrolled in North Little Rock High School/NLR School District.

Cabot High School rejected our application due to our residence in Jacksonville/Pulaski County. (copy of letter attached here)

I am currently under court order, in a recent custody agreement, that does not allow for my daughter to attend public school in Jacksonville. This agreement was entered into with her father, Robert C. Rayburn and approved by Judge M. Pierce in November 2012. Dylan was transferred to NLR High School upon her return to Arkansas in October 2012 from Titusville, Florida. (Case No. 60DR 1999-5099)

On October 18, 2012, under legal advice and upon her return to Arkansas, I met with Pulaski County School District and North Little Rock School District regarding a transfer out of the Pulaski County School District. Pulaski County agreed to release her to the North Little Rock School District. She completed the 9th grade at the freshman campus of North Little Rock High School in May 2013. (Transfer document enclosed)

I would like her to attend Cabot High School under the School Choice Act 2013 due to hardship circumstances. Cabot High School will offer the best educational, social, and psychological needs for my daughter.

In reference to the hardship circumstance; Dylan is a new driver and in February 2013, suffered an auto accident on Hwy 167, where she was stopped in traffic and rear-ended by a driver at 60 miles per hour, during peak drive time 7:30am - 8:00am, on her way to North Little Rock's freshman campus. With her current enrollment at NLR High School, she will be forced to navigate the north interchange to attend NLR Sophomore campus for the 10th grade. It is in her best interest to be

transferred from North Little Rock School District to Cabot School District in order to attend Cabot High School.

Please advise and thank you for your review.



Tracy Rayburn-Moore

[REDACTED]
Jacksonville, AR 72076

[REDACTED]
Encs

Reviews 6/28/13

Cabot Public Schools

Robert W. Martin, Director of Student Services
602 North Lincoln
Cabot, AR 72023
Phone: 501-843-3363

June 26, 2013

Tracy Rayburn-Moore

████████████████████
Jacksonville, AR 72076

Re: 2013-14 School Choice Transfer Request for **Dylan Sheffield Rayburn**

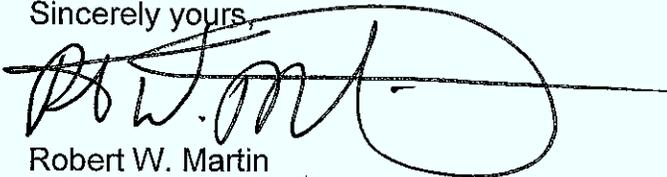
Dear Ms. Rayburn-Moore:

I have reviewed your application under the Arkansas Public School Choice Act. According to the state's eligibility guidelines, your child is not eligible to attend the Cabot School District for the 2013-14 school year.

In reviewing the current school choice law, it was determined that our district decision had to take into account your actual primary home residency is still within the Pulaski County Special School District.

Act 1227 of 2013, which established the new Public School Choice law, provides you the opportunity to appeal Cabot School District's decision to the Arkansas Department of Education.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. W. Martin', with a large, sweeping flourish extending to the right.

Robert W. Martin
Director of Student Services

121 East Capitol Ave.
Little Rock, AR 72201
PO Box 2221
Little Rock Arkansas 72203
501-378-3849 | Fax 501-378-3442 | arkansasonline.com

fax



FAXED

5/29/13

JRan

TO: Robert Martin FROM: Jeany Ransom - Moore
FAX: 501-843-0576 PAGES: 4
PHONE: 501-843-3363 DATE: 5/29/13
RE: AR School Choice Act of 2013 CC:

... Ref - Request for transfer to attend Cabot Public School.

Pages to include:

1. Cover Sheet.
2. Application for transfer to a Non-Resident District "Arkansas Public School Choice Act of 2013"
3. North Little Rock School District Desegregation Office 2012-2013 Forum.
4. Withdrawal and Transfer Notice from Titusville High School, Titusville, Fla.

Mr. Martin,

I will bring the Hand copies to your office tomorrow, Thursday, May 30, 2013.

Jeany Ransom
Jeany Ransom

The Democrat-Gazette: the second largest % print & online readership gain in the U. S. in 2012.



Audit Bureau of Circulations
ABCinteractive

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT

"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"

(Must be submitted to Non-Resident and Resident Districts)

| | | | |
|--|--|---|--|
| Date and Time Received by Resident District | | 05-29-13P04:50 RCVD <i>PD</i> ✓ | |
| Date and Time Received by Non-Resident District | | | |
| APPLICANT INFORMATION | | | |
| Applicant Name <i>Dylan SHEFFIELD Rayburn</i> | | | |
| Date of Birth | [REDACTED] | Gender | Male <input type="checkbox"/> Female <input checked="" type="checkbox"/> |
| Grade <i>10</i> | | | |
| Does the applicant require special needs or programs? | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Is applicant currently under expulsion? | | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| ETHNIC ORIGIN (CHECK ONE) | | | |
| 2 or More Races <input type="checkbox"/> | White <input checked="" type="checkbox"/> | Native Hawaiian/ Pacific Islander <input type="checkbox"/> | Does the applicant already have a sibling or step-sibling in attendance in this district? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| African American <input type="checkbox"/> | Asian <input type="checkbox"/> | | |
| Native American/ Native Alaskan <input type="checkbox"/> | Hispanic <input type="checkbox"/> | | |
| RESIDENT SCHOOL DISTRICT OF APPLICANT | | | |
| District Name <i>North Little Rock S.D.</i> | | County Name <i>Pulaski</i> | |
| Address <i>2400 Lakeview Rd., North Little Rock, AR 72116</i> | | | |
| Phone <i>501-771-8200</i> | | | |
| NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND | | | |
| District Name <i>Cabot School District</i> | | County Name <i>Lonsdale</i> | |
| Address <i>401 N. Lincoln St., Cabot, AR 72023</i> District Address: <i>602 N. Walnut St. Cabot, AR 72023</i> | | | |
| Phone <i>501-843-3562</i> | | | |
| PARENT OR GUARDIAN INFORMATION OF APPLICANT | | | |
| Name <i>Tracy Rayburn-Moore</i> | | Home Phone [REDACTED] | |
| Address [REDACTED] | | Work Phone <i>501-378-3439</i> | |
| Parent/Guardian Signature <i>Tracy Rayburn-Moore</i> | | Date <i>May 29, 2013</i> | |
| <p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. §6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).</p> | | | |

Cabot High School
Application

R 05/13

RECEIVED
MAY 30 PAID

RECEIVED
MAY 30 PAID

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must be submitted to Non-Resident and Resident Districts)

Date and Time Received by Resident District
Date and Time Received by Non-Resident District

APPLICANT INFORMATION

Applicant Name *Dylan SHEFFIELD Rayburn*
Date of Birth *[redacted]* Gender Male Female
Grade *10*
Does the applicant require special needs or programs? Yes No
Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE)
2 or More Races White Native Hawaiian/Pacific Islander
African American Asian
Native American/Native Alaskan Hispanic
Does the applicant already have a sibling or step-sibling in attendance in this district?
 Yes No

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name *North Little Rock SD* County Name *Pulaski*
Address *2400 Lakeview Rd., North Little Rock, AR 72116*
Phone *501-771-8200*

NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name *Cabot School District* County Name *Lonoke*
Address *401 N. Lincoln St., Cabot, AR 72023* District Address: *602 N. Lincoln St. Cabot, AR 72023*
Phone *501-843-3562*

PARENT OR GUARDIAN INFORMATION OF APPLICANT

Name *Tracy Rayburn-Moore* Home Phone *[redacted]*
Address *[redacted]* Work Phone *501-378-3439*
Jacksonville, AR 72076

Parent/Guardian Signature *Tracy Rayburn-Moore* Date *May 29, 2013*

Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the non-resident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. §6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

8/6/13 Sophomore Reg
West Campus
12pm - 7pm

North Little Rock
Notification

NORTH LITTLE ROCK SCHOOL DISTRICT

Desegregation Office

2012-2013

Pupil Assignment Form

Date: 10/15/12

Name of Student: Dylan STEPHEN Rayburn

Previous School Attended: Tinsville High School, Tinsville, Mo

Grade: 9 Gender: Female Date of Birth: 10/11/94

Race: (Check all that apply)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | No, not Hispanic or Latino |
| <input type="checkbox"/> | Yes, Hispanic or Latino (A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.) |
| <input type="checkbox"/> | Asian (A person having origins in any of the original peoples in of the Far East, Southeast Asia, or the Indian subcontinent including, for example Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.) |
| <input checked="" type="checkbox"/> | White (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.) |
| <input type="checkbox"/> | American Indian or Alaska Native (A person having in any of the original peoples of North and South America (origins including Central America.) |
| <input type="checkbox"/> | Black or African American (A person having origins in any of the black racial groups of Africa.) |
| <input type="checkbox"/> | Native Hawaiian or Other Pacific Islander (A person, having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.) |

Name of Parent: Tracy Rayburn-Moore

Home Address: [Redacted]

North Little Rock, AR Jacksonville, AR Zip: 72076

Previous Address:

Zip:

Home Telephone: [Redacted] Business Telephone: 501-378-3439

Message Number: [Redacted] Cellular Telephone: [Redacted]

Does this student receive Special Services? Yes: No: [checked]

Parent Signature: [Signature]

Bobby J. Acklin, Assistant Superintendent for Desegregation

School Assignment: 9th grade (class) School

WITHDRAWAL AND TRANSFER NOTICE (SECONDARY)

BREVARD COUNTY, FLORIDA
PUBLIC SCHOOLS

DATE ENROLLED THIS SCHOOL YEAR _____ DAYS ABSENT _____ UNEXCUSED ABSENCES THIS SEMESTER _____
 SCHOOL Titusville High ADDRESS 150 Terrin Dr CITY/ZIP Titusville 32780 WITHDRAWAL DATE 10-15-12
 STUDENT'S NAME Rayburn, Dylan ADDRESS [REDACTED] GRADE LEVEL 9
 REASON FOR WITHDRAWAL W3B STUDENT NUMBER [REDACTED]

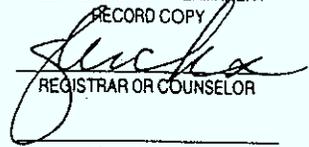
| SUBJECT | TEACHER | TEXT | GRADES ATTAINED TO DATE OF WITHDRAWAL | | | | | TEACHER INITIALS IF BOOKS & EQUIPMENT TURNED IN. IF NOT INDICATE AMOUNT DUE OR EQUIPMENT SHORTAGE. | |
|----------------------|--------------------|------|---------------------------------------|---|------|---|---|--|------------------|
| | | | 1 | 2 | AVG. | 3 | 4 | | AVG. |
| <u>Pre-Alice</u> | <u>Calhoun</u> | | [REDACTED] | | | | | | <u>k Calhoun</u> |
| <u>Charles Dezi</u> | <u>Allen</u> | | [REDACTED] | | | | | | <u>S Allen</u> |
| <u>TV Pro</u> | <u>Curtis</u> | | [REDACTED] | | | | | | <u>BC</u> |
| <u>Pre-Alice Eng</u> | <u>Schmatoller</u> | | [REDACTED] | | | | | | |
| <u>Food Prep</u> | <u>S. Allen</u> | | [REDACTED] | | | | | | <u>S Allen</u> |
| <u>HR</u> | <u>Sprayberry</u> | | | | | | | | |

HRS 680 IMMUNIZATION FORM
 COMPLETE _____
 INCOMPLETE _____
 FLORIDA STUDENT HEALTH FORM
 ON FILE _____
 FREE LUNCH _____
 REDUCED PRICE LUNCH _____

LIBRARIAN P. Eng
 BOOKKEEPER _____
 COUNSELOR _____
 REGISTRAR _____
 CAFETERIA _____
 ATTN. CLERK _____
 ACTIVITIES _____

OPS _____
 TEST COORDINATOR _____

 CATALOG NO. 19-1047 REVISED 0300-23-198
 STD 9630 005 01/95

PLEASE REQUEST PERMANENT RECORD COPY

 REGISTRAR OR COUNSELOR
 ADMINISTRATOR

RESPONSE



Cabot Public Schools

OFFICE OF THE SUPERINTENDENT

W. Tony Thurman, Ed.D.

July 16, 2013

Mr. Jeremy Lasiter
General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

RE: Appeal Under School Choice Act of 2013
Rayburn v. Cabot School District

Dear Mr. Lasiter:

We are in receipt of your letter regarding the appeal filed by Ms. Tracy Rayburn-Moore regarding the Cabot School Board's denial of the school choice application of D. Rayburn.

It is our understanding that D. Rayburn currently lives in the Pulaski County Special School District and attends school in the North Little Rock School District. We were advised by your office, email enclosed, to treat the application as if the student were coming from the resident district, which in this case is PCSSD. Therefore, the Cabot School Board made the decision to deny the school choice application for D. Rayburn based on PCSSD's exemption from school choice due to their desegregation declaration.

Enclosed is also a copy of the letter sent to Ms. Rayburn-Moore indicating the board's decision. We believe the Cabot School Board made the appropriate decision based on the information that was provided. Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. T. Thurman", with a long horizontal stroke extending to the right.

Dr. Tony Thurman
Superintendent

**RECEIVED
ATTORNEY'S OFFICE**

JUL 18 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**



Tony Thurman <tony.thurman@cps.k12.ar.us>

Re: School Choice

1 message

Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov>

Thu, Jun 6, 2013 at 12:03 PM

To: ADE William Thurman <tony.thurman@cps.k12.ar.us>

Thank you for your email. The school choice process is based upon where the student actually resides, so you would need to treat the application as though the student was coming from PCSSD, the resident district. Sounds like you handled this correctly. Thanks again.

Sent from my iPhone

On Jun 5, 2013, at 5:56 AM, "Tony Thurman" <tony.thurman@cps.k12.ar.us> wrote:

> Good Morning....

>

> A parent has filed for school choice INTO the Cabot School District.

>

> They are currently attending North Little Rock Schools under M2M.

>

> The family actually resides in the PCSSD.

>

> We have denied the application based on the residency of the student. The parent claims that they should be allowed to attend Cabot Schools because they are actually approved students in NLRSD.

>

> Are we correct in our interpretation or do we allow them to enroll?

>

> Thanks. Tony T.

 **winmail.dat**
4K

Cabot Public Schools

Robert W. Martin, Director of Student Services

602 North Lincoln
Cabot, AR 72023
Phone: 501-843-3363

June 26, 2013

Tracy Rayburn-Moore
124 Fox Dell Circle
Jacksonville, AR 72076

Re: 2013-14 School Choice Transfer Request for **Dylan Sheffield Rayburn**

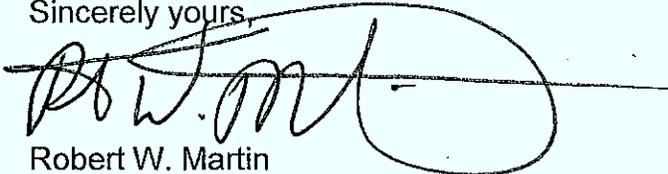
Dear Ms. Rayburn-Moore:

I have reviewed your application under the Arkansas Public School Choice Act. According to the state's eligibility guidelines, your child is not eligible to attend the Cabot School District for the 2013-14 school year.

In reviewing the current school choice law, it was determined that our district decision had to take into account your actual primary home residency is still within the Pulaski County Special School District.

Act 1227 of 2013, which established the new Public School Choice law, provides you the opportunity to appeal Cabot School District's decision to the Arkansas Department of Education.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. W. Martin', is written over a horizontal line. The signature is stylized and includes a large, circular flourish at the end.

Robert W. Martin
Director of Student Services

STATUTE

1 State of Arkansas *As Engrossed: S1/31/13 S2/14/13 S2/26/13 S3/5/13 S3/12/13*
2 *H4/6/13*

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

5
6 By: Senators J. Key, Holland, Bledsoe, A. Clark, J. Hendren, Irvin, Rapert

7 *By: Representatives Biviano, McLean, Alexander, D. Altes, Barnett, Carnine, Cozart, Dale, Deffenbaugh,*
8 *D. Douglas, Harris, Hutchison, Lowery, Neal, Ratliff, Scott, Slinkard, Wren*

For An Act To Be Entitled

9
10 AN ACT TO *ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF*
11 *2013; TO REPEAL THE PUBLIC SCHOOL CHOICE ACT OF 1989;*
12 *TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*
13
14
15

Subtitle

16
17 *TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT*
18 *OF 2013; AND TO DECLARE AN EMERGENCY.*
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

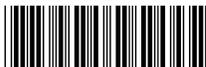
22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

23 ~~*6-18-206. Public school choice.*~~

24 ~~*(a)(1) This section may be referred to and cited as the "Arkansas*~~
25 ~~*Public School Choice Act of 1989".*~~

26 ~~*(2) The General Assembly finds that the students in Arkansas's*~~
27 ~~*public schools and their parents will become more informed about and involved*~~
28 ~~*in the public educational system if students and their parents or guardians*~~
29 ~~*are provided greater freedom to determine the most effective school for*~~
30 ~~*meeting their individual educational needs. There is no right school for*~~
31 ~~*every student, and permitting students to choose from among different schools*~~
32 ~~*with differing assets will increase the likelihood that some marginal*~~
33 ~~*students will stay in school and that other, more motivated students will*~~
34 ~~*find their full academic potential.*~~

35 ~~*(3) The General Assembly further finds that giving more options*~~
36



1 ~~to parents and students with respect to where the students attend public~~
2 ~~school will increase the responsiveness and effectiveness of the state's~~
3 ~~schools since teachers, administrators, and school board members will have~~
4 ~~added incentive to satisfy the educational needs of the students who reside~~
5 ~~in the district.~~

6 ~~(4) The General Assembly therefore finds that these benefits of~~
7 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
8 ~~student to apply for admission to a school in any district beyond the one in~~
9 ~~which the student resides, provided that the transfer by this student would~~
10 ~~not adversely affect the desegregation of either district.~~

11 ~~(5) A public school choice program is hereby established to~~
12 ~~enable any student to attend a school in a district in which the student does~~
13 ~~not reside, subject to the restrictions contained in this section.~~

14 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
15 ~~district, the student's parent or guardian must submit an application on a~~
16 ~~form approved by the Department of Education to the nonresident district by~~
17 ~~submitting the application to the superintendent of the school district.~~
18 ~~This application must be postmarked not later than July 1 of the year in~~
19 ~~which the student would begin the fall semester at the nonresident district.~~

20 ~~(B)(i) Within thirty (30) days of the receipt of an~~
21 ~~application from a nonresident student seeking admission under the terms of~~
22 ~~this section, the superintendent of the nonresident district shall notify the~~
23 ~~parent or guardian and the resident district in writing as to whether the~~
24 ~~student's application has been accepted or rejected.~~

25 ~~(ii) If the application is rejected, the~~
26 ~~superintendent of the nonresident district must state in the notification~~
27 ~~letter the reason for rejection.~~

28 ~~(iii) If the application is accepted, the~~
29 ~~superintendent of the nonresident district shall state in the notification~~
30 ~~letter:~~

31 ~~(a) An absolute deadline for the student to~~
32 ~~enroll in the district, or the acceptance notification is null; and~~

33 ~~(b) Any instructions for the renewal~~
34 ~~procedures established by the district.~~

35 ~~(iv)(a) Any student who accepts a school choice~~
36 ~~transfer may return to his or her resident district during the course of the~~

1 ~~school year.~~

2 ~~(b) If a transferred student returns to his or~~
3 ~~her resident district during the school year, the student's transfer is~~
4 ~~voided, and the student shall reapply for any future transfer.~~

5 ~~(2)(A) The school board of directors of every public school~~
6 ~~district must adopt by resolution specific standards for acceptance and~~
7 ~~rejection of applications. Standards may include the capacity of a program,~~
8 ~~class, grade level, or school building. Nothing in this section requires a~~
9 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
10 ~~the requirements and standards established by existing law. Standards shall~~
11 ~~include a statement that priority will be given to applications from siblings~~
12 ~~or stepsiblings residing in the same residence or household of students~~
13 ~~already attending the district by choice. Standards may not include an~~
14 ~~applicant's previous academic achievement, athletic or other extracurricular~~
15 ~~ability, handicapping conditions, English proficiency level, or previous~~
16 ~~disciplinary proceedings except that an expulsion from another district may~~
17 ~~be included pursuant to § 6-18-510.~~

18 ~~(B)(i) Any student who applies for a transfer under this~~
19 ~~section and is denied a transfer by the nonresident district may request a~~
20 ~~hearing before the State Board of Education to reconsider the transfer.~~

21 ~~(ii) A request for a hearing before the state board~~
22 ~~shall be in writing and shall be postmarked no later than ten (10) days after~~
23 ~~notice of rejection of the application under subdivision (b)(1)(B) of this~~
24 ~~section is received by the student.~~

25 ~~(3) Each school district shall participate in public school~~
26 ~~choice consistent with this section.~~

27 ~~(c) The responsibility for transportation of a student from the~~
28 ~~student's resident school district to a nonresident school district shall be~~
29 ~~borne by the student or the student's parents. The nonresident school~~
30 ~~district may enter into a written agreement with the student, the student's~~
31 ~~parents, or the resident school district to provide transportation to or from~~
32 ~~any place in the resident district to the nonresident district, or both.~~

33 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
34 ~~that were awarded by another district.~~

35 ~~(2) The nonresident district shall award a diploma to a~~
36 ~~nonresident student if the student meets the nonresident district's~~

1 ~~graduation requirements.~~

2 ~~(e) For purposes of determining a school district's state equalization~~
3 ~~aid, the nonresident student shall be counted as a part of the average daily~~
4 ~~membership of the district to which the student has transferred.~~

5 ~~(f) The provisions of this section and all student choice options~~
6 ~~created in this section are subject to the following limitations:~~

7 ~~(1) No student may transfer to a nonresident district where the~~
8 ~~percentage of enrollment for the student's race exceeds that percentage in~~
9 ~~the student's resident district except in the circumstances set forth in~~
10 ~~subdivisions (f)(2) and (3) of this section;~~

11 ~~(2)(A) A transfer to a district is exempt from the restriction~~
12 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
13 ~~two (2) districts within a county and if the minority percentage in the~~
14 ~~student's race and majority percentages of school enrollment in both the~~
15 ~~resident and nonresident district remain within an acceptable range of the~~
16 ~~county's overall minority percentage in the student's race and majority~~
17 ~~percentages of school population as set forth by the department.~~

18 ~~(B)(i) By the filing deadline each year, the department~~
19 ~~shall compute the minority percentage in the student's race and majority~~
20 ~~percentages of each county's public school population from the October Annual~~
21 ~~School Report and shall then compute the acceptable range of variance from~~
22 ~~those percentages for school districts within each county.~~

23 ~~(ii)(a) In establishing the acceptable range of~~
24 ~~variance, the department is directed to use the remedial guideline~~
25 ~~established in Little Rock School District v. Pulaski County Special School~~
26 ~~District of allowing an overrepresentation or underrepresentation of black or~~
27 ~~white students of one fourth ($\frac{1}{4}$) or twenty five percent (25%) of the county's~~
28 ~~racial balance.~~

29 ~~(b) In establishing the acceptable range of~~
30 ~~variance for school choice, the department is directed to use the remedial~~
31 ~~guideline of allowing an overrepresentation or underrepresentation of~~
32 ~~minority or majority students of one fourth ($\frac{1}{4}$) or twenty five percent (25%)~~
33 ~~of the county's racial balance;~~

34 ~~(3) A transfer is exempt from the restriction set forth in~~
35 ~~subdivision (f)(1) of this section if each school district affected by the~~
36 ~~transfer does not have a critical mass of minority percentage in the~~

1 ~~student's race of more than ten percent (10%) of any single race;~~

2 ~~(4) In any instance in which the provisions of this subsection~~
3 ~~would result in a conflict with a desegregation court order or a district's~~
4 ~~court approved desegregation plan, the terms of the order or plan shall~~
5 ~~govern;~~

6 ~~(5) The department shall adopt appropriate rules and regulations~~
7 ~~to implement the provisions of this section; and~~

8 ~~(6) The department shall monitor school districts for compliance~~
9 ~~with this section.~~

10 ~~(g) The state board shall be authorized to resolve disputes arising~~
11 ~~under subsections (b)-(f) of this section.~~

12 ~~(h) The superintendent of the district shall cause public~~
13 ~~announcements to be made over the broadcast media and in the print media at~~
14 ~~such times and in such a manner as to inform parents or guardians of students~~
15 ~~in adjoining districts of the availability of the program, the application~~
16 ~~deadline, and the requirements and procedure for nonresident students to~~
17 ~~participate in the program.~~

18 ~~(i)(1) All superintendents of school districts shall report to the~~
19 ~~Equity Assistance Center on an annual basis the race, gender, and other~~
20 ~~pertinent information needed to properly monitor compliance with the~~
21 ~~provisions of this section.~~

22 ~~(2) The reports may be on those forms that are prescribed by the~~
23 ~~department, or the data may be submitted electronically by the district using~~
24 ~~a format authorized by the department.~~

25 ~~(3) The department may withhold state aid from any school~~
26 ~~district that fails to file its report each year or fails to file any other~~
27 ~~information with a published deadline requested from school districts by the~~
28 ~~Equity Assistance Center so long as thirty (30) calendar days are given~~
29 ~~between the request for the information and the published deadline except~~
30 ~~when the request comes from a member or committee of the General Assembly.~~

31 ~~(4) A copy of the report shall be provided to the Joint Interim~~
32 ~~Oversight Committee on Educational Reform.~~

33 ~~(j)(1) The department shall develop a proposed set of rules as it~~
34 ~~determines is necessary or desirable to amend the provisions of this section.~~

35 ~~(2) The department shall present the proposed rules in written~~
36 ~~form to the House Interim Committee on Education and the Senate Interim~~

1 ~~Committee on Education by October 1, 2006, for review and consideration by~~
2 ~~the committees for possible amendments to this section and to the Arkansas~~
3 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

4
5 SECTION 2. Arkansas Code § 6-15-430(b)(1), concerning student
6 transfers from a school district that is identified as being in academic
7 distress, is amended to read as follows:

8 (b)(1) Any student attending a public school district classified as
9 being in academic distress shall automatically be eligible and entitled
10 pursuant to the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public
11 School Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
12 ~~geographically contiguous~~ school district not in academic distress during the
13 time period that a school district is classified as being in academic
14 distress and, therefore, not be required to file a petition by ~~July 1~~ June 1
15 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
16 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
17 18-1901 et seq.

18
19 SECTION 3. Arkansas Code § 6-18-202(g), concerning the age and
20 attendance requirements for attending public schools, is amended to read as
21 follows:

22 (g) This section shall not be construed to restrict a student's
23 ability to participate in a tuition agreement with a nonresident school
24 district or to officially transfer to another school district pursuant to the
25 ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School Choice
26 Act of 2013, § 6-18-1901 et seq.

27
28 SECTION 4. Arkansas Code § 6-18-227(b)(2)(A)(i), concerning the
29 Arkansas Opportunity Public School Choice Act of 2004, is amended to read as
30 follows:

31 (2)(A)(i) For the purposes of continuity of educational choice,
32 the transfer shall operate as an irrevocable election for each subsequent
33 entire school year and shall remain in force until the student completes high
34 school or the parent, guardian, or the student, if the student is over
35 eighteen (18) years of age, makes application no later than July 30 for
36 attendance or transfer as provided for by §§ 6-18-202, ~~6-18-206,~~ and § 6-18-

1 316, or by June 1 under the Public School Choice Act of 2013, § 6-18-1901 et
2 seq.

3
4 SECTION 5. Arkansas Code § 6-21-812(a), concerning student transfers
5 from a school district that is identified as being in fiscal distress, is
6 amended to read as follows:

7 (a)(1) Any student attending a public school district classified as
8 being in facilities distress shall automatically be eligible and entitled
9 under the ~~Arkansas Public School Choice Act of 1989, § 6-18-206~~ Public School
10 Choice Act of 2013, § 6-18-1901 et seq., to transfer to another
11 ~~geographically contiguous~~ school district not in facilities distress during
12 the time period that a district is classified as being in facilities
13 distress.

14 (2) The student is not required to file a petition by ~~July 1~~
15 June 1 but shall meet all other requirements and conditions of the ~~Arkansas~~
16 ~~Public School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of
17 2013, § 6-18-1901 et seq.

18
19 SECTION 6. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 19 – Public School Choice Act of 2013
22 6-18-1901. Title – Legislative findings.

23 (a) This subchapter shall be known and may be cited as the "Public
24 School Choice Act of 2013".

25 (b) The General Assembly finds that:

26 (1) The students in Arkansas's public schools and their parents
27 will become more informed about and involved in the public educational system
28 if students and their parents are provided greater freedom to determine the
29 most effective school for meeting their individual educational needs. There
30 is no right school for every student, and permitting students to choose from
31 among different schools with differing assets will increase the likelihood
32 that some at-risk students will stay in school and that other, more motivated
33 students will find their full academic potential;

34 (2) Giving more options to parents and students with respect to
35 where the students attend public school will increase the responsiveness and
36 effectiveness of the state's schools because teachers, administrators, and

1 school board members will have added incentive to satisfy the educational
2 needs of the students who reside in the district; and

3 (3) These benefits of enhanced quality and effectiveness in our
4 public schools justify permitting a student to apply for admission to a
5 school in any school district beyond the school district in which the student
6 resides, provided that the transfer by the student does not conflict with an
7 enforceable judicial decree or court order remedying the effects of past
8 racial segregation in the school district.

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

12 (1) "Nonresident district" means a school district other than a
13 student's resident district;

14 (2) "Parent" means a student's parent, guardian, or other person
15 having custody or care of the student;

16 (3) "Resident district" means the school district in which the
17 student resides as determined under § 6-18-202; and

18 (4) "Transfer student" means a public school student who
19 transfers to a nonresident district through a public school choice option
20 under this subchapter.

21
22 6-18-1903. Public school choice program established.

23 (a) A public school choice program is established to enable a student
24 to attend a school in a nonresident district, subject to the limitations
25 under § 6-18-1906.

26 (b) Each school district shall participate in a public school choice
27 program consistent with this subchapter.

28 (c) This subchapter does not require a school district to add
29 teachers, staff, or classrooms, or in any way to exceed the requirements and
30 standards established by existing law.

31 (d)(1) The board of directors of a public school district shall adopt
32 by resolution specific standards for acceptance and rejection of applications
33 under this subchapter.

34 (2) The standards:

35 (A) May include without limitation the capacity of a
36 program, class, grade level, or school building;

1 (B) Shall include a statement that priority will be given
2 to an applicant who has a sibling or stepsibling who:

3 (i) Resides in the same household; and

4 (ii) Is already enrolled in the nonresident district
5 by choice; and

6 (C) Shall not include an applicant's:

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

10 (iv) Previous disciplinary proceedings, except that
11 an expulsion from another district may be included under § 6-18-510.

12 (3) A school district receiving transfers under this act shall
13 not discriminate on the basis of gender, national origin, race, ethnicity,
14 religion, or disability.

15 (e) A nonresident district shall:

16 (1) Accept credits toward graduation that were awarded by
17 another district; and

18 (2) Award a diploma to a nonresident student if the student
19 meets the nonresident district's graduation requirements.

20 (f) The superintendent of a school district shall cause public
21 announcements to be made over the broadcast media and either in the print
22 media or on the Internet to inform parents of students in adjoining districts
23 of the:

24 (1) Availability of the program;

25 (2) Application deadline; and

26 (3) Requirements and procedure for nonresident students to
27 participate in the program.

28
29 6-18-1904. General provisions.

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], is not voided by this subchapter and
32 shall be treated as a transfer under this subchapter.

33 (b)(1) A student may accept only one (1) school choice transfer per
34 school year.

35 (2)(A) A student who accepts a public school choice transfer may
36 return to his or her resident district during the school year.

1 (B) If a transferred student returns to his or her
2 resident district, the student's transfer is voided, and the student shall
3 reapply if the student seeks a future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school under this
5 subchapter may complete all remaining school years at the nonresident
6 district.

7 (2) A present or future sibling of a student who continues
8 enrollment in the nonresident district under this subsection may enroll in or
9 continue enrollment in the nonresident district until the sibling of the
10 transfer student completes his or her secondary education, if the district
11 has the capacity to accept the sibling without adding teachers, staff, or
12 classrooms or exceeding the regulations and standards established by law.

13 (d)(1) The transfer student or the transfer student's parent is
14 responsible for the transportation of the transfer student to and from the
15 school in the nonresident district where the transfer student is enrolled.

16 (2) The nonresident district may enter into a written agreement
17 with the student, the student's parent, or the resident district to provide
18 the transportation.

19 (3) The State Board of Education may resolve disputes concerning
20 transportation arising under this subsection.

21 (e) For purposes of determining a school district's state aid, a
22 transfer student is counted as a part of the average daily membership of the
23 nonresident district where the transfer student is enrolled.

24
25 6-18-1905. Application for a transfer.

26 (a) If a student seeks to attend a school in a nonresident district,
27 the student's parent shall submit an application:

28 (1) To the nonresident district with a copy to the resident
29 district;

30 (2) On a form approved by the Department of Education; and

31 (3) Postmarked no later than June 1 of the year in which the
32 student seeks to begin the fall semester at the nonresident district.

33 (b)(1) By August 1 of the school year in which the student seeks to
34 enroll in a nonresident district under this subchapter, the superintendent of
35 the nonresident district shall notify the parent and the resident district in
36 writing as to whether the student's application has been accepted or

1 rejected.

2 (2) If the application is rejected, the superintendent of the
3 nonresident district shall state in the notification letter the reason for
4 rejection.

5 (3) If the application is accepted, the superintendent of the
6 nonresident district shall state in the notification letter:

7 (A) A reasonable deadline by which the student shall
8 enroll in the nonresident district and after which the acceptance
9 notification is null; and

10 (B) Instructions for the renewal procedures established by
11 the nonresident district.

12
13 6-18-1906. Limitations.

14 (a) If the provisions of this subchapter conflict with a provision of
15 an enforceable desegregation court order or a district's court-approved
16 desegregation plan regarding the effects of past racial segregation in
17 student assignment, the provisions of the order or plan shall govern.

18 (b)(1) A school district annually may declare an exemption under this
19 section if the school district is subject to the desegregation order or
20 mandate of a federal court or agency remedying the effects of past racial
21 segregation.

22 (2)(A) An exemption declared by a board of directors under this
23 subsection is irrevocable for one (1) year from the date the school district
24 notifies the Department of Education of the declaration of exemption.

25 (B) After each year of exemption, the board of directors
26 may elect to participate in public school choice under this section if the
27 school district's participation does not conflict with the school district's
28 federal court-ordered desegregation program.

29 (3) A school district shall notify the department by April 1 if
30 in the next school year the school district intends to:

31 (A) Declare an exemption under this section; or

32 (B) Resume participation after a period of exemption.

33 (c)(1)(A) There is established a numerical net maximum limit on school
34 choice transfers each school year from a school district, less any school
35 choice transfers into the school district, under this section of not more
36 than three percent (3%) of the school district's three-quarter average daily

1 membership for the immediately preceding school year.

2 (B) For the purpose of determining the percentage of
3 school choice transfers under this subsection, siblings who are counted in
4 the numerator as transfer students shall count as one (1) student, and
5 siblings who are counted in the denominator as part of the average daily
6 membership shall count as one (1) student.

7 (2) Annually by June 1, the Department of Education shall report
8 to each school district the net maximum number of school choice transfers for
9 the current school year.

10 (3) If a student is unable to transfer due to the limits under
11 this subsection, the resident district shall give the student priority for a
12 transfer in the following year in the order that the resident district
13 receives notices of applications under § 6-18-1905, as evidenced by a
14 notation made by the district on the applications indicating date and time of
15 receipt.

16
17 6-18-1907. Rules – Appeal – Data collection and reporting.

18 (a) The State Board of Education may promulgate rules to implement
19 this subchapter.

20 (b)(1) A student whose application for a transfer under § 6-18-1905 is
21 rejected by the nonresident district may request a hearing before the state
22 board to reconsider the transfer.

23 (2)(A) A request for a hearing before the state board shall be
24 in writing and shall be postmarked no later than ten (10) days after the
25 student or the student's parent receives a notice of rejection of the
26 application under § 6-18-1905.

27 (B) As part of the review process, the parent may submit
28 supporting documentation that the transfer would be in the best educational,
29 social, or psychological interest of the student.

30 (3) If the state board overturns the determination of the
31 nonresident district on appeal, the state board shall notify the parent, the
32 nonresident district, and the resident district of the basis for the state
33 board's decision.

34 (c)(1) The department shall collect data from school districts on the
35 number of applications for student transfers under this section and study the
36 effects of school choice transfers under this subchapter, including without

1 limitation the net maximum number of transfers and exemptions, on both
2 resident and nonresident districts for up to two (2) years to determine if a
3 racially segregative impact has occurred to any school district.

4 (2) Annually by October 1, the department shall report its
5 findings from the study of the data under this subsection to the Senate
6 Committee on Education and the House Committee on Education its finding.

7
8 6-18-1909. Effective date.

9 The provisions of this subchapter shall remain in effect until July 1,
10 2015.

11 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that certain provisions of the
13 Arkansas Public School Choice Act of 1989, § 6-18-206, have been found to be
14 unconstitutional by a federal court; that thousands of public school students
15 are currently attending public schools in nonresident school districts under
16 that law; that there is now uncertainty about the viability of those
17 transfers and future transfers; that this act repeals the disputed provisions
18 of that law while preserving the opportunity for public school choice; and
19 that this act is immediately necessary to resolve the uncertainty in the law
20 before the 2013-2014 school year and preserve existing student transfers.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31 /s/J. Key
32

33
34 **APPROVED: 04/16/2013**
35
36

RULES

**ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013**
May 13, 2013

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013

1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2013.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Act 1227 of 2013 and Ark. Code Ann. §§ 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

3.01 „Nonresident District,, means a school district other than a student,s resident district;

3.02 „Parent,, means a student,s parent, guardian, or other person having custody or care of the student;

3.03 „Resident district,, means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;

3.04 „Sibling,, means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and

3.05 „Transfer student,, means a public school student who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

4.01 A public school choice program is established to enable a student to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.2.1 Resides in the same household; and
- 4.04.2.2 Is already enrolled in the nonresident district by choice.
- 4.04.3 Shall not include an applicant,s:
- 4.04.3.1 Academic achievement;
- 4.04.3.2 Athletic or other extracurricular ability;
- 4.04.3.3 English proficiency level; or
- 4.04.3.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.4 A school district receiving transfers under the Public School Choice Act of 2013 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and
- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district,s graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:

4.06.1 Availability of the program;

4.06.2 Application deadline; and

4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]), is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

5.02 A student may accept only one (1) school choice transfer per school year.

5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.

5.02.2 If a transferred student returns to his or her resident district, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.

5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.

5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.

5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.

5.05 For purposes of determining a school district,s state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

6.01 If a student seeks to attend a school in a nonresident district, the student,s parent shall submit an application:

6.01.1 To the nonresident district with a copy to the resident district;

6.01.2 On the form that is attached to these rules as Attachment 1; and

6.01.3 Postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

6.02 By August 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student,s application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

6.02.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.02.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter:

6.02.2.1 A reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null; and

6.02.2.2 Instructions for the renewal procedures established by the nonresident district.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district,s court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

7.02 A school district annually may declare an exemption under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district is subject to the

desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

7.02.1 An exemption declared by a board of directors under Section 7.02 of these rules is irrevocable for one (1) year from the date the school district notifies the Department of Education of the declaration of exemption.

7.02.2 After each year of exemption, the board of directors may elect to participate in public school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules if the school district,s participation does not conflict with the school district,s federal court-ordered desegregation program.

7.02.3 A school district shall notify the Department of Education by April 1 if in the next school year the school district intends to:

7.02.3.1 Declare an exemption under Section 7.02 of these rules; or

7.02.3.2 Resume participation after a period of exemption.

7.02.3.3 A school district shall provide the notifications under Section 7.02.3.1 or 7.02.3.2 to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.03 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the school district,s three-quarter average daily membership for the immediately preceding school year.

7.03.1 For the purpose of determining the percentage of school choice transfers under Section 7.03 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student, and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student.

7.03.2 Annually by June 1, the Department of Education shall report to each school district the net maximum number of school choice transfers for the current school year.

7.03.3 If a student is unable to transfer due to the limits under Section 7.03 of these rules, the resident district shall give the student priority for a transfer

in the following year in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 APPEAL, DATA COLLECTION AND REPORTING

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student,s parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student,s parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student,s parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student,s parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 As part of the review process, the student or student,s parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student,s application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent,s appeal. The response of the nonresident district shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall

Little Rock, AR 72201

8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student,s parent.

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education,s decision.

8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.

8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.

9.00 EFFECTIVE DATE

The provisions of the Arkansas Public School Choice Act of 2013 and these rules shall remain in effect until July 1, 2015.

10.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

10.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.

10.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.

10.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. The Chairperson of the State Board may, for good cause shown and upon request of either party, allow either party additional time to present their opening statements.

10.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. The Chairperson of the State Board may, for

good cause shown and upon request of either party, allow either party additional time to present their cases.

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

ATTACHMENT 1

***APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
“ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013”
(Must Be Submitted to Non-Resident and Resident Districts)***

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender

Male

Female

Grade:

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

PARENT OR GUARDIAN INFORMATION

| | |
|---------------------------|-------------|
| Name: | Home Phone: |
| Address: | Work Phone: |
| | |
| Parent/Guardian Signature | Date: |

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district,s standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district,s standards shall not include an applicant,s previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district,s graduation requirements. This application must be filed in the nonresident district (with a copy to the resident district) or postmarked no later than June 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student,s parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY

| | | |
|---|---|----------|
| Date and Time Received by Resident District: | Date and Time Received by Nonresident District: | |
| Resident District LEA #: | Nonresident District LEA#: | |
| Student,s State Identification #: | | |
| Application | Accepted | Rejected |
| Reason for Rejection (If Applicable): | | |
| Date Notification Sent to Parent/Guardian of Applicant: | | |
| Date Notification Sent to Resident District : | | |

violations of teachers and fraudulent acts by Fiscal Officers to the State Board.

