



ARKANSAS DEPARTMENT OF EDUCATION

AGENDA STATE BOARD OF EDUCATION

August 16, 2013

Arkansas Department of Education

ADE Auditorium

11:00 AM

 [Back](#)  [Print](#)

Reports

Report-1 Chair's Report

Presenter: Brenda Gullett

Report-2 Commissioner's Report

Presenter: Dr. Tom Kimbrell

Action Agenda

A-1 Consideration of Appeal from Denial of School Choice Application – Atteberry

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Angela Atteberry filed an appeal of the decision of the Gosnell School District to deny the school choice applications of E. Atteberry and A. Atteberry. The Gosnell School District denied the applications because the resident school district, in this case, the Blytheville School District, declared an exemption from the Public School Choice Act of 2013 due to the Blytheville School District being subject to a desegregation order.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Jessica Beard filed an appeal of the decision of the DeWitt School District to deny the school choice applications of R. Beard and C. Beard. The DeWitt School District denied the applications because the resident school district, in this case, the Marvell School District, declared an exemption from the Public School Choice Act of 2013 due to the Marvell School District being subject to a desegregation order.

Presenter: Jeremy Lasiter

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Connie Chastain filed an appeal of the decision of the DeWitt School District to deny the school choice application of W. Chastain. The DeWitt School District denied the application because the resident school district, in this case, the Marvell School District, declared an exemption from the Public School Choice Act of 2013 due to

the Marvell School District being subject to a desegregation order.

Presenter: *Jeremy Lasiter*

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Terry and Jessica Hearron filed an appeal of the decision of the Mansfield School District to deny the school choice applications of T. Hearron, M. Hearron and C. Hearron. The Mansfield School District denied the applications because the resident school district, in this case, the Hartford School District, reached its 3% net maximum limit on the number of students who could transfer out of the Hartford School District.

Presenter: *Jeremy Lasiter*

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

Pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Tonya Potthast filed an appeal of the decision of the Alma School District to deny the school choice applications of K. Potthast, G. Potthast and J. Potthast. The Alma School District denied the applications because the resident school district, in this case, the Mulberry School District, reached its 3% net maximum limit on the number of students who could transfer out of the Mulberry School District.

Presenter: *Jeremy Lasiter*

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

August 14, 2013

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Sam Ledbetter
Little Rock
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Angela Atteberry
1108 Hickory
Blytheville, AR 72315

Mr. Richard Atwill, Superintendent
Blytheville School District
P.O. Box 1169
Blytheville, AR 72316

Mr. Bonard Mace
Gosnell School District
600 Highway 181
Blytheville, AR 72315

**Re: Appeal Under the Public School Choice Act of 2013
Atteberry v. Gosnell School District
VIA ELECTRONIC AND REGULAR MAIL**

Everyone:

On August 6, 2013, Ms. Angela Atteberry filed a petition appealing the decision of the Gosnell School District to deny school choice applications 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) during a special board meeting on **Friday, August 16, 2013**. The meeting will begin at **11:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. The State Board will hold the special board meeting to address this pending school choice appeal prior to the first day of classes which, for most school districts, is Monday, August 19, 2013.

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 9:30 a.m. on Thursday, August 15**.

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

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



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

School Choice Notice Letter
August 14, 2013
Page 2 of 2

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Act of 2013. If you are unable to attend the meeting in person, you may call in to the State Board of Education conference call number, **(559) 546-1700, Access Code: 337878.**

Sam Ledbetter
Little Rock
Vice Chair

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.

Dr. Jay Barth
Little Rock

Respectfully,

Joe Black
Newport

Alice Mahony
El Dorado

Jeremy C. Lasiter
General Counsel

Toyce Newton
Crossett

Enclosures

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

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

Diane Zook
Melbourne

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

*An Equal Opportunity
Employer*

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

AUG 06 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

**RECEIVED
COMMISSIONER'S OFFICE**

AUG 5 - 2013

DEPARTMENT OF EDUCATION

Angela Atteberry
1108 Hickory
Blytheville, Ar 72315
7/31/13

Arkansas Public School Choice Act Appeals
Commissioner
Arkansas Department of Education
4 Capitol Mall
Little Rock, Ar 72201

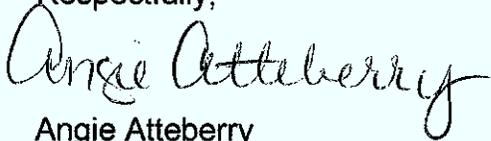
Dear Commissioner,

In response to the letter I received from Superintendent Mace, of Gosnell Public Schools, I humbly request an appeal of the denial of my request for transfer from Blytheville Public Schools into Gosnell Public Schools.

I requested the transfer because I want my daughters, grades 4 and 6, to have the most effective, efficient, and empowering educational opportunity possible from a public school. I feel Gosnell Schools are well prepared and practiced, and therefore more able to provide such opportunity. According to the records of student achievement between the two school districts, it is clear that Gosnell School students consistently achieve higher test scores than Blytheville School students. Gosnell Schools have higher graduation rates as well. If you had the choice to send your child to a school whose students consistently score higher on standardized, national tests, or a school with considerably lower scores, which would you choose? I am sure I am not the only parent in this situation. If I were financially able to, I would move my family to Gosnell, and this would not be an issue. However, that is not an option for me. I will be happy to provide more detail, and more reasons why I wish to transfer my children, but I understand that this letter is simply the method by which I alert you of my request for an appeal.

Thank you for your time and reconsideration.

Respectfully,


Angie Atteberry

Cc: Bonard Mace, Gosnell School Superintendent

Richard Atwill, Blytheville School Superintendent

Enc! Copy of rejection letter

Gosnell School District No. 6



July 16, 2013

Dear Angie Atteberry,

Thank you for your application for transfer to the Gosnell School District. I appreciate your interest in our school. I regret to inform you that I cannot accept your applications and offer you the opportunity to enroll in the Gosnell School District at this time.

The Blytheville School District - your child's resident district - has declared itself exempt from the provisions of the Public School Choice Act of 2013 due to it being under an enforceable desegregation order. What that means is that students who live in Blytheville cannot use School Choice to attend school in a non-resident school district. Pending the outcome of current litigation regarding the Public School Choice Act of 2013, future opportunities for transferring to the Gosnell School District - or any another district of your choice - may be available to you. However, at this time I cannot accept your application.

In addition, you should know that due to Blytheville's desegregation order, obtaining a legal transfer release from Blytheville and acceptance by Gosnell is highly unlikely, due to the provisions of Arkansas Code Annotated 6-18-317 concerning legal transfers when one district is under a desegregation order or has ever been under a desegregation order, due to potential legal liability.

The only other option for enrolling in the Gosnell School District is for your child to have a parent who is a resident of the Gosnell School District, which is defined as actually residing in the school district at least four days and nights per week. We do verify residency, dis-enroll students who do not have a legal basis for attending school in this district. In addition, there is a \$1000 fine by law for parents who make false residence claims to gain enrollment for their child.

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.

Thank you again for considering the Gosnell School District for your child's educational needs.

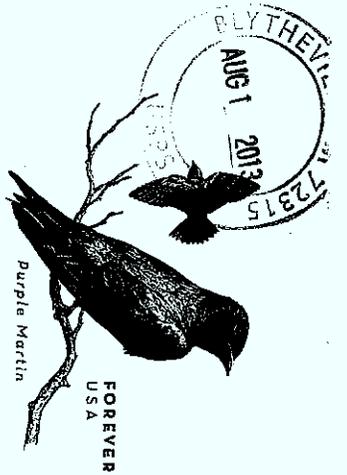
Respectfully


Bonard V. Mace Jr.

Superintendent

Attebery
1108 Hickory
Blytheville, AR
72315

Office of Commissioner
Attn: Arkansas Public School Choice Act
4 Capitol Mall
Little Rock, AR
72201



7220131019



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:
Emily Atteberry

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 5 current 6th 2013-14

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: Blytheville County Name: Mississippi

Address: 405 W. Park St., Blytheville, AR 72315

Phone: ~~807~~ 870 762 2053

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Gosnell County Name: Mississippi

Address: 600 Hwy 181, Gosnell, AR 72315

Phone: 870 532 4000

Does the applicant already have a sibling or step-sibling in attendance in this district?
No

PARENT OR GUARDIAN INFORMATION

Name: Angie Atteberry

Home Phone: [REDACTED]

Address: 1108 Hickory
Blytheville, AR 72315

Work Phone: 870 776-5426

Parent/Guardian Signature
Angie Atteberry

Date:
5-23-13

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:

5-29-13 4:00 PM RAA

Date and Time Received by Nonresident District:

X 5-29-13 12:00 P.M. K.B

Resident District LEA #:

4702

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 :

**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:
Amanda Atteberry

Student Date of Birth: [REDACTED] Gender Male Female

Grade: ~~#~~ Currently 3rd / 4th in 2013-14

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: Blytheville County Name: Mississippi

Address: 405 W. Park St., Blytheville, AR 72315

Phone: 870 762 2053

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Gosnell County Name: Mississippi

Address: 600 Hwy 181, Gosnell, AR 72315

Phone: 870 532 4000

Does the applicant already have a sibling or step-sibling in attendance in this district?
No

PARENT OR GUARDIAN INFORMATION

Name: Angie Atteberry

Home Phone: [REDACTED]

Address: 1108 Hickory

Work Phone: 870 776 5426

Blytheville, AR 72315

Parent/Guardian Signature
Angie Atteberry

Date:
5-23-13

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:
5-29-13 4:00 pm AJA

Date and Time Received by Nonresident District:
5-29-13 12:00 pm K.B

Resident District LEA #: 4702

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 :

RESPONSE

Gosnell School District No. 6



Bonard V. Mace Jr., Superintendent
600 Highway 181
Gosnell, Arkansas 72315

Telephone: (870) 532-4000

Fax: (870) 532-4002

August 6, 2013

Dear: Arkansas Department of Education, Mr. Jeremy Lasiter, and Appeals Committee,

This letter is in response to the State appeal of Mrs. Angie Atteberry for denial of her children to attend the Gosnell School District through Public School Choice Act of 2013.

The students of Angie Atteberry were denied acceptances in the Gosnell School District School Choice process because the Blytheville School District – Ms. Atteberry's child's resident district - has declared itself exempt from the provisions of the Public School Choice Act of 2013 due to it being under an enforceable desegregation order. Pending the outcome of current litigation regarding the Public School Choice Act of 2013, the Gosnell School District regretfully cannot accept this transfer application.

Respectfully,

A handwritten signature in black ink that reads 'Bonard V. Mace Jr.' in a cursive style.

Bonard V. Mace Jr.
Superintendent

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 :		

**ADDITIONAL DOCUMENTATION/
DESEGREGATION ORDERS**



BLYTHEVILLE PUBLIC SCHOOLS

405 W. Park • PO Box 1169
BLYTHEVILLE, ARKANSAS 72316
Tel. (870) 762-2053 - Fax (870) 762-0141

"Learners Today - Leaders Tomorrow"

Richard Atwill
Superintendent

RECEIVED
COMMISSIONER'S OFFICE

MAY 14 2013

DEPARTMENT OF EDUCATION

May 9, 2013

Dr. Tom Kimbrell, Commissioner
Arkansas Department of Education
Four Capitol Mall, Room 304-A
Little Rock, AR 72201-1019

Dear Dr. Kimbrell:

The Blytheville School Board met in a special session on Monday, April 29, 2013, and adopted a resolution to exempt the district from the provisions of Act 1227, the Public School Choice Act of 2013, for the 2013-2014 school year. A copy of the resolution is enclosed.

Please let me know if you have any questions regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard Atwill", is written over a faint circular stamp.

Richard Atwill
Superintendent

Enclosure

**CERTIFIED COPY OF THE RESOLUTION OF THE BOARD OF EDUCATION
OF BLYTHEVILLE, ARKANSAS SCHOOL DISTRICT NO. 5, ADOPTED AT
THE BOARD'S SPECIAL MEETING OF APRIL 29, 2013**

WHEREAS, the Board of Education of Blytheville, Arkansas School District No. 5 ("Blytheville School Board" and "BSD") met in special session on April 29, 2013, at 6:00 p.m. in Blytheville, Arkansas; and,

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 BSD to apply for a school choice transfer to a non-resident district; and,

WHEREAS, Ark. Code Ann. § 6-18-1906(b)(1) (to be codified as set forth in 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, BSD is subject to a desegregation order or mandate of a federal court of agency remedying the effects of past racial segregation; and,

WHEREAS, Blytheville, 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 was 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 *Harvell, et al. vs. Ladd, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-C-89-225, and *Franklin, et al. vs. Board of Education of the Blytheville School District No. 5, et al.*, United States District Court, Eastern District of Arkansas, Case No. J-71-C-35; and,

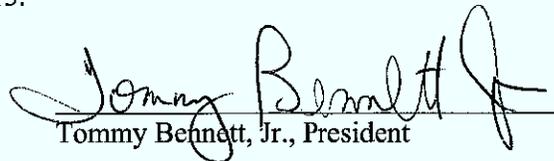
WHEREAS, BSD desires to declare an exemption from Act 1227 of 2013, the Public School Choice Act of 2013, until April 1, 2014, on the basis of the aforementioned federal court cases and orders, and agency mandates; and,

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Education of the Blytheville School District, by a vote of 6 to 0 , hereby declares that BSD is exempt from the provisions of Act 1227, the Public School Choice Act of 2013, for the school year 2013-2014.

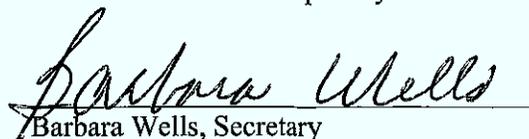
The Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption.

Dated this 29th day of April, 2013.


Tommy Bennett, Jr., President

CERTIFICATION

I, Barbara Wells, Secretary of the Board of Education of Blytheville School District, hereby certify that the above and foregoing resolution was considered and adopted by said board at a special session on April 29, 2013.


Barbara Wells, Secretary

FILED

MAY 20 1971

W. H. MCCLELLAN, CLERK

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

Ad
Dep. Clerk
*copy to: John H. Walker
J. H. Steensuh
J. Essle*

MRS. EMANUEL FRANKLIN, et al.

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE BLYTHEVILLE,
ARKANSAS, SCHOOL DISTRICT NO. 5, et al.

DEFENDANTS

ORDER

It is hereby ordered as follows:

1. Defendants' desegregation plan with respect to student assignments in the high school of The Blytheville School District No. 5 is approved.

2. Defendants' desegregation plan with respect to student assignments in the junior high schools of The Blytheville School District No. 5 is approved.

3. Defendants' desegregation plan with respect to student assignments in the elementary schools of The Blytheville School District No. 5 is approved.

4. Defendants' desegregation plan with respect to the faculty assignments in all grades, both elementary and secondary, in The Blytheville School District No. 5, is approved, except as specifically reserved herein below.

5. The Court reserves, for future determination, its ruling with respect to the following issues:

(a) The alleged racial imbalance of the administrative staff.

(b) The alleged racial imbalance of faculty assignments in the one school facility of the former Burdette District, which is now incorporated into The Blytheville School District No. 5.

(c) The alleged racial imbalance of student and faculty assignments at the Harrison Learning

1970-71 YA
47-B 38-W
200-147
4-3

*Tests conducted
Oct 1970 -
parents - one contacted &
give consent for
placement*

Center in The Blytheville School District No. 5
with respect to "Special Education" classes only.

(d) The application of the plaintiffs for an
award of reasonable attorney's fees and their costs.

6. All portions of the desegregation plan submitted
by defendants not herein above specifically reserved or
modified are hereby approved.

The Court retains jurisdiction of this case for the purpose
of reviewing at a later date those issues specifically reserved
herein. The defendants are permitted to proceed with the imple-
mentation of their entire plan for the desegregation of The
Blytheville School District No. 5, including those proposals
which have been herein reserved for future determination.
Defendants are required to make a comprehensive report to the
Court as to the actual implementation of their plan on or before
October 31, 1971.

Dated this 19th day of August, 1971.

(s) GARNETT THOMAS EISELE
United States District Judge

C. R. 6, Page 587

		<i>1971-72 Assignmt</i>					
	<i>Admin</i>	}	<i>H/S</i>	<i>J/H</i>	<i>ELEM</i>	<i>Board</i>	
<i>1B</i>	<i>7W</i>		<i>2W 1B</i>	<i>2W 2B</i>	<i>3B 2W</i>	<i>1W</i>	
		}	<i>Principles + Draw of students</i>				

June 22, 1973

L. D. Harris
Superintendent
Blytheville Public Schools
Blytheville, Arkansas

Re: Franklin, et al vs. Board of Education
Blytheville School District No. 5

Dear Buck:

Enclose herewith copy of letter we have received from Judge Thomas Eisele, together with copy of his order dismissing the action now pending in the United States District Court but retaining jurisdiction. In effect, he has told us that the matter could be reopened if the Plaintiffs filed additional pleadings. I have heard nothing further from Walker since last letter to him.

Call to the Board's attention one of the latest rulings of the Supreme Court which effects states that if matters are decided resulting in a Court finding of discriminatory practices attorney fees would automatically be awarded. As I understand the ruling this would not effect our present case but might be of effect to us if new pleadings are filed and the Court found against us.

In any case, there is no way of our knowing whether this matter will be pursued further, or not, but under the circumstances we feel we should submit our final bill and hope for the best.

Very thanks.

Very truly yours,

GARDNER & STEINSIEK

By

SLG
Enclosures

June 21, 1973

Mr. John W. Walker
Walker, Kaplan & Mays
Pyramid Life Building
Little Rock, Arkansas 72201

Mr. J. W. Steinsiek
Gardner & Steinsiek
118 West Walnut Street
Blytheville, Arkansas 72315

Re: Franklin, et al v. Board of Education,
Blytheville School District No. 5
No. J-71-C-35

Gentlemen:

Please find enclosed an order closing the above case. The change in the case's status is made primarily for purposes of caseload accounting and reporting. Since this is a school case, the Court will retain jurisdiction; consequently, the case may be reopened simply by the filing of appropriate pleadings. This is the manner in which judges of this Court have handled other "continuing jurisdiction" cases in the past.