2.00 DEFINITIONS

For the purposes of these rules:

- 2.01 “Affected District” – A public school district that loses territory or students as a result of annexation, consolidation, or detachment.
- 2.02 “Applicant” – Includes any individual:
- 2.02.1 Applying for his or her first license to be issued by the State Board of Education;
 - 2.02.2 Applying for his or her ~~first~~ license renewal;
 - 2.02.3 Seeking initial employment in a licensed staff position with a public school district or open-enrollment public charter school;
 - 2.02.4 Seeking initial employment or non-continuous reemployment in a non-licensed staff position with a public school district, open-enrollment public charter school, or education service cooperative;
 - 2.02.5 Seeking initial employment as a Fiscal Officer of a public school district or open-enrollment public charter school; ~~or~~
 - 2.02.6 Seeking registered volunteer status pursuant to the Arkansas Registered Volunteers Program Act, Ark. Code Ann. § 6-22-101 et seq.; or
 - 2.02.7 Who is a preservice teacher.
- 2.03 “Breach of Fiduciary Trust” – the wrongful misappropriation by a person of any fund or property, which had lawfully been committed to him or her in a fiduciary character.
- 2.04 “Department” – Arkansas Department of Education.
- 2.05 “Educational entity” – means a school district, an open-enrollment public charter school, or an education service cooperative.

ADE 315-2

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NOTE FOR DRAFT PURPOSES ONLY: DOUBLE UNDERLINING AND DOUBLE STRIKETHROUGH INDICATES TEXT IS MOVED BUT UNCHANGED.

~~2.05~~2.06 “Employment” – Includes any contract of hire, whether written or oral, whether express or implied, for any type of work on behalf of an educational entity, whether full-time or part-time, and whether permanent or temporary.

~~2.05.1~~2.06.1 “Employment” also specifically includes without limitation:

~~2.05.1.1~~2.06.1.1 Service as a substitute teacher, whether paid or unpaid;

~~2.05.1.2~~2.06.1.2 Student teacher internships, whether paid or unpaid; and

~~2.05.1.3~~2.06.1.3 Volunteer work pursuant to the Arkansas Registered Volunteers Program Act, Ark. Code Ann. § 6-22-101 et seq.

~~2.06~~2.07 “Fiscal Officer” – Any licensed or non-licensed employee of a public school district, open-enrollment public charter school, or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of five thousand dollars (\$5,000), specifically including without limitation superintendents, Fiscal Officers and bookkeepers.

~~2.07~~2.08 “Fraud” – All acts, omissions and concealments involving a breach of a legal or equitable duty and resulting in damage to another.

~~2.08~~2.09 “Fraudulent Act” – An act:

~~2.08.1~~2.09.1 Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

~~2.08.2~~2.09.2 For which the actor has pleaded guilty or nolo contendere to or has been found guilty by any court in this state, by a court in another state, or by a federal court.

~~2.09~~2.10 “Initial employment” means the first time that an applicant has been employed by a public school district, open-enrollment public charter school, or education service cooperative.

~~2.10~~2.11 “Law enforcement officer” – A state police officer, a city police officer, a sheriff or a deputy sheriff.

~~2.142.12~~ “Letter of provisional eligibility” – A six-month, non-renewable letter of provisional eligibility for licensure issued by the State Board of Education to an applicant for first-time licensure during the period that a criminal records check and Child Maltreatment Central Registry check are being conducted.

~~2.142.13~~ “Non-continuous reemployment” means employment in a public school district, open-enrollment public charter school, or education service cooperative by an applicant who was previously employed by the same entity but not at any point during the immediately preceding school year.

~~2.132.14~~ “Non-licensed staff position” means a position with a public school district, open-enrollment public charter school, or education service cooperative, which position does not require the holder of the position to possess an Arkansas teacher’s license.

2.15 “Preservice teacher” means an unlicensed person admitted to a teacher preparation program approved by the Department that is offered by an institution of higher education in this state.

~~2.142.16~~ “Receiving or resulting public school district” – A public school district that is created or gains territory or students as the result of a consolidation, annexation, or detachment.

~~2.152.17~~ “State Board” – Arkansas State Board of Education.

3.00 LICENSURE, LICENSE RENEWALS, AND LICENSE REVOCATION

3.01 Unless a waiver is granted pursuant to this Section 3.0, the State Board shall not issue a license or license renewal to, and shall revoke, suspend, or place on probation the existing license of, any individual who:

3.01.1 Has pled guilty, pled nolo contendere to, or been found guilty of any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410;

3.01.2 Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410;

3.01.3 Has a true report in the Child Maltreatment Central Registry;

- 3.01.4 Holds a teaching or similar license obtained by fraudulent means;
- 3.01.5 Has had a teaching or similar license revoked in another state;
- 3.01.6 Intentionally compromises the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;
- 3.01.7 Has the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;
- 3.01.8 Fails to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;
- 3.01.9 Knowingly submits or provides false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit; or
- 3.01.10 Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period.

3.02 Before denying an application for licensure or renewal, or taking action against an existing license, the Department shall provide to the Applicant or licensee a written notice of the reason for the action and shall afford the Applicant or licensee the opportunity to request a hearing before the State Board.

~~3.02.1 A written request for hearing by the Applicant or local public school district board of directors must be received by the Department's Office of Legal Services no more than thirty (30) days after the receipt of the notice of denial or nonrenewal by the Applicant.~~

~~3.02.23.02.1~~ Upon receiving the written notice ~~that an application for licensure or license renewal is being denied for a cause set forth,~~ required by this section a person may:

~~3.02.2.13.02.1.1~~ Decline to answer the notice, in which case the application for licensure or license renewal will be deemed denied no less than thirty (30) days after the receipt of the notice of denial or nonrenewal by the Applicant. State Board shall hold a hearing to establish by a preponderance of the evidence that cause for the proposed action exists;

~~3.02.2.23.02.1.2~~ Contest the allegations of fact and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested;

~~3.02.2.33.02.1.3~~ Admit the allegations of fact and request a hearing before the state board to request a waiver; or

~~3.02.2.43.02.1.4~~ Stipulate or reach a negotiated agreement, which must be approved by the state board.

3.02.2 A preservice teacher who receives notice under this section and who desires to request a hearing before applying for licensure shall submit to the Department the following items with the written request for a hearing:

3.02.2.1 Proof of acceptance or enrollment in a teacher preparation program approved by the Department; and

3.02.2.2 A written recommendation from the teacher preparation program.

3.02.3 A written request for hearing by the Applicant, licensee, or board of directors of a school district or open-enrollment public charter school must be received by the Department's Office of Legal Services no more than thirty (30) days after the receipt of the notice of denial, nonrenewal, or other action by the Applicant or licensee.

~~3.02.2.53.02.3.1~~ If the person requesting a hearing fails to appear at the hearing, the hearing shall proceed in the manner described in Section ~~3.02.2.43.02.1.1~~ above.

- ~~3.03 — Before taking action against an existing license, the State Board shall provide by certified mail to the licensee a written notice of the reason for the action and the time, date, and location when the State Board will consider revocation.~~
- ~~3.03.1 — A written request for hearing by a licensee or a local public school district's board of directors must be received by the Department's Office of Legal Services no more than thirty (30) days after the receipt of the notice of revocation by the licensee.~~
- ~~3.03.2 — Upon written notice that a revocation, suspension, or probation is being sought by the State Board for a cause set forth, a person may:~~
- ~~3.03.2.1 — Decline to answer the notice, in which case the State Board may take action based upon proof submitted by the Department, if the State Board determines by a preponderance of the evidence that cause for the proposed action exists;~~
- ~~3.03.2.2 — Contest the allegations of fact and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested;~~
- ~~3.03.2.3 — Admit the allegations of fact and request a hearing before the State Board in mitigation of any penalty that may be assessed; or~~
- ~~3.03.2.4 — Stipulate or reach a negotiated agreement, which must be approved by the State Board.~~
- ~~3.03.2.5 — If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in Section 3.03.2.1 above.~~

3.03 Any hearing shall comply with the procedures set forth in Section 8.00 herein.

3.04 Circumstances for which a waiver may be granted after a hearing pursuant to Sections 3.02 or 3.03 shall include without limitation the following:

3.04.1 The age at which the crime or incident was committed;

- 3.04.2 The circumstances surrounding the crime or incident;
 - 3.04.3 The length of time since the crime or incident;
 - 3.04.4 Subsequent work history;
 - 3.04.5 Employment references;
 - 3.04.6 Character references; and
 - 3.04.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- 3.05 After a hearing, the State Board may ~~choose to~~take one (1) or more of the following actions:
- 3.05.1 Revoke a license permanently;
 - 3.05.2 Suspend a license for a terminable period of time or indefinitely;
 - 3.05.3 Place or grant a license on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed;
 - 3.05.4 Impose a monetary penalty not to exceed five hundred dollars (\$500.00) for each violation;
 - 3.05.5 Require a licensee to complete appropriate professional development programs, education courses, or both;
 - 3.05.6 Require a licensee to successfully complete a licensing examination, credentialing examination, or any other examination required by law or rule to obtain a permit, license, endorsement, or licensure area;
 - 3.05.7 Impose conditions or restrictions on the teaching or educational activities of the licensee;
 - 3.05.8 Impose any other requirement or penalty as may be appropriate under the circumstances of the case and which would achieve the Board's desired disciplinary purposes, but which would not impair the public health or welfare; or

3.05.9 Take no action against a license.

~~3.06 Any hearing shall comply with the procedures set forth in Section 8.00 herein.~~

3.06 If, after a hearing, the State Board approves a waiver for a preservice teacher:

3.06.1 The individual may obtain a license only upon:

3.06.1.1 Successful completion of the teacher preparation program; and

3.06.1.2 Fulfillment of all other requirements for licensure.

3.06.2 A waiver granted under this Section 3.06 shall also operate as a waiver under Ark. Code Ann. § 6-17-414 for the preservice teacher to work for a school district as a student teacher.

4.00 BACKGROUND CHECKS REQUIRED FOR LICENSURE AND SCHOOL EMPLOYMENT

4.01 Except as otherwise provided herein, ~~no-an~~ Applicant may not be issued a first-time license or ~~first time~~ license renewal, nor may an Applicant be employed by a public school district or open-enrollment public charter school, without the successful completion of a criminal records check and the successful completion of a Child Maltreatment Central Registry check as required by these Rules.

4.02 Applicants for a first-time license issued by the State Board:

4.02.1 Each first-time Applicant for a license issued by the State Board shall be required to apply to:

4.02.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.02.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

4.02.2 A background check for a first-time Applicant for a license obtained during the twelve (12) months before the license is

issued meets the requirement under 4.02.1 for the first-time Applicant.

4.02.3 The State Board may issue a six-month, non-renewable letter of provisional eligibility for licensure to a first-time ~~applicant~~ Applicant if the Applicant meets ~~meeting~~ all other qualifications, pending the results of the nationwide criminal records and Child Maltreatment Central Registry checks.

4.02.34.02.4 The Commissioner of Education may extend the period of provisional eligibility to the end of the contract year if:

4.02.3.14.02.4.1 The ~~applicant~~ Applicant is employed by a public school district or open-enrollment public charter school; and

4.02.3.24.02.4.2 Results of the nationwide criminal records check or Child Maltreatment Central Registry check are delayed.

4.02.44.02.5 The letter of provisional eligibility will immediately become invalid upon receipt of information that the Applicant has a true report on the Child Maltreatment Central Registry or information obtained from the criminal records check from the Arkansas State Police or the FBI, or other eligibility information, indicating that the applicant has pled guilty or nolo contendere to, or has been found guilty of, any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410.

4.02.54.02.6 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check.

4.03 Applicants for a ~~first-time~~ license renewal:

4.03.1 Each Applicant for ~~his or her first~~ license renewal after July 1, 1997, shall be required to apply to:

4.03.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.03.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

~~4.03.2 The Department shall pay from the Public School Fund any fee associated with the criminal records check at the time of first-time license renewal for employees of:~~

~~4.03.2.1 Arkansas public school districts;~~

~~4.03.2.2 Arkansas open enrollment public charter schools;~~

~~4.03.2.3 Other public education institutions located in Arkansas; and~~

~~4.03.2.4 The Arkansas Department of Education.~~

4.03.2 The Applicant should begin the process of obtaining the criminal records check and Child Maltreatment Central Registry check by **July 1** of the year in which the Applicant's license expires.

4.03.3 The State Board may issue a six-month, non-renewable letter of provisional eligibility for licensure to an Applicant for licensure renewal pending the results of the nationwide criminal records check if:

4.03.3.1 Child Maltreatment Central Registry check is cleared;

4.03.1.2 The criminal records check of the Arkansas State Police is cleared; and

4.03.1.3 The Applicant meets all other qualifications.

4.03.4 The Commissioner of Education may extend the period of provisional eligibility to the end of the contract year if:

4.03.4.1 The Applicant is employed by a public school district or open-enrollment public charter school; and

4.03.4.2 Results of the nationwide criminal records check are delayed.

4.03.5 The letter of provisional eligibility will immediately become invalid upon receipt of information obtained from the nationwide criminal records check from the FBI, or other

eligibility information, indicating that the applicant has pled guilty or nolo contendere to, or has been found guilty of, any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410.

- 4.03.3 ~~For all other Applicants, the~~This Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check.

4.03 Preservice teachers:

- 4.03.1 Each Applicant who is a preservice teacher shall apply to:

4.03.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.03.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

- 4.03.2 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check.

- 4.03.3 These rules do not require an institution of higher education to bar a student from enrollment due to a disqualifying criminal conviction or a true report in the Child Maltreatment Central Registry.

4.04 Applicants for employment in a licensed staff position:

- 4.04.1 Each Applicant for initial employment or non-continuous reemployment in a licensed staff position for ~~a public school district or open enrollment public charter school~~an educational entity shall be required as a condition of employment to apply to:

4.04.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.04.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

- 4.04.2 The board of directors of a receiving or resulting public school district in a consolidation, annexation, or detachment may waive the requirements of this Section 4.04 for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal records check conducted as a condition of the person's most recent employment with the affected district as required under this section.
- 4.04.3 ~~A public school district or open enrollment public charter school~~An educational entity shall not employ in a licensed staff position any individual who has a true report in the Child Maltreatment Central Registry, unless the State Board granted a waiver by awarding a license or renewal under Section 3.00 herein.
- 4.04.4 ~~A public school district or open enrollment public charter school~~An educational entity shall not employ in a licensed staff position any individual who has pled guilty, pled nolo contendere to, or been found guilty of any offense that will or may result in license revocation under Ark. Code Ann. § 6-17-410, unless the State Board granted a waiver by awarding a license or renewal under Section 3.00 herein.
- 4.04.5 ~~A public school district or open enrollment public charter school~~An educational entity may offer provisional employment to an affected Applicant pending receipt of the results of the nationwide criminal records or Child Maltreatment Central Registry checks.
- 4.04.6 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check, unless the ~~employing public school district or open enrollment public charter school's~~ board of directors of the employing educational entity chooses to pay the fees.

4.05 Applicants for employment in a non-licensed staff position:

- 4.05.1 Each Applicant for initial employment or non-continuous reemployment in a non-licensed staff position for ~~a public school district, open enrollment public charter school, or education service cooperative~~an educational entity, shall be required as a condition of employment to apply to:

4.05.1.1 The Identification Bureau of the Department of Arkansas State Police for a criminal records check; and

4.05.1.2 The Department of Human Services for a Child Maltreatment Central Registry check.

4.05.2 The board of directors of a receiving or resulting public school district in a consolidation, annexation, or detachment may waive the requirements of this Section 4.05 for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal records check conducted as a condition of the person's most recent employment with the affected district as required under this section.

4.05.3 ~~A public school district, open enrollment public charter school, or education service cooperative~~An educational entity shall not employ in a non-licensed staff position any individual who has a true report in the Child Maltreatment Central Registry or who has pled guilty or nolo contendere to, or has been found guilty of, any offense identified in Ark. Code Ann. § 6-17-414(b).

~~4.05.3.1 If an applicant for employment has been determined ineligible for employment because the applicant has a true report in the Child Maltreatment Central Registry, the local school board of directors shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.~~

~~4.05.3.2 The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.~~

~~4.05.3.3 The waiver may be requested by:~~

~~4.05.3.3.1 The hiring official;~~

~~4.05.3.3.2 The affected applicant; or~~

~~4.05.3.3.3 The person subject to dismissal.~~

~~4.05.3.4 Circumstances for which a waiver may be granted shall include without limitation the following:~~

- ~~4.05.3.4.1 The age at which the incident was committed;~~
- ~~4.05.3.4.2 The circumstances surrounding the incident;~~
- ~~4.05.3.4.3 The length of time since the incident;~~
- ~~4.05.3.4.4 Subsequent work history;~~
- ~~4.05.3.4.5 Employment references;~~
- ~~4.05.3.4.6 Character references; and~~
- ~~4.05.3.4.7 Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.~~

~~4.05.4 — A public school district, open enrollment public charter school, or education service cooperative shall not employ in a non-licensed staff position any individual who has pled guilty or nolo contendere to, or has been found guilty of, any offense identified in Ark. Code Ann. § 6-17-414(b).~~

~~4.05.54.05.4~~ 4.05.4 A public school district, open enrollment public charter school, or education service cooperative An educational entity may offer provisional employment to an affected Applicant pending receipt of the results of the nationwide criminal records or Child Maltreatment Central Registry checks.

~~4.05.64.04.5~~ 4.05.4.04.5 The Applicant shall be responsible for the payment of any fees associated with the criminal records check and Child Maltreatment Central Registry check, unless the board of directors of the employing ~~public school district, open enrollment public charter school, or education service cooperative~~ educational entity chooses to pay the fees.

~~4.05.74.05.6~~ 4.05.4.05.6 Notwithstanding the provisions of Section ~~4.05-6,4.04.5,~~ a ~~public school district or open enrollment public charter school~~ an educational entity may at its discretion require criminal records checks and Child Maltreatment Central Registry checks of existing non-licensed employees in the same manner as set forth herein, so long as the ~~district or~~

~~school~~ educational entity pays the full cost of the criminal records checks and Child Maltreatment Central Registry checks.

4.05.7 If an applicant for employment has been determined ineligible for employment because the applicant has a true report in the Child Maltreatment Central Registry, or has pled guilty or nolo contendere to, or has been found guilty of, any offense identified in Ark. Code Ann. § 6-17-414(b), the board of directors of the educational entity shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

4.05.7.1 The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

4.05.7.2 The waiver may be requested by:

4.05.7.2.1 The hiring official;

4.05.7.2.2 The affected applicant; or

4.05.7.2.3 The person subject to dismissal.

4.05.7.3 Circumstances for which a waiver may be granted shall include without limitation the following:

4.05.7.3.1 The age at which the incident was committed;

4.05.7.3.2 The circumstances surrounding the incident;

4.05.7.3.3 The length of time since the incident;

4.05.7.3.4 Subsequent work history;

4.05.7.3.5 Employment references;

4.05.7.4.6 Character references; and

4.05.7.3.7 Other evidence demonstrating that the applicant does not pose a threat to the

health or safety of school children or school personnel.

4.05.07.4 The board of directors of the educational entity may grant the waiver by adopting a written resolution identifying the applicant by name and listing the specific facts and circumstances for which the waiver is being granted.

4.05.7.4.1 A waiver request may be discussed and acted upon by the board of directors only in an open public meeting and not in an executive session.

4.05.07.4.2 After adopting the resolution, the board of directors shall immediately provide a copy of the resolution and waiver request to the Department.

5.00 BACKGROUND CHECK PROCEDURES

- 5.01 The criminal records check and Child Maltreatment Central Registry check required by these Rules shall be initiated by the submission to the Department of a release of information signed by the Applicant.
- 5.01.1 For the purposes of these Rules, a criminal records check shall consist of a statewide criminal records check to be conducted by the Department of Arkansas State Police and a nationwide criminal records check to be conducted by the Federal Bureau of Investigation.
- 5.01.2 Criminal records checks shall conform to the applicable federal or state standards and shall include the taking of fingerprints. The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.
- 5.01.3 Each applicant shall complete the State Police fingerprint card in the presence of a law enforcement officer, and shall have the law enforcement officer sign the fingerprint card and give his/her jurisdiction, the date and his/her badge number.
- 5.01.4 If a legible set of fingerprints, as determined by the Identification Bureau of the Department of Arkansas State Police, cannot be obtained after a minimum of three (3) attempts, the Department or the local public school district shall determine eligibility for licensure or employment based

upon a name check by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

5.01.5 To be valid for consideration, a criminal records check or Child Maltreatment Central Registry check must have been completed no earlier than twelve (12) months prior to the application for licensure, renewal, or employment.

5.02 Any information received by the Department from the Department of Arkansas State Police, the Department of Human Services, or the Federal Bureau of Investigation pursuant to these Rules shall not be available for examination except by the affected applicant or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

5.02.1 Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

5.02.2 Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

5.02.3 For Applicants seeking employment, the Department may disclose to the employing public school district, open-enrollment public charter school, or education service cooperative only whether the Applicant is eligible for employment.

5.03 ~~Employees of a public school district, open enrollment public charter school, or education service cooperative, whether new or existing, New or existing employees of an educational entity~~ who have a contract with or work for more than one (1) school district in one (1) school year shall be required to have only one (1) criminal records check and one (1) Child Maltreatment Central Registry check to satisfy the requirements of all employing school districts for that year.

6.00 REPORTING REQUIREMENTS FOR SUPERINTENDENTS AND CHARTER SCHOOL DIRECTORS

6.01 The superintendent of each public school district and the director of each open-enrollment public charter school shall report in writing by certified mail to the Department's Office of Legal Services the name of any

employee of the district or school, whether currently employed or previously employed at any time during the two (2) preceding school years, who:

- 6.01.1 Has pled guilty or nolo contendere, or has been found guilty, of any offense listed in Ark. Code Ann. §§ 6-17-410(c) or 6-17-414(b);
- 6.01.2 Holds a teaching or similar license obtained by fraudulent means;
- 6.01.3 Has had a teaching or similar license revoked in another state;
- 6.01.4 Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department;
- 6.01.5 Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department, the State Board, or the Division of Legislative Audit; or
- 6.01.6 Has a true report in the Child Maltreatment Central Registry.

- 6.02 The superintendent of each public school district and the director of each open-enrollment public charter school shall report in writing by certified mail to the Department's Office of Legal Services the name of any Fiscal Officer of the district or school, whether currently employed or previously employed at any time during the two (2) preceding school years, who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act.
- 6.03 Failure of a superintendent to report a violation by certified mail within five (5) calendar days of knowledge as listed in Section 6.01 may result in sanctions imposed by the State Board, including but not limited to loss of accreditation.

7.00 FISCAL OFFICERS

- 7.01 In addition to the requirements of Section 4.00, ~~a public school district, open enrollment public charter school, or education service cooperative~~an educational entity shall not employ as a Fiscal Officer any individual who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act.

- 7.02 A currently-employed Fiscal Officer of ~~a public school district or open-enrollment public charter school~~an educational entity who has pled guilty or nolo contendere to, or has been found guilty of, a fraudulent act shall be dismissed from employment with the ~~district or school~~educational entity.
- 7.02.1 Within five (5) days of knowledge of the plea or conviction, the ~~district or school~~educational entity shall serve written notice of termination on the Fiscal Officer in person or by certified mail. The notice shall advise the Fiscal Officer of his or her right to a hearing before the State Board.
- 7.02.2 The Fiscal Officer may, within thirty (30) days of service of the written notice of termination, request a hearing before the State Board by sending a written request via certified mail to the Department's Office of Legal Services.
- 7.02.3 If the Fiscal Officer does not timely request a hearing before the State Board, termination shall become effective thirty (30) days after the date of service of the written notice of termination.
- 7.02.4 Termination of employment pursuant to this subsection shall not be subject to the requirements of the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq. or the Public School Employee Fair Hearing Act, Ark. Code Ann. § 6-17-1701 et seq.
- 7.03 Any individual found ineligible for employment or dismissed from employment under Section 7.00 may, within thirty (30) days of service of the written notice of denial of employment or written notice of termination, request a hearing before the State Board by sending a written request via certified mail to the Department's Office of Legal Services.
- 7.04 Circumstances for which a waiver may be granted shall include without limitation the following:
- 7.04.1 The age of the Fiscal Officer at the time the criminal act occurred;
- 7.04.2 The length of time since the conviction;
- 7.04.3 Whether the Fiscal Officer has pled guilty or nolo contendere to, or has been found guilty of, any other criminal violations since the original conviction;

- 7.04.4 Whether the original conviction was expunged or pardoned; and
- 7.04.5 Any other relevant facts.
- 7.05 The hearing shall follow the procedures set forth in Section 8.00 of these Rules.
- 7.06 After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to the Fiscal Officer or Applicant and the Superintendent of the affected school district.

8.00 STATE BOARD HEARING PROCEDURES

- 8.01 Each party shall exchange exhibits and witness lists thirty (30) calendar days before the scheduled hearing date, unless both parties agree to a shorter period of time.
- 8.02 Requests for subpoenas must be received in the Office of Legal Counsel not less than ten (10) calendar days before the hearing date.
- 8.03 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Department of Education. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.
- ~~8.02~~8.04 Each party will be given ~~forty (40)~~twenty (20) minutes to present their cases, beginning with the representative of the Department of Education. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their cases.
- ~~8.03~~8.05 Every witness giving oral testimony must be sworn under oath by the court reporter and shall be subject to direct examination, cross examination, and questioning by the State Board.
- ~~8.04~~8.06 For the purposes of the record, documents offered during the hearing by the Department of Education shall be clearly marked in sequential, numeric order (1, 2, 3).
- ~~8.05~~8.07 For the purposes of the record, documents offered during the hearing by the appealing public school district, open-enrollment public charter school, Applicant, or licensee shall be clearly marked in sequential, alphabetic letters (A, B, C).

~~8.068.08~~ The Department of Education shall have the burden of proving, by a preponderance of the evidence, that cause for the proposed licensure action exists, and that the recommended disposition from the Department be adopted.

~~8.078.09~~ While the scope of each party's presentation ultimately lies within the Board Chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.

~~8.088.10~~ After both parties have presented their cases, the State Board may allow each party to present limited rebuttal testimony.

~~8.098.11~~ After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to each party, each party's attorney, and the superintendent or director of any interested public school district or open-enrollment public charter school.

~~8.108.12~~ The Board's written decision shall constitute the final agency action for purposes of judicial review pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE ~~NON-TRADITIONAL~~
~~LICENSURE PROGRAM~~NONTRADITIONAL LICENSURE PROGRAMS
~~June 2012~~ _____, 2013

1.0 PURPOSE

1.01 The purpose of these rules is to establish the requirements and procedures for obtaining teacher licensure through the Arkansas Department of Education (ADE) ~~Non-Traditional Licensure Program~~Nontraditional Licensure Programs.

2.0 REGULATORY AUTHORITY

2.01 These rules shall be known as the Arkansas Department of Education Rules Governing The ~~Non-Traditional~~Nontraditional Licensure ~~Program~~Programs.

2.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-17-401, 6-17-409 and 25-15-204; and ~~Act 1178 of 2011~~Acts 413 and 454 of 2013.

3.0 DEFINITIONS

For the purpose of these Rules the following terms shall be defined to mean:

3.01 Accelerated Teaching Program - a program intended for college graduates that provides intensive training and support for a period of two (2) or more years for teaching and leading in schools, including the Teach for America program, the Arkansas Teacher Corps program offered by the University of Arkansas at Fayetteville, or another accelerated teaching program approved by the Department.

3.02 Area of Licensure - a particular content field as approved by the State Board of Education.

3.03 Arkansas Professional Pathway to Educator Licensure Program (APPEL) - the program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and have passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas public school with a Provisional Teaching License. The program requirements consist of two (2) years of teaching and instructional modules, which must be completed within three (3) years.

3.02 3.04 Induction - the period of time beginning with a teacher's first employment as the teacher of record in an Arkansas public school, cooperative or agency that requires an Arkansas teaching license. The novice teacher, ~~operating~~

~~under an Initial License~~, is provided mentoring support and accelerated professional development during the ~~Initial~~ license period.

~~**3.03 Initial Teaching License**—a three-year teaching license, issued by the State Board of Education, which allows one to teach in Arkansas public schools and is issued only in areas and levels of licensure as approved by the State Board of Education.~~

3.043.05 Level of Licensure - the grade/age level parameter of the teaching license content area as approved by the State Board of Education.

3.053.06 Mentor - a licensed master teacher with a minimum of three (3) years of successful teaching experience who is trained in the state-adopted mentoring model. ~~Mentors are assigned in their districts to assist a novice teacher by providing focused feedback with regard to instructional skills, classroom management and professional behaviors.~~

3.063.07 Mentoring - the act of a certified mentor providing support and focused feedback to a novice teacher (through the state-adopted mentoring model) with the goal of ~~enhanced~~enhancing instructional skills, ~~competency~~classroom management, and professional ~~development~~behavior.

~~**3.07 Non-Traditional Licensure Program (NTLP)**—the program administered by the Arkansas Department of Education, whose participants hold a minimum of a baccalaureate degree (and have passed the appropriate state-mandated assessments) and are allowed to teach in an Arkansas school via a Provisional license. The program requirements consist of two years of teaching and instructional modules, which must be completed within three years~~

3.08 Nontraditional Licensure Program - an alternative licensure program under these rules, including the Arkansas Professional Pathway to Educator Licensure program, the Professional Provisional Teaching License, the Accelerated Teaching Program Provisional and Standard Teaching License, and the Master's Degree in Teaching Provisional and Standard Teaching License.

~~**3.08 Non-Traditional Provisional License**—the provisional teaching license issued to participants in the Non-Traditional Licensure Program.~~

3.09 Novice Teacher - any licensed teacher-of-record with less than one (1) year of public school, or accredited private school, classroom-teaching experience, not including student internship or substitute teaching.

~~**3.10 Performance Assessment**—an assessment tool used for evaluation of the classroom performance of a novice teacher, conducted by a trained assessor who~~

~~utilizes a framework of essential teaching skills in which the novice teacher must demonstrate competency in an authentic classroom setting.~~

~~**3.11 Professional Teaching Permit**—a one-year permit issued to an experienced professional to teach one or two classes per semester as teacher-of-record in an Arkansas public school. This may be issued under the auspices of the Non-Traditional Licensure Program to any active or retired professional with at least three years of experience in the field related to the teaching/licensure subject area.~~

3.123.10 Program of Study - a curriculum offered at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The program requires a candidate to demonstrate and document competency in the specific knowledge, skills and dispositions for a particular licensure area and level.

3.133.11 Provisional Professional Teaching License - a three-year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher-of-record in an Arkansas public school.

3.143.12 Provisional Teaching License - a temporary teaching license available to candidates who have not completed all requirements for the ~~Initial or~~ Standard Arkansas teaching license. A Provisional Teaching License is subject to revocation for failure to complete annual requirements for the applicable nontraditional licensure program.

3.153.13 Standard Teaching License - a five-year renewable license, issued by the State Board of Education, which allows one to teach in Arkansas public schools under these rules and under the Rules Governing Educator Licensure. ~~The Standard License is issued to:~~

~~**3.15.1** Initial License holders who have successfully completed the state required induction for novice teachers and the performance assessment.~~

~~**3.15.2** Provisional License holders who have successfully completed the Non-Traditional Licensure Program (including all appropriate assessments) and the state required induction for novice teachers.~~

~~**3.15.3** Teachers who have completed all requirements for standard licensure through reciprocity.~~

~~**3.15.4** Individuals holding a Provisional Professional Teaching License who complete the requirements set forth in Section 5.05 of these Rules.~~

~~3.15.5~~ Teach for America participants who complete the requirements set forth in Section 10.0 of these Rules.

~~3.15.6~~ Individuals receiving a master's degree in teaching who complete the requirements set forth in Section 11.0 of these Rules.

3.163.14 **Teach for For America** – the nationally-established program operated by Teach for America, Inc., consisting of recent college graduates and professionals of all academic majors and career interests who commit to a minimum of two (2) consecutive years of classroom teaching in a low-income urban or rural public school.

3.173.15 **Teacher of Record** - an individual (or individuals in co-teaching assignments) who has been assigned the lead responsibility for a student's learning in a subject/course with aligned performance measures.

4.0 **REQUIREMENTS FOR ~~ADMISSION TO THE NTL PROGRAM~~ OBTAINING AN APPEL PROVISIONAL AND STANDARD TEACHING LICENSE**

4.01 The following is required for admission to the ~~NTL-APPEL~~ program:

4.01.1 A completed ~~Non-Traditional Licensure Program APPEL program~~ application with all required accompanying documentation.

4.01.2 Official transcript(s) documenting an awarded four-year college bachelor's degree or higher from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

4.01.2.1 For out-of-country candidates, an official college transcript evaluation from a private credential evaluation agency documenting that the bachelor's degree is equivalent to a four-year degree from an institution of higher learning in the United States that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The ~~degree is to be evaluated by a private credential evaluation agency. This evaluation by a private credential evaluation agency~~ must be a course-by-course-evaluation prepared in English indicating the candidate's major course of study to include documentation of the candidate's cumulative Grade Point Average (GPA).

4.01.3 Documentation of a minimum cumulative undergraduate or graduate grade point average (GPA) of 2.50 or a minimum GPA of 2.75 ~~on~~ for the last 60 credit hours of coursework.

4.01.3.1 Candidates for the ~~NTLP-APPEL program~~ may be exempt from the standard minimum GPA requirement if all the following conditions are met:

4.01.3.1.1 Have at least fifteen (15) years of experience in the field related to the teaching/licensure subject area.

4.01.3.1.2 Demonstrate a minimum of a 2.0 undergraduate or graduate grade point average.

4.01.3.1.3 Submit one (1) letter of justification from the applicant expressing the relevance of the applicants' credentials to teach the subject in question.

4.01.3.1.4 Have two (2) professional letters of recommendation submitted by references to the ~~NTL-office~~ Office of Educator Effectiveness.

4.01.3.1.5 Complete the regular ~~NTL-APPEL program~~ application process.

4.01.4 An official score report reflecting passing scores, as approved by the State Board of Education, on the following state required assessments:

4.01.4.1 The basic skills assessment (all parts).

4.01.4.1.1 If a candidate holds a Master's Degree or above, and has taken the graduate level assessment, and has scored at or above the State Board established cut-score/minimum passing score, that assessment shall be accepted in lieu of the basic skills assessment(s).

4.01.4.2 The state required subject-content-area assessment(s) for the specific licensure area(s) sought.

4.01.5 Documentation of passing the required background checks by the Child Maltreatment Central Registry, Arkansas State Police and the Federal Bureau of Investigation as required by Ark. Code Ann. § 6-17-410.

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4.01.6 Payment of the ~~Non-Traditional Licensure~~ APPEL Program Fee which is established by the State Board of Education pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).

4.01.7 Applicable college/university coursework (in advance) from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. Required coursework includes:

4.01.7.1 Three (3) college credit-hours of Arkansas History (in advance) for the licenses of: ~~Early Childhood Education (P-4)~~, Middle Childhood Education (4-8), and Social Studies (7-12). Ark. Code Ann. § 6-17-418

4.01.7.2 Six (6) college credit-hours in Methods of Teaching Reading (in advance, completed with a grade of “C” or better) for the ~~licenses of: Early Childhood Education (P-4) and/or~~ Middle Childhood Education (4-8) license.

~~5.0 — PROFESSIONAL TEACHING PERMIT OR LICENSE~~

~~5.01 — A Professional Teaching Permit (PTP):~~

~~5.01.1 Is a one-year permit issued to an experienced professional for the purpose of teaching one or two classes per semester as teacher of record in an Arkansas public school.~~

~~5.01.2 Is issued for licensure content areas in grades 7-12 only.~~

~~5.01.3 Any candidate who teaches for three (3) years with a PTP and applies to the Non-Traditional Licensure Program (NTLP) would be eligible for the NTLP “one-year” track.~~

~~5.02 — To obtain a Professional Teaching Permit a candidate must:~~

~~5.02.1 Hold a bachelor’s degree with a minimum of three years of working experience in the content area of the class to be taught.~~

~~5.02.2 Be offered employment to teach one (1) or no more than two (2) regularly scheduled, for credit classes in an AR public school.~~

- ~~5.02.3~~ Submit to the Office of Teacher Quality a complete PTP application.
- ~~5.02.4~~ Submit one (1) letter of justification from the applicant expressing the relevance of the applicants' credentials to teach the subject in question.
- ~~5.02.5~~ Have two (2) professional letters of recommendation submitted by references to the Office of Teacher Quality.
- ~~5.02.6~~ Pass the appropriate state mandated content knowledge assessment(s) for the class to be taught.
- ~~5.02.7~~ Pass a criminal background check and Child Maltreatment Central Registry check.
- ~~5.02.8~~ Successfully complete a thirty (30) hour PTP pedagogy training within the first year of teaching. Reinforcement of pedagogical skills will be scheduled as needed by the ADE, Office of Teacher Quality.

~~5.03~~ A Provisional Professional Teaching License (PPTL):

- ~~5.03.1~~ Is a three year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher of record in an Arkansas public school.
- ~~5.03.2~~ Is issued for a licensure content area(s).

~~5.04~~ To obtain a Provisional Professional Teaching License a candidate must:

- ~~5.04.1~~ Hold a bachelor's degree from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.
- ~~5.04.2~~ Have a minimum of three (3) years of working experience in the content area of the class to be taught.
- ~~5.04.3~~ Be offered employment to teach classes for credit in an Arkansas public school.
- ~~5.04.4~~ Submit one (1) letter of justification from the applicant expressing the relevance of the applicant's credentials to teach the subject in question.
- ~~5.04.5~~ Have two (2) professional letters of recommendation submitted by references to the Office of Educator Effectiveness.

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~~5.04.6~~ Pass all appropriate state mandated basic skills and content knowledge assessment(s) for the specific licensure area(s) sought.

~~5.04.7~~ Pass all appropriate state mandated pedagogical assessment(s).

~~5.04.8~~ Pass a criminal background check and Child Maltreatment Central Registry check.

~~5.05~~ To obtain a Standard Teaching License, an individual holding a Provisional Professional Teaching License must:

~~5.05.1~~ Undergo a summative evaluation at the end of three (3) years of provisional licensure;

~~5.05.2~~ Submit passing scores on the state required pedagogical assessment or its substantial equivalent for the content area in which the applicant seeks to teach;

~~5.05.2.1~~ The assessment shall be administered no earlier than the completion of the first academic school year of teaching and before the expiration of the three-year provisional license.

~~5.05.3~~ Pay applicable licensure fees as established by the State Board of Education pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).

~~6.0~~ ~~REQUIREMENTS FOR OBTAINING A NON-TRADITIONAL PROVISIONAL TEACHING LICENSE~~

~~6.014.02~~ To obtain a Provisional Teaching License through NTLP APPEL a candidate must:

~~6.01.14.02.1~~ Be admitted into the Arkansas Department of Education's Non-Traditional Teacher Licensure Program (NTLP) APPEL program;

~~6.01.24.02.1~~ Be assigned to an APPEL program satellite site for instructional modules and Successfully successfully complete all required APPEL program instructional modules, including the summer instructional modules.

~~4.02.1.1~~ To maintain the Provisional Teaching License, the candidate must continue and successfully complete the school year instructional modules; and

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6.01.34.02.3 Document ~~appropriate~~ employment as a teacher-of-record, teaching a minimum of ~~five~~three (3) hours per day in the appropriate licensure area(s), with a certified mentor approved by the ADE in an Arkansas public school ~~or a private school within the state of Arkansas accredited by a nationally recognized accrediting association~~ during the provisional licensure period of one (1) year if participating in the one-year APPEL program track or two (2) years if participating in the two-year APPEL program track.

6.01.3.1 ~~If employment is not secured by September 1, of the year of admission into the NTLP, the participant shall accept teaching employment (if offered) working in conjunction with the ADE Office of Teacher Recruitment.~~

6.01.3.2 ~~If the candidate does not accept said employment, he or she may be administratively withdrawn from the program.~~

6.01.3.34.02.3.1 ~~If appropriate employment is not found by the candidate or the Office of Teacher Recruitment secured by October 1 of the year of admission into the APPEL program,~~ the candidate shall be maintained on “hold” (one year only), until the following year.

6.01.3.44.02.3.2 A candidate on “hold” shall not be issued a license and shall be required to teach the following year. (The candidate shall still be required to complete two (2) years of teaching within a three-year period.);

4.02.4 Be mentored according to the Arkansas Department of Education Rules Governing Educator Licensure;

4.02.5 Pass the appropriate state-mandated pedagogical assessment;

4.02.5.1 If the pedagogical assessment is not successfully completed within the ~~NTLP-APPEL~~ program period, ~~a subsequent license will not be issued~~the Provisional Teaching License will be revoked. The participant will be allowed to attend ADE-scheduled remedial sessions for one (1) year, during which time the participant may attempt to pass the assessment and, if successful, will be issued an Initial Licensea Standard Teaching License.