Yours very truly,



G. Thomas Eisele

Enc.

EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

MRS. EMANUEL FRANKLIN, et al

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE
BLYTHEVILLE SCHOOL DISTRICT
NO. 5, et al

DEFENDANTS

ORDER

On the basis of correspondence with counsel for the parties, the Court concludes that issues reserved in the Court's order of August 30, 1971, are no longer a subject of controversy. There being no pending issues in this proceeding, it is ordered that this case be, and it is hereby, closed but that the Court retain jurisdiction of this cause and of the parties hereto for necessary and appropriate purposes.

Dated this 21st day of June, 1973.

(s) GARNETT THOMAS EISELE

United States District Judge

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

MRS. EMANUEL FRANKLIN, et al.

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE
BLYTHEVILLE SCHOOL DISTRICT
NO. 5, et al.

U.S.
EASTERN DISTRICT OF ARKANSAS

DEFENDANTS

DEC 07 1978

ORDER W. H. McCLELLAN, CLERK
BY: *[Signature]*
DEP. CLERK

By Order of June 21, 1973, the above styled case was closed, but the Court retained jurisdiction of the cause and of the parties for necessary and appropriate purposes.

Since that time, the Court has received no further communication concerning this case.

It is therefore Ordered that this cause be, and it is hereby, dismissed.

Dated this 6th day of December, 1978.

(s) GARNETT THOMAS ELSELE

United States District Judge

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

MRS. EMANUEL FRANKLIN, et al.

PLAINTIFFS

v.

No. J-71-C-35

BOARD OF EDUCATION OF THE
BLYTHEVILLE SCHOOL DISTRICT
NO. 5, et al.

EASTERN DISTRICT OF ARKANSAS

DEC 07 1978 DEFENDANTS

W. H. McCLELLAN, CLERK

By: *[Signature]*
D.P. CLERK
JUDGMENT

It is hereby Ordered, Adjudged and Decreed that this case
be, and it is hereby, dismissed.

Dated this 6th day of December, 1978.

(s) GARNETT THOMAS EISELE
United States District Judge

December 8, 1978

L. D. Harris, Superintendent
Elytheville Public Schools
Elytheville, Arkansas 72315

Re: Franklin vs.
Elytheville School District No. 5

Mr. Buck:

Enclosed herewith please find copy of the Order which we received from the District Court in our integration matter. You will remember that the Court retained jurisdiction and further, left a question of our payment of attorney fees to Plaintiff's attorney open. I have heard nothing further from the Attorney presenting him relative to the claim of attorney fees, even though I expected us to probably get hit with this matter.

I am enclosing a copy of the Court Order, and I feel our best possibility is to say nothing further about this, relative to the question of attorney fees. It is possible that the Plaintiff's attorney could reopen the case for that determination, but he would have to file some pleadings to do so. Many thanks.

Very truly yours,

GARDNER AND STEINSIEK

By:

ldt

Enclosure

WALKER
JONESWORTH
JONES, JR.

OF COUNSEL
WILEY A. BRANTON
825 SIXTH STREET, S.W.
WASHINGTON, D. C. 20024

December 9, 1978

Honorable G. Thomas Eisele
United States District Judge
Post Office Box 3684
Fayetteville, Arkansas 72203

Mrs. Emanuel Franklin, et al. v. Board of Education of the
Blytheville School District, No. 5, et al.
Case No. J-71-C-35

Dear Judge Eisele:

The Court sua sponte closed this case. I am writing to remind the Court that there is no finding by the Court that a unitary school system has been achieved, there is no order requiring the school district to hereafter maintain an integrated system in all respects. Finally, the Court did not award the prevailing parties appropriate costs and counsel fees.

In respect to the establishment of a unitary school system, I think the obligation of the Court is to make some further inquiry and to also insure that faculty and staff desegregation principles are clearly expressed.

In bringing these matters to the Court's attention in the hope that the Court will rescind its order and judgement filed December 7 and substitute an order requiring the defendants to provide the Court something in the nature of a comprehensive final report which relates to students, staff, programs and facilities.

Sincerely,


W. Walker

'dc

Mr. James W. Steinsiak

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

August 14, 2013

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Sam Ledbetter
Little Rock
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Jeff and Jessica Beard
316 Phipps Street
Marvell, AR 72366

Dr. Lynne Dardenne, Superintendent
DeWitt School District
P.O. Box 700
DeWitt, AR 72042

Dr. Ruth Denson, Superintendent
Marvell School District
P.O. Box 1870
Marvell, AR 72366-1870

Re: **Appeal Under the Public School Choice Act of 2013**
Beard v. DeWitt School District
VIA ELECTRONIC AND REGULAR MAIL

Everyone:

On July 26, 2013, Jeff and Jessica Beard filed a petition appealing the decision of the DeWitt School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

R. Beard
C. Beard

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) during a special board meeting on **Friday, August 16, 2013**. The meeting will begin at **11:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. The State Board will hold the special board meeting to address this pending school choice appeal prior to the first day of classes which, for most school districts, is Monday, August 19, 2013.

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 9:30 a.m. on Thursday, August 15**.

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

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

School Choice Notice Letter
August 14, 2013
Page 2 of 2

Act of 2013. If you are unable to attend the meeting in person, you may call in to the State Board of Education conference call number, **(559) 546-1700, Access Code: 337878.**

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

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

JUL 30 2013

Dear Arkansas Board of Directors,

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

My wife and I are appealing to you in this letter for the approval of our two daughters to attend the Dewitt public school system. If you have children, I am sure you know the way we both feel. We want only the best for them academically and socially. My oldest daughter has attended a private school for four years. I feel that she is behind, or is not at her full potential academically. I feel that they will both excel if they are allowed to attend DeWitt. Here are a few reasons why we think they should attend DeWitt.

Dewitt's benchmark exam results are at or above the state's average, while Marvell's are considerably lower.

Dewitt has a website showing what all they have to offer while, Marvell doesn't, so what does that tell a parent? There is also a website called GreatSchools.Org, that rates the school systems. Marvell got a rating of 2, while DeWitt received a 6.

My wife has been accepted and will be attending the University of Arkansas at DeWitt this fall. She wants to become a nurse, and if our children are allowed to attend DeWitt this will help her accomplish this goal.

Our daughters have been ready to attend this school since we have talked about it for a few months now. We are writing this letter to voice our concerns of Marvell public school. Which we DO NOT WANT TO PUT EITHER OF OUR GIRLS IN. Dewitt is a good clean well kept public school, one of the best we have ever seen additionally offering a lot of programs for kids to be involved in such as music, art, cheerleading and football. We have been told of different programs where parents are asked to be involved with school activities. We are very happy and willing to do what we need to as parents to help our children and others in any way possible. We want our kids to be able to go to a good school where they don't have to constantly look over their shoulder or worry about anyone trying to hurt or mess with them all day every day.

We were recently told that Marvell public school may be out of academic distress. That is okay but it is still not a place where we want our kids. My wife attended Marvell Public School in 1999-2001. The disrespectful attitudes of the students were unreal. Since she graduated the whole school has gotten worse, especially when Elaine merged with Marvell public school. Student fighting has also increased. My wife had a small in home daycare where she kept a baby boy whose mom was a senior when she had him. She came in most days telling us that the school had been on lock down for gang fights or stabbings or even for fights on the buses that had not even left the school parking lot yet. Police are presently being called every week to go to the school. They have had an officer and a patrol dog on campus for a few years now to help control

gang activity as well as fights and swearing. My wife witnessed kids hiding out in the bathrooms which were too filthy to use, smoking of cigarettes and dope resulting in her having to hold her bathroom urges until she got home, meaning all day long. In addition, you might get jumped or beat up in the bathrooms. We do not want to have to get a call saying the school is on lock down and not be able to get to our daughters. WE DO NOT WANT OUR DAUGHTERS TO HAVE TO CONSTANTLY LOOK OVER THERE SHOULDERS FOR FEAR OF SOMEONE JUMPING THEM OR PICKING ON THEM CONSTANTLY.

The choice to move our daughters is between my wife and I . Our families on either side have felt the same way about us putting our daughters in Dewitt. Both sides back us up completely on the decision to take them from Marvell Academy and put them in Dewitt Public School. They all want to see them go to a good school and get a good education. We feel that if we are willing to make the 30-45 minute drive all the way to the school and back every day for them then that is our choice to do so. We want our kids to have the best education possible but at the same time feel safe and have fun doing it. We were all upset when we received this letter saying that we were rejected from Dewitt because Marvell has declared itself exempt from the provisions of the school choice law due to it being under an enforceable desegregation order. Our entire family believes that is unfair. Our daughters Rebecca and Cassie are very upset about this . We are asking anyone who reads this letter at the department to please put yourself in our place. Our daughters are looking forward to getting into Dewitt where they will make new friends.

PLEASE reconsider and let both of our daughters attend Dewitt Public School this fall. If our appeal is rejected, we will not be sending them to any other school, but we will be home schooling them. We have researched and spoken with several families about home school and all have been very pleased with it. I feel that home schooling is a growing trend in America and that the public school system will be hurt greatly by this growing trend. I do not want the public school system to fail. My Mother is a retired teacher from the Helena/West Helena public school system. I personally do not want my children to be home schooled, but would love for them to have the great experiences that an exceptional school like DeWitt has to offer. Thank you for your time and I hope that you consider everything that I have mentioned in this letter. We are enclosing a copy of the letter that was sent to us as a rejection to Dewitt. If anyone would like to talk to us please call. My number 870-338-4532 My wife 870-816-4307

Sincerely,

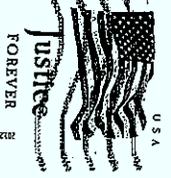
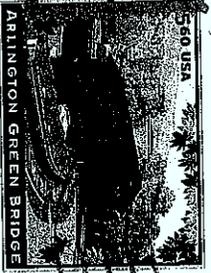
Jeff and Jessica Beard

Jeff + Jessica Beard
316 Phipps Street
Morrell AR, 72366

CERTIFIED MAIL



7011 1570 0001 7141 1038



**RETURN RECEIPT
REQUESTED**

RECEIVED OFFICE
COMMISSIONER'S
JUL 30 2013

DEPARTMENT OF EDUCATION

Arkansas Board of Directors
Attention: Arkansas Public School
of Choice Act

#4 Capitol Mall
Little Rock, AR

72201

72201101999



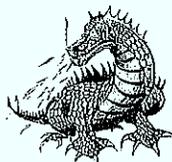
DEWITT SCHOOL DISTRICT

•Excellence in Education•

Dr. Lynne Dardenne, Superintendent

BOARD OF DIRECTORS

Johnny Lockley, President
Barry Joe Wilson, Vice-President
Shawanna Wansley, Secretary
Mike Dodson
Kenneth Graves
Brad Koen
Bruce Morgan



Marty Weaver, DeWitt High School Principal
Julie Amstutz, DeWitt Elementary Principal
Rachael Mitchell, Gillett Elementary Principal
Clay Ashcraft, DeWitt Middle School Principal

July 16, 2013

Jessica Beard
316 Phipps Street
Marvell, AR 72366

Dear Ms. Beard:

I am very sorry to inform you that the application you submitted for your children, Rebecca and Cassie, to transfer under to a non-resident district under the Arkansas Public School Choice Act has been rejected for the following reason:

The resident district, Marvell School District, has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

You have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,

Lynne Dardenne
Superintendent,

**RECEIVED
ATTORNEY'S OFFICE**

JUL 26 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

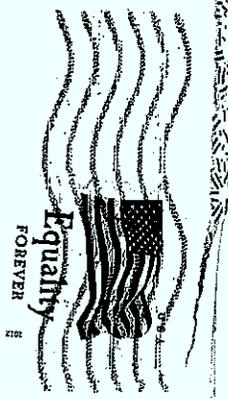
**RECEIVED
COMMISSIONER'S OFFICE**

JUL 25 2013

DEPARTMENT OF EDUCATION

JEFF + JESSICA BEARD
3116 Phipps St.
Marvell AR, 72366

MEMPHIS TN 380
23 JUN 2013 PM 4 L



Arkansas Board of Directors
Attention: Arkansas Public School
of Choice Act
#4 Capitol Mall
Little Rock, AR 72201

72201101999



APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

APPLICANT INFORMATION			
Applicant Name <u>Rebecca Beard</u>			
Date of Birth [REDACTED]		Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>	
GRADE <u>3rd</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)			
African American <input type="checkbox"/>		Asian <input type="checkbox"/>	
Native American <input type="checkbox"/>		Caucasian <input checked="" type="checkbox"/>	
		Hispanic <input type="checkbox"/>	
		Other <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Marvell Academy</u>		County Name <u>Phillips County</u>	
Address <u>1045 Highway 243 North</u>			
Phone <u>870-829-2931</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Dewitt Public</u>		County Name <u>Arkansas</u>	
Address <u>1718 South Greenview Dewitt AR 72042</u>			
Phone <u>870-946-4051</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Jessica Beard</u>		Home Phone [REDACTED]	
Address <u>310 Phipps St</u>		Work Phone [REDACTED]	
<u>Marvell AR 72366</u>		Cell [REDACTED]	
Parent/Guardian Signature <u>Jessica Beard</u>			Date <u>5/6/13</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 type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989"

APPLICANT INFORMATION			
Applicant Name <u>Cassie Beard</u>			
Date of Birth [REDACTED]		Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>	
GRADE <u>K</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)			
African American <input type="checkbox"/>		Asian <input type="checkbox"/>	
Native American <input type="checkbox"/>		Hispanic <input type="checkbox"/>	
		Caucasian <input checked="" type="checkbox"/>	
		Other <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Marvell Academy</u>		County Name <u>Phillips</u>	
Address <u>645 Highway 243 North</u>			
Phone <u>870-829-2931</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Dewitt Public</u>		County Name <u>Arkansas</u>	
Address <u>1718 South Greenvi ew Dewitt AR 72041</u>			
Phone <u>870-946-4451</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Jessica Beard</u>		Home Phone [REDACTED]	
Address <u>316 Phipps St</u>		Work Phone [REDACTED]	
<u>Marvell AR 72346</u>		Cell [REDACTED]	
Parent/Guardian Signature <u>Jessica Beard</u>			Date <u>5/6/13</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 type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

408 Porter St
Helena, AR 72342

Phone (870) 338-8365

Fax (870) 338-8366

Fax



Date 8-5-13

To: Jeremy Lasiter Pgs 3

Fax # 501-682-4249

From: Jessica Beard

Comments Here are copies of the School
Choice Act I had sent in.

Thanks
Jessica B.

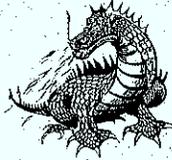


RESPONSE

DEWITT SCHOOL DISTRICT

•Excellence in Education•

Dr. Lynne Dardenne, Superintendent



BOARD OF DIRECTORS

Johnny Lockley, President
Barry Joe Wilson, Vice-President
Shawanna Wansley, Secretary
Mike Dodson
Kenneth Graves
Brad Koen
Bruce Morgan

Marty Weaver
DeWitt High School Principal
Julie Amstutz
DeWitt Elementary Principal,
Rachel Mitchell
Gillett Elementary Principal
DeWitt Middle School Principal

RECEIVED
COMMISSIONER'S OFFICE

AUG 8 - 2013

DEPARTMENT OF EDUCATION

August 5, 2013

Commissioner Tom Kimbrell
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR

Dear Commissioner Kimbrell:

On July 16, 2013, I informed the family of Rebecca and Cassie Beard and the family of Logan Chastain that the DeWitt School District regrettably must deny the application for admission under the Arkansas Public School Act of 2013. This decision was made due to the fact the resident district, Marvell-Elaine School District, had declared itself exempt from the provision of the School Choice Act of 2013 because it was under an enforceable desegregation order. Each family stated on the application for choice that the Marvell-Elaine School District was the resident district.

This action was taken based on the Arkansas Department of Education Emergency Rules Governing the Arkansas Public School Choice Act of 2013, Section 7, published on May 13, 2013. The Marvell-Elaine School District submitted an exemption to the Arkansas Department of Education on May 14, 2013. Please contact me if additional information is needed.

Respectfully,


Dr. Lynne Dardenne

RECEIVED
ATTORNEY'S OFFICE

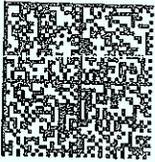
AUG 08 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

DeWitt School District
P.O. Box 700
1841 S. Grandview Drive
DeWitt, AR 72042

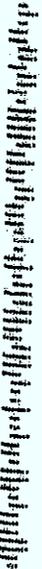


Commissioner Tom Kimbrell
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201



UNITED STATES POSTAGE
PITNEY BOWES
\$ 000.460
02 1P
0004437803 AUG 06 2013
MAILED FROM ZIP CODE 72042

7220181019 0024



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

August 15, 2013

Via email

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

From: Marvell Elaine School District

Re: School Choice transfer appeals brought
by the Beard and Chastain Families

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals.

In this instance, the DeWitt School District necessarily declined the transfer requests because the Marvell Elaine School District has declared itself exempt from the provisions of the new school choice law.

Because of the exemption declared by Marvell Elaine, this ministerial act of the DeWitt District was correct. It is undisputed that the Marvell Elaine School District declared the statutory exemption on May 13, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A." The Appellants do not challenge the exemption.

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

The Marvell Elaine School District could take issue with many of the statements contained in the appeals. For instance, comparisons of various statistics are made.

However, those statistics can be viewed in many ways and even broken down to the various sub-groups to show that the children would not be as adversely affected as claimed or that the District is improving as shown by the statistics. 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 not due to the exemption.

The Board should not consider the issues raised in these appeals because the 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 Marvell Elaine School District, the resident district, made the decision to declare the exemption. All DeWitt did was honor the declaration and declined the application. The notification by DeWitt 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.

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 Marvell Elaine School District in this matter.