4.02.5.2 ~~If the pedagogical assessment is not successfully completed within the remedial year as provided under Section 4.02.5.1, the participant will be administratively withdrawn from the program.~~

4.02.6 ~~Adhere to and abide by all the policies and procedures as outlined in the published APPEL Program Handbook for the year of admission.~~

6.024.03 ~~A one-year Provisional teaching license is: A two-year Provisional Teaching License is issued to an APPEL program participant at the beginning of the first year of participation in the program.~~

6.02.1 ~~Issued to NTL participants at the beginning of each year of the program;~~

6.02.2 ~~Effective as of August first of the year of issue; and~~

6.02.3 ~~Active for one year.~~

6.034.04 ~~A Provisional licenses are Teaching License under the APPEL program is issued to participants a participant (in one (1) license area, (except as follows) based upon the areas and levels of teaching assignment approved by the State Board of Education.~~

4.04.1 ~~A Middle School APPEL participant must be licensed in two (2) or more of the four (4) middle school content areas of math, science, social studies, and language arts, and may have one (1) or more endorsements approved by the State Board of Education.~~

6.03.14.04.2 ~~Secondary NTLP participants teaching in the content licensure areas of Mathematics, English, Science, Social Studies, Speech/ Drama, or any Foreign Language may be issued a license in two (2) of these areas A Secondary APPEL participant may be issued a Provisional Teaching License secondary licensure content or in one (1) license content area with one (1) endorsement added.~~

6.03.1.14.04.2.1 ~~Participants may be licensed in both areas if they have~~ To be licensed in two (2) areas, a Secondary participant must have successfully completed all state-mandated content specific licensure Praxis exams assessments for both areas, and have-have a teaching assignment, in both licensure areas. (Those candidates A participant wishing to add social studies must also complete the required three (3)

college credit-hours of Arkansas History, in advance of licensure.)

~~6.03.1.2~~ — A Journalism endorsement may be added as the second area of licensure to any of these five areas if the required program of study for Journalism has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in Journalism.

~~6.03.1.3~~ — An English Second Language (ESL) endorsement (grades 7-12) may be added as the second area of licensure to any of these five areas if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed (including the required Praxis II assessment) and the teacher has a teaching assignment in ESL.

~~6.03.2~~ — An ESL endorsement (P-8) may be added to an Early Childhood (P-4) or Middle Childhood (4-8) provisional license if the required program of study for ESL, or the ESL Academy for college credit, has been successfully completed and the teacher has a teaching assignment in ESL.

~~6.03.2.1~~ — The ESL endorsement does not allow teachers licensed in Early Childhood or Middle Childhood to “test out” in any Secondary Licensure area.

~~6.03.3~~ — A Coaching endorsement may be added as the second area of licensure to any license area if the required program of study for Coaching and the appropriate Praxis II assessment are successfully completed and the teacher has a position that requires a Coaching endorsement.

~~4.04.2.2~~ — A Secondary participant with one (1) licensure area may add one (1) endorsement if the participant completes the required program of study, if applicable for the endorsement, successfully completes the state-mandated assessment for the endorsement, and has a teaching assignment in the endorsement area.

~~6.044.05~~ — NTPP participants-An APPEL participant may not file an ALP or teach in an out-of-licensure area while enrolled in the NTPP/APPEL program.

~~7.0 — GENERAL POLICIES AND PROCEDURES RELATING TO THE NON-TRADITIONAL PROVISIONAL TEACHING LICENSE~~

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7.014.06 There are two (2) tracks in the NTLPAPPEL program; a one-year program or a two-year program.

7.01.14.06.1 Candidates with a four-year degree who have completed a program of study in the field of Education (all coursework with the exception of Student Teaching) may be eligible to complete a one-year program if their degree was awarded within five (5) years of the date of application.

7.01.24.06.2 Candidates with a four-year degree, who have not completed a program of study in the field of Education, or those whose Education degree was awarded more than five (5) years before the date of application, must complete a two-year program.

~~7.02 Participants in the Non-Traditional Licensure Program shall:~~

~~7.02.1 Be employed as the teacher of record in an Arkansas school;~~

~~7.02.2 Teach a minimum of five hours per day in their licensure area(s);~~

~~7.02.2.1 Teach for one year, if in the one-year program; or~~

~~7.02.2.2 Teach for two years, if in the two-year program;~~

~~7.02.3 Be assigned to, and attend a Non-Traditional Licensure Program satellite site for instructional modules;~~

~~7.02.4 Be mentored according to the Arkansas Department of Education Teacher Induction Guidelines;~~

~~7.02.5 Complete all instructional modules prescribed by the Arkansas Department of Education;~~

~~7.02.6 Pass the appropriate state-mandated pedagogical assessment; and~~

~~7.02.7 Adhere to and abide by all the policies and procedures as outlined in the published NTL Handbook for the year of admission.~~

~~7.03 The required NTL program prescribed by the Arkansas Department of Education includes:~~

~~7.03.1 Required Instructional Modules during the summer;~~

~~7.03.2 Required Instructional Modules during the school year;~~

~~7.03.3 Development of a professional portfolio;~~

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~~7.03.4~~ Novice Teacher Induction (which includes Mentoring by a trained and certified mentor); and

~~7.03.5~~ Teaching a minimum of five hours per day (or the equivalent) in the licensure area(s).

~~7.04-4.07~~ Successful completion of the Non Traditional Licensure Program may yield either an Initial or a Standard Teaching license: A Standard Teaching License will be issued to an APPEL participant upon the participant's successful completion of the APPEL program.

~~7.04.1~~ To receive an Initial teaching license, the participant shall:

~~7.04.1.1~~ Complete all NTL program requirements prescribed by the Arkansas Department of Education, and

~~7.04.1.2~~ Pass the appropriate state mandated pedagogical assessment(s).

~~7.04.2~~ To receive a Standard teaching license, the participant shall:

~~7.04.2.1~~ Complete all NTL program requirements prescribed by the Arkansas Department of Education;

~~7.04.2.2~~ Pass the appropriate state mandated pedagogical assessment(s); and

~~7.04.2.3~~ Successfully complete Induction.

~~7.04.3~~ If the pedagogical assessment is not successfully completed within the NTLP program period, a subsequent license will not be issued. The participant will be allowed to attend ADE scheduled remedial sessions for one year, during which time the participant may attempt to pass the assessment and, if successful, will be issued an Initial License.

~~7.04.4~~ If the pedagogical assessment is not successfully completed within the remedial year, the participant will be administratively withdrawn from the program.

~~7.054.08~~ Annual enrollment in the NTL-APPEL program may be limited by:

~~7.05.14.08.1~~ Licensure requirements.

~~7.05.24.08.2~~ Licensure area and level of candidates (shortage areas may be given preference).

~~7.05.34.08.3~~ Program capacity (in which case applications will not be accepted after capacity is reached).

~~8.0 — RULES PERTAINING TO NOVICE TEACHER INDUCTION FOR NON-TRADITIONAL NOVICE TEACHERS~~

~~8.01 — All Arkansas School Districts shall implement, support, and monitor the quality of mentoring as outlined in ADE Induction Guidelines and the district's approved plan for mentoring.~~

~~8.01.1 — Implementation of the district mentoring plan shall include:~~

~~8.01.1.1 — Selecting mentor candidates according to the Arkansas Mentor Qualifications form; and~~

~~8.01.1.2 — Providing a trained mentor for each NTL enrollee.~~

~~8.01.2 — Support includes:~~

~~8.01.2.1 — Providing a minimum of two (2) hours every two weeks of released time (on average) during the contract day for the mentor and novice teacher to work together;~~

~~8.01.2.2 — Assisting the novice and mentor to schedule focused observations and professional development activities; and~~

~~8.01.2.3 — Providing activities for mentors and novice teachers, which engage them in collaborative dialogue, problem solving, and professional development~~

~~8.01.3 — Monitoring of the quality of the district program is achieved by review of the required mentoring documentation by the District Project Director.~~

~~8.01.4 — All observation documents shall be collected and maintained by the District's Project Director. At the end of the school year, the Professional Growth Plan and Observation forms shall become the sole possession of the Novice Teacher and shall not be utilized for employment decisions or employment evaluation decisions.~~

~~8.02 — Mentoring observational information shall not be utilized in any way to make employment decisions unless students are at risk, either physically or emotionally.~~

~~9.0 — GENERAL POLICIES PERTAINING TO LICENSES~~

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- ~~9.01~~— NTL participants are issued the Provisional License in level(s)/area(s) of licensure based on having passed the assessment(s) in that licensure level(s)/area(s) and securing appropriate teaching employment in that level(s)/area(s) in accordance with the published NTL Handbook for the year of admission.
- ~~9.02~~— NTL participants will be issued either the Initial or Standard Teaching License in the level(s)/area(s) of licensure based on having passed the assessment(s) in that licensure level(s)/area(s) and successfully completing two years of employment in that level(s)/area(s) in accordance with the published NTL Handbook for the year of admission. (One year of teaching is permitted for those candidates who have been identified in the “one year” program).
- ~~9.03~~— NTL teachers must teach in a traditional classroom setting. An ESL endorsement is granted to allow the NTL teacher to work with ELL students in the regular classroom environment. (This excludes the NTL teacher from being assigned to a transitional or any other non-regular classroom setting.)
- ~~9.04~~— Teachers who need a duplicate Arkansas teaching license must submit a completed application form (indicating “duplicate”) to the Office of Professional Licensure.
- ~~9.04.1~~— A duplicate license will be issued only for a license that is current.
- ~~9.05~~— All information and documentation submitted for an Arkansas Teacher License must be timely, accurate, authentic and unaltered in any way.
- ~~9.05.1~~— Any license issued as a result of information submitted that is not in compliance with section 9.05 will be null and void and shall be rescinded by the Office of Professional Licensure, as authorized by the State Board of Education.
- ~~9.06~~— The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to amend and/or rescind any Arkansas Teacher License that has been issued in error.
- ~~9.07~~— The Office of Professional Licensure, as authorized by the State Board of Education, reserves the right to non-renew a Non-Traditional Provisional License if the licensee does not successfully complete the required preparation modules, and non-renewal is recommended by the Non-Traditional Licensure Office. The Office of Professional Licensure shall not convert a provisional license to an initial license if the candidate fails to meet all criteria of the NTL program.

~~5.0~~ PROVISIONAL PROFESSIONAL TEACHING LICENSE

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5.01 A Provisional Professional Teaching License (PPTL):

5.01.1 Is a ~~nonrenewable~~ three-year provisional license issued to an experienced professional for the purpose of teaching on a part-time or full-time basis as teacher-of-record in an Arkansas public school.

5.01.2 Is issued for ~~gone (1) or more~~ licensure content ~~area(s); areas.~~

5.02 To obtain a Provisional Professional Teaching License a candidate must:

5.02.1 Hold a bachelor's degree from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

5.02.1.1 The candidate must provide documentation of a minimum cumulative undergraduate or graduate grade point average (GPA) of 2.50 or a minimum GPA of 2.75 for the last 60 credit hours of coursework.

5.02.2 Have a minimum of three (3) years of working experience in the content area of the class to be taught.

5.02.3 Be offered employment to teach classes for credit in an Arkansas public school.

5.02.4 Submit one (1) letter of justification from the applicant expressing the relevance of the applicants' credentials to teach the subject in question.

5.02.5 Have two (2) professional letters of recommendation submitted by references to the Office of ~~Professional Licensure~~ Educator Licensure.

5.02.6 Pass all appropriate state-mandated ~~basic skills and~~ content-knowledge assessment(s) for the specific licensure area(s) sought.

~~Pass all appropriate state-mandated pedagogical assessment(s).~~

5.02.7 Pass a criminal background check and Child Maltreatment Central Registry check.

5.03 An individual who receives a three-year Provisional Professional Teaching License shall complete, in the first year of provisional licensure, twenty-four (24) hours of training in pedagogy as determined by the Department of Education.

5.03.1 The twenty-four (24) hours of training in pedagogy are in addition to and not considered a part of the sixty (60) hours of professional development required for a Standard Teaching License.

5.04 To obtain a Standard Teaching License, an individual holding a Provisional Professional Teaching License must:

5.04.1 Undergo a summative evaluation at the end of three (3) years of provisional licensure;:

5.04.1.1 The applicant must have been identified by the employing school district as proficient or above on the summative evaluation.

5.04.2 ~~Successfully complete a performance assessment that includes student achievement~~Submit passing scores on the state-required pedagogical assessment or its substantial equivalent for the content area in which the applicant seeks to teach;:

5.04.2.1 The assessment shall be administered no earlier than the completion of the first academic school year of teaching and before the expiration of the three-year provisional license.

5.04.3 Provide a recommendation from the superintendent of the employing school district for full licensure; and

5.04.4 Pay applicable licensure fees as established by the State Board of Education pursuant to Ark. Code Ann. § 6-17-422(h)(3)(C).

10.0-6.0 TEACH FOR AMERICA ACCELERATED TEACHING PROGRAM PROVISIONAL AND STANDARD LICENSURE

10.016.01 ~~A Teach for America Provisional License is a provisional license issued to participants in Teach for America and is valid for up to two (2) years as long as the individual~~ An Accelerated Teaching Program Provisional License is a two-year nonrenewable provisional teaching license issued to a participant in an accelerated teaching program who meets the following criteria:

- 10.01.16.01.1** Is a participant in ~~Teach for America~~ accelerated teaching program;
- 10.01.26.01.2** Passes a criminal background check and Child Maltreatment Central Registry check;
- 10.01.36.01.3** Submits an official score report reflecting passing scores, as approved by the State Board of Education, on all appropriate state-mandated content knowledge assessment(s) for the specific licensure area(s) sought;
- 10.01.46.01.4** Is teaching in an Arkansas public school; and
- 10.01.56.01.5** Successfully completes three (3) college credit-hours of Arkansas History, if required by the grade level or content area in which the participant is teaching, at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation, within one (1) year of the issuance of the provisional license.
- 10.026.02** So long as an individual possesses a Teach for America Provisional License, the individual must participate in mentoring as provided in ~~Section 8.0 of these Rules~~ the Rules Governing Educator Licensure, or ~~its a~~ substantial equivalent as offered by Teach for America offered by the accelerated teaching program and approved by the Department.
- 10.036.03** To obtain a Standard Teaching License, an individual ~~holding a Teach for America Provisional License~~ who has completed an accelerated teaching program must:
- 10.03.16.03.1** Submit an application for licensure;
- 10.03.26.03.2** Furnish evidence of successful completion of the ~~two-year Teach for America~~ accelerated teaching program;
- 10.03.36.03.3** Pass a criminal background check and Child Maltreatment Central Registry check;
- 10.03.46.03.4** Submit an official score report reflecting passing scores, as approved by the State Board of Education, on all appropriate state-mandated pedagogical and content-area assessment(s); and

~~10.03.56.03.5~~ If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of three (3) college credit-hours of Arkansas History at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

~~10.03.66.03.5.1~~ A one-year, non-renewable ~~provisional teaching license shall be~~ Provisional Teaching License available for an applicant who has completed an accelerated teaching program, but who has never held a ~~Teach for Americaan Accelerated Teaching Program~~ Provisional License under Section ~~10.016.01~~ and who has not completed the three-hour Arkansas History course, but who meets the remaining ~~qualifications requirements~~ of this Section ~~10.03 6.03~~.

~~6.03.5.2~~ The applicant may be issued a Standard Teaching License if the Arkansas History requirement is completed within the year of provisional licensure.

~~11.07.0~~ **MASTER'S DEGREE IN TEACHING PROVISIONAL AND STANDARD LICENSURE**

~~7.01~~ An individual enrolled in a master's degree in teaching program (MAT, M.Ed., or MTLL) may obtain a Provisional Teaching License if the individual:

~~7.01.1~~ Submits evidence of enrollment in a master's degree in teaching program that:

~~7.01.1.1~~ Is from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation, and

~~7.01.1.2~~ Either has attained recognition from its affiliated Council for Accreditation of Educator Preparation (CAEP) Specialized Professional Association (SPA), is accredited by a CAEP recognized organization associated with the field of study, or is recommended for approval based upon results of a CAEP or state review of the program.

- 7.01.2 Maintains a grade point average of 2.75 in the master's degree in teaching program;
- 7.01.3 Passes a criminal background check and Child Maltreatment Central Registry check;
- 7.01.4 Documents employment as a teacher-of-record, teaching a minimum of three (3) hours per day in the appropriate licensure area(s), with a certified mentor approved by the ADE in an Arkansas public school during the provisional licensure period.
- 7.02 A Provisional Teaching License under this Section 7 is issued in one (1) license area (except as follows) based upon the areas and levels of teaching assignment approved by the State Board of Education.
- 7.02.1 A Provisional Teaching License under this Section 7 may be issued in two (2) secondary licensure content areas or in one (1) license content area with one (1) endorsement added.
- 7.02.2 An applicant for a provisional license in two (2) areas must successfully complete all state-mandated content specific licensure assessments for both areas, and have a teaching assignment, in both licensure areas.
- 7.02.3 An applicant for a provisional license in one (1) licensure area may add one (1) endorsement if the applicant completes the required program of study, if applicable for the endorsement, successfully completes the state-mandated assessment for the endorsement, and has a teaching assignment in the endorsement area.
- ~~11.017.03~~ To obtain a Standard Teaching License under these Rules, an individual holding a master's degree in teaching (MAT, M.Ed., or MTLL) must:
- ~~11.01.17.03.1~~ Submit official transcript(s) documenting an awarded master's degree in teaching from an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation, and whose teacher preparation program is:
- ~~11.01.1.17.03.1.1~~ Nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation;

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11.01.1.27.03.1.2 Accredited by the ~~National Council for Accreditation of Teacher Education (NCATE)~~, Teacher Education Accreditation Council (TEAC), or Council for Accreditation of Educator Preparation (CAEP); or

11.01.1.37.03.1.3 Approved by a member entity of the National Association of State Directors of Teacher Education and Certification (NASDTEC);

11.01.27.03.2 Pass a criminal background check and Child Maltreatment Central Registry check;

11.01.37.03.3 Submit an official score report reflecting passing scores, as approved by the State Board of Education, on the appropriate state-mandated pedagogical and content-area assessment(s);

11.01.47.03.4 If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of three (3) college credit-hours in Arkansas History at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation; and

11.01.57.03.5 If required by the grade level or content area for which the applicant seeks licensure, furnish evidence of successful completion of six (6) college credit-hours in Methods of Teaching Reading (completed with a grade of “C” or better) at an institution of higher education that is regionally or nationally accredited by an accrediting organization recognized by the U.S. Department of Education or the Council for Higher Education Accreditation.

11.01.67.03.6 A one-year, non-renewable provisional teaching license shall be available for an applicant who holds a master’s degree in teaching but has not successfully completed the required three (3) hours of Arkansas History or six (6) hours of Methods of Teaching Reading, and who has never held a Master’s Degree in Teaching Provisional License.

11.027.04 ~~An~~ Upon employment in a public school, an individual receiving a Standard Teaching License under ~~these Rules~~ this Section 7 shall participate in mentoring as ~~provided in Section 8.0 of these Rules~~ required by the Rules Governing Educator Licensure, unless the individual has completed mentoring or ~~its a~~ substantial equivalent approved by the Department within one (1) year prior to the date of licensure.

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**ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING PROFESSIONAL DEVELOPMENT**

April 16, 2012, 2013

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1.0 Regulatory Authority

1.01 These Rules shall be known as the Arkansas Department of Education Rules Governing Professional Development.

1.02 The State Board of Education (SBE) enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ ~~6-5-405~~, 6-10-122, 6-10-123, 6-11-105, 6-15-1004, 6-15-1703, 6-17-701 et seq., ~~6-20-2204~~, 6-20-2305, 6-61-133, and 25-15-201 et seq., and Act 969 of 2013.

2.0 Purposes

2.01 It is the purpose of these Rules to develop a high quality professional development system for all educators.

2.02 The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency on the state academic standards.

3.0 Definitions

3.01 Professional Development—a set of coordinated ~~set of~~ planned learning activities for educators that:

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- 3.01.1 Improves the knowledge, skills, and effectiveness of teachers;
- 3.01.2 ~~Address~~ Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills;
- 3.01.3 Leads to improved student academic achievement; ~~and~~
- 3.01.4 ~~Are~~ Is research-based, and standards-based, ~~and continuous;~~
- 3.01.5 May incorporate educational technology as a component of the professional development; and
- 3.01.6 May provide educators with knowledge and skills needed to teach:
- 3.01.6.1 Students with disabilities, including without limitation, autism; and
- 3.01.6.2 Culturally and linguistically diverse students.
- 3.02 Educator – any individual holding a license issued by the State Board of Education, specifically including without limitation teachers, administrators, library media specialists, and counselors.
- 3.03 ~~Arkansas On-line Professional Development Initiative~~ ArkansasIDEAS — is Internet Delivered Education for Arkansas Schools, a partnership between the ADE and the Arkansas Educational Television Network (AETN) to provide ~~on-line programs, courses, and workshops~~ through the AETN access to high-quality, online professional development for Arkansas licensed educators.
- 3.04 Arkansas Comprehensive School Improvement Plan (ACSIP)—a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap as evidenced in the Arkansas Comprehensive Assessment Program as defined in ADE rules.
- 3.05 Learning Teams—a group of educators who meet regularly as a team to identify essential and valued student learning, develop common formative assessments, analyze current levels of achievement, set achievement goals, share strategies, and then create lessons to improve upon those levels.

- 3.06 Study Groups - a group of educators who meet to learn, implement, and reflect on research-based techniques in a focus area(s). Members read and discuss current research, examine and reflect on effective instruction, or examine student work.
- 3.07 Professional Development Plan - outlines the professional development program of activities for a district, school, or educator that is based on student data and is aligned to the ACSIP.
- 3.08 Approved Professional Development Provider - means any organization which provides content for professional development credit, whether delivered in a face-to-face or electronic mode of delivery, whose content has been approved by the ADE to meet the annual professional development credit requirements imposed upon educators by Arkansas Statutes and ADE Rules. ~~The term "Approved Professional Development Provider" does not apply to an Arkansas public school district which provides a professional development program solely to its own personnel or to an Education Cooperative which provides professional development to districts/schools. The term "Approved Professional Development Provider" does not apply to professional development programs provided by the Arkansas Department of Education, Arkansas Department of Career Education, or Arkansas Department of Human Services Division of Child Care and Early Childhood Education.~~
- 3.09 Mentoring/coaching – means increasing capacity for coaching and mentoring others to assist in growth of instructional skills and effectiveness of colleagues.
- 3.10 One professional development day is equal to six (6) hours of professional development credit.
- 3.11 Professional Development Program (“Program”) means a course of instruction intended to provide content ~~which that~~ fulfills the requirement for professional development credit for educators.
- 3.12 Illness – means disorder of health of an educator or an educator’s immediate family (to include a spouse, child, parent, or other relative living in the same household as the educator).
- 3.13 ADE – means the Arkansas Department of Education.

4.0 ~~Time Requirements~~ Minimum Annual Requirements For Licensure

- 4.01 All educators shall complete sixty (60) hours of approved professional development each year, which shall include the professional development required under Sections 5, 6, and 7 of these Rules.

4.02 The 60-hours professional development requirement must be fulfilled between July 1 and June 30 or June 1 and May 31 as approved by the local district. The local district shall document the district's option.

~~4.03 The sixty (60) hours of required professional development shall include:~~

~~4.03.1 Technology~~

~~At least six (6) hours shall be in the area of educational technology.~~

4.03 Approved professional development activities which occur during the instructional day or outside the educator's annual contract days may apply toward the 60-hour minimum professional development requirement.

4.04 Educators in positions not directly related to instructional activities shall be responsible for completing sixty (60) hours of professional development each year. However, the focus of their professional development may be prorated among those areas specifically related to their job assignment as approved by the employing education agency.

4.05 Any educator who misses any part of regularly scheduled professional development activities for any reason (such as sickness) must make up that time in other approved professional development activities so that the 60 required hours of professional development are earned during the approved timeframe required under Section 4.02 of these Rules, except as provided below:

4.05.01 If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year.

4.05.02 An educator shall complete any missed hours of professional development through professional development that is:

4.05.2.1 Substantially similar to the professional development missed and approved by the person responsible for the educator's summative evaluation under the Teacher Excellence and Support System; and

4.05.2.2 Delivered by any method, online or otherwise, approved by ADE under these Rules.

4.06 Any educator who provides approved professional development may count two (2) hours professional development credit for each one (1)

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hour of time spent in presenting professional development content.

4.07 College Courses

4.07.1 A three-hour undergraduate or graduate-level college credit course from an accredited college or university counts as fifteen (15) hours of professional development, if the college credit:

4.07.1.1 Is related to and enhances the educator's knowledge of the subject area in which the educator is currently employed;

4.07.1.2 Is part of the requirement for the educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of educators; or

4.07.1.3 Is otherwise approved by the ADE as a graduate level course eligible for professional development credit. No more than half of the required 60-hours of professional development time may be met through college credit hours.

4.07.2 Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the employing educational agency.

4.08 An educator may be entitled to up to twelve (12) hours of professional development credit approved by the district/school which may be applied toward the sixty (60) hour professional development requirement for that time period at the beginning of each school year which is used to plan and prepare curriculum or develop other instructional material provided:

4.08.01 The time is spent in his/her instructional classroom, office or media center at the public school;

4.08.02 The time is prior to the first student teacher interaction day of the school year; and

4.08.03 The time is spent in the focus areas listed in Section 8.02 of these Rules, and may include but are not limited to the following:

4.08.03.1 Grade level and/or vertical team planning to integrate subject areas;

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- 4.08.03.2 Team work to analyze student data;
- 4.08.03.3 Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);
- 4.08.03.4 Developing and/or revising curriculum, including student-centered units and assessments aligned to state curriculum frameworks;
- 4.08.03.5 Professional book studies;
- 4.08.03.6 Developing intervention strategies to support remediation and/or acceleration;
- 4.08.03.7 Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);
- 4.08.03.8 Pursuing study as noted in an educator's professional learning plan; and
- 4.08.03.9 Arkansas IDEAS, on-line professional development, related to ACSIP or the educator's professional learning plan.
- 4.08.03.9.1 An educator who obtains professional development from ArkansasIDEAS for the purpose of this subsection 4.08.03.9 may also use ArkansasIDEAS to obtain other professional development under these Rules.
- 4.08.04 No professional development credit shall be given for activities under Section 4.08 of these Rules unless those activities meet the criteria and standard requirements under Sections 8.01 and 8.02 of these Rules. Specific activities which do not qualify include without limitation:
- 4.08.04.1 Making and putting up bulletin boards;
- 4.08.04.2 Clerical work associated with documents such as ACSIP, AIP and IEPs; and
- 4.08.04.3 Administrative faculty or team administrative meetings.

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4.08.05 Educators shall be entitled to earn one (1) hour of professional development for each hour of approved preparation, not to exceed twelve (12) hours.

4.09 Nothing in this Section 4 shall prevent or restrict a school district from requiring additional in-service training.

5.0 Scheduled Professional Development

5.01 The professional development required under this Section 5 shall not be provided by a school district or open-enrollment public charter school, but shall be provided by:

5.01.5.1 ADE, including ArkansasIDEAS;

5.01.5.2 An institution of higher education; or

5.01.5.3 A provider approved by ADE, including an education service cooperative.

5.02 The two (2) hours in each area of professional development required under Section 5 shall be counted in the school year in which the professional development is taken toward the minimum number of hours of professional development required for educators for that school year.

5.03 If an educator obtains additional hours above the minimum requirements of Section 5, the educator may count those additional hours toward the total minimum hours of professional development required for educators for that school year.

5.04 A school district or an open-enrollment public charter school shall make available to the appropriate educator professional development on the following schedule as part of the 60-hour minimum annual requirement:

5.04.1 Child Maltreatment Mandated Reporter

5.04.1.1 In the 2013-2014 school year and every fourth year thereafter, all educators shall obtain two (2) hours of professional development in:

5.01.4.1.1 Recognizing the signs and symptoms of child maltreatment;

5.01.4.1.2 The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;

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5.01.4.1.3 Methods for managing disclosures regarding child victims; and

5.01.4.1.4 Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

5.04.1.2 The child maltreatment professional development required under this section shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission and may be obtained in-person or online.

~~4.03.2~~ ~~Arkansas History~~

~~For each teacher who provides instruction in Arkansas history, the sixty (60) hour professional development requirement shall include two (2) hours of training in Arkansas history. It is the responsibility of the school district to provide this training or make it available through other providers.~~

~~4.03.35.04.2~~ Parent Involvement

5.04.2.1 In the 2014-2015 school year and every fourth school year thereafter, each ~~Each~~ teacher shall be required to have two (2) ~~or more~~ hours of professional development designed to enhance understanding of effective parental involvement strategies.

5.04.2.2 In the 2014-2015 school year and every fourth school year thereafter, each ~~Each~~ administrator shall be required to have ~~three (3) or more~~ two (2) hours of professional development designed to enhance understanding of effective parent involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parent participation.

~~No more than once every five (5) years, an educator may substitute for this parent involvement requirement no more than two (2) hours of the training required under section 4.18.~~

5.04.3 Teen Suicide Awareness and Prevention

5.04.3.1 In the 2015-2016 school year and every fourth school year thereafter, all educators shall obtain two (2) hours of professional development in teen suicide awareness and prevention.

5.04.3.2 The required professional development under this section may be accomplished by self-review of suitable suicide prevention materials approved by ADE.

5.04.4 Arkansas History

In the 2016-2017 school year and every fourth school year thereafter, each teacher who provides instruction in Arkansas history shall obtain two (2) hours of professional development in Arkansas history.

~~4.03.4 Administrator~~

~~For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management.~~

~~4.03.4.1 This training may include without limitation the Initial, Tier 1 (twelve (12) hours) and Tier 2 (four (4) hours) training required for superintendents and district designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.~~

4.03.5 Arkansas Scholarship Lottery Act

Each superintendent, assistant superintendent, grades 7-12 principal, grades 7-12 assistant principal and grades 7-12 guidance counselor shall be required to participate in professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance. These educators shall:

4.03.5.1 Participate in a three-hour course within the first year of employment; and

4.03.5.2 Complete a one-hour course annually.

6.0 Requirements for Specific Licensure Areas

6.01 Administrator

6.01.1 For each administrator, the sixty (60) hour professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management.

6.01.2 This training may include without limitation the Initial, Tier 1 (twelve (12) hours) and Tier 2 (four (4) hours) training required for superintendents and district designees by ADE's Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

6.01.3 An applicant for a building-level administrator license shall successfully complete the teacher evaluation professional development program.

6.01.3.1 An educator who receives an initial building level administrator's license shall complete the certificate assessment for the teacher evaluation professional development program either before or after receiving the initial building level administrator's license.

6.02 Athletic Coaches

At least once every three (3) years, each person employed as a coach shall obtain training in recognition and management of the following events or conditions that may be encountered by a student during athletic training and physical activities:

6.02.1 A concussion, dehydration, or other health emergency;

6.02.2 An environmental issue that threatens the health or safety of students; and

6.02.3 A communicable disease.

6.02.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

~~4.04 College Courses~~

~~A three hour undergraduate or graduate level college credit course from an accredited college or university counts as fifteen (15) hours of professional development, if the college credit:~~

~~4.04.1 is related to and enhances the educator's knowledge of the subject area in which the educator is currently employed;~~

~~4.04.2 is part of the requirement for the educator to obtain additional certification in a subject matter that has been designated by the ADE as having a critical shortage of educators; or~~

~~4.04.3 is otherwise approved by the ADE as a graduate level course eligible for professional development credit. No more than half of the required 60 hours of professional development time may be met through college credit hours.~~

~~4.04.4 Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the district.~~

~~4.04.5 Nothing in this section 4.04 shall prevent or restrict a school district from requiring additional in-service training.~~

4.056.03 Advanced Placement

Each hour of approved training received by educators related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall count as professional development up to a maximum of thirty (30) hours.

4.126.04 Adult Education

Educators working solely part time in one of the following settings shall be required to obtain thirty (30) hours of professional development.

4.12.16.04.1 Adult basic education;

4.12.26.04.2 General adult education;

4.12.36.04.3 English as a second language for adults; and

4.12.46.04.4 General Educational Development Test examiners.

~~4.06 Approved professional development activities which occur during the instructional day or outside the educator's annual contract days may apply toward the 60-hour minimum professional development requirement.~~

~~4.07 Educators in positions not directly related to instructional activities shall be responsible for completing sixty (60) hours of professional development each year. However, the focus of their professional development may be prorated among those areas specifically related to their job assignment as approved by the district.~~

~~4.08 Any educator who misses any part of regularly scheduled professional development activities for any reason (such as sickness) must make up that time in other approved professional development activities so that the 60 required hours of professional development are earned during the approved timeframe required under Section 4.02 of these Rules, except as provided in section 4.08.1.~~

~~4.08.1 If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year. The educator may earn the professional development hours through Arkansas IDEAS, on-line professional development.~~

~~4.09 Any educator who provides approved professional development may count two (2) hours professional development credit for each one (1) hour of time spent in presenting professional development content.~~

7.0 New Licensure and Renewals

7.01 Before a first-time teaching license may be issued by ADE, the applicant for the license shall verify to ADE that the applicant has obtained within the twelve-month period before the license is issued the professional development required under Section 5 of these Rules.

~~4.10~~7.02 Sixty (60) approved professional development hours annually are required to renew a license issued by the State Board of Education.

7.02.1 To renew a teaching license, an educator shall participate in continuing education and professional development based on the educator's evaluation and professional learning plan under the Teacher Excellence and Support System, and as required by law or by rule of the State Board.

~~4.11~~7.03 Those educators who have not maintained a license but who wish to renew their license shall be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/~~Advanced~~ Arkansas Teaching License.

~~4.12 Adult Education
Educators working solely part time in one of the following settings shall be required to obtain thirty (30) hours of professional development.~~

~~4.12.1 Adult basic education;~~

~~4.12.2 General adult education;~~

~~4.12.3 English as a second language for adults; and~~

~~4.12.4 General Educational Development Test examiners.~~

~~4.13—Thirty (30) approved professional development hours annually will be required to renew a license for those educators working solely part time in a setting described in Section 4.12 of these rules.~~

4.147.04 An educator meeting the criteria of Section ~~4.12.6.04~~ of these rules who has not maintained a current license but who wishes to renew his or her license shall be required to meet the conditions of the Rules Governing the Requirements and Procedures for Renewing a Standard/~~Advanced~~ Arkansas Teaching License.

4.157.05 All Institutions of Higher Education will be required to maintain documentation for employees who wish to meet the professional development hours to maintain a license according to, and in compliance with this Rule.

~~4.16—At least once every three (3) years, each person employed as a coach shall obtain training in recognition and management of the following events or conditions that may be encountered by a student during athletic training and physical activities:~~

~~4.16.1 A concussion, dehydration, or other health emergency;~~

~~4.16.2 An environmental issue that threatens the health or safety of students; and~~

~~4.16.3 A communicable disease.~~

~~4.16.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.~~

~~4.17—Beginning with the 2012-2013 school year, all educators shall obtain, at least once every five (5) years, two (2) or more hours of in-service training in teen suicide awareness and prevention.~~

~~4.17.1—Up to two (2) hours of in-service training, no more than once every five (5) years, may be obtained by self-review of suitable suicide prevention materials approved by ADE.~~

~~4.18—All educators shall obtain, within twelve (12) months of initial licensure and within twelve (12) months of any subsequent renewal of a license, up to two (2) hours of training in:~~

~~4.18.1—Recognizing the signs and symptoms of child maltreatment;~~

~~4.18.2—The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;~~

~~4.18.3—Methods for managing disclosures regarding child victims; and~~

~~4.18.4—Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.~~

~~4.19—The training required in section 4.18 shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission and may be obtained in person or online.~~

5.08.0 Professional Development Criteria

~~5.018.01~~ Professional development is the means by which educators acquire or enhance the knowledge, skills, and expectations necessary to increase student learning and must meet the following criteria. All approved professional development shall be aligned to the following Standards developed by the National Staff Development Council; standards developed by the State Board of Education.

~~5.01.1~~ Context Standards

~~Requires skillful school and school-district leaders who guide continuous instructional improvement;~~

~~Organizes educators into learning communities whose goals are aligned with those of the school and school-district; and~~

~~Requires resources to support educator learning and collaboration.~~

~~5.01.2~~ Process Standards

~~Uses disaggregated student data to determine educator learning priorities; monitors progress, and help sustain continuous improvements;~~

~~Uses multiple sources of information to guide educator improvement and demonstrate its impact;~~

~~Prepares educators to apply research to decision making;~~

~~Uses learning strategies appropriate to the intended goal;~~

~~Applies knowledge about human learning and change; and~~

~~Provides educators with the knowledge and skills to collaborate.~~

~~5.01.3 Content Standards~~

~~Prepares educators to understand and appreciate all students, create safe, orderly and supportive learning environments and hold high expectations for their academic achievement;~~

~~Deepens educators' content knowledge, provides them with research-based instructional strategies to assist students in meeting rigorous academic standards, and prepares them to use various types of classroom assessments appropriately;~~

~~Provides educators with knowledge and skill to involve families and other stakeholders appropriately;~~

~~Provides educators with knowledge and skills needed to teach students with disabilities, including without limitation autism; and~~

~~Provides educators with knowledge and skills needed to teach culturally and linguistically diverse students.~~

5.028.02 Approved professional development activities shall relate to the following focus areas:

- 5.02.018.02.01 Content (K-12);
- 5.02.028.02.02 Instructional strategies;
- 5.02.038.02.03 Assessment/data driven decision making;
- 5.02.048.02.04 Advocacy/leadership/fiscal management;
- 5.02.058.02.05 Systemic change process;
- 5.02.068.02.06 Standards, frameworks, and curriculum alignment;
- 5.02.078.02.07 Supervision;
- 5.02.088.02.08 Mentoring/peer coaching;
- 5.02.098.02.09 ~~Education technology~~Next generation learning/integrated technology;
- 5.02.108.02.10 Principles of learning/developmental stages/diverse learners;
- 5.02.118.02.11 Cognitive research;

~~5.02.128.02.12~~ Parent involvement/academic planning & scholarship;

~~5.02.138.02.13~~ ~~Building a collaborative~~Collaborative learning community;
and

~~5.02.148.02.14~~ Student health and wellness, which may include but not limited to appropriate training for anticipated rescuers in the use of

~~5.02.14.18.02.14.1~~ automated external defibrillator; or

~~5.02.14.28.02.14.2~~ cardiopulmonary resuscitation;

~~8.02.15~~ The Code of Ethics for Arkansas Educators.

~~5.03~~ ~~All approved professional development, whether designed for the educator, school or district, shall be based on the improvement of student achievement on State assessments and increasing student achievement and academic performance.~~

~~5.048.03~~ Approved professional development takes on many forms and may be earned in the following ways:

~~5.04.018.03.01~~ Conferences/workshops/institutes

~~5.04.028.03.02~~ Mentoring/peer coaching;

~~5.04.038.03.03~~ Study groups/learning teams;

~~5.04.048.03.04~~ National Board for Professional Teaching Standards Certification;

~~5.04.058.03.05~~ Distance and online learning/~~on-line opportunities~~;

~~5.04.068.03.06~~ Internships;

~~5.04.078.03.07~~ State/district/school programs;

~~5.04.088.03.08~~ College/university course work;

~~5.04.098.03.09~~ Action research; or

~~5.04.108.03.10~~ Individually-guided, as noted in an educator's individual professional development plan.

~~5.05 — An educator may be entitled to up to twelve (12) hours of professional development credit approved by the district/school which may be applied toward the sixty (60) hour professional development requirement for that time period at the beginning of each school year which is used to plan and prepare curriculum or develop other instructional material provided;~~

~~5.05.01 — The time is spent in his/her instructional classroom, office or media center at the public school;~~

~~5.05.02 — The time is prior to the first student teacher interaction day of the school year; and~~

~~5.05.03 — The time is spent in the focus areas listed in Section 5.02 of these Rules, and may include but are not limited to the following:~~

~~5.05.03.1 — Grade level and/or vertical team planning to integrate subject areas;~~

~~5.05.03.2 — Team work to analyze student data;~~

~~5.05.03.3 — Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);~~

~~5.05.03.4 — Developing assessments for learning (formative assessments);~~

~~5.05.03.5 — Professional book studies;~~

~~5.05.03.6 — Developing student centered units tied to the State academic standards and student learning expectations;~~

~~5.05.03.7 — Developing intervention strategies to support remediation;~~

~~5.05.03.8 — Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);~~

~~5.05.03.9 — Developing and/or revising curricula maps and/or pacing guides;~~

~~5.05.03.10 — Pursuing study as noted in individual professional development plan; and~~

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~~5.05.03.11 Arkansas IDEAS, on-line professional development, related to ACSIP or the educator's professional growth plan.~~

~~5.05.04 No professional development credit shall be given for activities under Section 5.05 of these Rules unless those activities meet the criteria and standard requirements set out in Sections 5.02 of these Rules. Specific activities which do not qualify include without limitation:~~

~~5.05.04.1 Making and putting up bulletin boards;~~

~~5.05.04.2 Clerical work associated with documents such as ACSIP, AIP and IEPs; and~~

~~5.05.04.3 Administrative faculty or team administrative meetings.~~

~~5.05.04.4 Educators who meet the requirements of Sections 5.02 and 5.05 of these Rules shall be entitled to earn one (1) hour of professional development for each hour of approved preparation, not to exceed twelve (12) hours.~~

5.068.04 ~~There is created the Arkansas Online Professional Development Initiative.~~
Requirements for ~~the initiative~~ArkansasIDEAS include:

~~5.06.1 All professional development delivered by technology shall be aligned to the required focus areas listed in Section 5.02 of these Rules.~~

5.06.28.04.01 The ADE shall determine the content and approve all professional development delivered through the Arkansas On-line Professional Development Initiative that counts toward the required sixty (60) hours.

5.06.38.04.02 The ADE shall select courses/products, which are research-based and are available from sources, with expertise in technology delivered professional development courses.

~~5.06.4 Courses shall align with the Southern Regional Education Board Multi State Online Professional Development Standards.~~

~~5.06.58.04.03~~ Online professional development courses shall include online registration, assessment, course evaluation, and attendance and completion documents.

~~6.09.0~~ School and School District Professional Development Plans

~~9.01~~ All school districts, schools and educators Each school district and school shall develop and implement a professional development plan.

~~9.01.1~~ Teachers, administrators, and paraprofessionals shall be involved in the design, implementation and evaluation of their respective professional development offerings under the school or school district professional development plan.

~~9.01.2~~ An educator may count toward the 60-hour minimum professional development requirement under these rules each hour of training included in the professional development plan that is mandated by law or by rule, including without limitation in the following areas:

~~9.01.2.1~~ School Fire Marshal Program under A.C.A. § 6-10-110;

~~9.01.2.2~~ Tornado safety under A.C.A. § 6-10-121;

~~9.01.2.3~~ Literacy assessment and/or mathematics assessment under A.C.A. § 6-15-420;

~~9.01.2.4~~ Test security and confidentiality under A.C.A. § 6-15-438;

~~9.01.2.5~~ Emergency plans for terrorist attacks under A.C.A. § 6-15-1302

~~9.01.2.6~~ Antibullying policies under A.C.A. § 6-18-514;

~~9.01.2.7~~ Teacher Excellence and Support System under A.C.A. § 6-17-2804;

~~9.01.2.8~~ Student discipline training under A.C.A. § 6-18-502;

~~9.01.2.9~~ Student Services Program under A.C.A. § 6-18-1004;

~~9.01.2.10~~ Training required by ADE under academic, fiscal, and facilities distress laws and rules; and

~~9.01.2.11~~ Annual active shooter drills under Act 484 of 2013.

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~~6.01 The district and school plan shall be included in the ACSIP.~~

~~6.02 Individual educator plans shall support the district and/or school plans.~~

~~6.03 Teachers, administrators, and paraprofessionals shall be involved in the design, implementation and evaluation of their respective professional development offerings under the plan.~~

6.049.02 School Improvement and ACSIP

9.02.01 School and district professional development plans shall be included in the Arkansas School Improvement Plan (ACSIP) and shall be reviewed annually by the school/district and the ADE.

9.02.02 The ACSIP will include an assurance statement that each educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the educator and the school and/or district consistent with the Teacher Effectiveness and Support System.

~~6.04.1~~9.02.03 ADE may require specific professional development programs for the district or the school designated in school improvement or academic distress.

~~6.04.2~~9.02.04 These requirements may become part of the district or school school improvement plan.

~~6.04.3~~ In order to receive professional development credit, the district or school educators shall participate in, complete, and pass the assessment for the professional development requirements included in the district or school improvement plan.

10.0 Educator Professional Learning Plans

10.01 Each educator, working together with the educator's evaluator, shall develop a professional learning plan for the educator that meets the requirements of the Teacher Excellence and Support System.

10.01.1 For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the educator's professional learning plan as required by the Rules Governing the Teacher Excellence and Support System.

~~7.011.0~~ Provider and Program Approval Process

~~7.011.1~~ All professional development providers and programs must be approved by the ~~Arkansas Department of Education~~ADE in order to ~~receive~~provide credit toward the 60-hour requirement.

11.1.1 The following entities and agencies are not required to obtain approval as an Approved Professional Development Provider:

11.1.1.1 An Arkansas public school district that provides a professional development program solely to its own personnel;

11.1.1.2 An Education Cooperative that provides professional development to districts/schools;

11.1.1.3 The Arkansas Department of Education;

11.1.1.4 The Arkansas Department of Career Education; and

11.1.1.5 The Arkansas Department of Human Services Division of Child Care and Early Childhood Education.

~~7.0211.2~~ At least thirty (30) days before a program is offered to educators, the professional development provider shall provide a detailed description of the entire program including staff qualifications to the ADE in an electronic format prescribed by ADE.

~~7.0311.3~~ The ADE shall promptly review the content of the program for compliance with all applicable statutes and ~~department~~ADE rules to determine if any or all of the program content shall be deemed to provide professional development credit and shall establish the time period the professional development provider is approved to offer the program.

~~7.0411.4~~ Upon notification by the ADE of approval of the program (or a part or parts thereof) for professional development credit, the professional development provider may enroll participants in the program and offer the program for professional development credit for the set time period.

~~7.0511.5~~ The program provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the attendees who are employed by an Arkansas school district to the superintendent of the district.

~~7.06 Each school district shall maintain all documents for its employees which reflect completion of professional development programs, whether such programs were provided by an outside organization or by the district itself.~~

~~7.07 Each school district shall report the amount of all professional development programs completed by its employees to the ADE at the time and in the manner specified by the ADE.~~

~~7.08 The ADE shall monitor all school districts, and all educators to whom these Rules apply, for compliance with these requirements, and shall administer appropriate sanctions specified in statute and Rule to any district or educator whom it finds to be in noncompliance.~~

~~7.09 District and School Providers~~

~~School and district professional development plans shall be included in the ACSIP and shall be reviewed annually by the school/district and the ADE.~~

~~7.09.1 The ACSIP will include an assurance statement that each educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the educator and the school and/or district.~~

~~These individual plans shall include:~~

~~7.09.1.1 Six (6) hours of technology, two (2) hours of parent involvement and two (2) hours of Arkansas History may be selected with approval of the district.~~

~~7.09.1.2 Up to twelve (12) hours may be selected with the approval of the district in keeping with the identified needs of student data as defined in the ACSIP plan or the educator's individual professional development plan.~~

8.0012.00 Funding

Professional Development Funding provided under Ark. Code Ann. § 6-20-2305 must be directed to activities that meet the conditions described in these Rules and shall not be used for any other purpose unless otherwise allowed by law or rule.

9.0013.00 Reporting, Monitoring, and Evaluation

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13.01 Each school district shall maintain all documents for its employees which reflect completion of professional development programs, whether such programs were provided by an outside organization or by the district itself.

13.02 Each school district shall report the amount of all professional development programs completed by its employees to the ADE at the time and in the manner specified by the ADE.

13.03 The ADE ~~shall~~may monitor all school districts, and all educators to whom these Rules apply, for compliance with these requirements, and may administer appropriate sanctions specified in statute and Rule, including the Rules Governing the Code of Ethics for Arkansas Educators, to any district or educator whom it finds to be in noncompliance or for dishonesty in reporting under these Rules.

~~9.01~~13.03.01 Regular monitoring activities of the professional development requirements within these Rules shall occur when the superintendent of the school district provides written assurance to the Commissioner of Education as required by law. However, the ADE may directly monitor the professional development activities of any school or school district to determine compliance with the professional development requirements.

~~9.02~~13.04 The criteria for evaluating the impact of professional development shall be the improvement of student achievement on ~~State criterion referenced assessments, State norm referenced~~state-mandated assessments, other related indicators as defined by ACTAAP, and the evaluations of the professional development offerings. These data shall be used to revise ACSIP and the district, school and individual professional development plans associated with the local improvement plan.

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING PUBLIC CHARTER SCHOOLS
August 2012

1.00 REGULATORY AUTHORITY AND PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Public Charter Schools.
- 1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-23-101 et seq., 25-15-201 et seq., and ~~Acts 987, 989, and 993 of 2011~~ Act 509 of 2013.

2.00 LEGISLATIVE AND REGULATORY INTENT

- 2.01 It is the intent of the Arkansas General Assembly, and of these rules, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain public schools that operate independently from the existing structure of local school districts as a method to accomplish the following:
- 2.01.1 Improve student learning;
- 2.01.2 Increase learning opportunities for all students, with special emphasis on expanding learning experiences for students who are identified as low-achieving;
- 2.01.3 Encourage the use of different and innovative teaching methods;
- 2.01.4 Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- 2.01.5 Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and
- 2.01.6 Hold the schools established under this chapter accountable for meeting measurable student achievement standards.

Source: Ark. Code Ann. § 6-23-102

3.00 DEFINITIONS

- 3.01 “Academic Eligibility” means qualified for selection or admission based upon academic performance.
- 3.02 “Affected School District” means each public school district from which an open-enrollment public charter school is expected to draw students for the purposes of enrollment; the public school district in which the open-enrollment public charter school will be located; and each public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.
- 3.03 “Athletic Eligibility” means qualified for selection or admission based upon athletic performance or upon athletic eligibility requirements set forth by the Arkansas Activities Association.
- 3.04 “Application” means the proposal by a public school district or eligible entity for obtaining conversion public charter school status, open-enrollment public charter school status, or limited public charter school status. *Source: Ark. Code Ann. § 6-23-103(1)*
- 3.05 “Authorizer” means an entity that authorizes a charter, which may be either the:
- 3.05.1 Department of Education; or
- 3.05.2 State Board of Education acting under Ark. Code Ann. § 6-23-703 and Section 10.0 of these rules. Source: Act 509 of 2013
- 3.05~~6~~ “Average daily membership” means the total number of days of school attended plus the total number of days absent by students in kindergarten through grade twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth. Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board of Education under the Standards for Accreditation of Arkansas Public Schools and School Districts may be counted for average daily membership. *Source: Current rule as modified by Ark. Code Ann. § 6-20-2303(3).*

3.067 “Charter,” or “charter contract” means a performance-based contract for an initial five-year period between the ~~State Board of Education~~ authorizer and an approved applicant for public charter school status that exempts the public charter school from state and local rules, regulations, policies, and procedures specified in the contract and from the provisions of Title 6 of the Arkansas Code specified in the contract. *Source: Ark. Code Ann. § 6-23-103(2).* The initial charter or charter contract may be renewed as set forth in these rules. For the purposes of these rules, the initial five-year period of a charter begins to run on the July 1 following approval of the charter unless otherwise specified by the ~~State Board~~ authorizer. The period for any subsequent renewal of an initial charter shall begin to run on the July 1 following approval of the renewal.

3.078 “Conversion public charter school” means a public school that has converted to operating under the terms of a charter approved by the local school board and the ~~State Board of Education~~ authorizer. *Source: Ark. Code Ann. § 6-23-103(3).*

3.089 “Debt” means any financial obligation incurred by a public charter school which will not be paid in full within 365 days from the date on which the financial obligation is incurred. *Source: Current rule as modified herein.*

3.0910 “Eligible entity” means:

3.0910.1 A public institution of higher education;

3.0910.2 A private nonsectarian institution of higher education;

3.0910.3 A governmental entity; or

3.0910.4 An organization that:

3.0910.4.1 Is nonsectarian in its program, admissions policies, employment practices, and operations, and

3.0910.4.2 Has applied for tax-exempt status under § 501(c)(3) of the Internal Revenue Code of 1986. The eligible entity must obtain status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-103(4).

3.4011 “Founding member” means any individual who is either:

- 3.4011.1 A member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school; or
- 3.4011.2 A member of the initial governing nonadvisory board of the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-103(5).

3.4112 “Letter of Intent” means a written notice submitted to the Department of Education Charter School Office that a public school district or an eligible entity intends to file a charter school application. The letter of intent shall be submitted by the established deadline on forms provided by the Department of Education.

Source: Current rule.

3.4213 “Limited Public Charter School” means a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the ~~State Board~~ authorizer. *Source: Ark. Code Ann. § 6-23-103(6).*

3.4314 “License” means the authority granted by the ~~State Board of Education~~ authorizer to an already-existing open-enrollment public charter sponsoring entity for the purpose of establishing another open-enrollment public charter school(s) provided the applicant for a charter license(s) meets the following minimum conditions: (1) maintains an existing open-enrollment public charter school charter from the ~~State Board of Education~~ authorizer; and (2) meets the requirements of Section 6.05 of these rules. *Source: Current rule and Ark. Code Ann. § 6-23-304.*

3.4415 “Local school board” means a board of directors exercising the control and management of a public school district. For the purposes of these rules, “local school board” also refers to the board of directors of a school district where a public charter school will be physically located. *Source: Current rule and Ark. Code Ann. § 6-23-103(7).*

3.4516 “Net assets” refers to the status of particular items upon the occurrence of the dissolution, nonrenewal, or revocation of the charter, with the purpose being to identify publicly-funded unencumbered assets as property of the state at that point. Specifically, “net assets” refer to any unencumbered asset for which public funds were spent. *Source: Attorney General Opinion No. 2007-204*

~~3.16~~17 “Open-enrollment public charter school” means a public school that:

- ~~3.16~~17.1 Is operating under the terms of a charter granted by the ~~State Board of Education~~ authorizer on the application of an eligible entity;
- ~~3.16~~17.2 May draw its students from any public school district in this state; and
- ~~3.16~~17.3 Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.
- ~~3.16~~17.4 “Open-enrollment public charter school” also possesses the same meaning as given the term “charter school” in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on April 10, 2009.

Source: Ark. Code Ann. § 6-23-103(8).

~~3.17~~18 “Parent” means any parent, legal guardian, or other person having custody or charge of a school-age child. *Source: Ark. Code Ann. § 6-23-103(9).*

~~3.18~~19 “Public school” means a school that is part of a public school district under the control and management of a local school board. *Source: Ark. Code Ann. § 6-23-103(10).*

~~3.19~~20 “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school. *Source: Ark. Code Ann. § 6-23-103(11).*

~~3.20~~21 “Sectarian” means of or relating to a particular religious sect. *Source: Black’s Law Dictionary, 8th Ed., 2004.*

~~3.21~~22 “Short-term Line of Credit” means any financial obligation or obligations incurred by a public charter school as the result of an agreement by a lender or potential creditor to advance funds of ten thousand dollars (\$10,000.00) or more in the form of:

- 3.2122.1 A loan (or combination of loans) that is payable in full in less than three hundred sixty-five (365) days from the date on which the financial obligation is incurred; or
- 3.2122.2 A loan (or combination of loans) that does not define a date certain at which the loan is payable in full.

4.00 RULES APPLICABLE TO ALL PUBLIC CHARTER SCHOOLS

4.01 Charter Form for Public Charter Schools – Requirements – Revision

4.01.1 A charter for a public charter school shall:

- 4.01.1.1 Be in the form of a written contract signed by the ~~Chair of the State Board~~ Commissioner of Education and the chief operating officer of the public charter school;
- 4.01.1.2 Satisfy the requirements of Title 6, Chapter 23 of the Arkansas Code and of these rules; and
- 4.01.1.3 Ensure that the information required under Ark. Code Ann. § 6-23-404 is consistent with the information provided in the application and any modification that the ~~State Board of Education~~ authorizer may require.

4.01.2 Any revision or amendment of the charter for a public charter school may be made only with the approval of the ~~State Board~~ authorizer.

Source: Ark. Code Ann. § 6-23-104

4.02 ~~State Board~~ Authorizer Hearing Notice Requirements

- 4.02.1 For applications for a public charter school, the public charter school applicant shall submit its application according to a schedule set forth by the State Board of Education.
- 4.02.2 For renewal requests for a public charter school, the public charter school applicant shall submit its renewal request according to a schedule set forth by the State Board of Education.

- 4.02.3 For requests seeking ~~State Board~~ authorizer approval for a change in the physical location of a public charter school, the public charter school applicant shall submit such request not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. For open-enrollment public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school is located.
- 4.02.3.1 For the purposes of these rules, a change in the physical location of a public charter school means a relocation of a public charter school from its present location.
- 4.02.3.2 Requests for a change in the physical location of a public charter school shall include maps of the present and proposed future locations of the charter school, and shall identify the local public school district in which the proposed future location will be located.
- 4.02.3.3 Not later than seven (7) days after receipt of the request to change the physical location of a public charter school, the Commissioner of Education may, in writing, require the public charter school, the local school district and the Department of Education to submit additional information, including without limitation a desegregation analysis, concerning the proposed change in the physical location of the public charter school. Should the Commissioner of Education require the submission of such additional information, he or she shall modify the deadlines contained in Sections 4.04.4, 4.04.5, 4.04.6 of these rules accordingly.
- 4.02.4 For requests seeking ~~State Board~~ authorizer approval for other amendments to a public school charter, the public charter school applicant shall submit such request not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. For open-enrollment public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

- 4.02.5 For requests seeking ~~State Board~~ authorizer approval for licenses for an existing open-enrollment public charter school, the open-enrollment public charter school applicant shall submit such request for license not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. Each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.
- 4.02.6 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education or his or her designee may waive the thirty-five (35) day deadline set forth in Sections 4.02.2 through Sections 4.02.5 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education or his or her designee. If the Commissioner of Education, or his or her designee, grants such a waiver, he or she shall also adjust the resulting deadlines for local school districts and Department of Education staff contained in Sections 4.04.5 and 4.04.6 of these rules.
- 4.03 Basis and Procedure for Public Charter School Probation or Charter Modification, Revocation or Denial of Renewal
- 4.03.1 The ~~State Board of Education~~ authorizer may place a public charter school on probation or may modify, revoke, or deny renewal of its charter if the ~~State Board~~ authorizer determines that the persons operating the public charter school:
- 4.03.1.1 Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;
 - 4.03.1.2 Failed to satisfy generally accepted accounting standards of fiscal management;
 - 4.03.1.3 Failed to comply with this Title 6, Chapter 23 of the Arkansas Code or other applicable law or regulation; or

- 4.03.1.4 Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the ~~State Board~~ authorizer.
- 4.03.1.5 Pursuant to the federal mandate contained in P.L. 111-117, 123 Stat. 3264, the ~~State Board~~ authorizer will consider increases in student academic achievement for all groups of students described in Section 1111 (b)(2)(C)(v) of the Elementary and Secondary Education Act as a primary factor in determining whether to non-renew or revoke a public charter school's charter. However, any one of the circumstances listed in Sections 4.03.1.1 through 4.03.1.4 of these rules may be reason enough to non-renew or revoke a public charter school's charter.
- 4.03.2 Any action the ~~State Board~~ authorizer may take under Ark. Code Ann. § 6-23-105 and Section 4.02 of these rules shall be based on the best interests of the public charter school's students, the severity of the violation, and any previous violation the public charter school may have committed.
- 4.03.3 The ~~State Board's~~ authorizer's procedures for placing a public charter school on probation or modifying, revoking, or denying renewal of the school's charter can be found in these rules as follows:
 - 4.03.3.1 Conversion public charter schools: Section 5.07
 - 4.03.3.2 Open-enrollment public charter schools: Section 6.24
 - 4.03.3.3 Limited public charter schools: Section 7.12
- 4.03.4 There is no further right of appeal beyond the determination of the ~~State Board~~ authorizer except as set forth in Sections 9.00 and 10.00 of these Rules.
- 4.03.5 The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to any hearing concerning a public charter school.

Source: Ark. Code Ann. § 6-23-105.

4.04 Impact on School Desegregation Efforts

- 4.04.1 The applicants for a public charter school, the local school board for the district in which the proposed public charter school would be located, and the ~~State Board~~ authorizer shall carefully review the potential impact of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 4.04.2 The ~~State Board~~ authorizer shall attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.
- 4.04.3 The ~~State Board~~ authorizer shall not approve any public charter school under Title 6, Chapter 23, or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state.
- 4.04.4 A public charter school or applicant shall provide to the Department of Education, with a copy to the local school board for the school district in which the public charter school is or will be located, a desegregation analysis carefully reviewing the potential impact of the public charter school's application or request on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:
- 4.04.4.1 In its application for a public charter school charter;
 - 4.04.4.2 In its renewal request for its existing public charter school charter;
 - 4.04.4.3 In its request to change the physical location of its existing charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;
 - 4.04.4.4 In any request to amend its existing charter to increase its enrollment cap or add grade levels; and

4.04.4.5 For an existing open-enrollment public charter school, in any request for a license.

4.04.5 The local school board of the school district in which the proposed public charter school is or will be located may provide to the Department of Education, with a copy to the public charter school or applicant, a desegregation analysis carefully reviewing the potential impact of an application for a public charter school, or a request under Section 4.04.4 above, on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:

4.04.5.1 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of an application of a public charter school;

4.04.5.2 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed renewal of a public charter school;

4.04.5.3 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a change in the physical location of a public charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;

4.04.5.4 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels; and

4.04.4.5 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed license for an existing open-enrollment public charter school.

4.04.5.6 Failure of the local school board of the district in which the proposed public charter school will be located to submit to the Department of Education a desegregation analysis as set forth above shall result in a waiver of the local school

board's right to submit such a desegregation analysis to the ~~State Board~~ authorizer.

- 4.04.6 In accordance with Section 4.04 of these rules, the Department of Education staff shall submit to the ~~State Board~~ authorizer, with copies to the public charter school or applicant and the local school board of the school district in which the public charter school is or will be located, a desegregation analysis:
- 4.04.6.1 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of an application of a public charter school;
 - 4.04.6.2 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed renewal of a public charter school;
 - 4.04.6.3 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a change in physical location of a public charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;
 - 4.04.6.4 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels;
 - 4.04.6.5 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed license for an existing open-enrollment public charter school; and
 - 4.04.6.5 At any other time as directed by the ~~State Board~~ authorizer or the Commissioner of Education.
 - 4.04.6.6 The Department of Education's desegregation analysis will include as attachments the desegregation analyses provided

by the applicant or public charter school and the local school board in which the public charter school is or will be located.

Source: Ark. Code Ann. § 6-23-106.

4.05 Observance of Anti-Discrimination Laws

4.05.1 All public charter schools shall observe and comply with all anti-discrimination laws, both federal and state, except where otherwise exempted under federal charter school law.

4.05.2 All public charter schools are responsible for meeting the requirements of the Individuals with Disabilities Act (IDEA) and these rules.

4.05.3 All public charter schools are responsible for meeting the requirements of Section 504 of the Rehabilitation Act.

Source: Current rules as modified.

4.06 Reporting Requirements

4.06.1 Within ten (10) calendar days of the close of the first quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

4.06.1.1 The number of applications for enrollment received;

4.06.1.2 The number of applicants with a disability identified under the Individuals with Disabilities Act, 20 U.S.C. § 1400 et seq.; and

4.06.1.3 The number of applications for enrollment the public charter school denied and an explanation of the reason for each denial.

4.06.2 Within ten (10) calendar days of the close of the fourth quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

- 4.06.2.1 The number of students in each of the following categories:
- 4.06.2.1.1 Students who dropped out of the public charter school during the school year;
 - 4.06.2.1.2 Students who were expelled during the school year by the public charter school;
 - 4.06.2.1.3 Students who were enrolled in the public charter school but for a reason other than those cited under Sections 4.06.2.1.1 and 4.06.2.1.2 did not complete the school year at the public charter school;
 - 4.06.2.1.4 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to another open-enrollment public charter school;
 - 4.06.2.1.5 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a private school;
 - 4.06.2.1.6 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a home school;
 - 4.06.2.1.7 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a school outside of Arkansas; and
 - 4.06.2.1.8 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a traditional public school district within Arkansas.
 - 4.06.2.1.9 The report shall identify the dates of transfer for all students identified in Section 4.06.2.1.8.

- 4.06.2.2 For all students enrolled in the public charter school, the scores for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., including without limitation benchmark assessments and end-of-course assessments
- 4.06.2.3 If there is any discrepancy in the number of students for whom scores are reported under Section 4.06.2.2 of these rules, and the number of students enrolled at the beginning of the school year, the public charter school shall explain in the report the reason for the discrepancy.
- 4.06.3 The Department of Education shall not exempt a public charter school from the reporting required under Section 4.06 of these rules.
- 4.06.4 The Department of Education shall publish a copy of each report on the department's website.
- 4.06.5 If a public charter school fails to comply with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules, the Department of Education shall note the failure in the annual evaluation of the public charter school.
- 4.06.6 Every public charter school shall furnish any other information, record, or report requested by the Department of Education Charter School Office unless disclosure of the information, record, or report is explicitly prohibited by court order or by federal or state law.
- 4.06.7 The Department of Education Charter School Office shall, at least annually, post on the Department of Education's website a list of deadlines for which legally required reports are due from the public charter school to the Department of Education.

Source: Ark. Code Ann. § 6-23-107 – Act 993 of 2011.

- 4.07 Public Charter Schools Receiving Federal Dissemination Grants from the Arkansas Department of Education
- 4.07.1 Public Charter Schools that receive federal dissemination grant funds from the Department of Education shall, by July 1 of each year, provide the Department of Education Charter School Office with a list of the public charter school's best or promising practices in accordance with their approved dissemination grant applications.
- 4.07.2 By August 1 of each year, the Department of Education Charter School Office will post a link of each public charter school's best or promising practices on the Department of Education's website.
- 4.08 Application Process, Schedule and Forms
- 4.08.1 A procedure for establishing a public charter school shall be published by the Department of Education as approved by the State Board.
- 4.08.2 All dates and requirements listed in the procedures for establishing a public charter school shall be strictly followed by the public charter school applicant.
- 4.08.3 If all dates and requirements listed in the procedures for establishing a public charter school are not strictly followed by the public charter school applicant, the ~~State Board~~ authorizer may refuse to consider the application.
- 4.08.4 Application forms and other documents needed for the public charter school application process shall be provided by the Arkansas Department of Education Charter School Office and are incorporated into these rules as if fully set forth herein.
- 4.08.5 Any requests for technical assistance by a charter applicant shall be made to the Arkansas Department of Education Charter School Office.
- 4.08.6 Letter of Intent: Each public charter school letter of intent shall be submitted by the potential applicant by certified mail, ~~or~~ hand delivery or by electronic means and must be received by the Department of Education Charter School Office on or before the established deadline. The

Department of Education Charter School Office may refuse to process or review any letter of intent not received by the established deadline.

4.08.7 Charter Application: Each public charter school application shall be submitted by the applicant by certified mail, ~~or~~ hand delivery or by electronic means and must be received by the Department of Education Charter School Office on or before the established deadline. The Department of Education Charter School Office may refuse to process or review any application not received by the established deadline.

4.08.8 The Department of Education shall review the application for a public charter school and present to the ~~State Board~~ authorizer a written evaluation of the application. The Department's evaluation shall be sent to the public charter school applicant.

4.08.9 The public charter school applicant shall be allowed an opportunity to submit a written response to the Arkansas Department of Education's evaluation by an established deadline.

4.08.10 The Department of Education may require additional information from a charter applicant to be delivered by the charter applicant in oral or written form, or both.

5.00 RULES APPLICABLE TO CONVERSION PUBLIC CHARTER SCHOOLS

5.01 Application for Conversion Public Charter School Status

5.01.1 Any public school district may apply to the ~~State Board~~ authorizer for conversion public charter school status for a public school in the public school district in accordance with a schedule approved by the State Board. The ~~State Board~~ authorizer shall not approve an application for conversion public charter school status that has not first been approved by the school district's board of directors.

5.01.2 A public school district's application for conversion public charter school status for the public school may include, without limitation, the following purposes:

5.01.2.1 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;

5.01.2.2 Addressing school improvement status resulting from sanctions listed in Ark. Code Ann. §§ 6-15-207(c)(8) and 6-15-429(a) and (b); or

5.01.2.3 Partnering with other public school districts or public schools to address students' needs in a geographical location or multiple locations.

5.01.3 An application for a conversion public charter school shall:

5.01.3.1 Describe the results of a public hearing called by the local school board for the purpose of assessing support of an application for conversion public charter school status.

5.01.3.2 Notice of the public hearing shall be:

5.01.3.2.1 Distributed to the community, licensed personnel, and the parents of all students enrolled at the public school for which the public school district initiated the application; and

5.01.3.2.2 Published in a newspaper having general circulation in the public school district at least three (3) weeks prior to the date of the meeting;

5.01.3.3 Describe a plan for school improvement that addresses how the conversion public charter school will improve student learning and meet the state education goals;

5.01.3.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the conversion public charter school in improving student learning and meeting or exceeding the state education goals;

5.01.3.5 Describe how the licensed employees and parents of the students to be enrolled in the conversion public charter

school will be involved in developing and implementing the school improvement plan and identifying performance criteria;

5.01.3.6 Describe how the concerns of licensed employees and parents of students enrolled in the conversion public charter school will be solicited and addressed in evaluating the effectiveness of the improvement plan; and

5.01.3.7 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the public charter school will be exempt.

5.01.4 A licensed teacher employed by a public school in the school year immediately preceding the effective date of a charter for a public school conversion within that public school district may not be transferred to or be employed by the conversion public charter school over the licensed teacher's objection, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.

5.01.5 If the transfer of a teacher within the public school district is not possible because only one (1) public school exists for that teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed conversion public charter school site and proceed, at the local school board's option, with the conversion public charter school application if a majority of the licensed teachers approve the proposal.

Source: Ark. Code Ann. § 6-23-201.

5.02 Authorization for Conversion Public Charter School Status

5.02.1 As requested by the conversion public charter school applicant, the ~~State Board~~ authorizer shall review the application for conversion public charter school status and may approve any application that:

- 5.02.1.1 Provides a plan for improvement at the school level for improving student learning and for meeting or exceeding the state education goals;
- 5.02.1.2 Includes a set of performance-based objectives and student achievement objectives for the term of the charter and the means for measuring those objectives on at least a yearly basis;
- 5.02.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the conversion public charter school, as well as the licensed employees and the broader community, in the process of carrying out the terms of the charter; and
- 5.02.1.4 Includes an agreement to provide a yearly report to parents, the community, the local school board, and the ~~State Board~~ authorizer that indicates the progress made by the conversion public charter school in meeting the performance objectives during the previous year.

Source: Ark. Code Ann. § 6-23-202.

5.03 Resubmission of Conversion Public Charter School Applications

- 5.03.1 The ~~State Board~~ authorizer may allow applicants to resubmit applications for conversion public charter school status if the original application was, in the opinion of the ~~State Board~~ authorizer, deficient in one (1) or more respects.
- 5.03.2 The Department of Education may provide technical assistance to the conversion public charter school applicants in the creation or modification of these applications.

Source: Ark. Code Ann. § 6-23-203

- 5.04 Public Conversion Charter School Renewal: The ~~State Board~~ authorizer is authorized to renew charters of conversion public charter schools on a one-year or

multiyear basis, not to exceed five (5) years, after the initial five-year period if the renewal is approved by the local school board.

Source: Ark. Code Ann. § 6-23-204

- 5.05 Teacher Hires when Charter Revoked: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the charter is employed by a conversion public charter school and the charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the public school district where the licensed teacher was formerly employed.
- 5.06 ~~State Board~~ Authorizer Hearing Procedures Related to Conversion Public Charter Schools (Application, Renewal, or Request for Charter Amendment)
- 5.06.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 5.06.2 The conversion public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed conversion public charter school, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.3 Parties opposed to the conversion public charter school application, renewal, or amendment, if any, shall have twenty (20) minutes to present their case to the ~~State Board~~ authorizer for disapproval of the proposed conversion public charter school, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.4 The conversion public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the conversion public charter school application, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the conversion public charter school application or request and questions, if any, to the conversion public charter school or applicant, opposing parties, or both.

5.06.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

5.06.7 The ~~State Board~~ authorizer may defer the vote to approve or disapprove a charter application, renewal, or amendment in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application or request.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

5.07 ~~State Board~~ Authorizer Hearing Procedures Related to Conversion Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)

5.07.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the conversion public charter school.

5.07.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

5.07.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of a conversion public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

5.07.4 The conversion public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the conversion public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

5.07.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.

5.07.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

6.00 RULES APPLICABLE TO OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS

6.01 Application for an Open-Enrollment Public Charter School

6.01.1 Pursuant to Title 6, Chapter 23 of the Arkansas Code and these rules, an eligible entity may apply to the ~~State Board~~ authorizer to grant a charter for an open-enrollment public charter school to operate in a facility of a commercial or nonprofit entity or a public school district. As noted in Section 6.17.11 of these Rules, an open-enrollment public charter school shall have the right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.

6.01.2 The ~~State Board~~ authorizer shall adopt an application form, schedule, and a procedure that must be used to apply for an open-enrollment public charter school. The State Board shall adopt any applications, forms, schedules and procedures that are required to be promulgated through the Administrative Procedure Act.

6.01.3 The ~~State Board~~ authorizer shall adopt, in conjunction with the application form adopted under section 6.01.2 of these Rules, a scoring rubric that shall constitute criteria to inform the ~~Board's~~ authorizer's approval of a program for which an open-enrollment public charter may be granted. The State Board shall adopt any rubric that is required to be promulgated through the Administrative Procedure Act.

6.01.4 The application to the ~~State Board~~ authorizer for an open-enrollment public charter school shall be made in accordance with a schedule approved by the ~~State Board~~ authorizer. The State Board shall adopt any schedule that is required to be promulgated through the Administrative Procedure Act.

6.01.5 The application form must provide space for including all information required under Title 6, Chapter 23 and these rules to be contained in the charter.

6.01.6 The application for an open-enrollment public charter school shall:

6.01.6.1 Describe the results of a public hearing called by the applicant for the purpose of assessing support for an application for an open-enrollment public charter school.

6.01.6.1.1 Notice of the public hearing shall be published one (1) time a week for three (3) consecutive weeks in a newspaper having general circulation in the public school district in which the open-enrollment public charter school is likely to be located.

6.01.6.1.1.1 The last publication of notice shall be no less than seven (7) days ~~prior to~~ before the public meeting.

6.01.6.1.1.2 The notice shall not be published in the classified or legal notice section of the newspaper.

6.01.6.1.2 Within seven (7) calendar days following the first publication of notice required under Section 6.01.6.1.1 of these rules, letters announcing the public hearing shall be sent to the superintendent of each of the public school districts from which the open-enrollment public charter school is likely to

draw students for the purpose of enrollment and the superintendent of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.

- 6.01.6.1.3 An affected school district may submit written comments concerning the application to the ~~State Board~~ authorizer to be considered at the time of the ~~State Board's~~ authorizer's review of the application.

- 6.01.6.2 Describe a plan for academic achievement that addresses how the open-enrollment public charter school will improve student learning and meet the state education goals;

- 6.01.6.3 Outline the proposed performance criteria that will be used during the initial five-year period of the open-enrollment public charter school operation to measure its progress in improving student learning and meeting or exceeding the state education goals;

- 6.01.6.4 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the open-enrollment public charter school seeks to be exempted;

- 6.01.6.5 Describe the facility to be used for the open-enrollment public charter school and state the facility's current use.
 - 6.01.6.5.1 If the facility to be used for an open-enrollment public charter school is a public school district facility, the open-enrollment public charter school must operate in the facility in accordance with the terms established by the local school board of the public school district in an agreement governing the relationship between the

open-enrollment public charter school and the public school district.

6.01.6.5.2 If the facility that will be used for the open-enrollment public charter school is owned by or leased from a sectarian organization, the terms of the facility agreement must be disclosed to the ~~State Board~~ authorizer.

6.01.6.6 Include a detailed budget and a governance plan for the operation of the open-enrollment public charter school.

6.01.7 Review and Approval by the Local School Board:

6.01.7.1 The application may be reviewed and approved by the local school board of the public school district in which the proposed open-enrollment public charter school will operate.

6.01.7.2 Any decision by the local school board approving or disapproving the application must be made within forty-five (45) days of the local school board's receipt of the application.

6.01.7.3 The applicant may submit to the ~~State Board~~ authorizer for expedited review an application approved by the local school board under Section 6.01.7.1 of these rules.

6.01.7.4 If the local school board disapproves the application, or if the local school board takes no action in the time allowed by Section 6.01.7.2 of these Rules, the applicant shall have an immediate right to proceed with a written notice of appeal to the ~~State Board~~ authorizer.

6.01.7.5 The ~~State Board~~ authorizer shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review, unless the applicant and the local school board agree to a later date.

6.01.7.6 All interested parties may appear at the hearing and present relevant information regarding the application.

6.02 A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

Source: Ark. Code Ann. §§ 6-23-301 and 6-23-302 as amended by Act 993 of 2011

6.03 Authorization for an Open-Enrollment Public Charter School

6.03.1 As requested by the applicant for an open-enrollment public charter school, the ~~State Board~~ authorizer shall review the application for an open-enrollment public charter school and may approve any application that:

6.03.1.1 Provides a plan for academic achievement that addresses how the open-enrollment public charter school proposes to improve student learning and meet the state education goals;

6.03.1.2 Includes a set of performance criteria that will be used during the initial five-year period of the open-enrollment public charter school's operation to measure its progress in meeting its academic performance goals;

6.03.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the open-enrollment public charter school, the licensed employees, and the broader community in carrying out the terms of the open-enrollment charter;

6.03.1.4 Includes an agreement to provide an annual report to parents, the community, and the ~~State Board~~ authorizer that demonstrates the progress made by the open-enrollment public charter school during the previous academic year in meeting its academic performance objectives;

- 6.03.1.5 Includes a detailed budget, a business plan, and a governance plan for the operation of the open-enrollment public charter school; and
- 6.03.1.6 Establishes the eligible entity's status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-303

6.04 Other Application Requirements – Preference for Certain Districts

6.04.1 The ~~State Board~~ authorizer may approve or deny an application based on:

- 6.04.1.1 Criteria provided by law;
- 6.04.1.2 Criteria provided by rule adopted by the ~~State Board~~ authorizer under section 6.01.3 of these Rules;
- 6.04.1.3 Findings of the ~~State Board~~ authorizer relating to improving student performance and encouraging innovative programs; and
- 6.04.1.4 Written findings or statements received by the ~~State Board~~ authorizer from any public school district likely to be affected by the open-enrollment public charter school.

6.04.2 The ~~State Board~~ authorizer shall give preference in approving an application for an open-enrollment public charter school to be located in any public school district:

- 6.04.2.1 When the percentage of students who qualify for free or reduced-price lunches is above the average for the state;
- 6.04.2.2 When the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or
- 6.04.2.3 When the district has been classified by the Department of Education as in some phase of school improvement status

under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Board.

6.04.3 The Department of Education, State Board, or a combination of the department and the State Board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under Section 6.04.3.1 below.

6.04.3.1 If the cap on the number of charters available for an open-enrollment public charter schools is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.

6.04.3.2 By March 1 each year, the Department of Education shall issue a Commissioner's Memo stating the existing limitation on the number of charters available for open-enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.

6.04.4 An open-enrollment public charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 6.05 of these rules.

6.04.5 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under Ark. Code Ann. § 6-13-1601 et seq., until after the third year of the administrative reorganization.

6.04.6 A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

Source: Ark. Code Ann. § 6-23-304 as amended by Act 987 of 2011

6.05 Open-Enrollment Public Charter School Licenses

6.05.1 A charter applicant that receives an approved open-enrollment public charter may petition the ~~State Board~~ authorizer for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

6.05.1.1 The approved open-enrollment public charter applicant has demonstrated academic success ~~in student achievement gains~~, as defined by the State Board for all public schools;

6.05.1.2 The approved open-enrollment public charter applicant has not:

6.05.1.2.1 Been subject to any disciplinary action by the ~~State Board~~ authorizer;

6.05.1.2.2 Been classified as in ~~school improvement or~~ academic or fiscal distress;

6.05.1.2.3 Had its open-enrollment public charter placed on charter school probation or suspended or revoked under Ark. Code Ann. § 6-23-105 or Section 4.03 of these rules; and

6.05.1.2.4 The ~~State Board~~ authorizer determines in writing by a majority of a quorum ~~of the State Board~~ present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in Section 6.05 of these rules.

Source: Ark. Code Ann. § 6-23-304 as amended by Act 993 of 2011

6.06 Resubmission of Open-Enrollment Public Charter School Applications

- 6.06.1 If the ~~State Board~~ authorizer disapproves an application for an open-enrollment public charter school, the ~~state board~~ authorizer shall notify the applicant in writing of the reasons for such disapproval.
- 6.06.2 The ~~State Board~~ authorizer may allow the applicant for an open-enrollment public charter school to resubmit its application if the original application was found to be deficient by the ~~State Board~~ authorizer.
- 6.06.3 The Department of Education may provide technical assistance to the applicant for an open-enrollment public charter school in the creation or modification of its application.

Source: Ark. Code Ann. § 6-23-305

6.07 Contents of Open-Enrollment Public Charters

- 6.07.1 An open-enrollment public charter granted by the ~~State Board~~ authorizer shall:
- 6.07.1.1 Describe the educational program to be offered;
 - 6.07.1.2 Specify the period for which the open-enrollment public charter or any renewal is valid;
 - 6.07.1.3 Provide that the continuation or renewal of the open-enrollment public charter is contingent on acceptable student performance on assessment instruments adopted by the State Board and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter;
 - 6.07.1.4 Establish the level of student performance that is considered acceptable for the purposes of Section 6.07.1.3 of these rules;
 - 6.07.1.5 Specify any basis, in addition to a basis specified by Title 6, Chapter 23 of the Arkansas Code or Section 4.03 of these rules, on which the open-enrollment public charter

school may be placed on probation or its charter revoked or on which renewal of the open-enrollment public charter school may be denied;

6.07.1.6 Prohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows:

6.07.1.6.1 The open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools;

6.07.1.6.2 Consistent with the requirements of Section 6.07.1.14.3 of these rules, the open-enrollment public charter school may allow a weighted lottery to be used in the student selection process when necessary to comply with Title VI of the federal civil rights act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation; and

6.07.1.6.3 The open-enrollment public charter may provide for the exclusion of a student who has been expelled from another public school district in accordance with Title 6 of the Arkansas Code.