Sharpe, Beavers, Cline & Wright, Attorneys

By: /s/Brad J. Beavers
Brad J. Beavers, Bar #81012

**BEFORE THE
ARKANSAS STATE BOARD OF EDUCATION**

IN RE:

**SCHOOL CHOICE APPEALS OF
BEARD AND CHASTAIN.**

**PRE-HEARING MEMORANDUM OF THE
MARVELL ELAINE SCHOOL DISTRICT**

The Marvell Elaine School District submits this Pre-Hearing Memorandum in support of its opposition to the referenced appeals. The referenced appeals were made after the DeWitt School District properly declined to permit transfers of these students from the Marvell Elaine School District or its boundaries to the DeWitt School District.

SUMMARY OF ARGUMENT

1. The Marvell Elaine School District remains subject to the desegregation case of *Jackson et al v. Marvell School District No 22 et al*, 425 F.2d 211, as confirmed by the Arkansas Supreme Court in *Fields et al v. Marvell School District*, 102 S.W. 3d 502, 352 Ark. 483 (2003) and therefore is entitled to invoke the exemption in the new School Choice Act.
2. The Marvell Elaine School District invoked the exemption in a timely fashion. The April 1st deadline mentioned in the new Act does not take effect until April 1, 2014.
3. The structure of the new School Choice Act indicates that the legislature did not intend for this body to review the propriety of the exemption claimed.
4. The remaining arguments brought by the appealing parents expressing preference for the DeWitt School District, criticizing the Marvell Elaine School District, and

similar such arguments are unavailing because the exemption provides for no exceptions once it is invoked.

DISCUSSION

1. THE MARVELL ELAINE SCHOOL DISTRICT REMAINS SUBJECT TO THE DESEGREGATION CASE OF JACKSON V. MARVELL SCHOOL DISTRICT AND THEREFORE IS ENTITLED TO INVOKE THE EXEMPTION IN THE NEW SCHOOL CHOICE ACT

The desegregation case brought against the Marvell Elaine School District is *Jackson et al v. Marvell School District No 22 et al*, 425 F.2d 211, as confirmed by the Arkansas Supreme Court in *Fields et al v. Marvell School District*, 102 S.W. 3d 502, 352 Ark. 483 (2003) . This desegregation case has never been dismissed and the Marvell Elaine School District has never been declared unitary.

2. The Marvell Elaine School District invoked the exemption in a timely fashion.

The April 1st deadline mentioned in the new Act does not take effect until

April 1, 2014.

The statute does not provide a date for claiming the exemption during 2013. Accordingly, the ADE, by rule, established May 24, 2013 as the deadline to claim the exemption. Marvell Elaine claimed the exemption on May 13, 2013. The appellants make no argument with the exemption. However, other appellants have claimed that the April 1 date referenced in the new Act applies this year and that the exemption was thus untimely.

However, the Act must be reviewed in its entirety. The pertinent section of 6-18-1906 is B 1 which provides, without elaboration or a deadline, that a school district may annually declare an exemption if the district is subject to a

desegregation order or agency mandate. Marvell Elaine satisfies these conditions. B 2 then explains the exemption is irrevocable for one year. Subsection 2 b provides that after each year of exemption, the school board can change its mind and participate in choice. Under subsection 3 the legislature instructed that a school district shall notify the department by April 1 *if in the next school year* the school district intends to declare an exemption [again] or resume participation after a period of exemption.

[emphasis supplied]

Nowhere in the Act does it state that the exemption is not available in the first year of application. Accordingly, the only logical interpretation, the only interpretation which supports the intent of the authors and the only interpretation that can be literally and logically made after examining the Act as a whole is that the April 1 notification requirement applies to April 1, 2014. Otherwise, the purpose of this two year act would be totally frustrated and many of its provisions would make no sense.

3. THE STRUCTURE OF THE NEW SCHOOL CHOICE ACT INDICATES THAT THE LEGISLATURE DID NOT INTEND FOR THIS BODY TO REVIEW THE PROPRIETY OF THE EXEMPTION CLAIMED

Further, the structure of the Act strongly dictates the conclusion that once a district has made a prima facie showing that it is or was subject to a desegregation order or agency agreement that it is entitled to claim the exemption. The references to the *Jackson* case make out this prima facie case. Therefore, the exemption claimed cannot logically be reviewed. Indeed, there is no indication that the legislature intended for the State Board of Education to expend hours reading, interpreting and

evaluating the applicability of desegregation pleadings and orders whether they be thirty years old or thirty minutes old. The statute simply sets out a requirement which Marvell Elaine easily meets. Having satisfied itself that the *Jackson* case is not an invention, the exemption should not be disturbed.

The observation that the State Board is not expected to expend time and energy reviewing the exemption is fortified by the history of its predecessor Act. On September 24, 2003, the Attorney General's office wrote to then ADE director, Ray Simon in Opinion No. 2003-269. Mr. Simon had asked whether or not the State Board of Education had the legal authority to decide whether a district could accept students outside of the parameters of the 1988-1989 Act "as long as the district is in compliance with the requirements of the assumed U.S. District Court Order?"

Opinion at 2.

At page 5 Attorney General Beebe made it clear that the State Board of Education should not seek to interpret federal court orders. As he stated:

"In my opinion the state Board of Education does not have authority to determine that a school district "is in compliance with the Arkansas School Choice Act" where in order to do so, the Board would have to construe the provisions of a federal district court order and make a determination that it supersedes the racial limitations in subsection (f) of the Arkansas Public School Choice Act. This is essentially a judicial decision."

He concluded by noting the disputes involving construction of federal court orders are properly left to the parties themselves, their respective counsels, or if necessary, to the issuing court itself.

4. THE REMAINING ARGUMENTS BROUGHT BY THE APPEALING PARENTS EXPRESSING PREFERENCE FOR THE DEWITT SCHOOL DISTRICT, CRITICIZING THE MARVELL ELAINE SCHOOL

**DISTRICT, AND SIMILAR SUCH ARGUMENTS ARE UNAVAILING
BECAUSE THE EXEMPTION PROVIDES FOR NO EXCEPTIONS ONCE
IT IS INVOKED**

Except for districts declaring exemptions, claims by non-resident districts that transfers are being denied because they lack space, staff or have reached the 3% maximum for a particular year can be reviewed. These are objective types of considerations that, for instance, the staff of the ADE could evaluate and report its findings to the state board. However, none of those grounds apply in these appeals because the exemption prevails over any other basis provided in the Act. Stated another way, these would be issues for review and upon which appeals could be based in most of the school districts in Arkansas because most districts do not and have never operated under a desegregation decree, order or agency agreement. The way the Act is structured, it is clear that it is in those districts the state board should evaluate and examine the bases for an appeal if the non-resident district denies the transfer.

CONCLUSION

For the foregoing reasons, all appeals involving the Marvell Elaine School District should be denied.

Respectfully submitted,

MITCHELL, WILLIAMS, SELIG,

GATES & WOODYARD, P.L.L.C.

425 West Capitol Avenue, Suite
1800
Little Rock, Arkansas 72201
Telephone: (501) 688-8800
Facsimile: (501) 688-8807
E-mail: sjones@mwlaw.com

/s/ M. Samuel Jones, III

M. Samuel Jones III (76060)

SHARPE, BEAVERS, CLINE &
WRIGHT
P.O. Box 924
Forrest City, AR 72336
Telephone 870-633-3141
Fax 870-633-3594
Email: brbeavers@sbcglobal.net

/s/Brad J. Beavers

Brad J. Beavers (81012)

Attorneys for Marvell Elaine School District

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RESOLUTION OF MARVELL ELAINE SCHOOL DISTRICT
BOARD OF DIRECTORS**

WHEREAS, the Marvell Elaine School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 13, 2013, in Marvell, Arkansas;

WHEREAS, 4 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 Marvell Elaine 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 Marvell Elaine School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Marvell Elaine 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, Marvell, 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 *Jackson, et al. v. Marvell School District*, 425 F2d 211 (1970), U.S. Court of Appeals, Eighth Circuit; and, as confirmed in *Fields v. Marvell School District*, 102 SW 3rd 502, 352 Ark. 483 (2003); and

WHEREAS, the Board of the Marvell Elaine 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

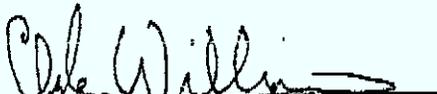
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

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 Marvell Elaine School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Marvell Elaine School District hereby authorizes the Superintendent of the Marvell Elaine 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, Marvell Elaine 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.


Board President

5-13-2013
Date

CERTIFICATION

I, Rosie Woods, Secretary of the Board of Education of the Marvell Elaine School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 13, 2013.


Board Secretary

May 13, 2013
Date

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

TO: Attorney Brad Beavers
FROM: Dr. Ruth B. Denson, Superintendent
SUBJECT: School Choice Information
DATE: August 15, 2013

To show that the concerns of the parents that are requesting a transfer out of the Marvell-Elaine School District are not valid, I am sending you the following information:

- 2012-2013 Annual Accreditation Report
- Academic Facilities and Transportation Report
- 2012-2013 ESEA Accountability Reports
- 2012-2013 List of Achieving Schools from the Arkansas Department of Education
- Special Education Monitoring Report
- Gifted & Talented Approval Report
- Arkansas Better Chance Accreditation Report
- Community & Parental Involvement Items
 - 2013-2014 Parental Involvement Schedule
 - Letter from Senator Rick Crawford highlighting Parental Involvement
 - Letter from the Phillips County Retired Teachers Association
 - Letter from the Arkansas Department of Education on selection for the United States Department of Education Site Visit
 - United States Department of Education requesting our participation in a National Case Study
 - 2012-2013 State Aid Notices indicating Growth Funding

I would also like to make the following statements:

- The Marvell-Elaine School District also offers music, art, cheerleading and football.
- We have a very active community and parental involvement program.
- When we first annexed with Elaine, there were some problems but no stabbings and gang fights.
- The entire culture of the school district has changed
- Police officers serve as community partners as well as resource speakers and parents.
At all times, they are welcomed at our schools.

Please let me know if you need any other additional information.

Approved Memos - Annual Accreditation Report

Commissioner's Memos All Sites

Advanced Search

ADE SharePoint > Commissioner's Memos > Approved Memos > Annual Accreditation Report

Approved Memos: Annual Accreditation Report



ARKANSAS
DEPARTMENT
OF EDUCATION

Version History

Title	Annual Accreditation Report
Memo Number	COM-13-055
Memo Date	4/12/2013
Attention	Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents; Teacher Center Coordinators
Memo Type	Regulatory
Response Required	No
Section	Public School Accountability
Regulatory Authority	Ark. Code Ann. § 6-15-203
Contact Person	Johnie Walters
Phone Number	501-682-4380
E-Mail	Johnie.Walters@Arkansas.gov
Memo Text	

The Arkansas Department of Education (ADE) reviews Annual Accreditation Reports to determine the accreditation status of each school in each district in Arkansas. The status report, mailed under separate cover, will be the school district's final and official accreditation status report for the 2012-2013 school year. Please note the review date indicated for Probationary violation(s). Evidence to correct Probationary violation(s) must be received by the Standards Assurance Unit on or before the review date, October 15, 2013. Read carefully items indicated in "Comments." Accreditation status resulting from the 2012-2013 On-campus Standards Review (OSR) will be noted in "Comments."

Included with the status report is a Corrected Exceptions Accreditation Status Report. This report lists changes to the Initial Accreditation Report. Please refer to Rules Governing Standards for Accreditation, Rule 24.01, for further information concerning teachers who are currently under an Additional Licensure Plan (ALP). A Licensure Completion

Approved Memos - Annual Accreditation Report

Deadline (LCD) will be listed on the report for these teachers. Other notes indicating necessary exception corrections may include incorrect course codes, incorrect grade levels, or invalid data; or may indicate the district has corrected an exception that may have existed when the report was initially submitted. Please continue to work with the respective school district's Standards Assurance Specialist for additional information about the district's report.

Right of Appeal

In the event that a school district believes the ADE has improperly determined that a school or school district has failed to meet Standards for Accreditation, the school district shall have a right to file its written appeal with the Office of the Commissioner, ADE, Four State Capitol Mall, Room 304-A, Little Rock, AR 72201.

Any such appeal shall be held in an open hearing and the decision of the State Board of Education (Board) shall be in open session. The appeal must be filed not later than May 15, 2013 following the May 01, 2013 written notification; the Board hearing must be held prior to June 30, 2013.

The Board may confirm the accreditation status of a school or school district recommended by the ADE or it may sustain the appeal of the district.

Pursuant to the Ark. Code Ann. § 6-15-203, an appeal from the ruling of the Board may be made by a school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

Version: 17.0
Created at 4/10/2013 3:44 PM by Tatiana Hicks (ADE)
Last modified at 4/16/2013 2:29 PM by Gayle Morris (ADE)



Marvell-elaine School District
2012/2013 School Year

Standards Annual Accreditation Report

Marvell-elaine School District

Accreditation Status:

District:

5404000 - Marvell-elaine School District
 Superintendent Ruth Denson
 P O Box 1870
 Marvell , AR 72386
 870-829-2101

Schools:

5404030 - Marvell-elaine Elementary Sch - Accredited
 5404032 - Marvell-elaine High School - Accredited

ADE Standards Assurance Supervisor:

Brandon Morrison
 Brandon.Morrison@arkansas.gov
 Telephone: 501-682-4380
 Fax: 501-682-4618

No exceptions found.

District Details Summary

Student Enrollment		District Information			
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume	
K	44	451	120	41400	
1	36				
2	37				
3	27				
4	34				
5	37				
6	30				
7	43				
8	37				
9	27				
10	44				
11	22				
12	33				
		FTE Information			
		Counselor	Principal	Assitant Principal	Library/Media Specialist
		2.00	2.00	0.00	1.00



**Marvell-elaine Elementary Sch
2012/13 School Year**

Standards Annual Accreditation Report

Marvell-elaine Elementary Sch

Accreditation Status: Accredited

District:

5404000 - Marvell-elaine School District

Superintendent Ruth Denson

P O Box 1870

Marvell , AR 72366

870-829-2101

ADE Standards Assurance Supervisor:

Brandon Morrison

Brandon.Morrison@arkansas.gov

Telephone: 501-682-4380

Fax: 501-682-4618

No exceptions found.

School Details Summary

Student Enrollment		School Information		
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume
1	36	215	60	23200
2	37			
3	27			
4	34			
5	37			
K	44			
FTE Information				
Counselor	Principal	Assistant Principal	Library/Media Specialist	
0.50	1.00	0.00	0.50	



Marvell-elaine High School
2012/13 School Year

Standards Annual Accreditation Report

Marvell-elaine High School

Accreditation Status: Accredited

District:

5404000 - Marvell-elaine School District

Superintendent Ruth Denson

P O Box 1870

Marvell , AR 72366

870-829-2101

ADE Standards Assurance Supervisor:

Brandon Morrison

Brandon.Morrison@arkansas.gov

Telephone: 501-682-4380

Fax: 501-682-4618

No exceptions found.

School Details Summary

Student Enrollment		School Information		
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume
10	44	236	60	18200
11	22			
12	33			
6	30			
7	43			
8	37			
9	27			
		FTE Information		
		Counselor	Principal	Assistant Principal
		1.50	1.00	0.00
				Library/Media Specialist
				0.50



Marvell-elaine School District
2012/2013 School Year

Standards Annual Override Report

Marvell-elaine School District

Accreditation Status:

District:
5404000 - Marvell-elaine School District
Superintendent Ruth Denson
P O Box 1870
Marvell , AR 72366
870-829-2101

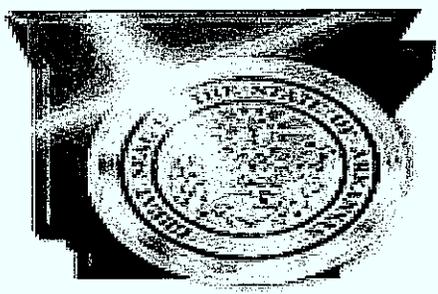
Schools:
5404030 - Marvell-elaine Elementary Sch - Accredited
5404032 - Marvell-elaine High School - Accredited

ADE Standards Assurance Supervisor:
Brandon Morrison
Brandon.Morrison@arkansas.gov
Telephone: 501-682-4380
Fax: 501-682-4618

Rule	Standard	Exception Description	LEA	Description	Comments	Status	Override
9.03.3	IV	Secondary Course Offerings	5404000	Required Course(s) missing : Arkansas History			C
9.03.3	IV	Secondary Course Offerings	5404000	Required Course(s) missing : Health and Safety			C
9.03.3	IV	Grade Level	5404032	Grade Level: COLE, EVA 9th Grade Math Portfolio (9TH GR MA PORTF)			G
15.03.1	X	Personnel Not Certified	5404032	Personnel Not Certified: PROTHEROE, MARK			I

Derson

Arkansas Division of Public School



Academic Facilities & Transportation

District Building (Facility) Information Report #: 5404/030/1B Type: Initial
District LEA / Campus LEA / # of visit

- 1. District Name: Marvell Date: March 13 2013
- 2. Building (Facility) & LEA #: Elementary 540403010 3. Grade Configuration: K-06
- 4. Facility Built Date (including additions): 2001;2008 5. Sq. Ft. of Facility: 56,555
- 6. Is Facility Academic or Non-Academic? Academic 7. Walk-thru of Facility conducted? Yes
- 8. GPS coordinates of Facility: N34.56122 W-90.91714

9. Corrective Maintenance / Preventative Maintenance Items Checked:
(Checked = visual inspection of system or component , N/A = Not Applicable, N/C = Not Checked)

Checked HVAC System

- System/Component Appears Ok
- Air Filter Appears Dirty
- Flammable Material Stored In Closet
- Return Air Appears Obstructed
- Combustion Air Appears Inadequate
- See Comment

Checked Roofs

Type Of Roof:

- System/Component Appears Ok
- Debris On Roof
- Drains Appear Clogged
- Possible Leak
- See Comment

- Metal
- Membrane
- Built-Up
- Asphalt Shingle

Checked Exit Lights

- System/Component Appears Ok
- No Monthly Inspection
- Missing
- Not Operational
- See Comment

Checked Plumbing

- System/Component Appears Ok
- Possible Leak
- Missing Or Broken Faucet/Fixture
- No Hot Water Available
- Possible Clogged Floor Drain
- No Annual Back-Flow Inspection
- See Comment

Checked Hot Water Boilers & Heaters

- System/Component Appears Ok
- No Annual or Current Inspection
- Possible Leak
- Flammable Material By Water Heater
- Relief Valve Not Piped Properly
- Boiler Not In Service
- See Comment

Checked Electrical System

- System/Component Appears Ok
- Appears GFCI May Be Needed
- Blocked Electrical Panel
- Missing Or Broken Receptacle or Cover
- Missing Breaker or Blank Cover
- See Comment

Checked Doors/Windows

- System/Component Appears Ok
- Window Appears Damaged
- Door Hardware Appears Non-Operational
- Door Hardware Not ADA Compliant
- See Comment

Checked Interior / Exterior Lighting

- System/Component Appears Ok
- Light(s) Inoperative
- Fixtures Missing Globes Or Diffusers
- Fixture Damaged Or Missing
- See Comment

Checked Emergency Lighting

- System/Component Appears Ok
- No Monthly Inspection
- Appears Inoperative
- Missing
- See Comment

Checked Floor Coverings

- System/Component Appears Ok
- Possible Future Trip Hazard
- Damaged Floor Tiles
- Carpet Loose Or Frayed
- See Comment

Checked Grounds Maintenance

- System/Component Appears Ok
- Possible Trash Problem
- Grass Appears To Need Mowing
- Shrubs/Trees Appear To Need Trimming
- Fence Appears To Need Repair
- See Comment

Checked Fire Extinguishers

- System/Component Appears Ok
- No Monthly Inspection
- Extinguisher Missing
- No Annual Inspection
- Extinguisher Discharged
- See Comment

Checked Kitchen Equipment

- System/Component Appears Ok
- No Bi-Annual Inspection
- Possible Safety Concern
- Appears To Need Cleaning
- See Comment

Checked Fire Alarm

- System/Component Appears Ok
- No Monthly Test
- No Annual Inspection
- No System
- System Not Operational
- See Comment

Checked Playground Equip.

- System/Component Appears Ok
- No Monthly Inspection
- Damaged Equipment
- Appears To Need Fall Surface/Zone
- Possible Trip Hazard
- See Comment

N/A Stairwells

- System/Component Appears Ok
- Possible Trip Hazard on Stair Treads
- Handrail Loose Or Missing
- See Comment

N/A Fire Sprinkler Systems

- System/Component Appears Ok
- No Annual Inspection
- See Comment

N/A Athletic Field Maintenance

- System/Component Appears Ok
- Grounds Appear To Need Maintenance
- Possible Trip Hazard
- Fence Appears To Need Repair
- See Comment

N/A Elevators & Wheelchair Lifts

- System/Component Appears Ok
- No Annual Inspection
- See Comment

Checked Kitchen Hood Vent / Suppression System

- System/Component Appears Ok
- Appears To Need Cleaning
- No System
- See Comment

Checked Interior / Exterior Finishes

- System/Component Appears Ok
- Ceiling Tile Appears Damaged
- Ceiling Tile Missing
- See Comment

Checked Masonry & Concrete Building Exteriors

- System/Component Appears Ok
- Possible Erosion At The Foundation
- Crack In Exterior Masonry
- Crack In Interior Masonry
- Crack In Concrete Floor
- See Comment

Checked Sidewalks, Driveways, Parking Areas, & Paved Play Areas

- System/Component Appears Ok
- Concrete Cracked/Spalding- Possible Trip Hazard
- Possible Drainage Problem
- See Comment

N/C Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas

- System/Component Appears Ok
- Appears To Need ADA Marking
- Markings Appear To Be Missing
- See Comment

10. Corrective Maintenance / Preventative Maintenance Comments:

All corrective and preventative maintenance items checked appear to be well maintained

except: 1. The fire alarm panel indicates a problem exists. Please issue a work order to

repair the problem as soon as possible. 2. Remove the flammable material stored within

24 inches of the ceiling where ever present in the building.

11. State Agency / State Mandated

Any outstanding reports or documents to check? No

Comment: _____

12. Custodial (include equipment and storage):

Checked Storage Closets

- Ok
- Closet Appears Unorganized
- Chemical Container(s) Not Labeled
- Closet Appears Organized & Stocked
- See Comment

Checked Restrooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Checked Hallways/Classrooms/Offices

- Ok
- Floors Appear To Need Cleaning
- Area Appears Clean
- See Comment

N/A Gymnasiums/Locker Rooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Custodial Comments: All custodial items checked appear to be maintained.

Summary of the General Condition of the Facility: Good once all action items are addressed.

Action Items (Follow-up required):

1. Please create a work order in C.M.M.S. (SchoolDude) for any appropriate item(s) noted.
Email work order number(s) to the division so progress toward completion may be tracked.
2. See the Comments listed in Section #10 (Maintenance) and Section #12 (Custodial).
3. _____
4. _____

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

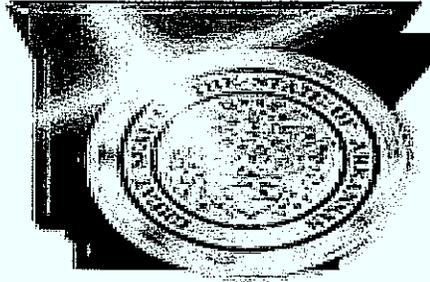
D.P.S.A.F.T. Representative: Charles Carter Position: Operations & Maintenance Mgr.

School District Representative: Carlos Albert Position: Maintenance Director

Comments: Please contact the D.P.S.A.F.T. Representative if you have any questions or concerns about this report. Thank you, in advance, for your cooperation.

Denson

Arkansas Division of Public School



Academic Facilities & Transportation

District Building (Facility) Information

Report #: 5404/032/1A
District LEA / Campus LEA / # of visit

Type: Initial

1. District Name: Marvell Date: March 13 2013

2. Building (Facility) & LEA #: High School 540403202 3. Grade Configuration: 07-12

4. Facility Built Date (including additions): 1966;1970;2011 5. Sq. Ft. of Facility: 70,542

6. Is Facility Academic or Non-Academic? Academic 7. Walk-thru of Facility conducted? Yes

8. GPS coordinates of Facility: N34.56124 W-90.91600

9. Corrective Maintenance / Preventative Maintenance Items Checked:

(Checked = visual inspection of system or component , N/A = Not Applicable, N/C = Not Checked)

Checked HVAC System

- System/Component Appears Ok
- Air Filter Appears Dirty
- Flammable Material Stored In Closet
- Return Air Appears Obstructed
- Combustion Air Appears Inadequate
- See Comment

Checked Roofs

Type Of Roof:

- System/Component Appears Ok
- Debris On Roof
- Drains Appear Clogged
- Possible Leak
- See Comment

- Metal
- Membrane
- Built-Up
- Asphalt Shingle

Checked Exit Lights

- System/Component Appears Ok
- No Monthly Inspection
- Missing
- Not Operational
- See Comment

Checked Plumbing

- System/Component Appears Ok
- Possible Leak
- Missing Or Broken Faucet/Fixture
- No Hot Water Available
- Possible Clogged Floor Drain
- No Annual Back-Flow Inspection
- See Comment

Checked Hot Water Boilers & Heaters

- System/Component Appears Ok
- No Annual or Current Inspection
- Possible Leak
- Flammable Material By Water Heater
- Relief Valve Not Piped Properly
- Boiler Not In Service
- See Comment

Checked Electrical System

- System/Component Appears Ok
- Appears GFCI May Be Needed
- Blocked Electrical Panel
- Missing Or Broken Receptacle or Cover
- Missing Breaker or Blank Cover
- See Comment

Checked Doors/Windows

- System/Component Appears Ok
- Window Appears Damaged
- Door Hardware Appears Non-Operational
- Door Hardware Not ADA Compliant
- See Comment

Checked Interior / Exterior Lighting

- System/Component Appears Ok
- Light(s) Inoperative
- Fixtures Missing Globes Or Diffusers
- Fixture Damaged Or Missing
- See Comment

Checked Emergency Lighting

- System/Component Appears Ok
- No Monthly Inspection
- Appears Inoperative
- Missing
- See Comment

Checked Floor Coverings

- System/Component Appears Ok
- Possible Future Trip Hazard
- Damaged Floor Tiles
- Carpet Loose Or Frayed
- See Comment

Checked Grounds Maintenance

- System/Component Appears Ok
- Possible Trash Problem
- Grass Appears To Need Mowing
- Shrubs/Trees Appear To Need Trimming
- Fence Appears To Need Repair
- See Comment

Checked Fire Extinguishers

- System/Component Appears Ok
- No Monthly Inspection
- Extinguisher Missing
- No Annual Inspection
- Extinguisher Discharged
- See Comment

Checked Kitchen Equipment

- System/Component Appears Ok
- No Bi-Annual Inspection
- Possible Safety Concern
- Appears To Need Cleaning
- See Comment

Checked Fire Alarm

- System/Component Appears Ok
- No Monthly Test
- No Annual Inspection
- No System
- System Not Operational
- See Comment

N/A Playground Equip.

- System/Component Appears Ok
- No Monthly Inspection
- Damaged Equipment
- Appears To Need Fall Surface/Zone
- Possible Trip Hazard
- See Comment

N/A Stairwells

- System/Component Appears Ok
- Possible Trip Hazard on Stair Treads
- Handrail Loose Or Missing
- See Comment

N/A Fire Sprinkler Systems

- System/Component Appears Ok
- No Annual Inspection
- See Comment

N/A Athletic Field Maintenance

- System/Component Appears Ok
- Grounds Appear To Need Maintenance
- Possible Trip Hazard
- Fence Appears To Need Repair
- See Comment

N/A **Elevators & Wheelchair Lifts**

- System/Component Appears Ok
- No Annual Inspection
- See Comment

Checked **Kitchen Hood Vent / Suppression System**

- System/Component Appears Ok
- Appears To Need Cleaning
- No System
- See Comment

Checked **Interior / Exterior Finishes**

- System/Component Appears Ok
- Ceiling Tile Appears Damaged
- Ceiling Tile Missing
- See Comment

Checked **Masonry & Concrete Building Exteriors**

- System/Component Appears Ok
- Possible Erosion At The Foundation
- Crack In Exterior Masonry
- Crack In Interior Masonry
- Crack In Concrete Floor
- See Comment

Checked **Sidewalks, Driveways, Parking Areas, & Paved Play Areas**

- System/Component Appears Ok
- Concrete Cracked/Spalding- Possible Trip Hazard
- Possible Drainage Problem
- See Comment

N/C **Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas**

- System/Component Appears Ok
- Appears To Need ADA Marking
- Markings Appear To Be Missing
- See Comment

10. Corrective Maintenance / Preventative Maintenance Comments:

All corrective and preventative maintenance items checked appear to be well maintained

except: 1. Replace/repair one inoperative ceiling light in the Kitchen. 2. Remove the

flammable material stored within 24 inches of the ceiling in the Kitchen Storage Room.

11. State Agency / State Mandated

Any outstanding reports or documents to check? No

Comment: _____

12. Custodial (include equipment and storage):

Checked Storage Closets

- Ok
- Closet Appears Unorganized
- Chemical Container(s) Not Labeled
- Closet Appears Organized & Stocked
- See Comment

Checked Restrooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Checked Hallways/Classrooms/Offices

- Ok
- Floors Appear To Need Cleaning
- Area Appears Clean
- See Comment

N/A Gymnasiums/Locker Rooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Custodial Comments: All custodial items checked appear to be maintained.

Summary of the General Condition of the Facility: Good once all action items are addressed.

Action Items (Follow-up required):

1. Please create a work order in C.M.M.S. (SchoolDude) for any appropriate item(s) noted. Email work order number(s) to the division so progress toward completion may be tracked.
2. See the Comments listed in Section #10 (Maintenance) and Section #12 (Custodial).
3. _____
4. _____

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

D.P.S.A.F.T. Representative: Charles Carter Position: Operations & Maintenance Mgr.

School District Representative: Carlos Albert Position: Maintenance Director

Comments: Please contact the D.P.S.A.F.T. Representative if you have any questions

or concerns about this report. Thank you, in advance, for your cooperation.

2012 Arkansas District ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT LEA: 5404000 Address: P O BOX 1870 MARVELL, AR 72366 Phone: 870-829-2101	Superintendent: RUTH DENSON Grades: P - 12 Enrollment: 418 Attendance Rate: 92.00% (3 QTR AVG) Poverty Rate: 97.61%
-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------

Achieving District

Achieving District Percent Tested

	# Expected Literacy	Literacy	# Expected Math	Math
All Students	223	YES	259	YES
Targeted Achievement Gap Group	221	YES	255	YES
ESEA Subgroups	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	204	YES	234	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	12	YES	18	YES
Economically Disadvantaged	221	YES	255	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	32	YES	35	YES

Achieving District Graduation Rate

	# Expected Graduates	Percentage	2011 AMO
2011 Graduation Rate			
All Students	60	78.33	61.60
Targeted Achievement Gap Group	49	79.59	56.35
ESEA Subgroups			
African Americans	56	82.14	63.85
Hispanic	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10
Economically Disadvantaged	49	79.59	56.35
English Learners	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10

Achieving District in Literacy

	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	194	60.31	46.93	130	69.23	47.25
Targeted Achievement Gap Group	192	59.90	47.29	129	68.99	46.53
Three Year Performance			Three Year Growth			
All Students	669	47.23	46.93	437	51.72	47.25
Targeted Achievement Gap Group	649	47.00	47.29	424	51.42	46.53
ESEA Subgroups	2012 Performance		2012 Growth			
African Americans	178	59.55	46.25	120	69.17	46.59
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	11	54.55	47.62	n < 10	n < 10	n < 10
Economically Disadvantaged	192	59.90	47.48	129	68.99	46.82
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	28	17.86	8.33	17	29.41	12.50

2012 Arkansas District ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT LEA: 5404000 Address: P O BOX 1870 MARVELL, AR 72366 Phone: 870-829-2101	Superintendent: RUTH DENSON Grades: P - 12 Enrollment: 418 Attendance Rate: 92.00% (3 QTR AVG) Poverty Rate: 97.61%
-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------

Achieving District

Achieving District in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
	2012 Performance			2012 Growth		
All Students	226	71.24	58.73	130	66.15	49.88
Targeted Achievement Gap Group	222	70.72	58.19	129	65.74	49.31
	Three Year Performance			Three Year Growth		
All Students	749	56.34	58.73	437	46.23	49.88
Targeted Achievement Gap Group	720	55.97	58.19	424	46.69	49.31
	ESEA Subgroups			2012 Growth		
African Americans	205	70.73	57.79	120	46.67	50.20
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	16	68.75	61.40	n < 10	n < 10	n < 10
Economically Disadvantaged	222	70.72	58.40	129	65.74	49.62
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	31	41.94	29.90	17	35.88	12.50

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL PRIMARY SCHOOL	Principal: SYLVIA MOORE
LEA: 5404030	Grades: P - 06
Address: P O BOX 1870	Enrollment: 230
MARVELL, AR 72366	Attendance Rate: 93.03% (3 QTR AVG)
Phone: 870-829-2946	Poverty Rate: 99.57%

Needs Improvement Focus School Met Year 1 Exit Criteria

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	131	YES	131	YES
Targeted Achievement Gap Group	130	YES	130	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	119	YES	119	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	130	YES	130	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	22	YES	22	YES

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
All Students	117	68.38	50.58	85	76.47	50.55
Targeted Achievement Gap Group	116	68.10	50.45	84	76.19	48.52
Three Year Performance				Three Year Growth		
All Students	371	54.18	50.58	261	57.09	50.55
Targeted Achievement Gap Group	364	53.85	50.45	255	56.47	48.52
ESEA Subgroups						
	2012 Performance			2012 Growth		
African Americans	107	68.22	51.11	78	76.92	51.55
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	68.10	50.83	84	76.19	49.07
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	21.05	8.33	12	39.33	15.38

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
All Students	117	77.78	76.08	85	49.41	60.20
Targeted Achievement Gap Group	116	77.59	76.05	84	48.81	59.81
Three Year Performance				Three Year Growth		
All Students	371	39.27	76.08	261	50.19	60.20
Targeted Achievement Gap Group	364	33.99	76.05	255	49.41	59.81
ESEA Subgroups						
	2012 Performance			2012 Growth		
African Americans	107	77.57	76.43	78	50.00	62.02
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	77.59	76.67	84	48.81	60.53
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	31.58	31.25	12	8.33	15.38

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL PRIMARY SCHOOL	Principal: SYLVIA MOORE
LEA: 5404030	Grades: P - 06
Address: P O BOX 1870	Enrollment: 230
MARVELL, AR 72366	Attendance Rate: 93.03% (3 QTR AVG)
Phone: 870-829-2946	Poverty Rate: 99.57%

Needs Improvement Focus School Met Year 1 Exit Criteria

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	131	YES	131	YES
Targeted Achievement Gap Group	130	YES	130	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	119	YES	119	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	130	YES	130	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	22	YES	22	YES

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	117	68.38	50.58	85	76.47	50.55
Targeted Achievement Gap Group	116	68.10	50.45	84	76.19	48.52
Three Year Performance			Three Year Growth			
All Students	371	54.18	50.58	261	57.09	50.55
Targeted Achievement Gap Group	364	53.85	50.45	255	56.47	48.52
ESEA Subgroups			2012 Performance			
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
African Americans	107	68.22	51.11	78	76.92	51.55
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	68.10	50.83	84	76.19	49.07
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	21.05	8.33	12	33.33	15.38

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	117	77.78	76.08	85	49.41	60.20
Targeted Achievement Gap Group	116	77.59	76.05	84	48.61	59.81
Three Year Performance			Three Year Growth			
All Students	371	69.27	76.08	261	50.19	60.20
Targeted Achievement Gap Group	364	68.93	76.05	255	49.41	59.81
ESEA Subgroups			2012 Performance			
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
African Americans	107	77.57	76.43	78	50.00	62.02
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	77.59	76.67	84	48.51	60.53
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	31.58	31.25	12	28.33	15.38

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL HIGH SCHOOL	Principal: ADRIAN WATKINS
LEA: 5404032	Grades: 07 - 12
Address: P O BOX 1870	Enrollment: 188
MARVELL, AR 72366	Attendance Rate: 90.75% (3 QTR AVG)
Phone: 870-829-1351	Poverty Rate: 95.21%

Needs Improvement Priority School Met Year 1 Exit Criteria

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	92	YES	128	YES
Targeted Achievement Gap Group	91	YES	125	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	85	YES	115	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	12	YES
Economically Disadvantaged	91	YES	125	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	10	YES	13	YES

Achieving School Graduation Rate			
	# Expected Graduates	Percentage	2011 AMO
2011 Graduation Rate			
All Students	60	78.33	61.60
Targeted Achievement Gap Group	49	79.59	56.35
ESEA Subgroups			
African Americans	56	82.14	63.85
Hispanic	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10
Economically Disadvantaged	49	79.59	56.35
English Learners	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	77	48.05	42.21	45	55.56	42.34
Targeted Achievement Gap Group	76	47.37	43.10	45	55.56	43.10
Three Year Performance			Three Year Growth			
All Students	294	58.73	42.21	175	43.43	42.34
Targeted Achievement Gap Group	282	53.90	43.10	168	43.45	43.10
ESEA Subgroups			2012 Growth			
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
African Americans	71	46.48	39.98	42	54.76	39.44
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	76	47.37	43.10	45	55.56	43.10
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL HIGH SCHOOL	Principal: ADRIAN WATKINS
LEA: 5404032	Grades: 07 - 12
Address: P O BOX 1870	Enrollment: 188
MARVELL, AR 72366	Attendance Rate: 90.75% (3 QTR AVG)
Phone: 870-829-1351	Poverty Rate: 95.21%

Needs Improvement Priority School Met Year 1 Exit Criteria

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
	2012 Performance			2012 Growth		
All Students	109	64.22	43.64	45	40.00	36.43
Targeted Achievement Gap Group	106	63.21	42.26	45	40.00	35.20
	Three Year Performance			Three Year Growth		
All Students	377	43.50	43.64	175	63.74	36.43
Targeted Achievement Gap Group	355	42.54	42.26	168	32.14	35.20
ESEA Subgroups	2012 Performance			2012 Growth		
African Americans	98	63.27	41.40	42	40.48	34.52
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	11	72.73	64.75	n < 10	n < 10	n < 10
Economically Disadvantaged	106	63.21	42.26	45	40.00	35.20
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	12	58.33	28.70	n < 10	n < 10	n < 10

WOW!!! LOOK WHAT WE DID!