6.07.1.7 Specify the grade levels to be offered;

6.07.1.8 Describe the governing structure of the program;

6.07.1.9 Specify the qualifications to be met by professional employees of the program;

- 6.07.1.10 Describe the process by which the persons providing the program will adopt an annual budget;
- 6.07.1.11 Describe the manner in which the annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the persons providing the program will provide information necessary for the public school district in which the program is located to participate;
- 6.07.1.12 Describe the facilities to be used, including the terms of the facility utilization agreement if the facility for the open-enrollment public charter school is owned or leased from a sectarian organization;
- 6.07.1.13 Describe the geographical area, public school district, or school attendance area to be served by the program;
- 6.07.1.14 Specify the methods for applying for admission, enrollment criteria, and student recruitment and selection processes.
 - 6.07.1.14.1 Except as provided in Section 6.07.1.14.2 of these rules, if more eligible students apply for a first-time admission than the open-enrollment public charter school is able to accept by the annual deadline that the open-enrollment public charter school has established for the receipt of applications for the next school year, the open-enrollment public charter must require the open-enrollment public charter school to use a random, anonymous student selection method that shall be described in the charter application.
 - 6.07.1.14.1.1 If there are still more applications for admissions than the open-enrollment public charter school is able to accept after the completion

of the random, anonymous student selection method, then the open-enrollment public charter school shall place the applicants on a waiting list for admission.

6.07.1.14.1.2 The waiting list is valid until the next time the open-enrollment public charter school is required to conduct a random, anonymous student selection.

6.07.1.14.2 However, an open-enrollment public charter school may allow a preference for:

6.07.1.14.2.1 Children of the founding members of the eligible entity. The number of enrollment preferences granted to children of founding members shall not exceed ten percent (10%) of the total number of students enrolled in the open-enrollment public charter school; and

6.07.1.14.2.2 Siblings of students currently enrolled in the open-enrollment public charter school.

6.07.1.14.3 The open-enrollment public charter may use a weighted lottery in the student selection process only when necessary to comply with a:

6.07.1.14.3.1 Federal court order; or

6.07.1.14.3.2 Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972 and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

6.07.1.15 Include a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public moneys.

Source: Ark. Code Ann. § 6-23-306 as amended by Act 993 of 2011

6.08 Renewal of an Open-Enrollment Charter: After the initial five-year period of an open-enrollment public charter, the ~~State Board of Education~~ authorizer may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

Source: Ark. Code Ann. § 6-23-307 as amended by Act 993 of 2011

6.09 Priority Hiring for Teachers: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the open-enrollment public charter is employed by an open-enrollment public charter school and the open-enrollment public charter is revoked, the licensed teacher will

receive a priority in hiring for the first available position for which the licensed teacher is qualified in the school district where the licensed teacher was formerly employed.

Source: Ark. Code Ann. § 6-23-308

6.10 Status Report: The ~~State Board~~ authorizer shall report on the status of the open-enrollment public charter school programs to the General Assembly each biennium and to the House ~~Interim~~ Committee on Education and the Senate ~~Interim~~ Committee on Education during the interim between regular sessions of the General Assembly.

Source: Ark. Code Ann. § 6-23-310

6.11 Authority under a Charter for Open-Enrollment Public Charter Schools

6.11.1 An open-enrollment public charter school:

6.11.1.1 Shall be governed by an eligible entity that is fiscally accountable under the governing structure as described by the charter;

6.11.1.2 Shall provide instruction to students at one (1) or more elementary or secondary grade levels as provided by the charter;

6.11.1.3 Shall retain the authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Title 6, Chapter 23 of the Arkansas Code and these rules;

6.11.1.4 Shall have no authority to impose taxes;

6.11.1.5 Shall not incur any debts without the prior review and approval of the Commissioner of Education;

6.11.1.5.1 Requests for approval of debt must be submitted to the Commissioner of Education by the open-enrollment public charter school no later than thirty (30) days prior to the date upon which the debt will be incurred.

- 6.11.1.5.2 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education may waive the thirty (30) day deadline set forth in Section 6.11.1.5.1 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education.
- 6.11.1.6 Shall not enter into any short-term line of credit, or receive any funds from a short-term line of credit, without prior notice to the Commissioner of Education;
 - 6.11.1.6.1 Notice of a short-term line of credit must identify the lender or creditor, the principal amount, the interest rate, and the payment terms;
 - 6.11.1.6.2 No public funds may be used to repay any short-term line of credit unless prior notice of the line of credit was given to and received by the Commissioner of Education;
- 6.11.1.7 Shall not charge students tuition or fees that would not be allowable charges in the public school districts; and
- 6.11.1.8 Shall not be religious in its operations or programmatic offerings.
- 6.11.2 An open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation promulgated by the State Board under Title 6 of the Arkansas Code relating to:

- 6.11.2.1 Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner;
- 6.11.2.2 Public school accountability under Title 6 of the Arkansas Code;
- 6.11.2.3 High school graduation requirements as established by the State Board;
- 6.11.2.4 Special education programs as provided by Title 6 of the Arkansas Code;
- 6.11.2.5 Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
- 6.11.2.6 Health and safety codes as established by the State Board and local governmental entities; and
- 6.11.2.7 Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24-101 et seq., and any other controlling state or federal law regarding ethics or conflicts of interest.

Source: Ark. Code Ann. § 6-23-401

6.12 Enrollment Numbers and Deadline:

- 6.12.1 An open-enrollment public charter school may enroll a number of students not to exceed the number of students specified in its charter.
- 6.12.2 Any student enrolling in an open-enrollment public charter school shall enroll in that school by the deadline established in Ark. Code Ann. § 6-23-402 for the upcoming school year during which the student will be attending the open-enrollment public charter school.
- 6.12.3 However, if a student enrolled by the deadline established in Ark. Code Ann. § 6-23-402 should no longer choose to attend the open-enrollment public charter school or if the open-enrollment public charter school has not yet met its enrollment cap, the open-enrollment public charter school may enroll a number of replacement or additional students not to exceed the enrollment cap of the open-enrollment public charter school.

- 6.12.4 Open-enrollment public charter schools shall keep records of attendance in accordance with the law and submit quarterly attendance reports to the Department of Education.

Source: Ark. Code Ann. § 6-23-402 as amended by Acts 989 and 993 of 2011

6.13 Annual Audit of Open-Enrollment Public Charter School Required:

- 6.13.1 Any other provision of the Arkansas Code or these rules notwithstanding, an open-enrollment public charter school shall be subject to the same auditing and accounting requirements as any other public school district in the state.
- 6.13.2 An open-enrollment public charter school shall prepare an annual certified audit of the financial condition and transactions of the open-enrollment public charter school as of June 30 each year in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States, and containing any other data as determined by the State Board for all public schools.
- 6.13.3 If the school is an open-enrollment public charter school in its first year of operation, the Legislative Auditor shall prepare the required annual financial audit for the school unless:
- 6.13.3.1 The open-enrollment public charter school chooses to retain the services of a licensed certified public accountant in public practice in good standing with the Arkansas State Board of Public Accountancy; and
- 6.13.3.2 The ~~State Board of Education~~ authorizer approves the open-enrollment public charter school's use of an entity other than the Legislative Auditor to prepare the annual financial audit.
- 6.13.4 No open-enrollment public charter school shall engage an accountant or accounting firm to conduct any audit if the accountant or accounting firm

is listed on any ineligibility list maintained by the Department of Education or the Division of Legislative Audit.

Source: Ark. Code Ann. §§ 6-23-403, 6-23-505, and 10-4-413 as amended by Act 993 of 2011.

6.14 Evaluation of Open-Enrollment Public Charter Schools:

6.14.1 The Department of Education shall cause to be conducted an annual evaluation of open-enrollment public charter schools.

6.14.2 An annual evaluation shall include, without limitation, consideration of:

6.14.2.1 Student scores under the statewide assessment program described in Ark. Code Ann. § 6-15-433;

6.14.2.2 Student attendance;

6.14.2.3 Student grades;

6.14.2.4 Incidents involving student discipline;

6.14.2.5 Socioeconomic data on students' families;

6.14.2.6 Parental satisfaction with the schools;

6.14.2.7 Student satisfaction with the schools; and

6.14.2.8 The open-enrollment public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules.

6.14.3 The ~~State Board~~ authorizer may require the charter holder to appear before the ~~State Board~~ authorizer to discuss the results of the evaluation and to present further information to the ~~State Board~~ authorizer as the ~~Department of Education or the State Board~~ authorizer deems necessary.

Source: Ark. Code Ann. § 6-23-404 as amended by Act 993 of 2011

- 6.15 Monthly Reports: An open-enrollment public charter school in its initial school year of operation shall provide monthly reports on its enrollment status and compliance with its approved budget for the current school year to the Department of Education.

Source: Ark. Code Ann. § 6-23-405 as added by Act 993 of 2011

- 6.16 Department of Education Review: The Department of Education shall:
- 6.16.1 Conduct an end-of-semester review of each open-enrollment public charter school that is in its initial school year of operation at the end of the first semester and at the end of the school year; and
 - 6.16.2 Report to the State Board and the Commissioner of Education on the open-enrollment public charter school's:
 - 6.16.2.1 Overall financial condition; and
 - 6.16.2.2 Overall condition of student enrollment.

Source: Ark. Code Ann. § 6-23-406 as added by Act 993 of 2011

- 6.17 Funding for Open-Enrollment Public Charter Schools
- 6.17.1 An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under Ark. Code Ann. § 6-20-2305(a) and (b) as well as any other funding that a public charter school is entitled to receive under law or under rules promulgated by the State Board.
 - 6.17.2 For the first year of operation and any year the open-enrollment public charter school adds a new grade, the foundation funding for an open-enrollment public charter school is determined as follows:
 - 6.17.2.1 The initial funding estimate shall be based on enrollment as of the deadline established by Ark. Code Ann. § 6-23-501;
 - 6.17.2.2 In December, funding will be adjusted based upon the first quarter average daily membership; and

6.17.2.3 A final adjustment will be made after the current three-quarter average daily membership is established.

6.17.3 For the second year and each school year thereafter, the previous year's average daily membership will be used to calculate foundation funding amounts.

6.17.4 National school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4) shall be provided to an open-enrollment public charter school as follows:

6.17.4.1 For the first year of operation and in any year when a grade is added, free or reduced-price meal eligibility data as reported by October 1 of the current school year will be used to calculate the national school lunch state categorical funding under the State Board rules governing special needs funding; and

6.17.4.2 For the second year and each school year of operation thereafter, the previous year's October 1 national school lunch student count as specified in State Board rules governing special needs funding will be used to calculate national school lunch state categorical funding for the open-enrollment public charter school.

6.17.5 Professional development funding under Ark. Code Ann. § 6-20-2305(b)(5) shall be provided to an open-enrollment public charter school for the first year of operation and in any year in which a grade is added as follows:

6.17.5.1 In the first year of operation and in any year when a grade is added, the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of the date required by Ark. Code Ann. § 6-23-501 multiplied by the per-student professional development funding amount under Ark. Code Ann. § 6-20-2305(b)(5) for that school year.

- 6.17.5.2 For the second year and each school year thereafter, professional development funding will be based upon the previous year's average daily membership multiplied by the per-student professional development funding amount for that school year.
- 6.17.6 The Department of Education shall distribute other categorical funding under Ark. Code Ann. § 6-20-2305(a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the State Board.
- 6.17.7 An open-enrollment public charter school shall not be denied foundation funding or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the Department of Education the number of students eligible for funding as specified in applicable rules.
- 6.17.8 Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) installments each fiscal year.
- 6.17.9 An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.
- 6.17.10 Open-enrollment public charter schools may receive gifts and grants from private sources in whatever manner is available to public school districts.
- 6.17.11 An open-enrollment public charter school shall have a right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.
- 6.17.11.1 The public school district may not require lease payments that exceed the fair market value of the property.
- 6.17.11.2 The application of this Section 6.17.11 is subject to the rights of a repurchase under Ark. Code Ann. § 6-13-103 regarding property taken by eminent domain.

- 6.17.11.3 A public school district is exempt from the requirements of this Section 6.17.11 if the public school district, through an open bid process, receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment public charter school for an amount that exceeds the fair market value.
- 6.17.11.4 The purposes of this Section 6.17.11 are to:
 - 6.17.11.4.1 Acknowledge that taxpayers intended a public school facility to be used as a public school; and
 - 6.17.11.4.2 Preserve the option to continue that use.
- 6.17.11.5 Nothing in this Section 6.17.11 is intended to diminish the opportunity for an Arkansas Better Chance program to bid on the purchase or lease of the public school facility on an equal basis as the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-501 as amended by Acts 989 and 993 of 2011

6.18 Source of Funding for Open-Enrollment Public Charter Schools

- 6.18.1 Open-enrollment public charter schools shall be funded each year through funds set aside from funds appropriated to state foundation funding aid in the Public School Fund.
- 6.18.2 The amount set aside shall be determined by the State Board.

Source: Ark. Code Ann. § 6-23-502

6.19 Use of Funding by Open-Enrollment Public Charter Schools

- 6.19.1 An open-enrollment public charter school may not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt.
- 6.19.2 No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public

charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

- 6.19.3 Every contract or lease into which an open-enrollment public charter school enters shall include the wording of Section 6.19.2 of these rules.

Source: Ark. Code Ann. § 6-23-503

- 6.20 Employee Benefits: Employees of an open-enrollment public charter school shall be eligible to participate in all benefits programs available to public school employees.

Source: Ark. Code Ann. § 6-23-504

6.21 Deposit and Management of Charter School Funds

- 6.21.1 All charter school funds, including state foundation funding, other state funding, federal funding, and grants and private donations received directly by a charter school, shall be deposited into a bank account titled in the name of the charter school.

- 6.21.2 Non-charter school funds of the sponsoring entity shall be deposited in a separate bank account titled in the name of the sponsoring entity and shall not be commingled with charter school funds.

- 6.21.3 If the charter school operates an approved federal child nutrition program, food service revenues shall be deposited and managed as required by federal law and by any regulations promulgated by the Arkansas Department of Education Child Nutrition Unit or the Arkansas Department of Human Services.

- 6.21.4 Charter schools may, but are not required to, secure bank accounts as detailed in Ark. Code Ann. § 6-20-222.

6.22 Assets of Open-Enrollment Public Charter School as Property of State

- 6.22.1 Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state,

unless otherwise specified in the charter of the open-enrollment public charter school.

- 6.22.2 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-enrollment public charter school, the ~~State Board~~ Department of Education may require that the property be sold.
- 6.22.3 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

Source: Ark. Code Ann. § 6-23-506

6.23 ~~State Board~~ Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (Application, Renewal, or Request for Charter Amendment)

- 6.23.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 6.23.2 The open-enrollment public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 6.23.3 Parties opposed to the open-enrollment public charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for disapproval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 6.23.4 The open-enrollment public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

- 6.23.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the open-enrollment public charter school application, renewal, or request, and questions, if any, to the open-enrollment public charter school or applicant, opposing parties, or both.
- 6.23.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.
- 6.23.7 The ~~State Board~~ authorizer may defer the vote to approve or disapprove a charter application, renewal, or request in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application, renewal, or request.
- 6.23.8 During the roll call vote on each open-enrollment public charter initial application, if a particular ~~State Board~~ member of the authorizing body votes against the initial application, that ~~State Board~~ member should state his or her reasons for disapproval as necessary to comply with Ark. Code Ann. § 6-23-305.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

- 6.24 ~~State Board~~ Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)
- 6.24.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the open-enrollment public charter school.
- 6.24.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 6.24.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of an open-enrollment public charter school charter. The

Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

6.24.4 The open-enrollment public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the open-enrollment public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

6.24.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the open-enrollment public charter school, or both.

6.24.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

6.25 Charter School Facilities

An open-enrollment public charter school shall not commence operations with students in any new or renovated facility unless the school has obtained for the new construction or renovation:

6.25.1 A certificate of occupancy issued by a local code official approved by the state fire marshal;

6.25.2. A certificate of occupancy or other approval of the state fire marshal; or

6.25.3 A certificate of substantial completion issued by a licensed architect.

7.00 RULES APPLICABLE TO LIMITED PUBLIC CHARTER SCHOOLS

7.01 Any public school may apply to the ~~State Board~~ Department of Education for limited public charter school status for alternative comprehensive staffing and compensation programs designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives, to be known as a “limited public charter school.” The ~~State Board~~ authorizer shall not approve an

application for limited public charter school status that has not first been approved by the school district's board of directors.

- 7.02 A limited public charter school shall be for the purpose of instituting alternative staffing practices in accordance with a schedule approved by the ~~State Board~~ authorizer.
- 7.03 A limited public charter school shall be initially established for no more than five (5) years and may be renewed on a one-year or multiyear basis, not to exceed five (5) years per charter renewal.
- 7.04 The application for a limited public charter school shall:
 - 7.04.1 Contain the provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the limited public charter school will be exempt.
 - 7.04.1.1 The provisions from which the public school district may be exempt for the limited public charter school only shall be limited to the following:
 - 7.04.1.1.1 The duty-free lunch period requirements set forth in Ark. Code Ann. § 6-17-111;
 - 7.04.1.1.2 The daily planning period requirements set forth in Ark. Code Ann. § 6-17-114;
 - 7.04.1.1.3 The committee on personnel policies requirements set forth in Ark. Code Ann. § 6-17-201 et seq., and
 - 7.04.1.1.4 Standards for accreditation set forth in the Arkansas Code, set forth by the Department of Education, or set forth by the State Board of Education.
 - 7.04.1.2 No limited public charter school may be allowed an exemption that would allow a full-time licensed employee to be paid less than the salary provided in the public school district's salary schedule for that employee;

- 7.04.2 Describe a plan for school improvement that addresses how the limited public charter school will improve student learning and meet the state education goals;
- 7.04.3 Describe how the licensed employees at the limited public charter school will be involved in developing and implementing the school performance plan set forth in Section 7.04.2 of these rules and in identifying performance criteria;
- 7.04.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the limited public charter school in improving student learning and meeting or exceeding the state education goals; and
- 7.04.5 Be reviewed as a regular agenda item and approved after sufficient public comment by the local school board and the ~~State Board~~ authorizer.
- 7.05 Any application to obtain limited public charter school status approved by a local school board shall be forwarded by the local school board to the ~~State Board~~ authorizer.
- 7.06 If a local school board does not approve a public school's application, the local school board shall inform the applicants and faculty of the public school of the local school board's reasons for not approving the application.
- 7.07 A licensed teacher employed by a public school in the year immediately preceding the effective date of a limited public charter for a limited public charter school within that public school district may not be transferred to or be employed by the limited public charter school over the licensed teacher's objections, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.
- 7.08 If the transfer of a teacher within a public school district is not possible because only one (1) public school exists for the teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed limited public charter school site and proceed, at the local school board's option, with the limited public charter school application if a majority of the licensed teachers approve the proposal.

- 7.09 A licensed teacher choosing to join the staff of a limited public charter school shall be employed by the district by a written contract as set forth in Ark. Code Ann. § 6-13-620(5), with the contract being subject to the provisions of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 7.09.1 The licensed teacher shall also enter into a separate supplemental contract specifically for the teacher's employment in the limited public charter school, with the supplemental contract being exempt from the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., and from Ark. Code Ann. § 6-17-807.
- 7.09.2 Termination of the supplemental contract shall not be used as a basis to deny continued employment of the teacher within the public school district in another public school at a similar grade level.
- 7.10 Limited public charter schools shall be evaluated annually by the Department of Education based on criteria approved by the ~~State Board~~ authorizer, including without limitation:
- 7.10.1 Student performance data in order to determine progress in student achievement that has been achieved by the limited public charter school; and
- 7.10.2 The limited public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.05 of these rules.
- 7.10.3 The Department of Education shall annually report its evaluation to the State Board and the Commissioner of Education.
- 7.10.4 Based upon that evaluation, the ~~State Board~~ authorizer may revoke a limited public charter.

Source: Ark. Code Ann. § 6-23-601 as amended by Act 993 of 2011

- 7.11 ~~State Board~~ Authorizer Hearing Procedures Related to Limited Public Charter Schools (Application, Renewal, or Request for Charter Amendment)
- 7.11.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

- 7.11.2 The limited public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.3 Parties opposed to the limited public charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for disapproval of the proposed limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.4 The limited public charter school applicant shall have five (5) minutes to respond to any arguments in opposition to the limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the limited public charter school application, renewal, or request and questions, if any, to the limited public charter school or applicant, opposing parties, or both.
- 7.11.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

- 7.12 ~~State Board~~ Authorizer Hearing Procedures Related to Limited Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)
- 7.12.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the limited public charter school.

- 7.12.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 7.12.2 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of a limited public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.12.3 The limited public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the limited public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.12.4 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.
- 7.12.5 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

8.00 RULES APPLICABLE TO THE CLOSURE OR DISSOLUTION OF PUBLIC CHARTER SCHOOLS

8.01 Required Notices

8.01.1 No later than fifteen (15) days after the ~~State Board~~ authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall furnish to the Department of Education:

- 8.01.1.1 A complete inventory of all personal property, real property, equipment, and fixtures owned or financed by the charter school, with documentation showing a description

of each asset, serial number, tag number, location, estimated value, any encumbrance on the asset including recorded security interest or lien, and the source of funds for each purchase;

8.01.1.2 The account number and financial institution contact information for every account in which the charter school or sponsoring entity deposited any state or federal funds at any time, and complete bank statements for the twelve (12) months preceding the effective date of closure;

8.01.1.3 A complete list of all debts or obligations owed by the charter school and still outstanding as of the effective date of closure, including all outstanding checks or warrants;

8.01.1.4 A complete list of all accounts receivable owed to the charter school and still outstanding as of the effective date of closure; and

8.01.1.5 Complete contact information for every member of the charter school's board or governing entity.

8.01.2 If the ~~State Board~~ authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall, on a timeline established by the Department, send written notice of closure, as approved by the Department, to:

8.01.2.1 The parents and legal guardians of all students;

8.01.2.2 All employees of the charter school;

8.01.2.3 All creditors of the charter school; and

8.01.2.34 Every school district in which any students of the charter school reside.

8.01.3 Every notice sent pursuant to Section 8.01.2 above must include:

8.01.3.1 The effective date of closure and last day of regular instruction; and

8.01.3.2 Contact information of the person employed or retained by the charter school or sponsoring entity to handle inquiries regarding the closure.

8.01.4 Parental notices sent pursuant to Section 8.01.2 must additionally include:

8.01.4.1 The student's school district of residence, and the contact information for that district's enrollment office;

8.01.4.2 A statement that parents should contact the resident school district or any charter school where the student intends to enroll and should ask that school or district to request transfer of the student's educational records from the closing charter school; and

8.04.4.3 Contact information for the individual or entity charged with storage of student records after the school's closure.

8.01.5 Employee notices sent pursuant to Section 8.01.2 must additionally include the date of termination of all employee benefits (health insurance, etc.), along with any COBRA or other documentation required by law.

8.01.6 The deadline for any notice required by this Section may be extended by the Department of Education Charter School Office for good cause.

8.02 Assets of Open-Enrollment Public Charter School as Property of State

8.02.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, all net assets of the open-enrollment public charter school purchased with public funds, including any interest in real property, shall be deemed the property of the state, unless otherwise specified in the charter or by federal law.

8.02.2 The Commissioner of Education or his or her designee shall take all steps necessary to protect and recover any and all state assets in the possession or control of the former charter school or the sponsoring entity.

8.02.2.1 If any state or federal funds remain in any bank account(s) titled in the name of the charter school or sponsoring entity,

the Commissioner of Education or his or her designee shall notify the financial institution that the account(s) holds state or federal funds and shall direct that the account(s) be immediately frozen, subject to further direction by the Commissioner or his or her designee.

8.02.2.2 Any funds remaining in any bank account(s) titled in the name of the charter school shall be presumed to be state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.3 The Commissioner or his or her designee shall secure and arrange for the recovery and storage of all personal property, equipment, and fixtures purchased or financed in whole or in part with any state or federal funds. Any personal property or equipment contained within the charter school facility shall be presumed to have been purchased or financed in whole or in part with state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.4 At all times, the charter school, the sponsoring entity, and their officers, agents, and employees, must protect the school's assets against theft, misappropriation, and deterioration.

8.03 Distribution of Property

8.03.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the following property shall be sold, unless the Commissioner of Education determines otherwise:

8.03.1.1 Real property or fixtures purchased or financed in whole or in part by the open-enrollment public charter school with state funds;

8.03.1.2 Real property or fixtures purchased or financed in whole or in part by the sponsoring entity with federal grant funds administered by the Department of Education, unless federal law requires some other method of distribution;

- 8.03.1.3 Personal property encumbered by a recorded security interest or lien and purchased or financed by the open-enrollment public charter school in whole or in part with state funds;
- 8.03.1.4 Personal property purchased or financed in whole or in part with state funds by an open-enrollment public charter school that never received federal funds and never directly benefited from a federal grant administered by the Department of Education; and
- 8.03.1.5 Any other personal property not distributed as provided by Sections 8.03.3 and 8.03.4 below.

8.03.2 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of property sold pursuant to Section 8.03.1 above to the extent of the public funds used in the purchase. For the purpose of this section, “net proceeds” means the sale proceeds remaining after the satisfaction of all lien, security, ownership, or other interests that supersede the state’s interest.

8.03.3 If the open-enrollment public charter school at any time operated an approved federal child nutrition program, all commodities and foodservice equipment purchased in whole or in part with federal funds or with nutrition program revenues shall be sold or transferred as directed by the Arkansas Department of Education Child Nutrition Unit.

8.03.4 If the open-enrollment public charter school or its sponsoring entity received a federal grant administered by the Department of Education, then all other personal property, including furniture, equipment and supplies, purchased with state or federal funds may be redistributed to other Arkansas public charter schools or traditional public schools as allowed by federal law.

8.04 Distribution of Funds

8.04.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the Commissioner of Education or his or her designee shall

assert control over any funds deemed the property of the state under Section 8.02 above.

8.04.2 In order to comply with federal and state law, the Commissioner of Education shall use such funds to satisfy the following obligations of the charter school in the order listed:

- 8.04.2.1 Domestic support obligations withheld from an employee's wages in compliance with a court order prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.2 Federal tax liens imposed by the Internal Revenue Code for taxes or payroll tax withholding owed;
- 8.04.2.3 Any state tax lien or certificate of indebtedness issued by the Arkansas Department of Finance and Administration for taxes or payroll tax withholding owed;
- 8.04.2.4 Any debt owed to the Arkansas Department of Education Child Nutrition Unit for penalties or reimbursement of overpayments;
- 8.04.2.5 Any debt owed to the Department of Education or other state agency for reimbursement of any other overpayment of federal funds;
- 8.04.2.6 Unpaid contributions to the Arkansas Teacher Retirement System accrued prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.7 Unpaid contributions to the Employee Benefits Division of the Arkansas Department of Finance & Administration accrued prior to the effective date of dissolution, non-renewal, or revocation; and
- 8.04.2.8 Unpaid employee wages accrued prior to the effective date of dissolution, non-renewal, or revocation in accordance with the school's salary schedule in effect as of the beginning of the current school year.

8.04.3 Any remaining funds deemed the property of the state under Section 8.02 above shall be deposited into the State Treasury to the credit of the Department of Education Public School Fund Account.

8.05 Distribution of Records

8.05.1 The charter school or sponsoring entity must promptly submit all student records to the transfer school, including:

8.05.1.1 Individualized Education Programs (IEPs) and all records regarding special education and supplemental services;

8.05.1.2 Student health / immunization records;

8.05.1.3 Attendance records;

8.05.1.4 Testing materials, including scores, test booklets, etc. required to be maintained by the School; and

8.05.1.5 All other student records.

8.05.1.6 All end-of-school-year grades and evaluations must be completed and made part of the student records, including any IEP, Committee on Special Education meetings, or progress reports.

8.05.1.7 To the extent that testing scores, etc. are scheduled to arrive after the school closure, arrangements should be made with the testing agent to forward such material to the transfer school.

8.05.2 No later than thirty (30) days after closure or dissolution of the charter, the charter school or sponsoring entity shall send each employee of the charter school:

8.05.2.1 Copies of his or her contracts, evaluations, recommendation letters, and any other proof of employment and/or termination;

8.05.2.2 Documentation of staff development hours; and

8.05.2.3 Notice that employees must keep this documentation for their records as the state will have no way of providing proof of employment after the school is closed.

8.05.3 If the charter school operated an approved federal child nutrition program, all child nutrition records shall be delivered to the Arkansas Department of Education Child Nutrition Unit on a schedule established by the Unit.

8.05.4 Any student records remaining in the possession of the charter school or sponsoring entity, or in the possession of any other entity or individual designated by the charter school or sponsoring entity, shall be maintained in a manner sufficient to protect student privacy rights in accordance with the Federal Educational Rights and Privacy Act of 1974, as amended.

8.05.5 The sponsoring entity shall maintain all relevant corporate or governance records for at least five (5) years after the effective date of closure, specifically including but not limited to:

8.05.5.1 All board minutes, policies, and bylaws of the charter school board or governing entity;

8.05.5.2 Bonds, mortgages, loan agreements, and all other financing instruments;

8.05.5.3 Lease agreements;

8.05.5.4 Accounting and bank records;

8.05.5.5 Payroll and tax records as required by federal law;

8.05.5.6 Grant records as specified by 34 C.F.R. § 80.42 or other relevant federal or state law; and

8.05.5.7 Any other document required by law to be maintained.

9.00 DEPARTMENT OF EDUCATION AS PUBLIC CHARTER AUTHORIZER

9.01 The Department of Education is the designated public charter authorizer with jurisdiction and authority over all public charters issued in this state to take the following action on a proposed or established public charter:

9.01.1 Approve;

9.01.2 Reject;

9.01.3 Renew;

9.01.4 Non-renew;

9.01.5 Place on probation;

9.01.6 Modify;

9.01.7 Revoke; or

9.01.8 Deny.

9.02 The department shall exercise authority over public charter schools under Title 6, Chapter 23 of the Arkansas Code and these rules through a public charter authorizing panel established within the department.

9.02.1 The Commissioner of Education shall appoint a public charter authorizing panel that consists of professional staff employed at the department to serve at the pleasure of the commissioner.

9.02.2 The commissioner may elect to serve as a member on the charter authorizing panel as the chair.

9.02.3 The public charter authorizing panel is composed of an odd number of members and consists of no less than five (5) members and no more than eleven (11) members.

9.03 The department may waive provisions of Title 6 of the Arkansas Code or State Board of Education rules as allowed by law for public charters.

- 9.04 The department shall conduct all hearings on public charter school matters as required by law, rule, and process and make final determinations as allowed by law.
- 9.04.1 A hearing under Title 6, Chapter 23 of the Arkansas Code and these rules conducted by the department shall be an open meeting under the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-106.
- 9.04.2 For the purposes of Ark. Code Ann. § 25-19-106, the members of the public charter authorizing panel shall be considered a governing body only in regards to actions specifically authorized by Title 6, Chapter 23, Subchapter 7 of the Arkansas Code and these rules.
- 9.04.3 All decisions of the panel shall be made by a majority vote of the quorum.
- 9.04.4 A decision of the department is final except as provided under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.04.5 The Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. shall not apply to a hearing concerning a public charter school.
- 9.05 The department shall be the primary authorizer of public charters except as provided under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.06 The department shall notify in writing the State Board, charter applicant, public charter school, and affected school districts, if any, of final decisions made by the department no less than fourteen (14) calendar days before the next regularly scheduled State Board meeting after the final decision is made by the department.
- 9.06.1 A charter applicant, public charter school, and affected school district, if any, may submit in writing a request that the State Board review the final decision of the department under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.06.2 The written request submitted under Section 9.06.1 of these rules shall state the specific reasons supporting a review by the State Board.
- 9.06.3 The decision of whether to review a final decision of the department is discretionary by the State Board and the provisions of this section and

Ark. Code Ann. § 6-23-703 do not grant any right of appeal to a charter applicant, public charter school, or affected school district.

Source: Ark. Code Ann. § 6-23-701 through 6-23-702.

10.00 STATE BOARD OF EDUCATION OPTIONAL REVIEW

10.01 On a motion approved by a majority vote, the State Board may exercise a right of review of a charter determination made by the department at the next regularly scheduled State Board meeting after receiving notice provided under Ark. Code Ann. § 6-23-702(b) and Section 9.06 of these rules.

10.02 If the State Board votes to review a final decision made by the department, the State Board shall:

10.02.1 State the specific additional information the State Board requires from the department, public charter school, public charter school applicant, or affected school district.

10.02.2 Conduct a full hearing regarding a final decision made by the department under Ark. Code Ann. § 6-23-701(a) and Section 9.04 of these Rules; and

10.02.3 Hold the hearing at the earlier of:

10.02.3.1 The next regularly scheduled State Board meeting following the State Board meeting during which the State Board voted to authorize a review; or

10.02.3.2 A special board meeting called by the State Board.

10.03 At the conclusion of the hearing, the State Board may issue a final decision by State Board vote.

10.03.1 The State Board may decide by a majority vote of the quorum to:

10.03.1.1 Affirm the decision of the department;

10.03.1.2 Take other lawful action on the public charter;

10.03.1.3 Request additional information from the department, public charter school, public charter school applicant, or affected school district, if needed.

10.03.1.4 If the State Board requests additional information under Ark. Code Ann. § 6-23-703(c)(2)(C)(i) or Section 10.03.1.3 of these Rules, the State Board shall hold a subsequent hearing at the earlier of the next regularly scheduled State Board meeting or a special board meeting called by the State Board.

10.03.2 A decision made by the State Board is final with no right of appeal.

Source: Ark. Code Ann. § 6-23-703

ARKANSAS DEPARTMENT OF EDUCATION
EMERGENCY RULES GOVERNING PUBLIC CHARTER SCHOOLS
August 12, 2013

1.00 REGULATORY AUTHORITY AND PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Public Charter Schools.
- 1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-23-101 et seq., 25-15-201 et seq., and ~~Acts 987, 989, and 993 of 2011~~ Act 509 of 2013.

2.00 LEGISLATIVE AND REGULATORY INTENT

- 2.01 It is the intent of the Arkansas General Assembly, and of these rules, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain public schools that operate independently from the existing structure of local school districts as a method to accomplish the following:
- 2.01.1 Improve student learning;
- 2.01.2 Increase learning opportunities for all students, with special emphasis on expanding learning experiences for students who are identified as low-achieving;
- 2.01.3 Encourage the use of different and innovative teaching methods;
- 2.01.4 Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;
- 2.01.5 Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and
- 2.01.6 Hold the schools established under this chapter accountable for meeting measurable student achievement standards.

Source: Ark. Code Ann. § 6-23-102

3.00 DEFINITIONS

- 3.01 “Academic Eligibility” means qualified for selection or admission based upon academic performance.
- 3.02 “Affected School District” means each public school district from which an open-enrollment public charter school is expected to draw students for the purposes of enrollment; the public school district in which the open-enrollment public charter school will be located; and each public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.
- 3.03 “Athletic Eligibility” means qualified for selection or admission based upon athletic performance or upon athletic eligibility requirements set forth by the Arkansas Activities Association.
- 3.04 “Application” means the proposal by a public school district or eligible entity for obtaining conversion public charter school status, open-enrollment public charter school status, or limited public charter school status. *Source: Ark. Code Ann. § 6-23-103(1)*
- 3.05 “Authorizer” means an entity that authorizes a charter, which may be either the:
- 3.05.1 Department of Education; or
- 3.05.2 State Board of Education acting under Ark. Code Ann. § 6-23-703 and Section 10.0 of these rules. Source: Act 509 of 2013
- 3.05~~6~~ “Average daily membership” means the total number of days of school attended plus the total number of days absent by students in kindergarten through grade twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth. Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board of Education under the Standards for Accreditation of Arkansas Public Schools and School Districts may be counted for average daily membership. *Source: Current rule as modified by Ark. Code Ann. § 6-20-2303(3).*

3.067 “Charter,” or “charter contract” means a performance-based contract for an initial five-year period between the ~~State Board of Education~~ authorizer and an approved applicant for public charter school status that exempts the public charter school from state and local rules, regulations, policies, and procedures specified in the contract and from the provisions of Title 6 of the Arkansas Code specified in the contract. *Source: Ark. Code Ann. § 6-23-103(2).* The initial charter or charter contract may be renewed as set forth in these rules. For the purposes of these rules, the initial five-year period of a charter begins to run on the July 1 following approval of the charter unless otherwise specified by the ~~State Board~~ authorizer. The period for any subsequent renewal of an initial charter shall begin to run on the July 1 following approval of the renewal.

3.078 “Conversion public charter school” means a public school that has converted to operating under the terms of a charter approved by the local school board and the ~~State Board of Education~~ authorizer. *Source: Ark. Code Ann. § 6-23-103(3).*

3.089 “Debt” means any financial obligation incurred by a public charter school which will not be paid in full within 365 days from the date on which the financial obligation is incurred. *Source: Current rule as modified herein.*

3.0910 “Eligible entity” means:

3.0910.1 A public institution of higher education;

3.0910.2 A private nonsectarian institution of higher education;

3.0910.3 A governmental entity; or

3.0910.4 An organization that:

3.0910.4.1 Is nonsectarian in its program, admissions policies, employment practices, and operations, and

3.0910.4.2 Has applied for tax-exempt status under § 501(c)(3) of the Internal Revenue Code of 1986. The eligible entity must obtain status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-103(4).

3.4011 “Founding member” means any individual who is either:

- 3.4011.1 A member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school; or
- 3.4011.2 A member of the initial governing nonadvisory board of the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-103(5).

3.4112 “Letter of Intent” means a written notice submitted to the Department of Education Charter School Office that a public school district or an eligible entity intends to file a charter school application. The letter of intent shall be submitted by the established deadline on forms provided by the Department of Education.

Source: Current rule.

3.4213 “Limited Public Charter School” means a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the ~~State Board~~ authorizer. *Source: Ark. Code Ann. § 6-23-103(6).*

3.4314 “License” means the authority granted by the ~~State Board of Education~~ authorizer to an already-existing open-enrollment public charter sponsoring entity for the purpose of establishing another open-enrollment public charter school(s) provided the applicant for a charter license(s) meets the following minimum conditions: (1) maintains an existing open-enrollment public charter school charter from the ~~State Board of Education~~ authorizer; and (2) meets the requirements of Section 6.05 of these rules. *Source: Current rule and Ark. Code Ann. § 6-23-304.*

3.4415 “Local school board” means a board of directors exercising the control and management of a public school district. For the purposes of these rules, “local school board” also refers to the board of directors of a school district where a public charter school will be physically located. *Source: Current rule and Ark. Code Ann. § 6-23-103(7).*

3.4516 “Net assets” refers to the status of particular items upon the occurrence of the dissolution, nonrenewal, or revocation of the charter, with the purpose being to identify publicly-funded unencumbered assets as property of the state at that point. Specifically, “net assets” refer to any unencumbered asset for which public funds were spent. *Source: Attorney General Opinion No. 2007-204*

3.1617 “Open-enrollment public charter school” means a public school that:

- 3.1617.1 Is operating under the terms of a charter granted by the ~~State Board of Education~~ authorizer on the application of an eligible entity;
- 3.1617.2 May draw its students from any public school district in this state; and
- 3.1617.3 Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.
- 3.1617.4 “Open-enrollment public charter school” also possesses the same meaning as given the term “charter school” in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on April 10, 2009.

Source: Ark. Code Ann. § 6-23-103(8).

3.1718 “Parent” means any parent, legal guardian, or other person having custody or charge of a school-age child. *Source: Ark. Code Ann. § 6-23-103(9).*

3.1819 “Public school” means a school that is part of a public school district under the control and management of a local school board. *Source: Ark. Code Ann. § 6-23-103(10).*

3.1920 “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school. *Source: Ark. Code Ann. § 6-23-103(11).*

3.2021 “Sectarian” means of or relating to a particular religious sect. *Source: Black’s Law Dictionary, 8th Ed., 2004.*

3.2122 “Short-term Line of Credit” means any financial obligation or obligations incurred by a public charter school as the result of an agreement by a lender or potential creditor to advance funds of ten thousand dollars (\$10,000.00) or more in the form of:

- 3.2122.1 A loan (or combination of loans) that is payable in full in less than three hundred sixty-five (365) days from the date on which the financial obligation is incurred; or
- 3.2122.2 A loan (or combination of loans) that does not define a date certain at which the loan is payable in full.

4.00 RULES APPLICABLE TO ALL PUBLIC CHARTER SCHOOLS

4.01 Charter Form for Public Charter Schools – Requirements – Revision

4.01.1 A charter for a public charter school shall:

- 4.01.1.1 Be in the form of a written contract signed by the ~~Chair of the State Board~~ Commissioner of Education and the chief operating officer of the public charter school;
- 4.01.1.2 Satisfy the requirements of Title 6, Chapter 23 of the Arkansas Code and of these rules; and
- 4.01.1.3 Ensure that the information required under Ark. Code Ann. § 6-23-404 is consistent with the information provided in the application and any modification that the ~~State Board of Education~~ authorizer may require.

4.01.2 Any revision or amendment of the charter for a public charter school may be made only with the approval of the ~~State Board~~ authorizer.

Source: Ark. Code Ann. § 6-23-104

4.02 ~~State Board~~ Authorizer Hearing Notice Requirements

- 4.02.1 For applications for a public charter school, the public charter school applicant shall submit its application according to a schedule set forth by the State Board of Education.
- 4.02.2 For renewal requests for a public charter school, the public charter school applicant shall submit its renewal request according to a schedule set forth by the State Board of Education.