Arkansas Democrat ~~and~~ Gazette

35 labeled 'achieving' of 239 school districts

CYNTHIA HOWELL
ARKANSAS DEMOCRAT-GAZETTE

Thirty-five of Arkansas' 239 school districts and six of 16 open-enrollment charter schools are classified as "achieving" school systems under the state's new accountability system, leaving more than 200 districts and charter systems — some considered very high performing — branded as "needing improvement." East Arkansas school districts such as Marvell and

Osceola, which are relatively low performing, are recognized in the new system as "achieving." That reflects the recent academic progress made by students there.

In contrast, the Conway and Vilonia school districts in central Arkansas, and the Bentonville and Rogers school districts in Northwest Arkansas — typically high performers — are tagged as needing to improve.

See **ACHIEVE**, Page 7A

Achieve

• Continued from Page 1A

The good news for the districts carrying the needing-improvement label is that with the exception of having to explain the label to their communities, there are no other immediate consequences.

"We don't have specific sanctions or incentives for those districts that are achieving or need to improve," said Phyllis Stewart, the chief of staff and spokesman at the Arkansas Department of Education.

"But they are ultimately responsible for the progress of [individual] schools in their districts, especially if they have 'priority' or 'focus' schools," Stewart added. "If the districts don't meet the requirements for those schools, they may end up being in academic distress."

There are 48 "priority schools." Those are the 5 percent lowest-achieving schools on the state Benchmark and End-of-Course exams. The 109 "focus schools" are those with the greatest disparities between their at-risk students — who are special-education, low-income or limited-English-speaking students — and those students who are not in the at-risk categories.

Focus and priority schools must carry out improvement plans, or their performance can put their districts in jeopardy of being labeled as academically distressed. School districts in academic distress, as the result of rules recently adopted by the Arkansas Board of Education, have up to two years to im-

prove or else face state sanctions that can include a state takeover. There are no districts currently classified as academically distressed.

Frank Mitchell, superintendent of the 3,150-student Vilonia School District in Faulkner County, was dismayed by the needs-improvement label for his district, where 77 percent or more of both students overall and students in populations at risk of school failure scored at proficient or better levels on state exams last spring.

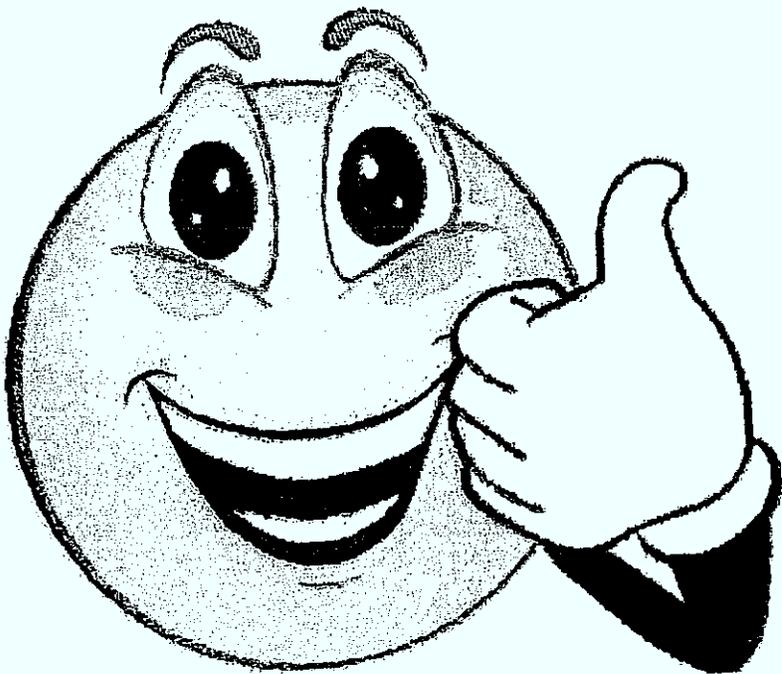
"A lot of this doesn't make sense," Mitchell said. "It puts you in categories where you don't belong."

Arkansas' new accountability system, approved last June by the U.S. Department of Education, customizes student-achievement requirements for each school.

No longer are Arkansas schools facing a 2013-14 deadline to get 100 percent of students to proficient or grade level in math and literacy. That was required by the federal No Child Left Behind Act of 2002.

Now, because of a waiver to the federal law, every school is supposed to get halfway to 100 percent proficient within six years, using the percentage of students scoring at proficient or better in 2011 as the starting point.

If, for example, 76 percent of students scored at the proficient level in 2011, then the school must increase that percentage by 12 points at a rate of at least 2 points a year over six years. If only 40 percent of the students are proficient, then the school must improve that by 5 percentage points a year, or 30 points, by



Achieving schools

The following 35 Arkansas school districts and six charter school systems are categorized as "achieving" under the state's new accountability system approved in June by the U.S. Department of Education.

School Districts

Batesville
Beebe
Berryville
Bismarck
Cabot
Cossatot River School District
Cutter-Morning Star
Dardanelle
DesArc
Dermott
Dierks
Elkins
Farmington
Fayetteville
Greenbrier
Hartford
Highland
Huntsville
Lakeside (Garland County)
Magnet Cove
Marvell
Manilla
McGehee

Mountain Home
Mulberry
Omaha
Osceola
Ouachita
Pangburn
Salem
Siloam Springs
Scranton
Springdale
Valley View
Waldron School District
Charter Schools
Covenant Keepers Charter School (Little Rock)
Estem Elementary Public Charter School (Little Rock)
E-Stem High Public Charter School (Little Rock)
Haas Hall Academy (Fayetteville)
KIPP Delta Public Schools (Helena-West Helena)
Lisa Academy North Charter School (Sherwood)

2016-17

In Vilonia, better than 87 percent of students overall and 77 percent of students in at-risk groups scored at proficient or better in literacy in 2012. Similarly, 88.75 percent of Vilonia students overall and 81.41 percent of at-risk group students scored at proficient or better in math.

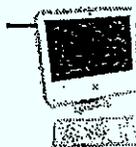
But the district fell short of the math achievement targets of 89.11 percent proficient for all students and 82.41 percent for the at-risk group.

"Our test scores were good under the old format, and in our opinion they are good under the new format," Vilonia Assistant Superintendent Gary Lambert said. "Our

test scores have not changed. Under the new system, the goals and the targets set by the state are pretty high because our test results were high in the past."

Despite the "needs improvement" classification, Lambert said he expects the state Education Department will put its efforts into other school districts with greater academic deficiencies than Vilonia.

"It is a little bothersome and hard to explain to a group of teachers when their students scored 85 percent in literacy when the target was 87. Eighty-five percent is a good result. All in all, we are good here. We are not afraid of accountability. We want to



**More
information
on the Web**

Search for schools' status

[arkansasonline.com/
2012schoolstatus](http://arkansasonline.com/2012schoolstatus)

do our best to serve kids."

Osceola School District Superintendent Mike Cox welcomed the state's new accountability system and the "achieving" label for his district of 1,270 students, 88 percent of whom are from low-income families.

Cox said the academic gains that produced the achieving label were the result of hard work by teachers and students, coupled with support from an education-improvement company. The district also benefits, Cox said, from the vitality infused by Teach For America teachers, a group of recent college graduates who commit to teach for two years in high-poverty communities.

"Any kind of success makes it easier to encourage," said Cox, a veteran Arkansas superintendent who is in his third year as the chief executive at Osceola. "It tells the teachers that what we are doing is working, so let's continue to do what we are doing and add some to it."

"I'm just excited to come to work every day," he added.

About 70 percent of Osceola students overall and students in groups at-risk of school failure scored at proficient or better on state literacy tests last spring, exceeding achievement targets that are in the 62-64 percent range.

In math, about 56 percent of students scored at proficient or better, besting the 51 to 53 percent range of targets.

The Osceola district is a district that has two "priority schools" — Osceola High and Osceola Middle schools. Those schools were identified as some of the lowest-achieving schools in the state three years ago. As such, the two schools received three-year, multimillion-dollar federal School Improvement Grants. Schools that received those grants were automatically labeled as priority schools this year. Osceola is in the final year of the grants this school year.

Under the state's previous system, Osceola had two schools on the needs-improvement list, one for so many years it was "state-directed," or operating under state Education Department guidance.

Two other east Arkansas school districts classified as "achieving" under the new accountability system are of particular note. The relatively affluent Valley View district in Jonesboro attained "achieving" status while spending the least amount per pupil in the state — \$6,903 — according to the Arkansas Annual Statistical Report for the 2011-12 school year.

The Marvell School District in Phillips County, where 98 percent of the 400 students are from low-income families, also earned "achieving" status. Marvell spends \$20,547 per student, the highest dollar amount in the state, according to the same statistical report.

AP Certificate



ARKANSAS DEPARTMENT OF EDUCATION

May 28, 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. Ruth Denson, Superintendent
Marvell School District
P.O. Box 1870
Marvell, AR 72366-1870

Dear Ms. Denson:

The Individuals with Disabilities Education Improvement Act of 2004 amended the Individuals with Disabilities Education Act (IDEA) to require each State to submit a State Performance Plan (SPP) to the U.S. Department of Education in December 2005. The IDEA further requires that each State submit an Annual Performance Report (APR) to the U.S. Department of Education that includes data on the State's performance in relation to the measurable and rigorous targets established in the SPP. The APR based on the SPP was submitted February 1, 2013. In addition, the IDEA requires each State to report publicly the performance of each local education agency (LEA) in relation to the measurable and rigorous targets established in the State's SPP. Each LEA APR is published on the ADE Special Education website (<http://arksped.k12.ar.us>) and was provided previously to the LEA.

As the Office of Special Education Programs (OSEP) at the U.S. Department of Education reviews the State's APR submission, Section 616 of the IDEA must be considered annually to determine whether the State:

- Meets the requirements and purpose of Part B;
- Needs assistance in implementing the requirements of Part B;
- Needs intervention in implementing the requirements of Part B;
- Needs substantial intervention in implementing the requirements of Part B.

IDEA requires the States to make the same determination at the LEA level.

In making these determinations and in deciding upon appropriate enforcement actions, the ADE will consider all information available at the time of the determination, including the history, nature and length of time of any reported noncompliance, and any evidence of correction.

For the current school year the SPP compliance indicators used in making the determinations were:

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

Indicator 4b: Suspension/Expulsion
Indicator 09: Disproportionality - Eligibility
Indicator 10: Disproportionality – Disability Category

Ruth Denson
Page 2 of 2
May 28, 2013

- Indicator 11:** Child Find – Timely Evaluation
- Indicator 15:** Identification and Correction of Noncompliance: Timely correction, within one year of citation, of noncompliance identified by the ADE by monitoring or other means
- Indicator 20:** Timely and Accurate Data Reporting: All required data elements (via APSCN/MySped Resource) were accurate and submitted on time.

To that end, the review of the LEA's 2011-12 Annual Performance Report resulted in a determination of "**Meets Requirements**" for the Marvell School District.

As an LEA with a designation of "Meets Requirements", no corrective actions are required. However, the ADE suggests that the LEA review its APR and use it as a guide for planning school improvement activities.

Failure to comply with these requirements will result in non-compliance citations and or sanctions.

The ADE Special Education Unit is committed to supporting the LEA's implementation of the IDEA with a focus on improving education results and functional outcomes for all students with disabilities.

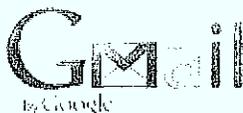
Respectfully,

Martha Kay Asti

Martha Kay Asti, Associate Director
Special Education Unit

Enclosure

cc: Lisa Haley, Administrator, Monitoring/Program Effectiveness
Rhonda Saunders, Area Supervisor, Monitoring/Program Effectiveness
Becky Baldwin, LEA Supervisor
File



Ruth Denson <superintendent10@gmail.com>

Fwd: Application for Program Approval for Gifted/Talented Education

1 message

Tracy Hoard <tfohard@gmail.com>
To: superintendent10@gmail.com

Wed, Oct 10, 2012 at 8:27 AM

----- Forwarded message -----

From: <donotreply@arkansas.gov>
Date: Fri, Sep 21, 2012 at 2:55 PM
Subject: Application for Program Approval for Gifted/Talented Education
To: tfohard@gmail.com

Tracy Fryauf Hoard
MARVELL SCHOOL DISTRICT
P.O. BOX 1870
MARVELL, AR 72366

Dear Tracy Fryauf Hoard:

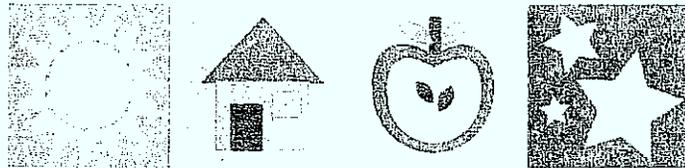
Your 2012 K-12 program for gifted education, as described in your program application has been approved by this office. If changes should become necessary, please provide a written explanation to the Office of Gifted and Talented.

Please feel free to contact our program office at 501-682-4224 for additional assistance.

Sincerely,

Mary Kathryn Stein, Program Coordinator
Office of Gifted and Talented and Advanced Placement
Arkansas Department of Education
Four Capitol Mall, 305B
Little Rock, AR 72201
501-682-4224: Office
501-682-4220: Fax
mary.stein@arkansas.gov

This message is intended only for the named recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.



better beginnings

EVERY CHILD DESERVES OUR BEST

August 24, 2012

Dear Families,

Marveli-Elaine Elementary Preschool has earned a level 3 certification as an Arkansas Better Beginnings facility. Better Beginnings is a voluntary quality rating improvement system for licensed child care and education facilities in Arkansas. During the Better Beginnings certification process, our facility was assessed in five areas.

- Administration
- Administrator and Staff Qualifications and Training
- Curriculum
- Learning Environment
- Child Health and Development

All child care facilities in Arkansas are licensed by the Department of Human Services. Minimum licensing regulations primarily address health and safety issues. Better Beginnings, however, looks beyond minimum standards, evaluating the elements of high quality child care and early education experiences.

Here are some of the things you may expect as a result of our decision to meet the higher standards for Better Beginnings Level 3.

- Increased qualifications and training for staff and administrators
- Administrative practices that exceed national standards
- Increased standards for classroom quality
- Daily activities that address learning goals for children
- A written curriculum plan

We invite you to visit www.arbetterbeginnings.com to read about all of the benefits of enrolling your child in an Arkansas Better Beginnings facility.