- 4.02.3 For requests seeking ~~State Board~~ authorizer approval for a change in the physical location of a public charter school, the public charter school applicant shall submit such request not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. For open-enrollment public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school is located.
- 4.02.3.1 For the purposes of these rules, a change in the physical location of a public charter school means a relocation of a public charter school from its present location.
- 4.02.3.2 Requests for a change in the physical location of a public charter school shall include maps of the present and proposed future locations of the charter school, and shall identify the local public school district in which the proposed future location will be located.
- 4.02.3.3 Not later than seven (7) days after receipt of the request to change the physical location of a public charter school, the Commissioner of Education may, in writing, require the public charter school, the local school district and the Department of Education to submit additional information, including without limitation a desegregation analysis, concerning the proposed change in the physical location of the public charter school. Should the Commissioner of Education require the submission of such additional information, he or she shall modify the deadlines contained in Sections 4.04.4, 4.04.5, 4.04.6 of these rules accordingly.
- 4.02.4 For requests seeking ~~State Board~~ authorizer approval for other amendments to a public school charter, the public charter school applicant shall submit such request not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. For open-enrollment public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

- 4.02.5 For requests seeking ~~State Board~~ authorizer approval for licenses for an existing open-enrollment public charter school, the open-enrollment public charter school applicant shall submit such request for license not later than thirty-five (35) days prior to the date of the ~~State Board~~ authorizer meeting at which the request will be heard. Each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.
- 4.02.6 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education or his or her designee may waive the thirty-five (35) day deadline set forth in Sections 4.02.2 through Sections 4.02.5 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education or his or her designee. If the Commissioner of Education, or his or her designee, grants such a waiver, he or she shall also adjust the resulting deadlines for local school districts and Department of Education staff contained in Sections 4.04.5 and 4.04.6 of these rules.
- 4.03 Basis and Procedure for Public Charter School Probation or Charter Modification, Revocation or Denial of Renewal
- 4.03.1 The ~~State Board of Education~~ authorizer may place a public charter school on probation or may modify, revoke, or deny renewal of its charter if the ~~State Board~~ authorizer determines that the persons operating the public charter school:
- 4.03.1.1 Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;
 - 4.03.1.2 Failed to satisfy generally accepted accounting standards of fiscal management;
 - 4.03.1.3 Failed to comply with this Title 6, Chapter 23 of the Arkansas Code or other applicable law or regulation; or

- 4.03.1.4 Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the ~~State Board~~ authorizer.
- 4.03.1.5 Pursuant to the federal mandate contained in P.L. 111-117, 123 Stat. 3264, the ~~State Board~~ authorizer will consider increases in student academic achievement for all groups of students described in Section 1111 (b)(2)(C)(v) of the Elementary and Secondary Education Act as a primary factor in determining whether to non-renew or revoke a public charter school's charter. However, any one of the circumstances listed in Sections 4.03.1.1 through 4.03.1.4 of these rules may be reason enough to non-renew or revoke a public charter school's charter.
- 4.03.2 Any action the ~~State Board~~ authorizer may take under Ark. Code Ann. § 6-23-105 and Section 4.02 of these rules shall be based on the best interests of the public charter school's students, the severity of the violation, and any previous violation the public charter school may have committed.
- 4.03.3 The ~~State Board's~~ authorizer's procedures for placing a public charter school on probation or modifying, revoking, or denying renewal of the school's charter can be found in these rules as follows:
 - 4.03.3.1 Conversion public charter schools: Section 5.07
 - 4.03.3.2 Open-enrollment public charter schools: Section 6.24
 - 4.03.3.3 Limited public charter schools: Section 7.12
- 4.03.4 There is no further right of appeal beyond the determination of the ~~State Board~~ authorizer except as set forth in Sections 9.00 and 10.00 of these Rules.
- 4.03.5 The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to any hearing concerning a public charter school.

Source: Ark. Code Ann. § 6-23-105.

4.04 Impact on School Desegregation Efforts

- 4.04.1 The applicants for a public charter school, the local school board for the district in which the proposed public charter school would be located, and the ~~State Board~~ authorizer shall carefully review the potential impact of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 4.04.2 The ~~State Board~~ authorizer shall attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.
- 4.04.3 The ~~State Board~~ authorizer shall not approve any public charter school under Title 6, Chapter 23, or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state.
- 4.04.4 A public charter school or applicant shall provide to the Department of Education, with a copy to the local school board for the school district in which the public charter school is or will be located, a desegregation analysis carefully reviewing the potential impact of the public charter school's application or request on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:
- 4.04.4.1 In its application for a public charter school charter;
 - 4.04.4.2 In its renewal request for its existing public charter school charter;
 - 4.04.4.3 In its request to change the physical location of its existing charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;
 - 4.04.4.4 In any request to amend its existing charter to increase its enrollment cap or add grade levels; and

4.04.4.5 For an existing open-enrollment public charter school, in any request for a license.

4.04.5 The local school board of the school district in which the proposed public charter school is or will be located may provide to the Department of Education, with a copy to the public charter school or applicant, a desegregation analysis carefully reviewing the potential impact of an application for a public charter school, or a request under Section 4.04.4 above, on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:

4.04.5.1 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of an application of a public charter school;

4.04.5.2 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed renewal of a public charter school;

4.04.5.3 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a change in the physical location of a public charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;

4.04.5.4 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels; and

4.04.4.5 Not later than twenty (20) days prior to the ~~State Board's~~ authorizer's consideration of a proposed license for an existing open-enrollment public charter school.

4.04.5.6 Failure of the local school board of the district in which the proposed public charter school will be located to submit to the Department of Education a desegregation analysis as set forth above shall result in a waiver of the local school

board's right to submit such a desegregation analysis to the ~~State Board~~ authorizer.

- 4.04.6 In accordance with Section 4.04 of these rules, the Department of Education staff shall submit to the ~~State Board~~ authorizer, with copies to the public charter school or applicant and the local school board of the school district in which the public charter school is or will be located, a desegregation analysis:
- 4.04.6.1 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of an application of a public charter school;
 - 4.04.6.2 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed renewal of a public charter school;
 - 4.04.6.3 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a change in physical location of a public charter school if required by the Commissioner of Education in accordance with Section 4.02.3 of these rules;
 - 4.04.6.4 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels;
 - 4.04.6.5 Not later than ten (10) days prior to the ~~State Board's~~ authorizer's consideration of a proposed license for an existing open-enrollment public charter school; and
 - 4.04.6.5 At any other time as directed by the ~~State Board~~ authorizer or the Commissioner of Education.
 - 4.04.6.6 The Department of Education's desegregation analysis will include as attachments the desegregation analyses provided

by the applicant or public charter school and the local school board in which the public charter school is or will be located.

Source: Ark. Code Ann. § 6-23-106.

4.05 Observance of Anti-Discrimination Laws

4.05.1 All public charter schools shall observe and comply with all anti-discrimination laws, both federal and state, except where otherwise exempted under federal charter school law.

4.05.2 All public charter schools are responsible for meeting the requirements of the Individuals with Disabilities Act (IDEA) and these rules.

4.05.3 All public charter schools are responsible for meeting the requirements of Section 504 of the Rehabilitation Act.

Source: Current rules as modified.

4.06 Reporting Requirements

4.06.1 Within ten (10) calendar days of the close of the first quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

4.06.1.1 The number of applications for enrollment received;

4.06.1.2 The number of applicants with a disability identified under the Individuals with Disabilities Act, 20 U.S.C. § 1400 et seq.; and

4.06.1.3 The number of applications for enrollment the public charter school denied and an explanation of the reason for each denial.

4.06.2 Within ten (10) calendar days of the close of the fourth quarter of each school year, a public charter school shall submit a written report to the Department of Education that contains the following information for the current school year:

- 4.06.2.1 The number of students in each of the following categories:
- 4.06.2.1.1 Students who dropped out of the public charter school during the school year;
 - 4.06.2.1.2 Students who were expelled during the school year by the public charter school;
 - 4.06.2.1.3 Students who were enrolled in the public charter school but for a reason other than those cited under Sections 4.06.2.1.1 and 4.06.2.1.2 did not complete the school year at the public charter school;
 - 4.06.2.1.4 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to another open-enrollment public charter school;
 - 4.06.2.1.5 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a private school;
 - 4.06.2.1.6 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a home school;
 - 4.06.2.1.7 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a school outside of Arkansas; and
 - 4.06.2.1.8 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a traditional public school district within Arkansas.
 - 4.06.2.1.9 The report shall identify the dates of transfer for all students identified in Section 4.06.2.1.8.

- 4.06.2.2 For all students enrolled in the public charter school, the scores for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., including without limitation benchmark assessments and end-of-course assessments
- 4.06.2.3 If there is any discrepancy in the number of students for whom scores are reported under Section 4.06.2.2 of these rules, and the number of students enrolled at the beginning of the school year, the public charter school shall explain in the report the reason for the discrepancy.
- 4.06.3 The Department of Education shall not exempt a public charter school from the reporting required under Section 4.06 of these rules.
- 4.06.4 The Department of Education shall publish a copy of each report on the department's website.
- 4.06.5 If a public charter school fails to comply with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules, the Department of Education shall note the failure in the annual evaluation of the public charter school.
- 4.06.6 Every public charter school shall furnish any other information, record, or report requested by the Department of Education Charter School Office unless disclosure of the information, record, or report is explicitly prohibited by court order or by federal or state law.
- 4.06.7 The Department of Education Charter School Office shall, at least annually, post on the Department of Education's website a list of deadlines for which legally required reports are due from the public charter school to the Department of Education.

Source: Ark. Code Ann. § 6-23-107 – Act 993 of 2011.

- 4.07 Public Charter Schools Receiving Federal Dissemination Grants from the Arkansas Department of Education
- 4.07.1 Public Charter Schools that receive federal dissemination grant funds from the Department of Education shall, by July 1 of each year, provide the Department of Education Charter School Office with a list of the public charter school's best or promising practices in accordance with their approved dissemination grant applications.
- 4.07.2 By August 1 of each year, the Department of Education Charter School Office will post a link of each public charter school's best or promising practices on the Department of Education's website.
- 4.08 Application Process, Schedule and Forms
- 4.08.1 A procedure for establishing a public charter school shall be published by the Department of Education as approved by the State Board.
- 4.08.2 All dates and requirements listed in the procedures for establishing a public charter school shall be strictly followed by the public charter school applicant.
- 4.08.3 If all dates and requirements listed in the procedures for establishing a public charter school are not strictly followed by the public charter school applicant, the ~~State Board~~ authorizer may refuse to consider the application.
- 4.08.4 Application forms and other documents needed for the public charter school application process shall be provided by the Arkansas Department of Education Charter School Office and are incorporated into these rules as if fully set forth herein.
- 4.08.5 Any requests for technical assistance by a charter applicant shall be made to the Arkansas Department of Education Charter School Office.
- 4.08.6 Letter of Intent: Each public charter school letter of intent shall be submitted by the potential applicant by certified mail, ~~or~~ hand delivery or by electronic means and must be received by the Department of Education Charter School Office on or before the established deadline. The

Department of Education Charter School Office may refuse to process or review any letter of intent not received by the established deadline.

4.08.7 Charter Application: Each public charter school application shall be submitted by the applicant by certified mail, ~~or~~ hand delivery or by electronic means and must be received by the Department of Education Charter School Office on or before the established deadline. The Department of Education Charter School Office may refuse to process or review any application not received by the established deadline.

4.08.8 The Department of Education shall review the application for a public charter school and present to the ~~State Board~~ authorizer a written evaluation of the application. The Department's evaluation shall be sent to the public charter school applicant.

4.08.9 The public charter school applicant shall be allowed an opportunity to submit a written response to the Arkansas Department of Education's evaluation by an established deadline.

4.08.10 The Department of Education may require additional information from a charter applicant to be delivered by the charter applicant in oral or written form, or both.

5.00 RULES APPLICABLE TO CONVERSION PUBLIC CHARTER SCHOOLS

5.01 Application for Conversion Public Charter School Status

5.01.1 Any public school district may apply to the ~~State Board~~ authorizer for conversion public charter school status for a public school in the public school district in accordance with a schedule approved by the State Board. The ~~State Board~~ authorizer shall not approve an application for conversion public charter school status that has not first been approved by the school district's board of directors.

5.01.2 A public school district's application for conversion public charter school status for the public school may include, without limitation, the following purposes:

5.01.2.1 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;

5.01.2.2 Addressing school improvement status resulting from sanctions listed in Ark. Code Ann. §§ 6-15-207(c)(8) and 6-15-429(a) and (b); or

5.01.2.3 Partnering with other public school districts or public schools to address students' needs in a geographical location or multiple locations.

5.01.3 An application for a conversion public charter school shall:

5.01.3.1 Describe the results of a public hearing called by the local school board for the purpose of assessing support of an application for conversion public charter school status.

5.01.3.2 Notice of the public hearing shall be:

5.01.3.2.1 Distributed to the community, licensed personnel, and the parents of all students enrolled at the public school for which the public school district initiated the application; and

5.01.3.2.2 Published in a newspaper having general circulation in the public school district at least three (3) weeks prior to the date of the meeting;

5.01.3.3 Describe a plan for school improvement that addresses how the conversion public charter school will improve student learning and meet the state education goals;

5.01.3.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the conversion public charter school in improving student learning and meeting or exceeding the state education goals;

5.01.3.5 Describe how the licensed employees and parents of the students to be enrolled in the conversion public charter

school will be involved in developing and implementing the school improvement plan and identifying performance criteria;

5.01.3.6 Describe how the concerns of licensed employees and parents of students enrolled in the conversion public charter school will be solicited and addressed in evaluating the effectiveness of the improvement plan; and

5.01.3.7 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the public charter school will be exempt.

5.01.4 A licensed teacher employed by a public school in the school year immediately preceding the effective date of a charter for a public school conversion within that public school district may not be transferred to or be employed by the conversion public charter school over the licensed teacher's objection, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.

5.01.5 If the transfer of a teacher within the public school district is not possible because only one (1) public school exists for that teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed conversion public charter school site and proceed, at the local school board's option, with the conversion public charter school application if a majority of the licensed teachers approve the proposal.

Source: Ark. Code Ann. § 6-23-201.

5.02 Authorization for Conversion Public Charter School Status

5.02.1 As requested by the conversion public charter school applicant, the ~~State Board~~ authorizer shall review the application for conversion public charter school status and may approve any application that:

- 5.02.1.1 Provides a plan for improvement at the school level for improving student learning and for meeting or exceeding the state education goals;
- 5.02.1.2 Includes a set of performance-based objectives and student achievement objectives for the term of the charter and the means for measuring those objectives on at least a yearly basis;
- 5.02.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the conversion public charter school, as well as the licensed employees and the broader community, in the process of carrying out the terms of the charter; and
- 5.02.1.4 Includes an agreement to provide a yearly report to parents, the community, the local school board, and the ~~State Board~~ authorizer that indicates the progress made by the conversion public charter school in meeting the performance objectives during the previous year.

Source: Ark. Code Ann. § 6-23-202.

5.03 Resubmission of Conversion Public Charter School Applications

- 5.03.1 The ~~State Board~~ authorizer may allow applicants to resubmit applications for conversion public charter school status if the original application was, in the opinion of the ~~State Board~~ authorizer, deficient in one (1) or more respects.
- 5.03.2 The Department of Education may provide technical assistance to the conversion public charter school applicants in the creation or modification of these applications.

Source: Ark. Code Ann. § 6-23-203

- 5.04 Public Conversion Charter School Renewal: The ~~State Board~~ authorizer is authorized to renew charters of conversion public charter schools on a one-year or

multiyear basis, not to exceed five (5) years, after the initial five-year period if the renewal is approved by the local school board.

Source: Ark. Code Ann. § 6-23-204

- 5.05 Teacher Hires when Charter Revoked: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the charter is employed by a conversion public charter school and the charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the public school district where the licensed teacher was formerly employed.
- 5.06 ~~State Board~~ Authorizer Hearing Procedures Related to Conversion Public Charter Schools (Application, Renewal, or Request for Charter Amendment)
- 5.06.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 5.06.2 The conversion public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed conversion public charter school, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.3 Parties opposed to the conversion public charter school application, renewal, or amendment, if any, shall have twenty (20) minutes to present their case to the ~~State Board~~ authorizer for disapproval of the proposed conversion public charter school, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.4 The conversion public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the conversion public charter school application, renewal, or amendment. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 5.06.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the conversion public charter school application or request and questions, if any, to the conversion public charter school or applicant, opposing parties, or both.

5.06.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

5.06.7 The ~~State Board~~ authorizer may defer the vote to approve or disapprove a charter application, renewal, or amendment in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application or request.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

5.07 ~~State Board~~ Authorizer Hearing Procedures Related to Conversion Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)

5.07.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the conversion public charter school.

5.07.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

5.07.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of a conversion public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

5.07.4 The conversion public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the conversion public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

5.07.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.

5.07.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

6.00 RULES APPLICABLE TO OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS

6.01 Application for an Open-Enrollment Public Charter School

6.01.1 Pursuant to Title 6, Chapter 23 of the Arkansas Code and these rules, an eligible entity may apply to the ~~State Board~~ authorizer to grant a charter for an open-enrollment public charter school to operate in a facility of a commercial or nonprofit entity or a public school district. As noted in Section 6.17.11 of these Rules, an open-enrollment public charter school shall have the right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.

6.01.2 The ~~State Board~~ authorizer shall adopt an application form, schedule, and a procedure that must be used to apply for an open-enrollment public charter school. The State Board shall adopt any applications, forms, schedules and procedures that are required to be promulgated through the Administrative Procedure Act.

6.01.3 The ~~State Board~~ authorizer shall adopt, in conjunction with the application form adopted under section 6.01.2 of these Rules, a scoring rubric that shall constitute criteria to inform the ~~Board's~~ authorizer's approval of a program for which an open-enrollment public charter may be granted. The State Board shall adopt any rubric that is required to be promulgated through the Administrative Procedure Act.

6.01.4 The application to the ~~State Board~~ authorizer for an open-enrollment public charter school shall be made in accordance with a schedule approved by the ~~State Board~~ authorizer. The State Board shall adopt any schedule that is required to be promulgated through the Administrative Procedure Act.

6.01.5 The application form must provide space for including all information required under Title 6, Chapter 23 and these rules to be contained in the charter.

6.01.6 The application for an open-enrollment public charter school shall:

6.01.6.1 Describe the results of a public hearing called by the applicant for the purpose of assessing support for an application for an open-enrollment public charter school.

6.01.6.1.1 Notice of the public hearing shall be published one (1) time a week for three (3) consecutive weeks in a newspaper having general circulation in the public school district in which the open-enrollment public charter school is likely to be located.

6.01.6.1.1.1 The last publication of notice shall be no less than seven (7) days ~~prior to~~ before the public meeting.

6.01.6.1.1.2 The notice shall not be published in the classified or legal notice section of the newspaper.

6.01.6.1.2 Within seven (7) calendar days following the first publication of notice required under Section 6.01.6.1.1 of these rules, letters announcing the public hearing shall be sent to the superintendent of each of the public school districts from which the open-enrollment public charter school is likely to

draw students for the purpose of enrollment and the superintendent of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.

- 6.01.6.1.3 An affected school district may submit written comments concerning the application to the ~~State Board~~ authorizer to be considered at the time of the ~~State Board's~~ authorizer's review of the application.

- 6.01.6.2 Describe a plan for academic achievement that addresses how the open-enrollment public charter school will improve student learning and meet the state education goals;

- 6.01.6.3 Outline the proposed performance criteria that will be used during the initial five-year period of the open-enrollment public charter school operation to measure its progress in improving student learning and meeting or exceeding the state education goals;

- 6.01.6.4 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the open-enrollment public charter school seeks to be exempted;

- 6.01.6.5 Describe the facility to be used for the open-enrollment public charter school and state the facility's current use.
 - 6.01.6.5.1 If the facility to be used for an open-enrollment public charter school is a public school district facility, the open-enrollment public charter school must operate in the facility in accordance with the terms established by the local school board of the public school district in an agreement governing the relationship between the

open-enrollment public charter school and the public school district.

6.01.6.5.2 If the facility that will be used for the open-enrollment public charter school is owned by or leased from a sectarian organization, the terms of the facility agreement must be disclosed to the ~~State Board~~ authorizer.

6.01.6.6 Include a detailed budget and a governance plan for the operation of the open-enrollment public charter school.

6.01.7 Review and Approval by the Local School Board:

6.01.7.1 The application may be reviewed and approved by the local school board of the public school district in which the proposed open-enrollment public charter school will operate.

6.01.7.2 Any decision by the local school board approving or disapproving the application must be made within forty-five (45) days of the local school board's receipt of the application.

6.01.7.3 The applicant may submit to the ~~State Board~~ authorizer for expedited review an application approved by the local school board under Section 6.01.7.1 of these rules.

6.01.7.4 If the local school board disapproves the application, or if the local school board takes no action in the time allowed by Section 6.01.7.2 of these Rules, the applicant shall have an immediate right to proceed with a written notice of appeal to the ~~State Board~~ authorizer.

6.01.7.5 The ~~State Board~~ authorizer shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review, unless the applicant and the local school board agree to a later date.

6.01.7.6 All interested parties may appear at the hearing and present relevant information regarding the application.

6.02 A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

Source: Ark. Code Ann. §§ 6-23-301 and 6-23-302 as amended by Act 993 of 2011

6.03 Authorization for an Open-Enrollment Public Charter School

6.03.1 As requested by the applicant for an open-enrollment public charter school, the ~~State Board~~ authorizer shall review the application for an open-enrollment public charter school and may approve any application that:

6.03.1.1 Provides a plan for academic achievement that addresses how the open-enrollment public charter school proposes to improve student learning and meet the state education goals;

6.03.1.2 Includes a set of performance criteria that will be used during the initial five-year period of the open-enrollment public charter school's operation to measure its progress in meeting its academic performance goals;

6.03.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the open-enrollment public charter school, the licensed employees, and the broader community in carrying out the terms of the open-enrollment charter;

6.03.1.4 Includes an agreement to provide an annual report to parents, the community, and the ~~State Board~~ authorizer that demonstrates the progress made by the open-enrollment public charter school during the previous academic year in meeting its academic performance objectives;

- 6.03.1.5 Includes a detailed budget, a business plan, and a governance plan for the operation of the open-enrollment public charter school; and
- 6.03.1.6 Establishes the eligible entity's status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-303

6.04 Other Application Requirements – Preference for Certain Districts

6.04.1 The ~~State Board~~ authorizer may approve or deny an application based on:

- 6.04.1.1 Criteria provided by law;
- 6.04.1.2 Criteria provided by rule adopted by the ~~State Board~~ authorizer under section 6.01.3 of these Rules;
- 6.04.1.3 Findings of the ~~State Board~~ authorizer relating to improving student performance and encouraging innovative programs; and
- 6.04.1.4 Written findings or statements received by the ~~State Board~~ authorizer from any public school district likely to be affected by the open-enrollment public charter school.

6.04.2 The ~~State Board~~ authorizer shall give preference in approving an application for an open-enrollment public charter school to be located in any public school district:

- 6.04.2.1 When the percentage of students who qualify for free or reduced-price lunches is above the average for the state;
- 6.04.2.2 When the district has been classified by the State Board as in academic distress under Ark. Code Ann. § 6-15-428; or
- 6.04.2.3 When the district has been classified by the Department of Education as in some phase of school improvement status

under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Board.

6.04.3 The Department of Education, State Board, or a combination of the department and the State Board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under Section 6.04.3.1 below.

6.04.3.1 If the cap on the number of charters available for an open-enrollment public charter schools is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.

6.04.3.2 By March 1 each year, the Department of Education shall issue a Commissioner's Memo stating the existing limitation on the number of charters available for open-enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.

6.04.4 An open-enrollment public charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 6.05 of these rules.

6.04.5 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under Ark. Code Ann. § 6-13-1601 et seq., until after the third year of the administrative reorganization.

6.04.6 A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

Source: Ark. Code Ann. § 6-23-304 as amended by Act 987 of 2011

6.05 Open-Enrollment Public Charter School Licenses

6.05.1 A charter applicant that receives an approved open-enrollment public charter may petition the ~~State Board~~ authorizer for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

6.05.1.1 The approved open-enrollment public charter applicant has demonstrated academic success ~~in student achievement gains~~, as defined by the State Board for all public schools;

6.05.1.2 The approved open-enrollment public charter applicant has not:

6.05.1.2.1 Been subject to any disciplinary action by the ~~State Board~~ authorizer;

6.05.1.2.2 Been classified as in ~~school improvement or~~ academic or fiscal distress;

6.05.1.2.3 Had its open-enrollment public charter placed on charter school probation or suspended or revoked under Ark. Code Ann. § 6-23-105 or Section 4.03 of these rules; and

6.05.1.2.4 The ~~State Board~~ authorizer determines in writing by a majority of a quorum ~~of the State Board~~ present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in Section 6.05 of these rules.

Source: Ark. Code Ann. § 6-23-304 as amended by Act 993 of 2011

6.06 Resubmission of Open-Enrollment Public Charter School Applications

- 6.06.1 If the ~~State Board~~ authorizer disapproves an application for an open-enrollment public charter school, the ~~state board~~ authorizer shall notify the applicant in writing of the reasons for such disapproval.
- 6.06.2 The ~~State Board~~ authorizer may allow the applicant for an open-enrollment public charter school to resubmit its application if the original application was found to be deficient by the ~~State Board~~ authorizer.
- 6.06.3 The Department of Education may provide technical assistance to the applicant for an open-enrollment public charter school in the creation or modification of its application.

Source: Ark. Code Ann. § 6-23-305

6.07 Contents of Open-Enrollment Public Charters

- 6.07.1 An open-enrollment public charter granted by the ~~State Board~~ authorizer shall:
- 6.07.1.1 Describe the educational program to be offered;
 - 6.07.1.2 Specify the period for which the open-enrollment public charter or any renewal is valid;
 - 6.07.1.3 Provide that the continuation or renewal of the open-enrollment public charter is contingent on acceptable student performance on assessment instruments adopted by the State Board and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter;
 - 6.07.1.4 Establish the level of student performance that is considered acceptable for the purposes of Section 6.07.1.3 of these rules;
 - 6.07.1.5 Specify any basis, in addition to a basis specified by Title 6, Chapter 23 of the Arkansas Code or Section 4.03 of these rules, on which the open-enrollment public charter

school may be placed on probation or its charter revoked or on which renewal of the open-enrollment public charter school may be denied;

6.07.1.6 Prohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows:

6.07.1.6.1 The open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools;

6.07.1.6.2 Consistent with the requirements of Section 6.07.1.14.3 of these rules, the open-enrollment public charter school may allow a weighted lottery to be used in the student selection process when necessary to comply with Title VI of the federal civil rights act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation; and

6.07.1.6.3 The open-enrollment public charter may provide for the exclusion of a student who has been expelled from another public school district in accordance with Title 6 of the Arkansas Code.

6.07.1.7 Specify the grade levels to be offered;

6.07.1.8 Describe the governing structure of the program;

6.07.1.9 Specify the qualifications to be met by professional employees of the program;

- 6.07.1.10 Describe the process by which the persons providing the program will adopt an annual budget;
- 6.07.1.11 Describe the manner in which the annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the persons providing the program will provide information necessary for the public school district in which the program is located to participate;
- 6.07.1.12 Describe the facilities to be used, including the terms of the facility utilization agreement if the facility for the open-enrollment public charter school is owned or leased from a sectarian organization;
- 6.07.1.13 Describe the geographical area, public school district, or school attendance area to be served by the program;
- 6.07.1.14 Specify the methods for applying for admission, enrollment criteria, and student recruitment and selection processes.
 - 6.07.1.14.1 Except as provided in Section 6.07.1.14.2 of these rules, if more eligible students apply for a first-time admission than the open-enrollment public charter school is able to accept by the annual deadline that the open-enrollment public charter school has established for the receipt of applications for the next school year, the open-enrollment public charter must require the open-enrollment public charter school to use a random, anonymous student selection method that shall be described in the charter application.
 - 6.07.1.14.1.1 If there are still more applications for admissions than the open-enrollment public charter school is able to accept after the completion

of the random, anonymous student selection method, then the open-enrollment public charter school shall place the applicants on a waiting list for admission.

6.07.1.14.1.2 The waiting list is valid until the next time the open-enrollment public charter school is required to conduct a random, anonymous student selection.

6.07.1.14.2 However, an open-enrollment public charter school may allow a preference for:

6.07.1.14.2.1 Children of the founding members of the eligible entity. The number of enrollment preferences granted to children of founding members shall not exceed ten percent (10%) of the total number of students enrolled in the open-enrollment public charter school; and

6.07.1.14.2.2 Siblings of students currently enrolled in the open-enrollment public charter school.

6.07.1.14.3 The open-enrollment public charter may use a weighted lottery in the student selection process only when necessary to comply with a:

6.07.1.14.3.1 Federal court order; or

6.07.1.14.3.2 Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972 and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

6.07.1.15 Include a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public moneys.

Source: Ark. Code Ann. § 6-23-306 as amended by Act 993 of 2011

6.08 Renewal of an Open-Enrollment Charter: After the initial five-year period of an open-enrollment public charter, the ~~State Board of Education~~ authorizer may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

Source: Ark. Code Ann. § 6-23-307 as amended by Act 993 of 2011

6.09 Priority Hiring for Teachers: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the open-enrollment public charter is employed by an open-enrollment public charter school and the open-enrollment public charter is revoked, the licensed teacher will

receive a priority in hiring for the first available position for which the licensed teacher is qualified in the school district where the licensed teacher was formerly employed.

Source: Ark. Code Ann. § 6-23-308

6.10 Status Report: The ~~State Board~~ authorizer shall report on the status of the open-enrollment public charter school programs to the General Assembly each biennium and to the House ~~Interim~~ Committee on Education and the Senate ~~Interim~~ Committee on Education during the interim between regular sessions of the General Assembly.

Source: Ark. Code Ann. § 6-23-310

6.11 Authority under a Charter for Open-Enrollment Public Charter Schools

6.11.1 An open-enrollment public charter school:

6.11.1.1 Shall be governed by an eligible entity that is fiscally accountable under the governing structure as described by the charter;

6.11.1.2 Shall provide instruction to students at one (1) or more elementary or secondary grade levels as provided by the charter;

6.11.1.3 Shall retain the authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Title 6, Chapter 23 of the Arkansas Code and these rules;

6.11.1.4 Shall have no authority to impose taxes;

6.11.1.5 Shall not incur any debts without the prior review and approval of the Commissioner of Education;

6.11.1.5.1 Requests for approval of debt must be submitted to the Commissioner of Education by the open-enrollment public charter school no later than thirty (30) days prior to the date upon which the debt will be incurred.

- 6.11.1.5.2 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner of Education may waive the thirty (30) day deadline set forth in Section 6.11.1.5.1 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner of Education.
- 6.11.1.6 Shall not enter into any short-term line of credit, or receive any funds from a short-term line of credit, without prior notice to the Commissioner of Education;
 - 6.11.1.6.1 Notice of a short-term line of credit must identify the lender or creditor, the principal amount, the interest rate, and the payment terms;
 - 6.11.1.6.2 No public funds may be used to repay any short-term line of credit unless prior notice of the line of credit was given to and received by the Commissioner of Education;
- 6.11.1.7 Shall not charge students tuition or fees that would not be allowable charges in the public school districts; and
- 6.11.1.8 Shall not be religious in its operations or programmatic offerings.
- 6.11.2 An open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation promulgated by the State Board under Title 6 of the Arkansas Code relating to:

- 6.11.2.1 Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner;
- 6.11.2.2 Public school accountability under Title 6 of the Arkansas Code;
- 6.11.2.3 High school graduation requirements as established by the State Board;
- 6.11.2.4 Special education programs as provided by Title 6 of the Arkansas Code;
- 6.11.2.5 Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
- 6.11.2.6 Health and safety codes as established by the State Board and local governmental entities; and
- 6.11.2.7 Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24-101 et seq., and any other controlling state or federal law regarding ethics or conflicts of interest.

Source: Ark. Code Ann. § 6-23-401

6.12 Enrollment Numbers and Deadline:

- 6.12.1 An open-enrollment public charter school may enroll a number of students not to exceed the number of students specified in its charter.
- 6.12.2 Any student enrolling in an open-enrollment public charter school shall enroll in that school by the deadline established in Ark. Code Ann. § 6-23-402 for the upcoming school year during which the student will be attending the open-enrollment public charter school.
- 6.12.3 However, if a student enrolled by the deadline established in Ark. Code Ann. § 6-23-402 should no longer choose to attend the open-enrollment public charter school or if the open-enrollment public charter school has not yet met its enrollment cap, the open-enrollment public charter school may enroll a number of replacement or additional students not to exceed the enrollment cap of the open-enrollment public charter school.

- 6.12.4 Open-enrollment public charter schools shall keep records of attendance in accordance with the law and submit quarterly attendance reports to the Department of Education.

Source: Ark. Code Ann. § 6-23-402 as amended by Acts 989 and 993 of 2011

6.13 Annual Audit of Open-Enrollment Public Charter School Required:

- 6.13.1 Any other provision of the Arkansas Code or these rules notwithstanding, an open-enrollment public charter school shall be subject to the same auditing and accounting requirements as any other public school district in the state.
- 6.13.2 An open-enrollment public charter school shall prepare an annual certified audit of the financial condition and transactions of the open-enrollment public charter school as of June 30 each year in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States, and containing any other data as determined by the State Board for all public schools.
- 6.13.3 If the school is an open-enrollment public charter school in its first year of operation, the Legislative Auditor shall prepare the required annual financial audit for the school unless:
- 6.13.3.1 The open-enrollment public charter school chooses to retain the services of a licensed certified public accountant in public practice in good standing with the Arkansas State Board of Public Accountancy; and
- 6.13.3.2 The ~~State Board of Education~~ authorizer approves the open-enrollment public charter school's use of an entity other than the Legislative Auditor to prepare the annual financial audit.
- 6.13.4 No open-enrollment public charter school shall engage an accountant or accounting firm to conduct any audit if the accountant or accounting firm

is listed on any ineligibility list maintained by the Department of Education or the Division of Legislative Audit.

Source: Ark. Code Ann. §§ 6-23-403, 6-23-505, and 10-4-413 as amended by Act 993 of 2011.

6.14 Evaluation of Open-Enrollment Public Charter Schools:

6.14.1 The Department of Education shall cause to be conducted an annual evaluation of open-enrollment public charter schools.

6.14.2 An annual evaluation shall include, without limitation, consideration of:

6.14.2.1 Student scores under the statewide assessment program described in Ark. Code Ann. § 6-15-433;

6.14.2.2 Student attendance;

6.14.2.3 Student grades;

6.14.2.4 Incidents involving student discipline;

6.14.2.5 Socioeconomic data on students' families;

6.14.2.6 Parental satisfaction with the schools;

6.14.2.7 Student satisfaction with the schools; and

6.14.2.8 The open-enrollment public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules.

6.14.3 The ~~State Board~~ authorizer may require the charter holder to appear before the ~~State Board~~ authorizer to discuss the results of the evaluation and to present further information to the ~~State Board~~ authorizer as the ~~Department of Education or the State Board~~ authorizer deems necessary.

Source: Ark. Code Ann. § 6-23-404 as amended by Act 993 of 2011

- 6.15 Monthly Reports: An open-enrollment public charter school in its initial school year of operation shall provide monthly reports on its enrollment status and compliance with its approved budget for the current school year to the Department of Education.

Source: Ark. Code Ann. § 6-23-405 as added by Act 993 of 2011

- 6.16 Department of Education Review: The Department of Education shall:
- 6.16.1 Conduct an end-of-semester review of each open-enrollment public charter school that is in its initial school year of operation at the end of the first semester and at the end of the school year; and
 - 6.16.2 Report to the State Board and the Commissioner of Education on the open-enrollment public charter school's:
 - 6.16.2.1 Overall financial condition; and
 - 6.16.2.2 Overall condition of student enrollment.

Source: Ark. Code Ann. § 6-23-406 as added by Act 993 of 2011

- 6.17 Funding for Open-Enrollment Public Charter Schools
- 6.17.1 An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under Ark. Code Ann. § 6-20-2305(a) and (b) as well as any other funding that a public charter school is entitled to receive under law or under rules promulgated by the State Board.
 - 6.17.2 For the first year of operation and any year the open-enrollment public charter school adds a new grade, the foundation funding for an open-enrollment public charter school is determined as follows:
 - 6.17.2.1 The initial funding estimate shall be based on enrollment as of the deadline established by Ark. Code Ann. § 6-23-501;
 - 6.17.2.2 In December, funding will be adjusted based upon the first quarter average daily membership; and

6.17.2.3 A final adjustment will be made after the current three-quarter average daily membership is established.

6.17.3 For the second year and each school year thereafter, the previous year's average daily membership will be used to calculate foundation funding amounts.

6.17.4 National school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4) shall be provided to an open-enrollment public charter school as follows:

6.17.4.1 For the first year of operation and in any year when a grade is added, free or reduced-price meal eligibility data as reported by October 1 of the current school year will be used to calculate the national school lunch state categorical funding under the State Board rules governing special needs funding; and

6.17.4.2 For the second year and each school year of operation thereafter, the previous year's October 1 national school lunch student count as specified in State Board rules governing special needs funding will be used to calculate national school lunch state categorical funding for the open-enrollment public charter school.

6.17.5 Professional development funding under Ark. Code Ann. § 6-20-2305(b)(5) shall be provided to an open-enrollment public charter school for the first year of operation and in any year in which a grade is added as follows:

6.17.5.1 In the first year of operation and in any year when a grade is added, the open-enrollment public charter school shall receive professional development funding based upon the initial projected enrollment student count as of the date required by Ark. Code Ann. § 6-23-501 multiplied by the per-student professional development funding amount under Ark. Code Ann. § 6-20-2305(b)(5) for that school year.

- 6.17.5.2 For the second year and each school year thereafter, professional development funding will be based upon the previous year's average daily membership multiplied by the per-student professional development funding amount for that school year.
- 6.17.6 The Department of Education shall distribute other categorical funding under Ark. Code Ann. § 6-20-2305(a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the State Board.
- 6.17.7 An open-enrollment public charter school shall not be denied foundation funding or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the Department of Education the number of students eligible for funding as specified in applicable rules.
- 6.17.8 Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) installments each fiscal year.
- 6.17.9 An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.
- 6.17.10 Open-enrollment public charter schools may receive gifts and grants from private sources in whatever manner is available to public school districts.
- 6.17.11 An open-enrollment public charter school shall have a right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.
- 6.17.11.1 The public school district may not require lease payments that exceed the fair market value of the property.
- 6.17.11.2 The application of this Section 6.17.11 is subject to the rights of a repurchase under Ark. Code Ann. § 6-13-103 regarding property taken by eminent domain.

- 6.17.11.3 A public school district is exempt from the requirements of this Section 6.17.11 if the public school district, through an open bid process, receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment public charter school for an amount that exceeds the fair market value.
- 6.17.11.4 The purposes of this Section 6.17.11 are to:
 - 6.17.11.4.1 Acknowledge that taxpayers intended a public school facility to be used as a public school; and
 - 6.17.11.4.2 Preserve the option to continue that use.
- 6.17.11.5 Nothing in this Section 6.17.11 is intended to diminish the opportunity for an Arkansas Better Chance program to bid on the purchase or lease of the public school facility on an equal basis as the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-501 as amended by Acts 989 and 993 of 2011

6.18 Source of Funding for Open-Enrollment Public Charter Schools

- 6.18.1 Open-enrollment public charter schools shall be funded each year through funds set aside from funds appropriated to state foundation funding aid in the Public School Fund.
- 6.18.2 The amount set aside shall be determined by the State Board.

Source: Ark. Code Ann. § 6-23-502

6.19 Use of Funding by Open-Enrollment Public Charter Schools

- 6.19.1 An open-enrollment public charter school may not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt.
- 6.19.2 No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public

charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

- 6.19.3 Every contract or lease into which an open-enrollment public charter school enters shall include the wording of Section 6.19.2 of these rules.

Source: Ark. Code Ann. § 6-23-503

- 6.20 Employee Benefits: Employees of an open-enrollment public charter school shall be eligible to participate in all benefits programs available to public school employees.

Source: Ark. Code Ann. § 6-23-504

6.21 Deposit and Management of Charter School Funds

- 6.21.1 All charter school funds, including state foundation funding, other state funding, federal funding, and grants and private donations received directly by a charter school, shall be deposited into a bank account titled in the name of the charter school.

- 6.21.2 Non-charter school funds of the sponsoring entity shall be deposited in a separate bank account titled in the name of the sponsoring entity and shall not be commingled with charter school funds.

- 6.21.3 If the charter school operates an approved federal child nutrition program, food service revenues shall be deposited and managed as required by federal law and by any regulations promulgated by the Arkansas Department of Education Child Nutrition Unit or the Arkansas Department of Human Services.

- 6.21.4 Charter schools may, but are not required to, secure bank accounts as detailed in Ark. Code Ann. § 6-20-222.

6.22 Assets of Open-Enrollment Public Charter School as Property of State

- 6.22.1 Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state,

unless otherwise specified in the charter of the open-enrollment public charter school.

- 6.22.2 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-enrollment public charter school, the ~~State Board~~ Department of Education may require that the property be sold.
- 6.22.3 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

Source: Ark. Code Ann. § 6-23-506

6.23 ~~State Board~~ Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (Application, Renewal, or Request for Charter Amendment)

- 6.23.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 6.23.2 The open-enrollment public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 6.23.3 Parties opposed to the open-enrollment public charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for disapproval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 6.23.4 The open-enrollment public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the open-enrollment public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

- 6.23.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the open-enrollment public charter school application, renewal, or request, and questions, if any, to the open-enrollment public charter school or applicant, opposing parties, or both.
- 6.23.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.
- 6.23.7 The ~~State Board~~ authorizer may defer the vote to approve or disapprove a charter application, renewal, or request in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application, renewal, or request.
- 6.23.8 During the roll call vote on each open-enrollment public charter initial application, if a particular ~~State Board~~ member of the authorizing body votes against the initial application, that ~~State Board~~ member should state his or her reasons for disapproval as necessary to comply with Ark. Code Ann. § 6-23-305.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

- 6.24 ~~State Board~~ Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)
- 6.24.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the open-enrollment public charter school.
- 6.24.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 6.24.3 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of an open-enrollment public charter school charter. The

Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

6.24.4 The open-enrollment public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the open-enrollment public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.