Sincerely,

Sylvia Moore

Sylvia Moore

Principal

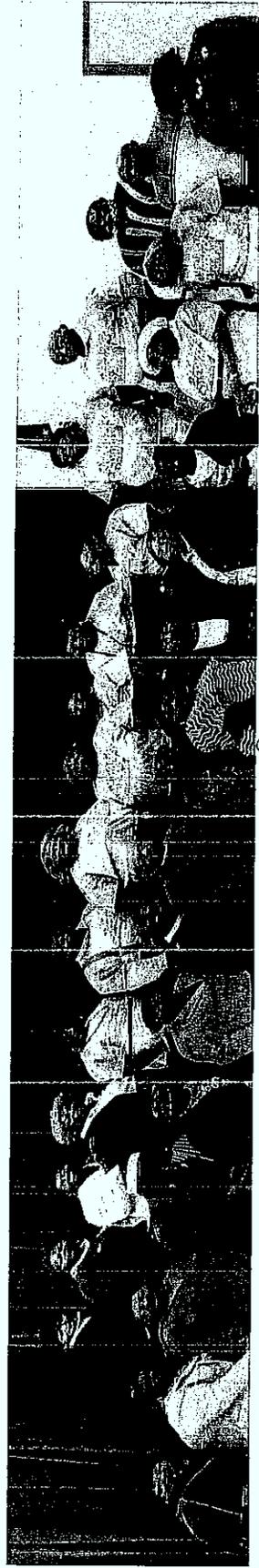
**Marvell-Elaine School District
2013-2014 Parent and Community Involvement Seminars**

**Dr. Ruth Denson
Superintendent**

**Mrs. Verlene McCall
Parent Coordinator**

**Ms. Donna Ross
Federal Coordinator**

TOPIC	DATE	TIME	LOCATION
ESEA Flexibility: What Parents Need to Know: School Accountability, School Report Cards, Public School Choice and Common Core State Standards	September 24, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Understanding Student Test Results	October 8, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Making the Most of Parent Teacher Conferences: Tips for Parents	October 22, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Creating a Home Environment for Learning	November 5, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Behavior Management	November 19, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Improving Your Child's Learning and Grades	December 3, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Increasing Your Child's Motivation to Learn	December 17, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Improving Your Child's School Organization Skills	January 14, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Strengthening Your Child's Home Study Skills	January 21, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Test-Taking Strategies and Techniques	February 11, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Family and School Health Index	February 25, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Career Planning	March 11, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Parenting Toward School Success	March 25, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Technology Academic Integration	April 15, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Drug-Free and Violence Free Education	April 23, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Character Education	May 6, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Extended Academic School Year/Academic Summer School	May 13, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Parent Involvement Policy Annual Review	May 20, 2014	3:30 p.m.	Marvell-Elaine Elementary School



SUCCESS IS OUR ONLY OPTION!!!!!!

RICK CRAWFORD
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
1408 Longworth Building
Washington, DC 20515

August 30, 2012

WASHINGTON, DC
1408 LONGWORTH HOB
WASHINGTON, DC 20515
PHONE: (202) 225-4076
FAX: (202) 225-5602

JONESBORO
2400 EAST HIGHLAND
SUITE 300
JONESBORO, AR 72401
PHONE: (870) 203-0540
FAX: (870) 203-0542

CABOT OFFICE
112 SOUTH FIRST STREET
CABOT, AR 72033
PHONE: 501-843-3043
FAX: 501-843-4985

MOUNTAIN HOME
1001 HIGHWAY 62 EAST
SUITE 9
MOUNTAIN HOME, AR 72653
PHONE: 870-424-2075
FAX: 870-424-3149

WWW.CRAWFORD.HOUSE.GOV

Ms. Ruth Denson
Superintendent
Marvell Elaine Schools District
PO Box 1870
Marvell, AR 72366-1870

Dear Ms. Denson,

It was a pleasure visiting with you recently at the Marvell-Elaine School District. Thank you for your participation.

I was encouraged to find community leaders fully engaged and supportive of the Marvell-Elaine School District. Your input was very beneficial to me, and I appreciate the opportunity to hear from you.

I look forward to working with you, and if I can be of any assistance in the future, please do not hesitate to contact me or my staff.

Sincerely,



Rick Crawford
Member of Congress

RC/cl

The Phillips County Retired Teachers Association

1022 McDonough Street
Helena, AR 72342
March 19, 2013

Marvell-Elaine School District
Mrs. Ruth B. Denson, Superintendent
P. O. Box 1870
Marvell, AR 72366

Dear Mrs. Denson:

Congratulations! We, the members of the Phillips County Retired Teachers Association, would like to extend our message of joy and admiration of the success and good fortune that has resulted from the excellent work and implementation of the school improvement grant. Please accept this letter as our way of recognizing the exceptional job that has been done at Marvell-Elaine High School.

We read, with great delight, the article published in *The Helena World* regarding the visit from the U.S. Department of Education. Marvell-Elaine High School garnered the attention of the U.S. Department of Education. Job well done! Your work has put Marvell and the state of Arkansas on the map, and as an achieving school, you, the staff, and students are a model for the nation. The outstanding leadership of the administration, the untiring efforts and support of the staff, and the devotion and commitment of the students are evident, and we want to give you a gold star.

It is no wonder why the community rallies around the school district. You are providing the best education for the students, and it is our wish that your service to our young people will continue to sustain your pursuit of success.

Keep up the good work!

Leroy Williams, President

The Phillips County Retired Teachers Association



Ruth Denson <superintendent10@gmail.com>

FW: Monitoring Presentation and Plan

5 messages

Jayne Green (ADE) <Jayne.Green@arkansas.gov>

Fri, Dec 21, 2012 at 11:09 AM

To: Adrian Watkins <awat327@yahoo.com>

Cc: Ruth Denson <superintendent10@gmail.com>, "Bobby Lester (ADE)" <Bobby.Lester@arkansas.gov>, "Rick Green (ADE)" <Rick.Green@arkansas.gov>

Ms. Watkins,

Congratulations! Marvell has been selected for a site visit from the United States Department of Education on January 28th, 2013. You will find attached items to help prepare you for this upcoming visit.

We are thrilled to be able to highlight the successes at Marvell High School. Please do not hesitate to contact me if you have any questions.

Jayne Green

Federal Programs Unit

Title I Director

Arkansas Department of Education

Division of Learning Services

Four Capitol Mall, Box 26

Little Rock, AR 72201

(501)682-2395



Date: Monday, June 24, 2013 2:22 PM
From: Adrian Watkins <awat327@yahoo.com>
To: dfross@suddenlink.net, webstercew@yahoo.com, ayblakely@scientist.com, williamsdenetra@gmail.com
Subject: Fw: USED requesting a case study on Marvell-Elaine High

What have we gotten ourselves into now?
A. Watkins

--- On Mon, 6/24/13, Nancy Doorey <ndoorey@verizon.net> wrote:

> From: Nancy Doorey <ndoorey@verizon.net>
> Subject: USED requesting a case study on Marvell-Elaine High
> To: awat327@yahoo.com
> Date: Monday, June 24, 2013, 1:31 PM
> Dear Principal Watkins, I just spoke with Rick Green
> and David Tollett and they provided this personal email
> address for you, so I hope that's OK. I have been asked by the US
> Department of Education to develop a case study of the very
> successful parent and community engagement work at your high
> school under the SIG grant. They plan to provide a set
> of case studies to state departments across the country to
> provide suggestions on effective strategies that their
> schools undergoing turnaround may want to consider.
> Rick and David provided a
> terrific general description of the work your school has
> done and the results. I am hoping I could talk with
> you for about 30 minutes to gain additional information as
> well as your thoughts on the most important lessons learned
> that should be shared with others, particularly those in
> rural schools.
> In addition to
> better understanding what strategies you have used to engage
> parents and community members, I need to gather any data you
> have on impact, such as:
> Results from parent surveys
> Increases in parent participation in
> school meetings, teacher-parent conferences, etc.
> Increases in average daily attendance,
> as a possible consequence of parent engagement, and/or
> Any other indicators of improved
> engagement that you can suggest. Finally, I will also want to
> ask you for the names and either phone numbers or email
> addresses for a parent/guardian I can speak with as well as
> an elected official, such as a school board member or city
> or county representative. If you could think about who
> you would recommend I contact, that would be terrific. Below are the times
when I am
> available for a 30 minute phone interview. Would any
> of these be convenient for you:
> Tues., June 25, 7:00 - 8:30 am
> CST OR 1:30 - 3:30 CST
> Wed, June 26, 7:00 - 9:00 am
> CST
> Thurs., June 27, 8:00 am - 12:30
> pm CST
> Thank you, and I
> hope we can speak this week. Best regards, Nancy Nancy Doorey4601 Beechwood
AvenueWilmington, DE
19803nancydoorey@gmail.com302-463-7139
>
>
>

©1997-2011 Openwave Systems Inc. All rights reserved.



Date: Tuesday, June 25, 2013 2:31 PM

From: Adrian Watkins <awat327@yahoo.com>

To: ALYSIA BLAKELY <ayblakely@scientist.com>, Linda Chaytor <lindachaytor@yahoo.com>, Ruth Denson <superintendent10@gmail.com>, SYLVIA MOORE <sylviammoore@yahoo.com>, Donna Ross <dfross@suddenlink.net>, CHARLES WEBSTER <webstercew@yahoo.com>, DENETRA WILLIAMS <williamsdenetra@gmail.com>

Subject: Fw: Re: Case Study

--- On Tue, 6/25/13, David Tollett (ADE) <David.Tollett@arkansas.gov> wrote:

> From: David Tollett (ADE) <David.Tollett@arkansas.gov>
> Subject: Re: Case Study
> To: "Adrian Watkins" <awat327@yahoo.com>
> Date: Tuesday, June 25, 2013, 1:26 PM
> Good deal! She is an extremely nice
> lady and just wanting to know what ya ll have done to
> increase your parent involvement. I emailed her the
> information you gave me. When we talked to her I told her
> you have a high turnout for ya lls events. She is just
> wanting to follow up with you. She is a very nice lady and
> writing an article to highlight ya lls district especially
> being a rural district. Ya ll can answer her questions, just
> talk about ya ll are already doing. Hope your having a great
> day and enjoy the rest of your summer!
> Thanks,
>
>
> David Tollett
> SIG Site Director
> Arkansas Department of Education (ADE)
> Sent from my iPad
>
> On Jun 25, 2013, at 12:22 PM, "Adrian Watkins" <awat327@yahoo.com>
> wrote:
>
>> David,
>>
>> We will be doing the phone conference with Ms. Doorey
> Thursday at 8:15. I hope that we will be able to
> answer all of her questions.
>>
>> A. Watkins
>

©1997-2011 Openwave Systems Inc. All rights reserved.

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:

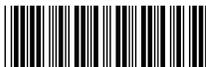
22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

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 :		

**ADDITIONAL DOCUMENTATION/
DESEGREGATION ORDERS**

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RECEIVED
ATTORNEY'S OFFICE**

**RECEIVED
COMMISSIONER'S OFFICE**

Tuesday, May 14, 2013

MAY 16 2013

MAY 16 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

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

RE: Marvell-Elaine School District Certified Resolution-Declaring Exemption

Dear Commissioner Kimbrell:

On behalf of the Marvell-Elaine School District Board of Education, I am submitting a copy of the Certified Resolution Declaring Exemption in relation to the 2013 School Choice Act, as passed by the Marvell-Elaine School District Board of Education on May 13, 2013.

This submission is made pursuant to the May 1, 2013 e-mail of Phyllis Stewart providing direction as to the proper method of submission of such resolutions.

Please notify me immediately if there is any further action that the district or board needs to take for this exemption to be fully effective for the 2013-14 school year.

Thank you for your consideration.

Sincerely,



Ruth B. Denson, Ed.S., Superintendent of Schools
Marvell-Elaine School District

RBD:dm

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RESOLUTION OF MARVELL ELAINE SCHOOL DISTRICT
BOARD OF DIRECTORS**

WHEREAS, the Marvell Elaine School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 13, 2013, in Marvell, Arkansas;

WHEREAS, 4 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 Marvell Elaine 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 Marvell Elaine School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Marvell Elaine 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, Marvell, 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 *Jackson, et al. v. Marvell School District*, 425 F2d 211 (1970), U.S. Court of Appeals, Eighth Circuit; and, as confirmed in *Fields v. Marvell School District*, 102 SW 3rd 502, 352 Ark. 483 (2003); and

WHEREAS, the Board of the Marvell Elaine 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

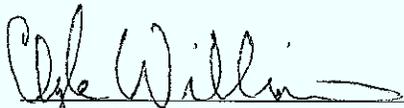
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

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 Marvell Elaine School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Marvell Elaine School District hereby authorizes the Superintendent of the Marvell Elaine 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, Marvell Elaine 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,

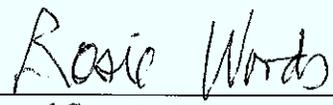
THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.


Board President

5-13-2013
Date

CERTIFICATION

I, Rosie Woods, Secretary of the Board of Education of the Marvell Elaine School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 13, 2013.


Board Secretary

May 13, 2013
Date

 [West Reporter Image \(PDF\)](#)

425 F.2d 211

United States Court of Appeals, Eighth Circuit.
Ceiners JACKSON et al., Appellants,
v.
MARVELL SCHOOL DISTRICT NO. 22 et al., Appellees.
Earlis JACKSON et al., Appellants,
v.
MARVELL SCHOOL DISTRICT NO. 22 et al., Appellees.

No. 20124.

April 29, 1970, Rehearing Denied May 18, 1970.

School desegregation case. The United States District Court for the Eastern District of Arkansas, Oren Harris, Chief Judge, gave judgment, but the Court of Appeals remanded with directions, [389 F.2d 740](#). On appeal after remand the Court of Appeals vacated and remanded with directions, [416 F.2d 380](#). On appeal after remand the Court of Appeals held that order could not stand where effect of it was to approve segregation of races among classes within several facilities of school district for remainder of 1969-70 school year, but reviewing court would refrain from interfering with assignment of students in school district for 1969-70 school year; instead it would direct entry of an order requiring district to fully and effectively desegregate not only all facilities but the faculty and classes effective at beginning of 1970-71 school year.

Reversed and remanded.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

 [92](#) Constitutional Law

 [92XXXVI](#) Equal Protection

 [92XXXVI\(B\)](#) Particular Classes

 [92XXXVI\(B\)8](#) Race, National Origin, or Ethnicity

 [92k3275](#) Education

 [92k3278](#) Public Elementary and Secondary Education

 [92k3278\(1\)](#) k. In general. [Most Cited Cases](#)

(Formerly 92k220(1), 92k220)

 [141E](#) Education  [KeyCite Citing References for this Headnote](#)

 [141EII](#) Public Primary and Secondary Schools

 [141EII\(F\)](#) Racial Segregation and Desegregation

 [141Ek831](#) k. Existence and propriety of segregated system. [Most Cited Cases](#)

(Formerly 345k13(2), 345k13 Schools)

Segregation of races in classrooms constitutes invidious discrimination in violation of the Fourteenth Amendment. [U.S.C.A.Const. Amend. 14](#).

[2]  [KeyCite Citing References for this Headnote](#)

 [141E](#) Education

 [141EII](#) Public Primary and Secondary Schools

[141EII\(F\)](#) Racial Segregation and Desegregation
[141Ek838](#) k. Time for desegregation. [Most Cited Cases](#)
(Formerly 345k13(9), 345k13, 345k154 Schools)

Order could not stand where effect of it was to approve segregation of races among classes within several facilities of school district for remainder of 1969–70 school year, but reviewing court would refrain from interfering with assignment of students in school district for 1969–70 school year; instead it would direct entry of an order requiring district to fully and effectively desegregate not only all facilities but the faculty and classes effective at beginning of 1970–71 school year.

***211** John W. Walker, of Walker, Rotenberry, Kaplan, Lavey & Hollingsworth, Little Rock, Ark., for appellants' Philip E. Kaplan, Little Rock, Ark., and Jack Greenberg, James M. Nabrit, III, and Norman Chachkin, New York City, on the brief.

Robert V. Light, Little Rock, Ark., for appellees; Herschel H. Friday and G. Ross Smith, Little Rock, Ark., on the brief.

Before MATTHES, LAY and HEANEY, Circuit Judges.

PER CURIAM.

This is the third time we are required to determine whether the appellee school district has adopted and placed into effect a plan for fully desegregating its schools.

In Jackson II, decided on October 2, 1969, reported at [416 F.2d 380](#), 8 Cir., we ***212** reversed the judgment of the district court and directed it 'to require the Marvell School District to file * * * a plan which will convert the present organization of the public schools of Marvell to a unitary, nonracial system. The plan shall eliminate all vestiges of the freedom-of-choice provisions and shall be fully implemented and become effective no later than January 19, 1970.' [Id. at 385](#).

On remand, the district court entered an order on October 16, 1969, directing the district to submit a plan not later than December 1, 1969, and granting plaintiffs 20 days thereafter to respond. In compliance with that order, the district filed a report in which it proposed to restructure the schools beginning January 19, 1970, as follows: (a) all students in grades 1 through 3 were to be assigned to the site now known as Marvell Elementary School; (b) all students in grades 4 through 9 were to be assigned to the site now known as Tate Elementary School and Tate High School; (c) all students in grades 10 through 12 were to be assigned to the site now known as Marvell High School; (d) all faculty members willing to remain were to be retained and will be so assigned as to realize the maximum utilization of their training and experience without regard to their race.

Under date of December 15, counsel for plaintiffs informed counsel for the school district that in light of the plan proposed by the school district 'to which plaintiffs have no objections at this time' there was no need for a hearing to be held.

In the meantime, however, and apparently without knowledge by plaintiffs' counsel at the time the aforesaid letter was written, the superintendent of the district notified all parents in writing of the restructuring of the schools as shown above and further informed them that 'insofar as possible students will stay with their same teachers.'

The notice from the superintendent precipitated the filing by plaintiffs on January 12, 1970, of a motion to cite the defendants for contempt of court. The motion was premised upon the proposal of the defendants to continue segregation of the classes.

Evidence was not heard on the motion for citation for contempt. However, the district court did hold a hearing on January 14, 1970, at which time the judge ruled from the bench that the plan submitted would be approved with the exception of Subsection (d) relating to the faculty. On January 19, the court's formal order, dated January 16, approving the plan as modified with respect to Subsection (d), was filed. In due time, plaintiffs appealed from that order.

[1]  [2]  The effect of the approval of the order as demonstrated by correspondence attached to appellees' brief between counsel for appellees and the district judge is to approve the segregation of the races among classes within the several facilities for the remainder of the 1969-70 school year.

Plaintiffs challenge the propriety of the court's failure to require the district to desegregate not only the school facilities but the classes beginning January 19, 1970. They insist that we should reverse and require immediate desegregation of the classes.

We hold the court fell into error in sanctioning the district's ingenious effort to circumvent the plain meaning of our decision. It is settled doctrine that segregation of the races in classrooms constitutes invidious discrimination in violation of the Fourteenth Amendment to the Constitution. [Johnson v. Jackson Parish School Board, 420 F.2d 692 \(5th Cir., 1970\)](#). See [McNeese v. Board of Education, 373 U.S. 668, 83 S.Ct. 1433, 10 L.Ed.2d 622 \(1963\)](#); [McLaurin v. Oklahoma State Regents, 339 U.S. 637, 70 S.Ct. 851, 94 L.Ed. 1149 \(1950\)](#).