6.24.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the open-enrollment public charter school, or both.

6.24.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

6.25 Charter School Facilities

An open-enrollment public charter school shall not commence operations with students in any new or renovated facility unless the school has obtained for the new construction or renovation:

6.25.1 A certificate of occupancy issued by a local code official approved by the state fire marshal;

6.25.2. A certificate of occupancy or other approval of the state fire marshal; or

6.25.3 A certificate of substantial completion issued by a licensed architect.

7.00 RULES APPLICABLE TO LIMITED PUBLIC CHARTER SCHOOLS

7.01 Any public school may apply to the ~~State Board~~ Department of Education for limited public charter school status for alternative comprehensive staffing and compensation programs designed to enhance student and teacher performance and improve employee salaries, opportunities, and incentives, to be known as a “limited public charter school.” The ~~State Board~~ authorizer shall not approve an

application for limited public charter school status that has not first been approved by the school district's board of directors.

- 7.02 A limited public charter school shall be for the purpose of instituting alternative staffing practices in accordance with a schedule approved by the ~~State Board~~ authorizer.
- 7.03 A limited public charter school shall be initially established for no more than five (5) years and may be renewed on a one-year or multiyear basis, not to exceed five (5) years per charter renewal.
- 7.04 The application for a limited public charter school shall:
 - 7.04.1 Contain the provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the limited public charter school will be exempt.
 - 7.04.1.1 The provisions from which the public school district may be exempt for the limited public charter school only shall be limited to the following:
 - 7.04.1.1.1 The duty-free lunch period requirements set forth in Ark. Code Ann. § 6-17-111;
 - 7.04.1.1.2 The daily planning period requirements set forth in Ark. Code Ann. § 6-17-114;
 - 7.04.1.1.3 The committee on personnel policies requirements set forth in Ark. Code Ann. § 6-17-201 et seq., and
 - 7.04.1.1.4 Standards for accreditation set forth in the Arkansas Code, set forth by the Department of Education, or set forth by the State Board of Education.
 - 7.04.1.2 No limited public charter school may be allowed an exemption that would allow a full-time licensed employee to be paid less than the salary provided in the public school district's salary schedule for that employee;

- 7.04.2 Describe a plan for school improvement that addresses how the limited public charter school will improve student learning and meet the state education goals;
- 7.04.3 Describe how the licensed employees at the limited public charter school will be involved in developing and implementing the school performance plan set forth in Section 7.04.2 of these rules and in identifying performance criteria;
- 7.04.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the limited public charter school in improving student learning and meeting or exceeding the state education goals; and
- 7.04.5 Be reviewed as a regular agenda item and approved after sufficient public comment by the local school board and the ~~State Board~~ authorizer.
- 7.05 Any application to obtain limited public charter school status approved by a local school board shall be forwarded by the local school board to the ~~State Board~~ authorizer.
- 7.06 If a local school board does not approve a public school's application, the local school board shall inform the applicants and faculty of the public school of the local school board's reasons for not approving the application.
- 7.07 A licensed teacher employed by a public school in the year immediately preceding the effective date of a limited public charter for a limited public charter school within that public school district may not be transferred to or be employed by the limited public charter school over the licensed teacher's objections, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.
- 7.08 If the transfer of a teacher within a public school district is not possible because only one (1) public school exists for the teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed limited public charter school site and proceed, at the local school board's option, with the limited public charter school application if a majority of the licensed teachers approve the proposal.

- 7.09 A licensed teacher choosing to join the staff of a limited public charter school shall be employed by the district by a written contract as set forth in Ark. Code Ann. § 6-13-620(5), with the contract being subject to the provisions of the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 7.09.1 The licensed teacher shall also enter into a separate supplemental contract specifically for the teacher's employment in the limited public charter school, with the supplemental contract being exempt from the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., and from Ark. Code Ann. § 6-17-807.
- 7.09.2 Termination of the supplemental contract shall not be used as a basis to deny continued employment of the teacher within the public school district in another public school at a similar grade level.
- 7.10 Limited public charter schools shall be evaluated annually by the Department of Education based on criteria approved by the ~~State Board~~ authorizer, including without limitation:
- 7.10.1 Student performance data in order to determine progress in student achievement that has been achieved by the limited public charter school; and
- 7.10.2 The limited public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.05 of these rules.
- 7.10.3 The Department of Education shall annually report its evaluation to the State Board and the Commissioner of Education.
- 7.10.4 Based upon that evaluation, the ~~State Board~~ authorizer may revoke a limited public charter.

Source: Ark. Code Ann. § 6-23-601 as amended by Act 993 of 2011

- 7.11 ~~State Board~~ Authorizer Hearing Procedures Related to Limited Public Charter Schools (Application, Renewal, or Request for Charter Amendment)
- 7.11.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.

- 7.11.2 The limited public charter school or applicant shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for approval of the proposed limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.3 Parties opposed to the limited public charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for disapproval of the proposed limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.4 The limited public charter school applicant shall have five (5) minutes to respond to any arguments in opposition to the limited public charter school application, renewal, or request. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.11.5 The ~~State Board~~ authorizer will follow the presentation with discussion of the limited public charter school application, renewal, or request and questions, if any, to the limited public charter school or applicant, opposing parties, or both.
- 7.11.6 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

7.12 ~~State Board~~ Authorizer Hearing Procedures Related to Limited Public Charter Schools (~~State Board~~ Modification, Probation or Revocation of Charter)

- 7.12.1 Not later than twenty (20) days prior to the ~~State Board~~ authorizer meeting at which the matter of modification, probation or revocation will be considered, the Department of Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the limited public charter school.

- 7.12.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by a certified court reporter.
- 7.12.2 Arkansas Department of Education staff shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for modification, probation, or revocation of a limited public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.12.3 The limited public charter school shall have twenty (20) minutes to present its case to the ~~State Board~~ authorizer for regarding the proposed modification, probation, or revocation of the limited public charter school charter. The Chair of the ~~State Board~~ authorizing body may grant additional time, if necessary.
- 7.12.4 The ~~State Board~~ authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the Department of Education, the conversion public charter school, or both.
- 7.12.5 The ~~State Board~~ authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled ~~board~~ meeting.

Note: Additional requirements pertaining to hearings involving the Department of Education as authorizer may be found in Section 9.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 10.00 of these Rules.

8.00 RULES APPLICABLE TO THE CLOSURE OR DISSOLUTION OF PUBLIC CHARTER SCHOOLS

8.01 Required Notices

8.01.1 No later than fifteen (15) days after the ~~State Board~~ authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall furnish to the Department of Education:

- 8.01.1.1 A complete inventory of all personal property, real property, equipment, and fixtures owned or financed by the charter school, with documentation showing a description

of each asset, serial number, tag number, location, estimated value, any encumbrance on the asset including recorded security interest or lien, and the source of funds for each purchase;

8.01.1.2 The account number and financial institution contact information for every account in which the charter school or sponsoring entity deposited any state or federal funds at any time, and complete bank statements for the twelve (12) months preceding the effective date of closure;

8.01.1.3 A complete list of all debts or obligations owed by the charter school and still outstanding as of the effective date of closure, including all outstanding checks or warrants;

8.01.1.4 A complete list of all accounts receivable owed to the charter school and still outstanding as of the effective date of closure; and

8.01.1.5 Complete contact information for every member of the charter school's board or governing entity.

8.01.2 If the ~~State Board~~ authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall, on a timeline established by the Department, send written notice of closure, as approved by the Department, to:

8.01.2.1 The parents and legal guardians of all students;

8.01.2.2 All employees of the charter school;

8.01.2.3 All creditors of the charter school; and

8.01.2.34 Every school district in which any students of the charter school reside.

8.01.3 Every notice sent pursuant to Section 8.01.2 above must include:

8.01.3.1 The effective date of closure and last day of regular instruction; and

8.01.3.2 Contact information of the person employed or retained by the charter school or sponsoring entity to handle inquiries regarding the closure.

8.01.4 Parental notices sent pursuant to Section 8.01.2 must additionally include:

8.01.4.1 The student's school district of residence, and the contact information for that district's enrollment office;

8.01.4.2 A statement that parents should contact the resident school district or any charter school where the student intends to enroll and should ask that school or district to request transfer of the student's educational records from the closing charter school; and

8.04.4.3 Contact information for the individual or entity charged with storage of student records after the school's closure.

8.01.5 Employee notices sent pursuant to Section 8.01.2 must additionally include the date of termination of all employee benefits (health insurance, etc.), along with any COBRA or other documentation required by law.

8.01.6 The deadline for any notice required by this Section may be extended by the Department of Education Charter School Office for good cause.

8.02 Assets of Open-Enrollment Public Charter School as Property of State

8.02.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, all net assets of the open-enrollment public charter school purchased with public funds, including any interest in real property, shall be deemed the property of the state, unless otherwise specified in the charter or by federal law.

8.02.2 The Commissioner of Education or his or her designee shall take all steps necessary to protect and recover any and all state assets in the possession or control of the former charter school or the sponsoring entity.

8.02.2.1 If any state or federal funds remain in any bank account(s) titled in the name of the charter school or sponsoring entity,

the Commissioner of Education or his or her designee shall notify the financial institution that the account(s) holds state or federal funds and shall direct that the account(s) be immediately frozen, subject to further direction by the Commissioner or his or her designee.

8.02.2.2 Any funds remaining in any bank account(s) titled in the name of the charter school shall be presumed to be state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.3 The Commissioner or his or her designee shall secure and arrange for the recovery and storage of all personal property, equipment, and fixtures purchased or financed in whole or in part with any state or federal funds. Any personal property or equipment contained within the charter school facility shall be presumed to have been purchased or financed in whole or in part with state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.

8.02.2.4 At all times, the charter school, the sponsoring entity, and their officers, agents, and employees, must protect the school's assets against theft, misappropriation, and deterioration.

8.03 Distribution of Property

8.03.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the following property shall be sold, unless the Commissioner of Education determines otherwise:

8.03.1.1 Real property or fixtures purchased or financed in whole or in part by the open-enrollment public charter school with state funds;

8.03.1.2 Real property or fixtures purchased or financed in whole or in part by the sponsoring entity with federal grant funds administered by the Department of Education, unless federal law requires some other method of distribution;

- 8.03.1.3 Personal property encumbered by a recorded security interest or lien and purchased or financed by the open-enrollment public charter school in whole or in part with state funds;
- 8.03.1.4 Personal property purchased or financed in whole or in part with state funds by an open-enrollment public charter school that never received federal funds and never directly benefited from a federal grant administered by the Department of Education; and
- 8.03.1.5 Any other personal property not distributed as provided by Sections 8.03.3 and 8.03.4 below.

8.03.2 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of property sold pursuant to Section 8.03.1 above to the extent of the public funds used in the purchase. For the purpose of this section, “net proceeds” means the sale proceeds remaining after the satisfaction of all lien, security, ownership, or other interests that supersede the state’s interest.

8.03.3 If the open-enrollment public charter school at any time operated an approved federal child nutrition program, all commodities and foodservice equipment purchased in whole or in part with federal funds or with nutrition program revenues shall be sold or transferred as directed by the Arkansas Department of Education Child Nutrition Unit.

8.03.4 If the open-enrollment public charter school or its sponsoring entity received a federal grant administered by the Department of Education, then all other personal property, including furniture, equipment and supplies, purchased with state or federal funds may be redistributed to other Arkansas public charter schools or traditional public schools as allowed by federal law.

8.04 Distribution of Funds

8.04.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the Commissioner of Education or his or her designee shall

assert control over any funds deemed the property of the state under Section 8.02 above.

8.04.2 In order to comply with federal and state law, the Commissioner of Education shall use such funds to satisfy the following obligations of the charter school in the order listed:

- 8.04.2.1 Domestic support obligations withheld from an employee's wages in compliance with a court order prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.2 Federal tax liens imposed by the Internal Revenue Code for taxes or payroll tax withholding owed;
- 8.04.2.3 Any state tax lien or certificate of indebtedness issued by the Arkansas Department of Finance and Administration for taxes or payroll tax withholding owed;
- 8.04.2.4 Any debt owed to the Arkansas Department of Education Child Nutrition Unit for penalties or reimbursement of overpayments;
- 8.04.2.5 Any debt owed to the Department of Education or other state agency for reimbursement of any other overpayment of federal funds;
- 8.04.2.6 Unpaid contributions to the Arkansas Teacher Retirement System accrued prior to the effective date of dissolution, non-renewal, or revocation;
- 8.04.2.7 Unpaid contributions to the Employee Benefits Division of the Arkansas Department of Finance & Administration accrued prior to the effective date of dissolution, non-renewal, or revocation; and
- 8.04.2.8 Unpaid employee wages accrued prior to the effective date of dissolution, non-renewal, or revocation in accordance with the school's salary schedule in effect as of the beginning of the current school year.

8.04.3 Any remaining funds deemed the property of the state under Section 8.02 above shall be deposited into the State Treasury to the credit of the Department of Education Public School Fund Account.

8.05 Distribution of Records

8.05.1 The charter school or sponsoring entity must promptly submit all student records to the transfer school, including:

8.05.1.1 Individualized Education Programs (IEPs) and all records regarding special education and supplemental services;

8.05.1.2 Student health / immunization records;

8.05.1.3 Attendance records;

8.05.1.4 Testing materials, including scores, test booklets, etc. required to be maintained by the School; and

8.05.1.5 All other student records.

8.05.1.6 All end-of-school-year grades and evaluations must be completed and made part of the student records, including any IEP, Committee on Special Education meetings, or progress reports.

8.05.1.7 To the extent that testing scores, etc. are scheduled to arrive after the school closure, arrangements should be made with the testing agent to forward such material to the transfer school.

8.05.2 No later than thirty (30) days after closure or dissolution of the charter, the charter school or sponsoring entity shall send each employee of the charter school:

8.05.2.1 Copies of his or her contracts, evaluations, recommendation letters, and any other proof of employment and/or termination;

8.05.2.2 Documentation of staff development hours; and

8.05.2.3 Notice that employees must keep this documentation for their records as the state will have no way of providing proof of employment after the school is closed.

8.05.3 If the charter school operated an approved federal child nutrition program, all child nutrition records shall be delivered to the Arkansas Department of Education Child Nutrition Unit on a schedule established by the Unit.

8.05.4 Any student records remaining in the possession of the charter school or sponsoring entity, or in the possession of any other entity or individual designated by the charter school or sponsoring entity, shall be maintained in a manner sufficient to protect student privacy rights in accordance with the Federal Educational Rights and Privacy Act of 1974, as amended.

8.05.5 The sponsoring entity shall maintain all relevant corporate or governance records for at least five (5) years after the effective date of closure, specifically including but not limited to:

8.05.5.1 All board minutes, policies, and bylaws of the charter school board or governing entity;

8.05.5.2 Bonds, mortgages, loan agreements, and all other financing instruments;

8.05.5.3 Lease agreements;

8.05.5.4 Accounting and bank records;

8.05.5.5 Payroll and tax records as required by federal law;

8.05.5.6 Grant records as specified by 34 C.F.R. § 80.42 or other relevant federal or state law; and

8.05.5.7 Any other document required by law to be maintained.

9.00 DEPARTMENT OF EDUCATION AS PUBLIC CHARTER AUTHORIZER

9.01 The Department of Education is the designated public charter authorizer with jurisdiction and authority over all public charters issued in this state to take the following action on a proposed or established public charter:

9.01.1 Approve;

9.01.2 Reject;

9.01.3 Renew;

9.01.4 Non-renew;

9.01.5 Place on probation;

9.01.6 Modify;

9.01.7 Revoke; or

9.01.8 Deny.

9.02 The department shall exercise authority over public charter schools under Title 6, Chapter 23 of the Arkansas Code and these rules through a public charter authorizing panel established within the department.

9.02.1 The Commissioner of Education shall appoint a public charter authorizing panel that consists of professional staff employed at the department to serve at the pleasure of the commissioner.

9.02.2 The commissioner may elect to serve as a member on the charter authorizing panel as the chair.

9.02.3 The public charter authorizing panel is composed of an odd number of members and consists of no less than five (5) members and no more than eleven (11) members.

9.03 The department may waive provisions of Title 6 of the Arkansas Code or State Board of Education rules as allowed by law for public charters.

- 9.04 The department shall conduct all hearings on public charter school matters as required by law, rule, and process and make final determinations as allowed by law.
- 9.04.1 A hearing under Title 6, Chapter 23 of the Arkansas Code and these rules conducted by the department shall be an open meeting under the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-106.
- 9.04.2 For the purposes of Ark. Code Ann. § 25-19-106, the members of the public charter authorizing panel shall be considered a governing body only in regards to actions specifically authorized by Title 6, Chapter 23, Subchapter 7 of the Arkansas Code and these rules.
- 9.04.3 All decisions of the panel shall be made by a majority vote of the quorum.
- 9.04.4 A decision of the department is final except as provided under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.04.5 The Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. shall not apply to a hearing concerning a public charter school.
- 9.05 The department shall be the primary authorizer of public charters except as provided under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.06 The department shall notify in writing the State Board, charter applicant, public charter school, and affected school districts, if any, of final decisions made by the department no less than fourteen (14) calendar days before the next regularly scheduled State Board meeting after the final decision is made by the department.
- 9.06.1 A charter applicant, public charter school, and affected school district, if any, may submit in writing a request that the State Board review the final decision of the department under Ark. Code Ann. § 6-23-703 and Section 10.00 of these rules.
- 9.06.2 The written request submitted under Section 9.06.1 of these rules shall state the specific reasons supporting a review by the State Board.
- 9.06.3 The decision of whether to review a final decision of the department is discretionary by the State Board and the provisions of this section and

Ark. Code Ann. § 6-23-703 do not grant any right of appeal to a charter applicant, public charter school, or affected school district.

Source: Ark. Code Ann. § 6-23-701 through 6-23-702.

10.00 STATE BOARD OF EDUCATION OPTIONAL REVIEW

10.01 On a motion approved by a majority vote, the State Board may exercise a right of review of a charter determination made by the department at the next regularly scheduled State Board meeting after receiving notice provided under Ark. Code Ann. § 6-23-702(b) and Section 9.06 of these rules.

10.02 If the State Board votes to review a final decision made by the department, the State Board shall:

10.02.1 State the specific additional information the State Board requires from the department, public charter school, public charter school applicant, or affected school district.

10.02.2 Conduct a full hearing regarding a final decision made by the department under Ark. Code Ann. § 6-23-701(a) and Section 9.04 of these Rules; and

10.02.3 Hold the hearing at the earlier of:

10.02.3.1 The next regularly scheduled State Board meeting following the State Board meeting during which the State Board voted to authorize a review; or

10.02.3.2 A special board meeting called by the State Board.

10.03 At the conclusion of the hearing, the State Board may issue a final decision by State Board vote.

10.03.1 The State Board may decide by a majority vote of the quorum to:

10.03.1.1 Affirm the decision of the department;

10.03.1.2 Take other lawful action on the public charter;

10.03.1.3 Request additional information from the department, public charter school, public charter school applicant, or affected school district, if needed.

10.03.1.4 If the State Board requests additional information under Ark. Code Ann. § 6-23-703(c)(2)(C)(i) or Section 10.03.1.3 of these Rules, the State Board shall hold a subsequent hearing at the earlier of the next regularly scheduled State Board meeting or a special board meeting called by the State Board.

10.03.2 A decision made by the State Board is final with no right of appeal.

Source: Ark. Code Ann. § 6-23-703

11.00 EMERGENCY CLAUSE

WHEREAS, Act 509 of 2013 revised Arkansas law related to the authorization of public charter schools and becomes effective on or about August 16, 2013; and

WHEREAS, Act 509 of 2013 requires the Arkansas Department of Education to become the primary charter school authorizer in Arkansas; and

WHEREAS, on August 16, 2013, the Arkansas Department of Education must immediately begin its new role as primary charter school authorizer;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, open-enrollment public charter school applicants, parents and public school districts will result without the immediate promulgation of these rules.



ARKANSAS DEPARTMENT OF EDUCATION

2013 Application Open-Enrollment Public Charter School

Deadline for Receipt of Submission: Tuesday, September 3, 2013, 4:00 p.m.
Applications will not be accepted after this time.



Name of Proposed Charter School:

Any application that is substantially incomplete will not be forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

**Arkansas Department of Education
Charter School Office
Four Capitol Mall Little Rock,
AR 72201
501.683.5313**

**ARKANSAS DEPARTMENT OF EDUCATION
2013 APPLICATION
OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL**

A. GENERAL INFORMATION

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment Cap: _____

Name of Sponsoring Entity: _____

The applicant is an "eligible entity" under the following category (check one):

- a public institution of higher education;
- a private nonsectarian institution of higher education;
- a governmental entity; or
- an organization that is nonsectarian in its programs and operations, and is, or will be, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. (A copy of the entity's letter from the IRS reflecting tax exempt status or a copy of the entity's application for 501(c)(3) status must be included with the application. Articles of incorporation or a letter acknowledging non-profit status from the Secretary of State will not suffice.) To be eligible, an entity must hold or have applied for 501(c)(3) status at the time this charter application is filed. The entity must receive formal tax exempt status under §501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Non-profit entities without the required Internal Revenue Service documentation are not eligible to be awarded charters; therefore, any applications submitted without the proper documentation will not be reviewed.

Name of Contact Person: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: (____) _____ FAX: (____) _____

Email: _____

Charter Site

Address: _____ City: _____

ZIP: _____ Date of Proposed Opening: _____

Chief Operating Officer

of Proposed Charter (if known): _____ Title: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: (____) _____

The proposed charter will be located in the _____ School District.

Provide a comprehensive list of all individuals, including but not limited to entity board members and charter school board members, involved in the organization and design of the proposed school as well as the proposed application process. Please note that Ark. Code Ann. §6-24-105 prohibits charter school board members from contracting with or being employed by the charter school except in certain limited circumstances.

| | | |
|-------------|-----------------|---------------------------|
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
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| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |
| Name: _____ | Position: _____ | State of Residence: _____ |

List the current K-12 student enrollment of the district where the proposed public charter school would be located.

_____ (Total District Enrollment)

List the school districts from which the charter school expects to draw students.

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

B. EXECUTIVE SUMMARY

Provide the mission statement of the proposed school.

Applicant Response:

Briefly describe the key programmatic features that the school will implement in order to accomplish the mission.

Applicant Response:

C. NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER SCHOOL

The applicant for the proposed charter school, if approved by the authorizer, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq., the State Board of Education Rules Governing Charter Schools, and the attached assurances.

Provide a narrative description of the various components of the proposed charter school by responding to the following prompts:

1. Describe the results of the public hearing, which was held for the purpose of assessing support for the establishment of this public charter school. Provide copies of supporting evidence.

Attach documentation to demonstrate that each of the following requirements of Arkansas Code Annotated §6-23-302 was met:

- A. The notice of the public hearing was published on a weekly basis for at least three (3) consecutive weeks prior to the date of the hearing in a newspaper having general circulation in the school district in which the school will likely be located.
- B. The notice of the public hearing was not published in the classified or legal notice section of the newspaper.
- C. The last publication date of the notice was no less than seven days prior to the public meeting.
- D. Within seven calendar days following the first publication of the notice of the public hearing, emails announcing the public hearing were sent to the superintendent of each of the school districts from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendent of any district that is contiguous to the district in which the open-enrollment public charter school will be located.

Applicant Response:

2. Describe the governing structure of the open-enrollment charter school, including board composition, selection process, and responsibilities. Also describe the role of the administrators, faculty, parents, students, and community members in the leadership and decision-making of the school. As part of your response, answer the following specific questions:
- A. Identify what individual, job position(s), or entity(s) will have final decision-making authority for the school in the areas of (1) finance and purchasing; (2) student discipline; (3) hiring and firing of staff; and (4) hiring and firing of the school director or superintendent.
 - B. Specify how the final decision-maker(s) identified in response to (A)(3) will be selected or elected, including (1) length of term, (2) method of selection or election, and (3) who will have the authority to participate in the selection or election process.
 - C. Explain how and to what extent the school's leadership will be accountable to parents.

Applicant Response:

3. Give the mission statement for the proposed charter school.

Applicant Response:

4. Describe the educational need for the school. Include the innovations that will distinguish the charter from other schools.

Applicant Response:

5. Describe the educational program to be offered by the charter school.

Applicant Response:

6. List the specific measurable goals in reading, reading comprehension, mathematics, and mathematic reasoning based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter school's initial five-year period. For each goal, include the following:
 - The tool to be used to measure the academic performance;
 - The level of performance that will demonstrate success; and
 - The timeframe for the achievement of the goal.

Applicant Response:

7. Describe the process that will be used to develop and align the curriculum with the Arkansas Curriculum Frameworks and the curriculum requirements of the Common Core State Standards as adopted by the State Board of Education.

Applicant Response:

8. Describe the manner in which the school will make provisions for the following student services, even in those areas for which a waiver is requested:

A) Guidance program;

Applicant Response:

B) Health services;

Applicant Response:

C) Media center;

Applicant Response:

D) Special education;

Applicant Response:

E) Transportation;

Applicant Response:

F) Alternative education, including Alternative Learning Environments;

Applicant Response:

G) English Language Learner (ELL) instruction

Applicant Response:

H) Gifted and Talented Program.

Applicant Response:

9. Describe the geographical area to be served by the charter. List all school districts within the geographical area likely to be affected by the open-enrollment public charter school.

Applicant Response:

10. Describe the plan for the school officials to provide an annual report to parents, the community, and the authorizer that demonstrates the progress made by the charter school during any previous academic year in meeting its academic performance objectives. (*See ADE Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts.*)

Applicant Response:

11. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school.

Applicant Response:

Check which of the following enrollment preferences, as permissible in Arkansas Code Annotated §6-23-306(14)(C), would be allowed at the charter school.

- Children of founding members of the charter school
- Siblings of enrolled students
- No enrollment preferences (No other boxes may be checked in order to select this option.)

It is affirmed that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the open-enrollment public charter school than can be accommodated under the terms of the charter, except as allowed for in Arkansas Code Annotated §6-23-306(14)(C).

- Yes
- No

If it is believed that the use of a weighted lottery is required by federal court or administrative order, explain and furnish a copy of the order.

Applicant Response:

12. Summarize the job descriptions of the school director and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions for the school.

Applicant Response:

13. Explain how the school will conduct its business office. Tell about business office personnel and describe the process by which the school governance will adopt an annual budget.

Applicant Response:

14. Describe the manner in which an annual audit of the financial and programmatic operations of the school will be conducted. If the school wishes to request that the authorizer allow a licensed accountant or licensed certified public accountant, rather than the Legislative Auditor, to perform the first-year audit, identify the accountant by name, firm, address, and phone number. The named accountant must meet the requirements of ADE Rules Governing Publicly Funded Educational Institution Audit Requirements, including the prohibition on auditors providing non-audit services (such as accounting or consulting services) to auditees. A school's preference as stated in this application may not be changed without prior approval of the authorizer.

Applicant Response:

15. It is affirmed that the public charter school will participate in the Arkansas Public School Computer Network, as required by state statute and by State Board of Education rule, for reporting **both education data and financial data**, including grant funds or private donations received directly by the charter school.

Yes

No

16. Describe the facilities to be used. Give the present use of the facility. If the facility to be used for the school is a facility of a school district, describe the terms established by the local school board of the district stipulating the relationship between the proposed public charter school and the district pertaining to the use of the facility. Attach a copy of the agreement, signed by the president of the local school board, the chair or president of the governing body of the proposed open-enrollment public charter school, and the chief operating officer of the proposed charter. If the facility is not operated by a school district, attach a copy of the Facilities Utilization Agreement, signed by the entity owning or operating the facility and the chief operating officer of the proposed charter. A proposed lease may also be submitted but is not required. Please note that any lease or other debt must be approved by the Commissioner of Education.

Applicant Response:

Identify the owner(s) of the proposed facility and describe their relationship, if any, with:

- (1) Members of the local board of the public school district where the proposed open-enrollment public charter school will be located,
- (2) Employees of the public school district where the proposed open-enrollment public charter school will be located,
- (3) The eligible entity sponsoring the open-enrollment public charter school, or
- (4) Employees/directors/administrators of the sponsoring entity or proposed open-enrollment public charter school.

Applicant Response:

The facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws and local zoning ordinances.

Yes

No

If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1,000 feet of the facility.

Applicant Response:

17. For each and every individual specifically identified by name in Section A of the application (the contact person, chief operating officer, board members, and other individuals), identify any family or financial relationship which may exist between that individual and:
- (A) Any other individual specifically identified by name in Section A of the application;
 - (B) Any individual or entity with whom the sponsoring entity or charter school has contracted, or intends to contract, to provide any services or products for the proposed charter school; and/or
 - (C) The owner(s) of the facilities to be used.

For the purpose of this standard, an individual has a financial relationship with another individual or entity if he or she:

- (1) Receives compensation or benefits directly or indirectly from the entity or individual;
- (2) Is an officer, director, partner, employee, or owner of more than 5% of the shares of an entity that is a corporation, partnership, sole proprietorship, or LLC; and/or
- (3) Has a family member (spouse, sibling, parent or child, or the spouse of a sibling, parent, or child) who is an officer, director, partner, employee, or owner of more than 5% of the shares of an entity that is a corporation, partnership, sole proprietorship, or LLC.

Applicant Response:

Explain the procedures to be followed if a conflict of interest is identified. The procedures must ensure that all actions are in the best interest of the school and the students at the school.

Applicant Response:

18. Describe the manner in which the school will make provisions for food services. State whether the proposed charter school will apply to participate in the federal National School Lunch program or other federal nutrition programs.

Applicant Response:

19. Describe how the parents or guardians of the enrolled students and other members of the community will be involved with the school to positively impact the charter school's educational programs.

Applicant Response:

20. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code), State Board of Education rules, and sections of the *Standards for Accreditation of Arkansas Public Schools and School Districts* from which the public charter school seeks to be exempted in order to meet the goals of the school. Identify the specific statute, rule, or standard requested to be waived by title and section number if applicable. **Provide a brief description of the rationale for each waiver requested.**

Applicant Response:

21. Describe the potential impact of the proposed public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Applicant Response:

22. Identify the two or three key individuals responsible for this application. Discuss the experience and qualifications of each. Explain what the founders are doing or will do to ensure the success of the charter school when others are in leadership roles.

Applicant Response:

Public Charter School Application Personnel Salary Schedule

| Administrative Positions: | | Salary 2014-2015 | | Salary 2015-2016 | |
|----------------------------------|-----------------------------------|-------------------------|--|-------------------------|--|
| <i>Line#</i> | List Positions | 2014-2015 No. FTEs | | 2015-2016 No. FTEs | |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | Subtotal: | | | | |
| 8 | Fringe Benefits (rate used _____) | | | | |
| 9 | Total Administration: | | | | |

| Regular Classroom Instruction: | | 2014-2015 | | 2015-2016 | |
|---------------------------------------|---|------------------|--|------------------|--|
| | | No. FTEs | | No. FTEs | |
| 10 | Teachers | | | | |
| 11 | Aides | | | | |
| 12 | Subtotal: | | | | |
| 13 | Teacher Fringe Benefits (rate used _____) | | | | |
| 14 | Aide Fringe Benefits (rate used _____) | | | | |
| 15 | Total Regular Classroom Instruction: | | | | |

| Special Education: | | 2014-2015 | | 2015-2016 | |
|---------------------------|---|------------------|--|------------------|--|
| | | No. FTEs | | No. FTEs | |
| 16 | Teachers | | | | |
| 17 | Aides | | | | |
| 18 | Subtotal: | | | | |
| 19 | Teacher Fringe Benefits (rate used _____) | | | | |
| 20 | Aide Fringe Benefits (rate used _____) | | | | |
| 21 | Total Special Education: | | | | |

| Gifted and Talented Program: | | 2014-2015 | | 2015-2016 | |
|-------------------------------------|---|------------------|--|------------------|--|
| | | No. FTEs | | No. FTEs | |
| 22 | Teachers | | | | |
| 23 | Aides | | | | |
| 24 | Subtotal: | | | | |
| 25 | Teacher Fringe Benefits (rate used _____) | | | | |
| 26 | Aide Fringe Benefits (rate used _____) | | | | |
| 27 | Total Gifted and Talented Program: | | | | |

**Alternative Education Program/
Alternative Learning Environments:**

| | 2014-2015 No. FTEs | Salary 2014-2015 | 2015-2016 No. FTEs | Salary 2015-2016 |
|---|-----------------------|------------------|-----------------------|------------------|
| 28 Teachers | | | | |
| 29 Aides | | | | |
| 30 Subtotal: | | | | |
| 31 Teacher Fringe Benefits (rate used _____) | | | | |
| 32 Aide Fringe Benefits (rate used _____) | | | | |
| 33 Total Alternative Education Program/ Alternative Learning Environments: | | | | |

English Language Learner Program:

| List Positions | 2014-2015 No. FTEs | 2015-2016 No. FTEs |
|---|-----------------------|-----------------------|
| 34 _____ | | |
| 35 _____ | | |
| 36 _____ | | |
| 37 _____ | | |
| 38 _____ | | |
| 39 Subtotal: | | |
| 40 Fringe Benefits (rate used _____) | | |
| 41 Total English Language Learner Program: | | |

Guidance Services:

| List Positions | 2014-2015 No. FTEs | 2015-2016 No. FTEs |
|--------------------------------------|-----------------------|-----------------------|
| 42 _____ | | |
| 43 _____ | | |
| 44 _____ | | |
| 45 _____ | | |
| 46 _____ | | |
| 47 Subtotal: | | |
| 48 Fringe Benefits (rate used _____) | | |
| 49 Total Guidance Services: | | |

Health Services:

| List Positions | 2014-2015 No. FTEs | 2015-2016 No. FTEs |
|--------------------------------------|-----------------------|-----------------------|
| 50 _____ | | |
| 51 _____ | | |
| 52 _____ | | |
| 53 _____ | | |
| 54 _____ | | |
| 55 Subtotal: | | |
| 56 Fringe Benefits (rate used _____) | | |
| 57 Total Health Services: | | |

Media Services:

58
59
60
61
62
63
64
65

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Media Services:

Fiscal Services:

66
67
68
69
70
71
72
73

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Fiscal Services:

Maintenance and Operation:

74
75
76
77
78
79
80
81

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Maintenance and Operation:

Pupil Transportation:

82
83
84
85
86
87
88
89

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Pupil Transportation:

Food Services:

90
91
92
93
94
95
96
97

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Food Services:

Data Processing:

98
99
100
101
102
103
104
105

List Positions

2014-2015
No. FTEs

2015-2016
No. FTEs

Subtotal:

Fringe Benefits (rate used _____)

Total Data Processing:

Substitute Personnel:

106
107
108
109
110
111

Number of **Certified** Substitutes _____

Number of **Classified** Substitutes _____

Subtotal:

Certified Fringe Benefits (rate used _____)

Classified Fringe Benefits (rate used _____)

Total Substitute Personnel:

2014-2015
No. FTEs

2015-2016
No. FTEs

112

TOTAL EXPENDITURES FOR SALARIES:

**Public Charter School Application
Estimated Budget Template**

REVENUES

| | | <u>2014-2015 Amount:</u> | <u>2015-2016 Amount:</u> |
|--|---|--------------------------|--------------------------|
| State Public Charter School Aid: | | | |
| 2014-2015 | | | |
| 1 | No. of Students _____ x \$6,521.00 State Foundation Funding | \$0.00 | |
| 2 | No. of Students _____ x \$44.00 Professional Development | \$0.00 | |
| 3 | No. of Students _____ x _____ eligible rate* NSL Funding | | |
| 4 | No. of Students _____ x _____ Other: <i>Explain Below</i> | | |
| 5 | | | |
| 2015-2016 | | | |
| 6 | No. of Students _____ x \$6,521.00 State Foundation Funding | | \$0.00 |
| 7 | No. of Students _____ x \$44.00 Professional Development | | \$0.00 |
| 8 | No. of Students _____ x _____ eligible rate* NSL Funding | | |
| 9 | No. of Students _____ x _____ Other: <i>Explain Below</i> | | |
| 10 | | | |
| 11 | Total State Charter School Aid: | <u>\$0.00</u> | <u>\$0.00</u> |
| Other Sources of Revenues: | | | |
| <small><u>(MUST UPLOAD DOCUMENTATION VERIFYING ALL AMOUNTS LISTED AS OTHER SOURCES OF REVENUE)</u></small> | | | |
| 12 | Private Donations or Gifts | | |
| 13 | Federal Grants (List the amount) | | |
| 14 | Special Grants (List the amount) | | |
| 15 | Other (<i>Specifically Describe</i>) | | |
| 16 | | | |
| 16 | Total Other Sources of Revenues: | | |
| 17 | TOTAL REVENUES: | <u>\$0.00</u> | <u>\$0.00</u> |

EXPENDITURES

| | | <u>2014-2015 Amount:</u> | <u>2015-2016 Amount:</u> |
|------------------------|---|--------------------------|--------------------------|
| Administration: | | | |
| 18 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 19 | V - AD 1 _____ | | |
| 20 | V - AD 2 _____ | | |
| 21 | V - AD 3 _____ | | |
| 22 | V - AD 4 _____ | | |
| 23 | V - AD 5 _____ | | |
| 24 | Supplies and Materials | | |
| 25 | Equipment | | |
| 26 | Other (List Below) | | |
| 27 | _____ | | |
| 28 | _____ | | |
| 29 | _____ | | |
| 30 | _____ | | |
| 31 | Total Administration: | | |

Regular Classroom Instruction:

2014-2015 Amount:

2015-2016 Amount:

| | | | |
|----|---|--|--|
| 32 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 33 | V - CI 1 | | |
| 34 | V - CI 2 | | |
| 35 | V - CI 3 | | |
| 36 | V - CI 4 | | |
| 37 | V - CI 5 | | |
| 38 | Supplies and Materials | | |
| 39 | Equipment | | |
| | Other (List Below) | | |
| 40 | | | |
| 41 | | | |
| 42 | | | |
| 43 | | | |
| 44 | | | |
| 45 | Total Regular Classroom Instruction: | | |

Special Education:

| | | | |
|----|---|--|--|
| 46 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 47 | V - SE1 | | |
| 48 | V - SE 2 | | |
| 49 | V - SE 3 | | |
| 50 | V - SE 4 | | |
| 51 | V - SE 5 | | |
| 52 | Supplies and Materials | | |
| 53 | Equipment | | |
| | Other (List Below) | | |
| 54 | | | |
| 55 | | | |
| 56 | | | |
| 57 | | | |
| 58 | | | |
| 59 | Total Special Education: | | |

Gifted and Talented Program:

| | | | |
|----|---|--|--|
| 60 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 61 | V - GT1 | | |
| 62 | V - GT2 | | |
| 63 | V - GT3 | | |
| 64 | V - GT4 | | |
| 65 | V - GT5 | | |
| 66 | Supplies and Materials | | |
| 67 | Equipment | | |
| | Other (List Below) | | |
| 68 | | | |
| 69 | | | |
| 70 | | | |
| 71 | | | |
| 72 | | | |
| 73 | Total Gifted and Talented Program: | | |

Alternative Education Program/ Alternative Learning Environments:

2014-2015 Amount:

2015-2016 Amount:

| | | | |
|----|--|--|--|
| 74 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 75 | V - ALE1 | | |
| 76 | V - ALE2 | | |
| 77 | V - ALE3 | | |
| 78 | V - ALE4 | | |
| 79 | V - ALE5 | | |
| 80 | Supplies and Materials | | |
| 81 | Equipment | | |
| | Other (List Below) | | |
| 82 | | | |
| 83 | | | |
| 84 | | | |
| 85 | | | |
| 86 | | | |
| 87 | Total Alternative Education Program/ Alternative Learning Environments: | | |

English Language Learner Program:

| | | | |
|-----|--|--|--|
| 88 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 89 | V - ELL1 | | |
| 90 | V - ELL2 | | |
| 91 | V - ELL3 | | |
| 92 | V - ELL4 | | |
| 93 | V - ELL5 | | |
| 94 | Supplies and Materials | | |
| 95 | Equipment | | |
| | Other (List Below) | | |
| 96 | | | |
| 97 | | | |
| 98 | | | |
| 99 | | | |
| 100 | | | |
| 101 | Total English Language Learner Program: | | |

Guidance Services:

| | | | |
|-----|---|--|--|
| 102 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 103 | V - GS1 | | |
| 104 | V - GS2 | | |
| 105 | V - GS3 | | |
| 106 | V - GS4 | | |
| 107 | V - GS5 | | |
| 108 | Supplies and Materials | | |
| 109 | Equipment | | |
| | Other (List Below) | | |
| 110 | | | |
| 111 | | | |
| 112 | | | |
| 113 | | | |
| 114 | | | |
| 115 | Total Guidance Services: | | |

Health Services:

2014-2015 Amount:

2015-2016 Amount:

| | | | |
|-----|---|--|--|
| 116 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 117 | V - HS1 | | |
| 118 | V - HS2 | | |
| 119 | V - HS3 | | |
| 120 | V - HS4 | | |
| 121 | V - HS5 | | |
| 122 | Supplies and Materials | | |
| 123 | Equipment | | |
| | Other (List Below) | | |
| 124 | | | |
| 125 | | | |
| 126 | | | |
| 127 | | | |
| 128 | | | |
| 129 | Total Health Services: | | |

Media Services:

| | | | |
|-----|---|--|--|
| 130 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 131 | V - MS1 | | |
| 132 | V - MS2 | | |
| 133 | V - MS3 | | |
| 134 | V - MS4 | | |
| 135 | V - MS5 | | |
| 136 | Supplies and Materials | | |
| 137 | Equipment | | |
| | Other (List Below) | | |
| 138 | | | |
| 139 | | | |
| 140 | | | |
| 141 | | | |
| 142 | | | |
| 143 | Total Media Services: | | |

Fiscal Services:

| | | | |
|-----|---|--|--|
| 144 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 145 | V - FS1 | | |
| 146 | V - FS2 | | |
| 147 | V - FS3 | | |
| 148 | V - FS4 | | |
| 149 | V - FS5 | | |
| 150 | Supplies and Materials | | |
| 151 | Equipment | | |
| | Other (List Below) | | |
| 152 | | | |
| 153 | | | |
| 154 | | | |
| 155 | | | |
| 156 | | | |
| 157 | Total Fiscal Services: | | |

Maintenance and Operation:

2014-2015 Amount:

2015-2016 Amount:

| | | | |
|-----|---|--|--|
| 158 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| | INCLUDE UTILITIES | | |
| 159 | V - MO1 | | |
| 160 | V - MO2 | | |
| 161 | V - MO3 | | |
| 162 | V - MO4 | | |
| 163 | V - MO5 | | |
| 164 | Supplies and Materials | | |
| 165 | Equipment | | |
| 166 | Other (List Below) | | |
| 167 | | | |
| 168 | | | |
| 169 | | | |
| 170 | | | |
| 171 | Total Maintenance and Operation: | | |

Pupil Transportation:

| | | | |
|-----|---|--|--|
| 172 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 173 | V - PT1 | | |
| 174 | V - PT2 | | |
| 175 | V - PT3 | | |
| 176 | V - PT4 | | |
| 177 | V - PT5 | | |
| 178 | Supplies and Materials | | |
| 179 | Equipment | | |
| 180 | Other (List Below) | | |
| 181 | | | |
| 182 | | | |
| 183 | | | |
| 184 | | | |
| 185 | Total Pupil Transportation: | | |

Food Services:

| | | | |
|-----|---|--|--|
| 186 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 187 | V - FD1 | | |
| 188 | V - FD2 | | |
| 189 | V - FD3 | | |
| 190 | V - FD4 | | |
| 191 | V - FD5 | | |
| 192 | Supplies and Materials | | |
| 193 | Equipment | | |
| | Other (List Below) | | |
| 194 | | | |
| 195 | | | |
| 196 | | | |
| 197 | | | |
| 198 | | | |
| 199 | Total Food Services: | | |

| Data Processing: | | <u>2014-2015 Amount:</u> | <u>2015-2016 Amount:</u> |
|-------------------------|---|--------------------------|--------------------------|
| 200 | Salaries and Benefits | _____ | _____ |
| | Purchased Services - List Vendors Below | | |
| 201 | V - DP1 _____ | _____ | _____ |
| 202 | V - DP2 _____ | _____ | _____ |
| 203 | V - DP3 _____ | _____ | _____ |
| 204 | V - DP4 _____ | _____ | _____ |
| 205 | V - DP5 _____ | _____ | _____ |
| 206 | Supplies and Materials | _____ | _____ |
| 207 | Equipment | _____ | _____ |
| | Other (List Below) | | |
| 208 | _____ | _____ | _____ |
| 209 | _____ | _____ | _____ |
| 210 | _____ | _____ | _____ |
| 211 | _____ | _____ | _____ |
| 212 | _____ | _____ | _____ |
| 213 | Total Data Processing: | ===== | ===== |

| Substitute Personnel: | | | |
|------------------------------|---|-------|-------|
| 214 | Salaries and Benefits | | |
| | Purchased Services - List Vendors Below | | |
| 215 | V - SB1 _____ | _____ | _____ |
| 216 | V - SB2 _____ | _____ | _____ |
| 217 | V - SB3 _____ | _____ | _____ |
| 218 | V - SB4 _____ | _____ | _____ |
| 219 | V - SB5 _____ | _____ | _____ |
| 220 | Total Substitute Personnel: | ===== | ===== |

| Facilities: | | | |
|--------------------|---|-------|-------|
| 221 | Lease/Purchase Contract for One Full Year | _____ | _____ |
| | Facility Upgrades - List Upgrades Below | | |
| 222 | _____ | _____ | _____ |
| 223 | _____ | _____ | _____ |
| 224 | _____ | _____ | _____ |
| 225 | _____ | _____ | _____ |
| 226 | _____ | _____ | _____ |
| 227 | _____ | _____ | _____ |
| 228 | _____ | _____ | _____ |
| 229 | Property Insurance for One Full Year | _____ | _____ |
| 230 | Content Insurance for One Full Year | _____ | _____ |
| 231 | Total Facilities: | ===== | ===== |

Debt Expenditures:

2014-2015 Amount:

2015-2016 Amount:

List Debts Below

232

233

234

Total Debts:

=====

=====

Other Expenditures:

List Other Expenditures Below

235

236

237

238

239

240

241

TOTAL EXPENDITURES:

=====

=====

242

Net Revenue over Expenditures:

\$0.00

\$0.00

Note: If any major area is zero, type explanation where items would be listed. Example: No funds budgeted for GT because of waiver.

**OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
FACILITIES UTILIZATION AGREEMENT**

Lessor(Owner): _____

Lessee(Tenant): _____

Any information regarding affiliation, family ties, or other relationships between the Lessor (Owner) and Lessee (Tenant) must be disclosed with the facilities lease agreement.

Describe the present use of the facility:

Address of Premises:

Square Footage: _____

Terms of Lease: _____

Rental Amount: _____

Contingency: The terms of this agreement are contingent upon

Sponsoring Entity

receiving a charter to operate an open-enrollment public charter school approved by the authorizer by August of 20____

Statutory Language Concerning No Indebtedness:

No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the State of Arkansas or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. An open-enrollment public charter school shall not incur any debt, including any lease, without the prior review and approval of the Commissioner of Education.

Lessee: _____

By: _____ Date _____

Lessor: _____

By: _____ Date _____

**2013 APPLICATION
OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL
STATEMENT OF ASSURANCES**

The signature of the president of the board of directors of the proposed public charter school's sponsoring entity certifies that the following statements are and will be addressed through policies adopted by the sponsoring entity and policies to be adopted by the public charter school; and, if the application is approved, that the sponsoring entity, governing body, administration, and staff of the open-enrollment charter shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief, and this application has been sent to the superintendent of all the districts from which we intend to draw students.
2. The open-enrollment public charter school shall be open to all students, on a space-available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows: the open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools. The charter may provide for the exclusion of a student who has been expelled from another public school district.
3. In accordance with federal and state laws, the open-enrollment public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. The open-enrollment public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public schools not waived by the approved charter.
5. The open-enrollment public charter school shall not use the moneys that it receives from the state for any sectarian program or activity, or as collateral for debt.

However, open-enrollment public charter schools may enter into lease-purchase agreements for school buildings built by private entities with facilities bonds exempt from federal taxes under 26 USCS 142(a) as allowed by Arkansas Code Annotated § 6-20-402. No indebtedness of an open-enrollment public charter school shall ever become a debt of the state of Arkansas.

6. The open-enrollment public charter school shall not impose taxes or charge students tuition or fees that would not be allowable charges in the public school districts.
7. The open-enrollment public charter school shall not be religious in its operations or programmatic offerings.

8. The open-enrollment public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent a qualified employee of a traditional school district is covered.
9. The employees and volunteers of the open-enrollment public charter school are held immune from liability to the same extent as other public school district employees and volunteers under applicable state laws.
10. The open-enrollment public charter school shall be reviewed for its potential impact on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
11. The open-enrollment public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.
12. The applicant confirms the understanding that certain provisions of state law shall not be waived. The open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
 - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 *et seq.* as determined by the Commissioner of the Department of Education;
 - (b) Conducting criminal background checks for employees;
 - (c) High school graduation requirements as established by the State Board of Education;
 - (d) Special education programs as provided by this title;
 - (e) Public school accountability under this title;
 - (f) Ethical guidelines and prohibitions as established by Arkansas Code Annotated § 6-24-101 *et seq.*, and any other controlling state or federal law regarding ethics or conflicts of interest; and
 - (g) Health and safety codes as established by the State Board of Education and local governmental entities.

13. The facilities of the public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.
14. Should the open-enrollment public charter school voluntarily or involuntarily close, the applicant confirms the understanding that any fees associated with the closing of the school including, but not limited to, removal of furniture, equipment, general expenses, etc., are the sole responsibility of the sponsoring entity. No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions. Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the open-enrollment public charter school. If the open-enrollment public charter school used state or federal funds to purchase or finance personal property, real property or fixtures for use by the open-enrollment public charter school, the authorizer may require that the property be sold. The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

Signature of President of the Sponsoring Entity Board of Director

Date

Printed Name

Arkansas Department of Education Instructions for Completing the 2013 Open-Enrollment Public Charter School Application

TIMELINE

Monday, July 1, 2013

Deadline for open-enrollment letters of intent to be filed with the Arkansas Department of Education

Monday, July 15, 2013

Open-Enrollment Public Charter School Applicant Workshop to be held in the Department of Education Auditorium, Four Capitol Mall, Little Rock, AR 72201
APPLICANT ATTENDANCE IS MANDATORY.

TBD

Notice of the public hearing about the proposed charter to be emailed to the superintendent of each district from which the open-enrollment public charter school is likely to draw students and the superintendent of any district that is contiguous to the district in which the school will be located

Tuesday, September 3, 2013

Deadline for open-enrollment applications to be filed with the Arkansas Department of Education and superintendent of each public school district likely to be affected by proposed charter school

September/October

Deadline for local school board where the proposed open-enrollment public charter school will be located to submit to the Arkansas Department of Education and the applicant, written conclusions and results of any vote to approve the charter application

Decisions by local school boards, approving or disapproving applications, to be made within 45 days of the local school board's receipt of the application

October/November

Applicant interviews

Applications approved by the local school board will receive expedited consideration (pending hearing timelines). Any desegregation analysis submitted by the local school board must be filed with the Department of Education not later than 20 days prior to the authorizer's consideration of the application. Failure of the local school board of the district in which the proposed public charter school will be located to submit to the Department a desegregation analysis as set forth above shall result in a waiver of the local school board's right to submit such a desegregation analysis to the authorizer.

*Note - All information must be received in the Charter School Office of the Arkansas Department of Education no later than 4:00 p.m. on the date of the deadline. Information received in the Charter School Office after 4:00 p.m. on the established date will not be processed. It is the responsibility of the applicant to adhere to all charter application deadlines. **Please take under consideration the length of the time that may be required for electronic submissions to reach the Charter School Office.**

GENERAL INSTRUCTIONS ON COMPLETING THE APPLICATION

The application must be completed using the fillable form and the templates provided.

Note the following:

- There are a limited number of characters allowed for each response. It is advisable to ensure that each response fits into the space allowed. Text that does not fit in the text boxes cannot be reviewed.
- Use the font and font size that are set for responses. If you type responses in another program, make certain that Arial font, size 10 is used and copied into the text boxes.
- Include a response in every text box.
- A complete application includes the fillable form with all other required documents attached at the end.
- When the fillable form is complete, create a flattened PDF by using a 'print to PDF' function, or by printing the completed fillable form and scanning it as a new PDF.
- The following documents must be scanned; signed as required; and attached, **in the order listed**, to the PDF after the completed application form:

REQUIRED ATTACHMENTS

APPLICANTS MUST USE ALL TEMPLATES THAT ARE PROVIDED.

- Evidence that the sponsoring entity is eligible to apply for a charter (non-profit entities must provide the determination letter from the Internal Revenue Service showing that that sponsoring entity is exempt from taxation under 501(c)(3) of the Internal Revenue Code or the sponsoring entity's application to the Internal Revenue Service for exemption from taxation under 501(c)(3) of the Internal Revenue Code);
- Documentation showing that all requirements pertaining to the public hearing were met;
- Evidence of parental and community support (five-page limit);
- The proposed school's 2014-2015 calendar;
- The proposed school's 2014-2015 daily schedule;
- The 2014-2015 and 2015-2016 Salary Schedule and Budget **template**;
- The **signed** Facilities Utilization Agreement **template**; and
- The **signed** Statement of Assurances **template**.

ATTACHMENTS TO BE INCLUDED ONLY IF APPROPRIATE

- A facility lease;
- If an applicant believes that a weighted admissions lottery is required by federal court or administrative order, a copy of the order; and
- Documentation that amounts listed on the budget template as "Other Sources of Revenue" included in the budget template **have already been awarded for the operation of the proposed school**.

Save the PDF as "**Proposed Charter School's Name 2013 Application.**"

In order for the application to be considered by the authorizer during the 2013 application cycle, submit the named PDF, via email, to the Arkansas Department of Education at the following email addresses so that it is received no later than 4:00 p.m. **on Tuesday, September 3, 2013:**

diane.gross@arkansas.gov
keisha.mattox@arkansas.gov

It is imperative that the email transmission time is considered as the application must be received at the Arkansas Department of Education by the deadline.

An application must be sent, via the same email transmission that the application is sent to the Arkansas Department of Education, to the superintendent of the public school district where the proposed public charter school will be located and the superintendents of other districts from which the charter is likely to draw students. Superintendent email addresses can be found at the following:

<http://www.arkansased.org/contact-us/districts>

Any application that is substantially incomplete will not be reviewed by Arkansas Department of Education staff or forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

APPLICATION NOTES ON SELECTED SECTIONS OF THE APPLICATION

Cover Page

Include the name of the proposed charter school in the text box.

Section A - General Information

If the sponsoring entity is a non-profit organization, the name of the sponsoring entity in this section of the application must match the name on the determination letter from the Internal Revenue Service or the application to the Internal Revenue Service.

The determination letter from the Internal Revenue Service showing that the sponsoring entity is exempt from taxation under 501(c)(3) of the Internal Revenue Code or the sponsoring entity's application to the Internal Revenue Service for exemption from taxation under 501(c)(3) of the Internal Revenue Code must be included as part of the application.

NO ARKANSAS STATE DOCUMENTS SUBSTITUTE FOR THIS REQUIREMENT.

Non-profit entities without the required Internal Revenue Service documentation are not eligible to be awarded charters; therefore, any applications submitted without the proper documentation will not be reviewed.

Applicants who have applied to the Internal Revenue Service for exemption from taxation under 501(c)(3) of the Internal Revenue Code should note that it can be a lengthy process to obtain a determination letter from the Internal Revenue Service. If awarded a charter, students may not be served and a local education agency (LEA) number will not be issued until the determination letter from the Internal Revenue Service is received at the Arkansas Department of Education.

Section B - Executive Summary

The mission statement will populate the response for Prompt #3. Include the key programmatic features that are considered the most important for anyone to know about the charter school and make certain that the features listed in the executive summary are discussed in other sections of the application.

Section C - Narrative Description

When responding to the prompts, refer to the Arkansas Department of Education 2013 Open-Enrollment Public Charter School Application Scoring Rubric found at the end of this document. This is a valuable tool as it describes acceptable responses.

Prompt 3

The mission statement from the executive summary will populate as the response to this prompt.

Prompt 8 D

In accordance with federal guidelines, students with disabilities shall be provided specific services and all aspects of IDEA apply. The public charter school cannot waive the responsibility of providing services for students with disabilities.

Prompt 12 and Prompt 13

The personnel discussed in these sections of the application must be included with the personnel listed in the Salary Schedule and Budget template unless it is clearly explained that the position will not be filled until after the second year of operation.

Prompt 16

Use the Facilities Utilization Form template that is provided.
A lease may be included, but is not required.

An open-enrollment public charter school shall not commence operations with students in any facility unless the school has obtained a certificate of occupancy issued by a local code official approved by the state fire marshal, a certificate of occupancy or other approval of the state fire marshal, or a certificate of substantial completion issued by a licensed architect. The occupancy limits of any facility are determined by the local code official or state fire marshal.

NOTES ON SELECTED ATTACHMENTS REQUIRED TO BE ADDED TO THE END OF THE FILLABLE FORM

Evidence of parental and community support

Limit the response to five pages.

If petitions in support of the proposed charter school have been signed, include pages so that the five-page limit is met. Add a statement to the last page of petitions or include a separate page, so long as the five-page limit is not exceeded, that states the number of individuals who signed a petition supporting the proposed school and stating that all documents with signatures will be provided on request. Keep the petitions as they may be requested for review at a later date.

If letters in support of the proposed charter school have been received, include letters so that the five-page limit is met. Add a statement to the last page of the last letter or include a separate page, so long as the five-page limit is not exceeded, that names the individuals who wrote letters of support for the proposed school, with their titles and affiliations. State that the letters will be provided on request. Keep the letters as they may be requested for review at a later date.

The Salary Schedule and Budget Template

See pages 6-9 for guidance in completing this template.

Facilities Utilization Agreement Template

This form must be completed, signed, and included as part of the application.

Statement of Assurances Template

This form must be completed, signed, and included as part of the application.

COMPLETING THE SALARY SCHEDULE AND BUDGET TEMPLATE

Personnel Salary Schedule

- As requested, list positions.
- In the cell immediately to the right of each named position, whether named by the applicant, as required for administrative positions, or provided on the template, as for teachers and aides, state the number of full time equivalents (FTEs) to be employed by the charter school in 2014-2015.

NOTES

The number of positions must be stated as the full time equivalent (FTE) of each position. A full time position is 1.00; a half time position is .50. For example, if the charter will have 5 full time positions at 1.00 FTE each and 3 half time positions at .50 FTE each, the 5 positions equal a total of 5.00 FTEs, and the 3 positions equal a total of 1.50 FTEs, for a grand total of 6.50 positions.

The salary schedule must include the positions included in response to Prompts #12 and #13 unless it is clearly explained in the responses to the prompts that a position will not be filled until after the second year of operation.

- In the cell to the right of the number of FTE positions for 2014-2015, list the 2014-2015 salary to be budgeted for **1.00 FTE** in that position.
- In the cell to the right of the salary for 2014-2015, state the number of FTEs to be employed by the charter school in that position in 2015-2016.
- In the cell to the right of the number of FTE positions for 2015-2016, list the 2015-2016 salary to be budgeted for **1.00 FTE** in that position.

NOTES

The salary for 1 FTE will show in the template, and the template will automatically multiply the salary by the number of positions and include all of these calculations, by year, in the subtotal lines of each section of the salary schedule.

- Include the percentage of the salaries to be used to calculate fringe benefits.

NOTES

Input the rate as a decimal. For example, if the cost for fringe benefits will be 25%, input .25. When .25 is input, the template will automatically show 25% and calculate the totals for fringe benefits, by year, in each section of the salary schedule.

At a minimum, fringe benefits should include amounts required by the Federal Insurance Contributions Act (FICA), teacher retirement, health insurance, and unemployment obligations.

- The budget totals, by year, are automatically calculated in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES FOR SALARIES are calculated and included on Line #112.

The Budget

The budget template is intended to require the applicant to consider the many expenses likely to be incurred in the operation of a school and should be completed an estimate of the revenues and expenditures associated with the operation of the public charter school.

Two columns in the budget template must be completed, one for the school’s first year of operation and one for the school’s second year of operation.

REVENUES

All public schools in Arkansas receive state foundation funding in a set amount of money per student based upon average daily membership.

- The number of students for Line #1 and Line #2 is the number of students expected to be enrolled in the public charter school in 2014-2015.

NOTES

The number must match the 2014-2015 enrollment number provided in other sections of the application.

After the number of students is entered in Line #1 and Line #2, the template will automatically calculate the state foundation funding in Line #1 and the professional development funding in Line #2.

Be conservative with estimates for state revenue. A charter that overestimates its number of students will have to return funds after the “truing up” process occurs. A charter that underestimates the number of students will receive additional funds after the “truing up” process occurs.

- The number of students in Line #3 is the number of national school lunch students expected to be enrolled in the public charter school in 2014-2015.

NOTE

National school lunch students are those students who qualify for free or reduced-priced lunches.

- Input the rate in Line #3.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #3 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

| | |
|-----------------------------|---------|
| 90% or greater NSL students | \$1,549 |
| 70-89% NSL students | \$1,033 |
| Less than 70% NSL students | \$ 517 |

After the number of NSL students and the rate are entered in Line #3, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #4.
- The number of students for Line #6 and Line #7 is the number of students expected to be enrolled in the public charter school in 2015-2016.

NOTES

The number must match the 2015-2016 enrollment number provided in other sections of the application.

After the number of students is entered in Line #6 and Line #7, the template will automatically calculate the state foundation funding in Line #6 and the professional development funding in Line #7.

- The number of students in Line #8 is the number of national school lunch students expected to be enrolled in the public charter school in 2015-2016.
- Input the rate in Line #8.

NOTES

The eligible rate for national school lunch (NSL) state categorical funding in Line #8 depends on the percentage of national school lunch students attending the school.

Use one of the following rates determined by the percentage of NSL students:

| | |
|-----------------------------|---------|
| 90% or greater NSL students | \$1,549 |
| 70-89% NSL students | \$1,033 |
| Less than 70% NSL students | \$ 517 |

After the number of NSL students and the rate are entered in Line #8, the template will automatically calculate the NSL funding.

- If the charter will serve another student population for which there is state categorical funding, contact the Arkansas Department of Education Charter School Office for the amount to include on Line #9.
- Other Sources of Revenue must not include one-time grants or other funds that are not guaranteed at the time that the application is submitted.

NOTES

If an applicant has a guaranteed revenue source, it can be included in the budget, but documentation of the revenue must be included as the last attachment behind the application form in the PDF file. The documentation must show that the funds have already been awarded for the operation of the proposed charter school.

Federal Charter School Program grants are not awarded prior to charter approval and cannot be considered for budgeting purposes.

- Totals from the two revenue sections, by year, are automatically added and populate Line #17.

EXPENDITURES

- Totals for the salaries and benefits, as calculated on the salary schedule, will populate the appropriate expenditure lines in the budget.
- List specific vendors by name and include the amount to be paid, by year, to each vendor.
- If the applicant anticipates no expenditures in any area, type a brief explanation where vendors and/or items would be listed. For example, if no expenditures are included for the gifted and talented program, the applicant could state in the cell for the first vendor, "Waiver requested for GT."
- Expenses are automatically added and totaled, by year, in each section.
- Each section total, by year, is automatically added so that the TOTAL EXPENDITURES are calculated and included on Line #241.

THE BOTTOM LINE

- By year, the expenditure totals are subtracted from the revenue totals and included as the NET REVENUE OVER EXPENDITURES on Line #242.

NOTES

Revenue must exceed expenditures.

It is important to maintain a positive balance so that funds are always available for unexpected expenses.

Upon the approval of a public charter school, staff in the Arkansas Department of Education Public School Finance and Administrative Support Unit will provide technical assistance to assist in developing a detailed budget, specific to the terms of the charter, that will also meet the data reporting requirements of the Arkansas Public School Computer Network.

Open-Enrollment Public Charter School Application Checklist

- Email the one-page letter of intent to apply for an open-enrollment charter to the Arkansas Department of Education Charter School Office and the superintendent of the district where the charter would be located so that it is **received by the Charter School Office no later than 4:00 p.m., on July 1.**

Be certain that the superintendent's email address is visible as a recipient of the email, as this will serve as evidence that the application was sent to superintendent.

- Publish the notice of public hearing following these requirements
 - A. The notice of the public hearing was published on a weekly basis for at least three (3) consecutive weeks prior to the date of the hearing in a newspaper having general circulation in the school district in which the school will likely be located.
 - B. The notice of public hearing shall not be published in the classified or legal notice section of the newspaper.
 - C. The last publication of notice shall be no less than seven (7) days prior to the public meeting.
 - D. Within seven (7) calendar days following the first publication of the notice of the public hearing, emails announcing the public hearing shall be sent to the superintendents of each of the school districts from which the open-enrollment public charter school is likely to draw students for the purpose of enrollment and the superintendents of any district that is contiguous to the district in which the open-enrollment public charter school will be located.

Documentation that these requirements have been met must be included in the charter school application.

- Conduct the public hearing; include results of the public hearing in the charter school application.

Additional check points for the charter application

- ❖ All sections of the fillable form are complete.
- ❖ Each complete response is visible in the text box.
- ❖ Each response has been prepared considering the evaluation criteria of the corresponding section of the scoring rubric.
- ❖ Evidence that the sponsoring entity is eligible to apply for a charter is included.
- ❖ Documentation that all requirements pertaining to the public hearing were met is included.
- ❖ Evidence of parental and community support is included.
- ❖ A copy of the proposed school's 2014-2015 calendar is included.
- ❖ A copy of the proposed school's daily schedule is included.
- ❖ The Salary Schedule and Budget template is complete and included;
- ❖ The signed Facilities Utilization Agreement is included;
- ❖ The signed Statement of Assurances Form is included; and
- ❖ If an applicant believes that a weighted admissions lottery is required by federal court or administrative order, a copy of the order is included.

Submit the application, via email, to the Arkansas Department of Education, to the superintendent of the public school district where the proposed public charter school will be located and the superintendents of other districts from which the charter is likely to draw students so that it is received no later than **4:00 p.m. on Tuesday, September 3, 2013**. Be certain that the superintendents' email addresses are visible as recipients of the email, as this will serve as evidence that the application was sent to superintendents.

It is the applicant's responsibility to comply with all aspects of Arkansas Code Annotated § 6-23-101 et seq., the Arkansas Department of Education Rules Governing Charter Schools, and the requirements outlined in the application for an open-enrollment public charter school. Contact the Arkansas Department of Education Charter School Office with questions and for assistance with developing the application.

Arkansas Department of Education Charter School Office 501.683.5313

Arkansas Department of Education 2013 Open-Enrollment Public Charter School Application

SCORING RUBRIC

The following scoring rubric will be used to evaluate applications submitted to the Arkansas Department of Education for the establishment of new open-enrollment public charter schools. This rubric is intended to provide clarity, transparency, and consistency in the charter school application review process.

The Arkansas Department of Education will use the following rubric to evaluate the quality of an open-enrollment public charter school application against the criteria stated herein. For each of the application requirements, the criteria define the characteristics and elements of a response that meet the standard for charter approval. The following definitions will guide the rating of each requirement:

- | | |
|--------------------------------------|--|
| Meets the Standard: | The response reflects a thorough understanding of key issues and demonstrates capacity to open and operate a quality charter school. It addresses the topic with specific and accurate information that shows thorough preparation and presents a clear, realistic picture of the ways in which the school expects to operate. |
| Partially Meets the Standard: | The response addresses most of the criteria, but lacks meaningful detail and requires additional important information. |
| Does Not Meet the Standard: | The response lacks meaningful detail, demonstrates a lack of preparation, or otherwise raises substantial concerns about the applicant's understanding of the issue and/or the applicant's ability to implement the requirement. |

Arkansas Department of Education
2013 Open-Enrollment Public Charter School Application
SCORING RUBRIC

PART A GENERAL INFORMATION

Name of Proposed Charter School:

Eligible Entity Status:

- Public institution of higher education
- Private nonsectarian institution of higher education
- Governmental entity
- Nonsectarian organization exempt from taxes under Section 501(c)(3) of the Internal Revenue Code
- Nonsectarian organization that has applied for exemption from taxes under Section 501(c)(3) of the Internal Revenue Code
- No evidence of eligibility

**IF EVIDENCE OF ELIGIBILITY TO APPLY IS NOT INCLUDED,
 NO FURTHER REVIEW OF THE APPLICATION WILL OCCUR.**

PRE-APPLICATION MATERIALS

The Arkansas Department of Education requires that all applicants submit a Letter of Intent, outlining a general description of the proposed charter school.

Evaluation Criteria:

A response that meets the standard will guarantee that:

- A Letter of Intent was filed with Arkansas Department of Education on time and included all the necessary information.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

PART B EXECUTIVE SUMMARY

The Arkansas Department of Education requires all applicants to include an executive summary.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement (with content to be evaluated for Prompt #3 of Part C); and
- The key programmatic features of the proposed charter school.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

PART C NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER

C1: PUBLIC HEARING RESULTS

All proposed school design teams must conduct a public hearing before applying for an open-enrollment charter school, to assess support for the school's establishment. Applicants are asked both to document the logistics of the hearing and to include a narrative of the hearing results.

Evaluation Criteria:

A response that meets the standard will present:

- A thorough description of the results of the public hearing;
- Evidence of public support exhibited at the hearing;
- Documentation of required notices published to garner public attention to the hearing; and
- Documentation of required notices of the public hearing to superintendents of districts from which the proposed school is likely to draw students and to superintendents of districts that are contiguous to the district in which the charter school would be located.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

C2: GOVERNING STRUCTURE

The Governing Structure section should explain how the school will be governed. It should present a clear picture of the school's governance processes and composition, what responsibilities various groups and people will have and the relationships among the groups.

Evaluation Criteria:

A response that meets the standard will present:

- Documentation of proper legal structure of the governing board and sponsoring entity;
- A comprehensive description of the planned relationship between the governing board of the school and governing board of the sponsoring entity;
- A clear description of the governing board's roles and responsibilities;
- Adequate policies and procedures for board operation, including board composition, member term length, and member selection;
- A clear, sensible delineation of roles and responsibilities in relation to governance and school management; and
- A reasonable plan for involving parents, staff, students and community in the decision-making of the school.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

C3: MISSION STATEMENT

The Mission Statement should be meaningful and indicate what the school intends to do, for whom, and to what degree.

Evaluation Criteria:

A response that meets the standard will present:

- A mission statement that is clear and succinct.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

C4: EDUCATIONAL NEED

The Educational Need section should explain the need for a charter school in the proposed location and the innovative educational option offered by the charter school.

Evaluation Criteria:

A response that meets the standard will present:

- A description of the educational need for the charter school substantiated with valid and reliable data, and
- A description of the innovations that would distinguish the charter from other schools.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

C5: EDUCATIONAL PROGRAM

The Educational Program section should describe the educational foundation of the school and the teaching and learning strategies that will be employed.

Evaluation Criteria:

A response that meets the standard will present:

- A clear description of the proposed educational program, including but not limited to the foundational educational philosophy and curricular and instructional strategies to be employed;
- Specific reasons that the school would be viable; and
- A description of the length of school day and school year that meets minimum state requirements.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
|--|------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Strengths | | |
| | | |
| Concerns and Additional Questions | | |
| | | |

C6: ACADEMIC ACHIEVEMENT GOALS

The Academic Achievement Goals section should define the performance expectations for students and the school as whole.

Evaluation Criteria:

A response that meets the standard will present:

- Specific goals in:
 - Reading;
 - Reading Comprehension;
 - Mathematics; and
 - Mathematic Reasoning;
- Goals that are clear, measurable and data-driven;
- Goals on improving student achievement; and
- Valid and reliable assessment tools for measuring each of the defined goals.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Strengths |
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| Concerns and Additional Questions |
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C7: CURRICULUM DEVELOPMENT AND ALIGNMENT

The Curriculum Development and Alignment section should define the process by which the design team developed (or chose) the curricular program of the school and illustrate alignment with Arkansas Curriculum Frameworks and Common Core State Standards.

Evaluation Criteria:

A response that meets the standard of a curricular development and alignment program will present:

- Evidence that the curriculum aligns with, or a sound plan and timeline for aligning the curriculum with, the Arkansas Department of Education’s content standards, benchmarks and performance standards.
- Evidence that the applicant is prepared to implement the requirements and timeframe of the Common Core State Standards.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Strengths |
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| Concerns and Additional Questions |
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C8: STUDENT SERVICES

The Student Services section should describe how the school will address specific services for its student body.

Evaluation Criteria:

A response that meets the standard will describe the ways in which the following services will be provided to students even in those areas for which a waiver is requested:

- A guidance program that will serve all students;
- A health services program that will serve all students;
- A plan for a media center for use by all students;
- Sound plans for educating special education students that reflect the full range of programs and services required to provide such students with a high quality education;
- A transportation plan that will serve all **eligible** students;
- An alternative education plan for eligible students, including those determined to be at-risk and to offer access to one or more approved Alternative Learning Environments;
- A plan to serve students who are English language learners; and
- Plans for offering access to one or more approved Alternative Learning Environments; and
- Plans for a gifted and talented program for eligible students.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C9: GEOGRAPHICAL SERVICE AREA

The Geographical Service Area section must outline the impact of a new school opening within the current public education system.

Evaluation Criteria:

A response that meets the standard will present:

- The specific geographical area that would be served by the charter school; and
- Information on the school districts likely to be affected by charter school, including data on the expected number of students to transfer to the charter school.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C10: ANNUAL PROGRESS REPORTS

The Annual Progress Reports section should define how the academic progress of individual students and the school as a whole will be measured, analyzed, and reported.

Evaluation Criteria:

A response that meets the standard will present:

- A timeline for data compilation and completion of an annual report to parents, the community and the authorizer that outlines the school's progress; and
- A plan for dissemination of the annual report to appropriate stakeholders.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C11: ENROLLMENT CRITERIA AND PROCEDURES

The Enrollment Criteria and Procedures section should describe how the school will attract and enroll its student body, including any criteria for admission and enrollment. Applicants must also provide assurances for a random, anonymous lottery selection process.

Evaluation Criteria:

A response that meets the standard will present:

- A student recruitment plan that will provide equal opportunity for all parents and students to learn about and apply to the school;
- An enrollment and admissions process that is open, fair, and in accordance with applicable law; and
- A process for, and a guarantee of, a random, anonymous lottery process should there be more student applications than can be accommodated under the terms of the charter.

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| Concerns and Additional Questions | | |
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C12: STAFFING PLAN

The Staffing Plan section should describe the job duties of the school director and other key personnel. This section should also describe the professional qualifications which will be required of employees.

Evaluation Criteria:

A response that meets the standard will present:

- A job description for the school director and other key personnel, including but not limited to an operations director, board members, teachers, etc.;
- An outline of the professional qualifications required for administrators, teachers, counselors, etc.;
- A staffing plan that clearly outlines both the types and numbers of positions to be filled at the school and salary scales for such positions, and
- The staffing plan presented in this section matches the staff members noted in the budget.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C13: BUSINESS AND BUDGETING PLAN

The Business and Budgeting Plan section should describe how the charter school will organize its business office and manage its fiscal responsibilities.

Evaluation Criteria:

A response that meets the standard will present:

- An appropriate plan for managing procurement activities;
- A description of the personnel who will perform business duties, including the requisite qualifications of any proposed personnel;
- A realistic timeline and process by which the governance structure will review and adopt an annual budget;
- A balanced two-year budget estimate that accurately reflects the revenue currently available to the school and expenditures for program implementation and does not rely on one-time grants or other funds that are not presently guaranteed, and
- A budget that includes costs for all personnel, programs, and expenses described in other sections of the application

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C14: FINANCIAL AND PROGRAMMATIC AUDIT PLAN

The Financial and Programmatic Audit Plan section should provide the procedure and timeline by which an annual audit will be conducted. This section should also include an outline for the information that will need to be reported to Arkansas Department of Education and the community.

Evaluation Criteria:

A response that meets the standard will present:

- A sound plan for annually auditing school’s financial and programmatic operations. If the application names an accountant other than the Division of Legislative Audit to perform the first-year audit, the named accountant meets the requirements of Arkansas Department of Education Rules Governing Publicly Funded Educational Institution Audit Requirements and is not listed on any ineligibility list maintained by Arkansas Department of Education or the Division of Legislative Audit.

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| Concerns and Additional Questions | | |
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C15: ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK ASSURANCES

The Arkansas Public School Computer Network (APSCN) Assurances section should provide documentation of the applicant’s understanding of and participation in the required state finance and educational data reporting system.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will participate in APSCN and will comply with all state statutory requirements regarding the APSCN finance and educational data reporting system.

| Does Not Meet the Standard | Meets the Standard |
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C16: FACILITIES

The Facilities section should identify and describe the facilities to be used by the school, any changes to be made to the facilities, and the owners of the facilities.

Evaluation Criteria:

A response that meets the standard will present:

- An identified facility appropriate to meet the needs of the school over the term of its charter;
- A realistic plan for remodeling or adapting a facility, if necessary, to ensure that it is appropriate and adequate for the school's program, the school's targeted population, and the public;
- Evidence that the school understands the costs of securing and improving a facility and has access to the necessary resources to fund the facility plan; and
- A sound plan for continued operation, maintenance, and repair of the facility.

For schools that will be using district-owned facilities, a response that meets the standard will present:

- Documentation that the school district and charter school officials are in agreement over the use of the facility and its equipment.

For schools that will NOT be using district-owned facilities, a response that meets the standard will present:

- Documentation that the property owner and school are in agreement over the use of the facility and its equipment;
- A statement of the facilities' compliance with applicable codes; and
- A detailed outline of any relationships between the property owner and:
 - Members of the local board of the public school district where the charter school will be located;
 - The employees of the public school district where the charter school will be located;
 - The sponsor of the charter school; and
 - Employees, directors and/or administrators of the charter school.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C17: CONFLICTS OF INTEREST

The Conflicts of Interest section should identify any potential conflicts of interest among the individuals involved with the proposed charter school and explain how conflicts will be addressed.

Evaluation Criteria:

A response that meets the standard will present full disclosure of any potential conflicts of interest and explain how conflicts, if any, will be addressed.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C18: FOOD SERVICES

This section should describe how the school will address food services for its student body.

Evaluation Criteria:

A response that meets the standard will present:

- A food service plan that will serve all eligible students.
- A management plan that reflects a clear understanding of federal law and requirements if the charter school plans to participate in the National School Lunch program.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions | | |
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C19: PARENTAL INVOLVEMENT

The Parental Involvement section should describe how parents or guardians of enrolled students, the school employees, and other members of the community will make a positive impact on the school and its educational program.

Evaluation Criteria:

A response that meets the standard will present:

- A plan for involving parents and guardians in the school’s education programs; and
- A proposal that involves the parents of students, employees and the broader community in carrying out the terms of the charter.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Strengths |
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| Concerns and Additional Questions |
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C20: WAIVERS

The Waivers section should discuss all waivers requested from local or state law.

Evaluation Criteria:

A response that meets the standard will present:

- Each law, rule, and standard by title, number, and description for which a waiver is requested;
- A rationale for each waiver request; and
- An explanation of the way that each waiver would assist in implementing the educational program of the charter and/or fulfilling the charter’s mission.

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| Legal Comments |
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| Concerns and Additional Questions |
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C21: DESEGREGATION ASSURANCES

The Desegregation Assurances section should describe the applicant’s understanding of applicable statutory and regulatory obligations to create and maintain a unitary system of desegregated public schools.

Evaluation Criteria:

A response that meets the standard will present:

- Assurance that the charter school will comply with all applicable federal and state statutory and regulatory requirements regarding the creation and maintenance of desegregated public schools; and
- An outline of the potential impact of the proposed charter school on those desegregation efforts already in place in affected public school districts.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Legal Comments |
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| Concerns and Additional Questions |
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C22: SUSTAINABILITY OF THE PROGRAM

The Sustainability section should describe the applicants’ plan to ensure continued success of the charter school over time.

Evaluation Criteria:

A response that meets the standard will present:

- The names, experience, and qualifications of the individuals responsible for the application; and
- The plan to ensure the sustainability of the charter in the future.

| Does Not Meet the Standard | Partially Meets the Standard | Meets the Standard |
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| Concerns and Additional Questions |
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ADDITIONAL COMMENTS:

Public Comment Matrix – Proposed Open-Enrollment Charter Application (2013)

| Date | Respondent | Comment | ADE Response |
|-----------|--|---|---|
| 6/27/2013 | Marilyn Larson, Governor’s Advisory Council for Gifted and Talented Education | <p>The Governor’s Advisory Council for Gifted Education has had the opportunity to read the new form “New Application-ADE Open-Enrollment Public Charter School.” We know that a waiver exemption for providing Gifted Education at publically funded, open- enrollment schools has been granted in the past, and waivers are also possible in this new application form. This is a great concern to this Advisory Council.</p> <p>We are aware that:</p> <ol style="list-style-type: none"> 1. Since a waiver exemption for GT is available, there is no monitoring, or yearly report to ADE-GT to verify that students do (or will) receive GT services aligned with state standards for district public schools. Applicants for charters have not sought ADE-GT consultation for implementation of GT standards (in the past year and a half-no information prior to that.) 2. Charter schools receive the same foundational funding as district public schools, in which state standards require the implementation of GT services to students. <p>The Governor’s Advisory Council for Gifted Education seeks to ensure that students in public enrollment charter schools receive gifted services according to the state standards requirement that all district public schools are required to provide. This new legislation on charters may present an uptick in the number of charter applications. It is time to pull the “waiver” exemption on gifted education and</p> | <p>Comment considered. Ark. Code Ann. § 6-23-302(c)(4) specifically allows an open-enrollment public charter school to seek exemptions from provisions of Title 6 of the Arkansas Code and specific rules and regulations promulgated by the State Board. The State Board and the Arkansas Department of Education will carefully review each charter application to determine the need for each requested exemption.</p> |

Public Comment Matrix – Proposed Open-Enrollment Charter Application (2013)

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| | | have all our publically funded schools qualify, in compliance, i.e. “meets standard” in Gifted Education, inclusive of a monitored review of current charters’ compliance oversight. | |
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