Accordingly, we reverse and remand to the district court. Upon due consideration and with particular reference to the brief time remaining in the school year, we refrain from interfering with ***213** the assignment of students in the Marvell School District for the 1969-70 school year.[\[FN1\]](#) However, we direct the district court to enter an order requiring the district to fully and effectively desegregate not only all facilities but the faculty and classes effective at the beginning of the 1970-71 school year.

Plaintiffs are allowed costs on this appeal.

[FN1](#). See [Hall v. St. Helena's Parish Board of Education, 424 F.2d 320 \(5th Cir., 1970\)](#), in which the court recalled its previous order of March 6, 1970, ordering immediate desegregation when it discovered that the St. Helena Parish schools were to close for the summer recess at the end of April.

C.A.Ark. 1970.
Jackson v. Marvell School Dist. No. 22,
425 F.2d 211

END OF DOCUMENT

 [West Reporter Image \(PDF\)](#)

Adobe Reader is required to view PDF images.



(c) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works

 [West Reporter Image \(PDF\)](#)

352 Ark. 483, 102 S.W.3d 502, 176 Ed. Law Rep. 465

[Briefs and Other Related Documents](#)
[Judges and Attorneys](#)

Supreme Court of Arkansas.
 Fannie FIELDS, Annetta Carruth, Casey Cox, Loretta Jarrett, and Willie Spriggs
 v.
 MARVELL SCHOOL DISTRICT.

No. 02-1336.
 April 10, 2003.

School district brought action against school board candidates, seeking a temporary restraining order or preliminary injunction to prevent candidates from appearing on ballot. The Circuit Court, Pulaski County, [John Plegge](#), J., entered judgment in favor of district. Candidates appealed. The Supreme Court, [Donald L. Corbin](#), J., held that district was exempt from provisions of statute governing effect of minority populations on school board elections, and thus, district was not required to elect an entirely new school board after district rezoned its boundaries.

Affirmed.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

 [141E](#) Education

 [141EII](#) Public Primary and Secondary Schools

 [141EII\(A\)](#) Establishment, Operation, and Regulation in General

 [141EII\(A\)3](#) Government and Boards

 [141Ek84](#) County or District Boards

 [141Ek87](#) Appointment or Election, Qualification, and Tenure

 [141Ek87\(2\)](#) k. Redistricting; Voting Rights Act. [Most Cited Cases](#)
 (Formerly 345k53(1) Schools)

School district was exempt from provisions of statute governing effect that minority population had on school board elections, and thus, district was not required to elect an entirely new school board after district rezoned its boundaries, where district was in compliance with Voting Rights Act, as it already had a zone-elected board of directors, and district was operating under a federal desegregation order. Voting Rights Act of 1965, § 2 et seq., [42 U.S.C.A. § 1973 et seq.](#); [A.C.A. § 6-13-631](#).

[2]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30XVI](#) Review

 [30XVI\(F\)](#) Trial De Novo

 [30k892](#) Trial De Novo

 [30k893](#) Cases Triable in Appellate Court

 [30k893\(1\)](#) k. In general. [Most Cited Cases](#)

Supreme Court reviews issues of statutory interpretation de novo, as it is for the Court to decide

what a statute means.

[3]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30XVI](#) Review

 [30XVI\(A\)](#) Scope, Standards, and Extent, in General

 [30k838](#) Questions Considered

 [30k842](#) Review Dependent on Whether Questions Are of Law or of Fact

 [30k842\(1\)](#) k. In general. [Most Cited Cases](#)

Supreme Court is not bound by the trial court's decision as to statutory construction; however, in the absence of a showing that the trial court erred, its interpretation will be accepted as correct on appeal.

[4]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30V](#) Presentation and Reservation in Lower Court of Grounds of Review

 [30V\(A\)](#) Issues and Questions in Lower Court

 [30k170](#) Nature or Subject-Matter of Issues or Questions

 [30k170\(1\)](#) k. In general. [Most Cited Cases](#)

School board candidates waived on appeal claim that school district's act of rezoning constituted a waiver of any claimed exemption under statute governing effect minority population had on school board elections, where candidates did not raise argument before trial court. [A.C.A. § 6-13-631](#).

[5]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30V](#) Presentation and Reservation in Lower Court of Grounds of Review

 [30V\(A\)](#) Issues and Questions in Lower Court

 [30k169](#) k. Necessity of presentation in general. [Most Cited Cases](#)

Supreme court will not consider arguments raised for the first time on appeal.

****503 *483** J.F. Valley, P.A., by: [J.F. Valley](#), Helena, for appellant.

Brazil, Adlong & Winningham, PLC, by: [William Clay Brazil](#), Conway, for appellee.

[DONALD L. CORBIN](#), Justice.

This case involves a dispute over a school board election. Appellants Fannie Fields, Annetta Carruth, Casey Cox, Loretta Jarrett, and Willie Spriggs ***484** appeal the order of the Pulaski County Circuit Court, declaring that the positions that they had filed for as candidates on the Marvell School Board were not open for election. On appeal, they argue that the trial court erred in determining that the school district was not required to elect an entirely new school board in compliance with [Ark.Code Ann. § 6-13-631](#) (Repl.1999). As this is an appeal involving an issue of statutory construction, our jurisdiction is pursuant to Ark. Sup.Ct. R. 1-2(b)(6). We find no error and affirm.

Appellee Marvell School District previously elected its school board via an at-large election system. Because its black voting-age population totaled 53.04% after the 1990 decennial census, the District, pursuant to [section 6-13-631](#), changed to a zone-election system, meaning that five of the seven board members were elected from zoned districts, while the remaining two members were elected at-large. According ****504** to [section 6-13-631\(b\)\(2\)](#), each zone must have a "substantially equal population" and have boundaries based on the most recent federal decennial census information. [Section 6-13-631\(e\)](#) also requires that after a new school board is elected, the members must draw

lots to determine the length of their terms, so that no more than two positions are open for election at the same time. This has been the election method for the school district's board members since 1994.

The 2000 decennial census showed that the district's black voting-age population was 54.87% and that zones one, two, and three had a black majority population, just as they did in the previous census. The school district hired Dr. David England, a demographer at Arkansas State University, to review its election zones and determine if the school district still remained in compliance with [section 6-13-631](#) and the Voting Rights Act of 1965. Dr. England had drafted a report for the district in 1994 in order to bring it into initial compliance with the requirements of [section 6-13-631](#).

According to Dr. England's 2000 report, Marvell School District remained in compliance because it maintained a plan for five single-member zones as required by [section 6-13-631](#). Because the 2000 census information revealed a population change in zones three and four, Dr. England recommended realigning those two zones by shifting their boundary line by approximately one block. The population change was the result of construction of a housing project in zone four. After Dr. ***485** England's study was complete, the board voted to adopt his plan, which thereby resulted in the adjustment of the boundary line separating zones three and four. Black voters, however, continued to be in the majority in three of the five single-member zones, specifically zones one, two, and three. Thereafter, on May 21, 2002, the District sent a letter to the Arkansas Department of Education, stating that it was in compliance with the requirements of the [section 6-13-631](#).

In August 2002, Appellants filed as candidates for unexpired positions on the District's board of directors. Only one of the incumbents, running for the open at-large position, filed as a candidate. Each Appellant was certified by the Phillips County Election Commission as candidates to be placed on the September 17, 2002 ballots. Thereafter, the District filed a lawsuit seeking a temporary restraining order or preliminary injunction to prevent Appellants from appearing on the ballot, because it was the District's contention that the only seat open for election was one at-large position with an expired term.

A hearing was held in the circuit court on September 6, 2002. Testifying at this hearing was Ulicious Reed, superintendent of the school district. He testified that the school district continues to operate under a desegregation order from 1971. He stated that although the school was now fully integrated, it had to continue to monitor student placement because of a decrease in student enrollment, particularly of white students. He also testified that the election procedures instituted in 1994, pursuant to [section 6-13-631](#), brought the district into compliance with the Voting Rights Act. Reed further testified that it was the school district's position that there was only one school board seat open for election.

Appellants took the position at this hearing that [section 6-13-631](#) required the election of an entirely new school board after the district rezoned. The school district asserted that it was exempt from the requirements of [section 6-13-631](#) because it met two exceptions set forth in the statute, namely that it was operating under ****505** a desegregation order and that it was in compliance with the Voting Rights Act.

After considering the testimony and arguments of counsel, the trial court ruled that the school district was in compliance ***486** with the Voting Rights Act, as well as the court's desegregation order of 1971. The court further ruled that there was only one position on the board open for election. In a subsequent written order, dated September 11, 2002, the trial court reiterated its finding that [section 6-13-631](#) did not require the school district to elect an entirely new school board because it was still operating under a federal desegregation order, was in compliance with the Voting Rights Act, and was in compliance with the requirements of [section 6-13-631](#). The order directed the county clerk to count only those votes cast for the at-large position.

Appellants filed an appeal of the trial court's order with this court on the same day as the trial court's written order was filed. Appellants sought a writ of certiorari and a stay of the election scheduled for September 17. In a *per curiam* opinion, this court denied the writ and motion on the basis that this court did not have the authority to enjoin a regularly scheduled election. See [Fields v.](#)

[Pleqge, 350 Ark. 57, 84 S.W.3d 446 \(2002\)](#). This appeal followed.

[1]  Appellants raise only one point on appeal. They argue that the trial court erred in its interpretation of [section 6-13-631](#). Specifically, Appellants argue that a plain reading of the statute reveals that a new school board must be elected any time a district engages in rezoning of its boundaries, as did Marvell School District in the present case. The school district counters that it is exempt from the provisions of [section 6-13-631](#), because it is in compliance with the Voting Rights Act, as it already has a zone-elected board of directors. It claims an additional exemption based on the fact that it was operating under a 1971 federal desegregation order. We agree with the school district.

[2]  [3]  We review issues of statutory interpretation *de novo*, as it is for this court to decide what a statute means. [Clayborn v. Bankers Standard Ins. Co., 348 Ark. 557, 75 S.W.3d 174 \(2002\)](#); [Fewell v. Pickens, 346 Ark. 246, 57 S.W.3d 144 \(2001\)](#). In this respect, we are not bound by the trial court's decision; however, in the absence of a showing that the trial court erred, its interpretation will be accepted as correct on appeal. [Harris v. City of Little Rock, 344 Ark. 95, 40 S.W.3d 214 \(2001\)](#); [Norman v. Norman, 342 Ark. 493, 30 S.W.3d 83 \(2000\)](#).

[Section 6-13-631](#) provides in relevant part as follows:

***487** (a) Beginning with the 1994 annual school election, the qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.

The statute then sets forth a method for electing a brand new school board from five zoned districts, with two at-large positions. Once the new school board is elected, each member must draw lots to determine the length of his or her term; thus, preventing more than two seats being up for election at the same time.

The statute further provides:

(f)(1) After each federal decennial census and at least ninety (90) days before the annual school election, the local board of directors, with the approval of the controlling county board of election commissioners, shall divide each ****506** school district having a ten percent (10%) or greater minority population into single-member zones. The zones shall be based on the most recent federal decennial census information and substantially equal in population.

(2) At the annual school election following the rezoning, a new school board shall be elected in accordance with procedures set forth in this section.

In subsection (g)(1), however, school districts meeting any of the following criteria are specifically exempted from the provisions of this section:

(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;

(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(C) A school district that has a zoned board meeting the requirements of the federal Voting Rights Act of 1965, as amended; and

(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.

***488** Thus, there are clear exemptions that allow a school district to deviate from the requirements of [section 6-13-631](#). The 1971 federal desegregation order was introduced at trial, and Superintendent Reed testified that the school was still operating under that order. Specifically, he stated that they constantly monitored student placement. He also testified that he sends reports to the federal court when requested and recently submitted a recruitment report. Dr. England's report stating that the school district was in compliance with the Voting Rights Act because it elected its school board members from zoned districts was also introduced at the hearing. Appellants produced no evidence to dispute the fact that these two exceptions applied in this case.

[4]  [5]  Appellants now assert that it is absurd for the school district to claim that it is entitled to exemptions when it took the action of hiring someone to study the population information and undertake a rezoning as the statute requires. According to Appellants, because the school district took the action of rezoning it is now required to comply with the remainder of the statute and hold a new school board election as set forth in [section 6-13-631\(f\)\(2\)](#). Appellants, however, failed to raise this argument before the trial court. Likewise, Appellants did not argue below that the school district's act of rezoning constituted a waiver of any claimed exemption. It is well settled that this court will not consider arguments raised for the first time on appeal. See, e.g., [Arkansas Blue Cross & Blue Shield v. Hicks](#), 349 Ark. 269, 78 S.W.3d 58 (2002); [Laird v. Shelnut](#), 348 Ark. 632, 74 S.W.3d 206 (2002).

We agree with the trial court's determination that the school district meets the exception set out in [section 6-13-631\(g\)\(1\)\(A\)](#), as operating under the 1971 federal desegregation order, as well as the exception set forth in subsection (g)(1)(C), having a zoned school board meeting the requirements of the Voting Rights Act. Accordingly, we cannot say that the trial court erred in determining that the only seat open for election on the September 17 ballot was the one expired at-large position.

Affirmed.

Ark., 2003.
 Fields v. Marvell School Dist.
 352 Ark. 483, 102 S.W.3d 502, 176 Ed. Law Rep. 465

Briefs and Other Related Documents ([Back to top](#))

- [2003 WL 23701414](#) (Appellate Brief) Appellee's Brief with Supplemental Addendum (Feb. 21, 2003)  [Original Image of this Document \(PDF\)](#)
- [2003 WL 23701415](#) (Appellate Brief) Appellant' Abstract and Brief (Feb. 21, 2003)  [Original Image of this Document \(PDF\)](#)

Judges and Attorneys ([Back to top](#))

[Judges](#) | [Attorneys](#)

Judges

- **Corbin, Hon. Donald L.**

State of Arkansas Supreme Court
 Little Rock, Arkansas 72201

[Litigation History Report](#) | [Judicial Reversal Report](#) | [Judicial Expert Challenge Report](#) | [Profiler](#)

- **Plegge, Hon. John B.**

[Litigation History Report](#) | [Judicial Reversal Report](#) | [Profiler](#)

Attorneys

Attorneys for Appellant

- **Valley, James F.**

Helena, Arkansas 72342

[Litigation History Report](#) | [Profiler](#)

Attorneys for Appellee

• **Brazil, William C.**

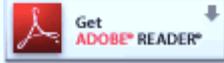
Conway, Arkansas 72034

[Litigation History Report](#) | [Profiler](#)

END OF DOCUMENT

 [West Reporter Image \(PDF\)](#)

Adobe Reader is required to view PDF images.



(c) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

August 14, 2013

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Sam Ledbetter
Little Rock
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Connie Chastain
P.O. Box 146
Marvell, AR 72366

Dr. Lynne Dardenne, Superintendent
DeWitt School District
P.O. Box 700
DeWitt, AR 72042

Dr. Ruth Denson, Superintendent
Marvell School District
P.O. Box 1870
Marvell, AR 72366-1870

Re: **Appeal Under the Public School Choice Act of 2013**
Chastain v. DeWitt School District
VIA ELECTRONIC AND REGULAR MAIL

Everyone:

On July 30, 2013, Ms. Connie Chastain filed a petition appealing the decision of the DeWitt School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

W. Chastain

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) during a special board meeting on **Friday, August 16, 2013**. The meeting will begin at **11:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. The State Board will hold the special board meeting to address this pending school choice appeal prior to the first day of classes which, for most school districts, is Monday, August 19, 2013.

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 9:30 a.m. on Thursday, August 15**.

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

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

School Choice Notice Letter
August 14, 2013
Page 2 of 2

Act of 2013. If you are unable to attend the meeting in person, you may call in to the State Board of Education conference call number, **(559) 546-1700, Access Code: 337878.**

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

APPEAL

July 24, 2013

To Whom It May Concern:

My grandchild, William Logan Chastain was denied the freedom to attend the school of our choice by the Marvell Elaine School District. William has not attended this school district in the past two years due to the problems that the school was having. They have been in the school improvement program for low academic scores. I have heard that the school has made improvements but 2013 school year will be the first year to off of the school improvement list. My concern for William is that his educational needs would not be met since the improvements have not been in effect for longer than one year.

When testing William for Special Education Services it took the school all year to get the testing done. I feel that this was far too long to have to waited for such a test to be done. Marvell Academy cannot meet the special education needs that William has to have to have according to the results of the testing. Having been tested in an appropriate amount of time William could have been learning instead of struggling with his learning disability without any help. I would have definitely had enrolled him in the Dewitt school during the 2012 school year.

I am concerned for the safety of William, due to the violence in the school district. The school was in lock down several times and even when William went to kindergarten there and several more times since then. This is the main reason we took William out of the school and put him in the Marvell Academy. We have a business in town and we hear about all the trouble that goes on at the Marvell Elaine public school. That is the reason for the down enrollment at the school as well as the fact they have been on the low academic score list for the past several years.

I feel strongly confident that William would benefit tremendously by attending the Dewitt public school because of the fact that their academic scores are at a higher level as well as safety.

I am asking you to please consider my request for Freedom of Choice to send William Chastain to the Dewitt School District for the 2013-2014 school year.

Sincerely,



CONNIE CHASTAIN, LEGAL GURDIAN FOR WILLIAM LOGAN CHASTAIN
P O BOX 146
MARVELL, AR 72366
870-995-1227

**RECEIVED
ATTORNEY'S OFFICE**

JUL 30 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

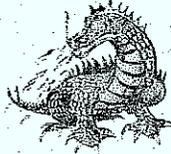
DEWITT SCHOOL DISTRICT

•Excellence in Education•

Dr. Lynne Dardenne, Superintendent

BOARD OF DIRECTORS

Johnny Lockley, President
Barry Joe Wilson, Vice-President
Shawanna Wansley, Secretary
Mike Dodson
Kenneth Graves
Brad Koen
Bruce Morgan



Marty Weaver, DeWitt High School Principal
Julie Amstutz, DeWitt Elementary Principal
Rachael Mitchell, Gillett Elementary Principal
Clay Ashcraft, DeWitt Middle School Principal

July 16, 2013

Mr. and Mrs. Steve Chastain
PO Box 146
Marvell, AR 72366

Dear Mr. and Mrs. Chastain:

I am very sorry to inform you that the application you submitted for your child, Logan, to transfer under to a non-resident district under the Arkansas Public School Choice Act has been rejected for the following reason:

The resident district, Marvell School District, has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

You have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,

Lynne Dardenne
Superintendent,

Cernie Chastain
P.O. Box 146
Marwell, AR
72366

**RETURN RECEIPT
REQUESTED**

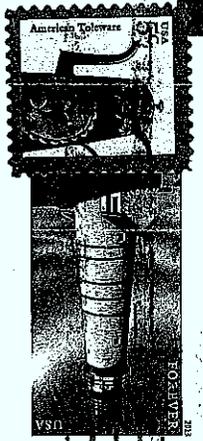
RECEIVED
COMMISSIONER'S OFFICE
JUL 30 2013

DEPARTMENT OF EDUCATION

CERTIFIED MAIL



7009 1410 0002 3641 4374



Office of Commissioners
Ark Public Choice Act Appeal

4 Capital Mall

Little Rock, AR

72201101999



FIRST CLASS



ARKANSAS DEPARTMENT OF EDUCATION

August 1, 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

Connie Chastain
P.O. Box 146
Marvell, AR 72366

Re: Appeal Under the Public School Choice Act of 2013
Chastain v. DeWitt School District

Dear Ms. Chastain:

I am in receipt of your school choice appeal. I will contact you as soon as possible regarding the scheduling of your appeal before the Arkansas State Board of Education (State Board).

In the meantime, please provide my office with copies of the school choice application(s) submitted by your family. The applications will assist the State Board in their review. Thank you very much for your consideration of this request.

Respectfully,

A handwritten signature in black ink that reads "Jeremy C. Lasiter". The signature is written in a cursive style.

Jeremy C. Lasiter
General Counsel

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

**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: William Logan Chastain

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: Marvell Public School County Name: Phillips

Address: Hwy. 49 Marvell, AR 72366

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: DeWitt School County Name: Arkansas

Address: P.O. Box 700 Dewitt, Arkansas

Phone: 870 946 3576

Does the applicant already have a sibling or step-sibling in attendance in this district?

RECEIVED
MAY 29 2013
DEWITT SCHOOL DISTRICT

PARENT OR GUARDIAN INFORMATION		
Name: <i>Steve or Connie Chastain</i>	Home Phone: [REDACTED]	
Address: <i>P.O. Box 146</i>	Work Phone: <i>870-829-2500</i>	
<i>Marvell, AR 72366</i>		
Parent/Guardian Signature <i>Connie Chastain</i>	Date: <i>5/29/13</i>	
<p>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).</p>		
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): <i>Resident district declared exempt</i>		
Date Notification Sent to Parent/Guardian of Applicant: <i>7-16-13</i>		
Date Notification Sent to Resident District: <i>7/16/13</i>		

RESPONSE

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

August 15, 2013

Via email

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

From: Marvell Elaine School District

Re: School Choice transfer appeals brought
by the Beard and Chastain Families

Ladies and Gentlemen:

Thank you for the opportunity to comment upon the pending appeals.

In this instance, the DeWitt School District necessarily declined the transfer requests because the Marvell Elaine School District has declared itself exempt from the provisions of the new school choice law.

Because of the exemption declared by Marvell Elaine, this ministerial act of the DeWitt District was correct. It is undisputed that the Marvell Elaine School District declared the statutory exemption on May 13, 2013. The Resolution of that special meeting in which the exemption was declared is attached as Exhibit "A." The Appellants do not challenge the exemption.

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

The Marvell Elaine School District could take issue with many of the statements contained in the appeals. For instance, comparisons of various statistics are made.

However, those statistics can be viewed in many ways and even broken down to the various sub-groups to show that the children would not be as adversely affected as claimed or that the District is improving as shown by the statistics. 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 not due to the exemption.

The Board should not consider the issues raised in these appeals because the 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 Marvell Elaine School District, the resident district, made the decision to declare the exemption. All DeWitt did was honor the declaration and declined the application. The notification by DeWitt 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.

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 Marvell Elaine School District in this matter.

Sharpe, Beavers, Cline & Wright, Attorneys

By: /s/Brad J. Beavers
Brad J. Beavers, Bar #81012

**BEFORE THE
ARKANSAS STATE BOARD OF EDUCATION**

IN RE:

**SCHOOL CHOICE APPEALS OF
BEARD AND CHASTAIN.**

**PRE-HEARING MEMORANDUM OF THE
MARVELL ELAINE SCHOOL DISTRICT**

The Marvell Elaine School District submits this Pre-Hearing Memorandum in support of its opposition to the referenced appeals. The referenced appeals were made after the DeWitt School District properly declined to permit transfers of these students from the Marvell Elaine School District or its boundaries to the DeWitt School District.

SUMMARY OF ARGUMENT

1. The Marvell Elaine School District remains subject to the desegregation case of *Jackson et al v. Marvell School District No 22 et al*, 425 F.2d 211, as confirmed by the Arkansas Supreme Court in *Fields et al v. Marvell School District*, 102 S.W. 3d 502, 352 Ark. 483 (2003) and therefore is entitled to invoke the exemption in the new School Choice Act.
2. The Marvell Elaine School District invoked the exemption in a timely fashion. The April 1st deadline mentioned in the new Act does not take effect until April 1, 2014.
3. The structure of the new School Choice Act indicates that the legislature did not intend for this body to review the propriety of the exemption claimed.
4. The remaining arguments brought by the appealing parents expressing preference for the DeWitt School District, criticizing the Marvell Elaine School District, and

similar such arguments are unavailing because the exemption provides for no exceptions once it is invoked.

DISCUSSION

1. THE MARVELL ELAINE SCHOOL DISTRICT REMAINS SUBJECT TO THE DESEGREGATION CASE OF JACKSON V. MARVELL SCHOOL DISTRICT AND THEREFORE IS ENTITLED TO INVOKE THE EXEMPTION IN THE NEW SCHOOL CHOICE ACT

The desegregation case brought against the Marvell Elaine School District is *Jackson et al v. Marvell School District No 22 et al*, 425 F.2d 211, as confirmed by the Arkansas Supreme Court in *Fields et al v. Marvell School District*, 102 S.W. 3d 502, 352 Ark. 483 (2003) . This desegregation case has never been dismissed and the Marvell Elaine School District has never been declared unitary.

2. The Marvell Elaine School District invoked the exemption in a timely fashion.

The April 1st deadline mentioned in the new Act does not take effect until

April 1, 2014.

The statute does not provide a date for claiming the exemption during 2013. Accordingly, the ADE, by rule, established May 24, 2013 as the deadline to claim the exemption. Marvell Elaine claimed the exemption on May 13, 2013. The appellants make no argument with the exemption. However, other appellants have claimed that the April 1 date referenced in the new Act applies this year and that the exemption was thus untimely.

However, the Act must be reviewed in its entirety. The pertinent section of 6-18-1906 is B 1 which provides, without elaboration or a deadline, that a school district may annually declare an exemption if the district is subject to a

desegregation order or agency mandate. Marvell Elaine satisfies these conditions. B 2 then explains the exemption is irrevocable for one year. Subsection 2 b provides that after each year of exemption, the school board can change its mind and participate in choice. Under subsection 3 the legislature instructed that a school district shall notify the department by April 1 *if in the next school year* the school district intends to declare an exemption [again] or resume participation after a period of exemption.

[emphasis supplied]

Nowhere in the Act does it state that the exemption is not available in the first year of application. Accordingly, the only logical interpretation, the only interpretation which supports the intent of the authors and the only interpretation that can be literally and logically made after examining the Act as a whole is that the April 1 notification requirement applies to April 1, 2014. Otherwise, the purpose of this two year act would be totally frustrated and many of its provisions would make no sense.

3. THE STRUCTURE OF THE NEW SCHOOL CHOICE ACT INDICATES THAT THE LEGISLATURE DID NOT INTEND FOR THIS BODY TO REVIEW THE PROPRIETY OF THE EXEMPTION CLAIMED

Further, the structure of the Act strongly dictates the conclusion that once a district has made a prima facie showing that it is or was subject to a desegregation order or agency agreement that it is entitled to claim the exemption. The references to the *Jackson* case make out this prima facie case. Therefore, the exemption claimed cannot logically be reviewed. Indeed, there is no indication that the legislature intended for the State Board of Education to expend hours reading, interpreting and

evaluating the applicability of desegregation pleadings and orders whether they be thirty years old or thirty minutes old. The statute simply sets out a requirement which Marvell Elaine easily meets. Having satisfied itself that the *Jackson* case is not an invention, the exemption should not be disturbed.

The observation that the State Board is not expected to expend time and energy reviewing the exemption is fortified by the history of its predecessor Act. On September 24, 2003, the Attorney General's office wrote to then ADE director, Ray Simon in Opinion No. 2003-269. Mr. Simon had asked whether or not the State Board of Education had the legal authority to decide whether a district could accept students outside of the parameters of the 1988-1989 Act "as long as the district is in compliance with the requirements of the assumed U.S. District Court Order?"

Opinion at 2.

At page 5 Attorney General Beebe made it clear that the State Board of Education should not seek to interpret federal court orders. As he stated:

"In my opinion the state Board of Education does not have authority to determine that a school district "is in compliance with the Arkansas School Choice Act" where in order to do so, the Board would have to construe the provisions of a federal district court order and make a determination that it supersedes the racial limitations in subsection (f) of the Arkansas Public School Choice Act. This is essentially a judicial decision."

He concluded by noting the disputes involving construction of federal court orders are properly left to the parties themselves, their respective counsels, or if necessary, to the issuing court itself.

4. THE REMAINING ARGUMENTS BROUGHT BY THE APPEALING PARENTS EXPRESSING PREFERENCE FOR THE DEWITT SCHOOL DISTRICT, CRITICIZING THE MARVELL ELAINE SCHOOL

**DISTRICT, AND SIMILAR SUCH ARGUMENTS ARE UNAVAILING
BECAUSE THE EXEMPTION PROVIDES FOR NO EXCEPTIONS ONCE
IT IS INVOKED**

Except for districts declaring exemptions, claims by non-resident districts that transfers are being denied because they lack space, staff or have reached the 3% maximum for a particular year can be reviewed. These are objective types of considerations that, for instance, the staff of the ADE could evaluate and report its findings to the state board. However, none of those grounds apply in these appeals because the exemption prevails over any other basis provided in the Act. Stated another way, these would be issues for review and upon which appeals could be based in most of the school districts in Arkansas because most districts do not and have never operated under a desegregation decree, order or agency agreement. The way the Act is structured, it is clear that it is in those districts the state board should evaluate and examine the bases for an appeal if the non-resident district denies the transfer.

CONCLUSION

For the foregoing reasons, all appeals involving the Marvell Elaine School District should be denied.

Respectfully submitted,

MITCHELL, WILLIAMS, SELIG,

GATES & WOODYARD, P.L.L.C.

425 West Capitol Avenue, Suite
1800
Little Rock, Arkansas 72201
Telephone: (501) 688-8800
Facsimile: (501) 688-8807
E-mail: sjones@mwlaw.com

/s/ M. Samuel Jones, III

M. Samuel Jones III (76060)

SHARPE, BEAVERS, CLINE &
WRIGHT
P.O. Box 924
Forrest City, AR 72336
Telephone 870-633-3141
Fax 870-633-3594
Email: brbeavers@sbcglobal.net

/s/Brad J. Beavers

Brad J. Beavers (81012)

Attorneys for Marvell Elaine School District

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RESOLUTION OF MARVELL ELAINE SCHOOL DISTRICT
BOARD OF DIRECTORS**

WHEREAS, the Marvell Elaine School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 13, 2013, in Marvell, Arkansas;

WHEREAS, 4 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 Marvell Elaine 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 Marvell Elaine School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Marvell Elaine 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, Marvell, 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 *Jackson, et al. v. Marvell School District*, 425 F2d 211 (1970), U.S. Court of Appeals, Eighth Circuit; and, as confirmed in *Fields v. Marvell School District*, 102 SW 3rd 502, 352 Ark. 483 (2003); and

WHEREAS, the Board of the Marvell Elaine 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

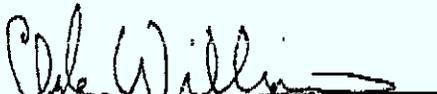
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

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 Marvell Elaine School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Marvell Elaine School District hereby authorizes the Superintendent of the Marvell Elaine 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, Marvell Elaine 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.


Board President

5-13-2013
Date

CERTIFICATION

I, Rosie Woods, Secretary of the Board of Education of the Marvell Elaine School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 13, 2013.


Board Secretary

May 13, 2013
Date

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

TO: Attorney Brad Beavers
FROM: Dr. Ruth B. Denson, Superintendent
SUBJECT: School Choice Information
DATE: August 15, 2013

To show that the concerns of the parents that are requesting a transfer out of the Marvell-Elaine School District are not valid, I am sending you the following information:

- 2012-2013 Annual Accreditation Report
- Academic Facilities and Transportation Report
- 2012-2013 ESEA Accountability Reports
- 2012-2013 List of Achieving Schools from the Arkansas Department of Education
- Special Education Monitoring Report
- Gifted & Talented Approval Report
- Arkansas Better Chance Accreditation Report
- Community & Parental Involvement Items
 - 2013-2014 Parental Involvement Schedule
 - Letter from Senator Rick Crawford highlighting Parental Involvement
 - Letter from the Phillips County Retired Teachers Association
 - Letter from the Arkansas Department of Education on selection for the United States Department of Education Site Visit
 - United States Department of Education requesting our participation in a National Case Study
 - 2012-2013 State Aid Notices indicating Growth Funding

I would also like to make the following statements:

- The Marvell-Elaine School District also offers music, art, cheerleading and football.
- We have a very active community and parental involvement program.
- When we first annexed with Elaine, there were some problems but no stabbings and gang fights.
- The entire culture of the school district has changed
- Police officers serve as community partners as well as resource speakers and parents.
At all times, they are welcomed at our schools.

Please let me know if you need any other additional information.

Approved Memos - Annual Accreditation Report

Commissioner's Memos All Sites

Advanced Search

ADE SharePoint > Commissioner's Memos > Approved Memos > Annual Accreditation Report

Approved Memos: Annual Accreditation Report



ARKANSAS
DEPARTMENT
OF EDUCATION

Version History

Title	Annual Accreditation Report
Memo Number	COM-13-055
Memo Date	4/12/2013
Attention	Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents; Teacher Center Coordinators
Memo Type	Regulatory
Response Required	No
Section	Public School Accountability
Regulatory Authority	Ark. Code Ann. § 6-15-203
Contact Person	Johnie Walters
Phone Number	501-682-4380
E-Mail	Johnie.Walters@Arkansas.gov
Memo Text	

The Arkansas Department of Education (ADE) reviews Annual Accreditation Reports to determine the accreditation status of each school in each district in Arkansas. The status report, mailed under separate cover, will be the school district's final and official accreditation status report for the 2012-2013 school year. Please note the review date indicated for Probationary violation(s). Evidence to correct Probationary violation(s) must be received by the Standards Assurance Unit on or before the review date, October 15, 2013. Read carefully items indicated in "Comments." Accreditation status resulting from the 2012-2013 On-campus Standards Review (OSR) will be noted in "Comments."

Included with the status report is a Corrected Exceptions Accreditation Status Report. This report lists changes to the Initial Accreditation Report. Please refer to Rules Governing Standards for Accreditation, Rule 24.01, for further information concerning teachers who are currently under an Additional Licensure Plan (ALP). A Licensure Completion

Approved Memos - Annual Accreditation Report

Deadline (LCD) will be listed on the report for these teachers. Other notes indicating necessary exception corrections may include incorrect course codes, incorrect grade levels, or invalid data; or may indicate the district has corrected an exception that may have existed when the report was initially submitted. Please continue to work with the respective school district's Standards Assurance Specialist for additional information about the district's report.

Right of Appeal

In the event that a school district believes the ADE has improperly determined that a school or school district has failed to meet Standards for Accreditation, the school district shall have a right to file its written appeal with the Office of the Commissioner, ADE, Four State Capitol Mall, Room 304-A, Little Rock, AR 72201.

Any such appeal shall be held in an open hearing and the decision of the State Board of Education (Board) shall be in open session. The appeal must be filed not later than May 15, 2013 following the May 01, 2013 written notification; the Board hearing must be held prior to June 30, 2013.

The Board may confirm the accreditation status of a school or school district recommended by the ADE or it may sustain the appeal of the district.

Pursuant to the Ark. Code Ann. § 6-15-203, an appeal from the ruling of the Board may be made by a school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

Version: 17.0
Created at 4/10/2013 3:44 PM by Tatiana Hicks (ADE)
Last modified at 4/16/2013 2:29 PM by Gayle Morris (ADE)



Marvell-elaine School District
2012/2013 School Year

Standards Annual Accreditation Report

Marvell-elaine School District

Accreditation Status:

District:

5404000 - Marvell-elaine School District
 Superintendent Ruth Denson
 P O Box 1870
 Marvell , AR 72386
 870-829-2101

Schools:

5404030 - Marvell-elaine Elementary Sch - Accredited
 5404032 - Marvell-elaine High School - Accredited

ADE Standards Assurance Supervisor:

Brandon Morrison
 Brandon.Morrison@arkansas.gov
 Telephone: 501-682-4380
 Fax: 501-682-4618

No exceptions found.

District Details Summary

Student Enrollment		District Information		
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume
K	44	451	120	41400
1	36			
2	37			
3	27			
4	34			
5	37			
6	30			
7	43			
8	37			
9	27			
10	44			
11	22			
12	33			
FTE Information				
Counselor	Principal	Assitant Principal	Library/Media Specialist	
2.00	2.00	0.00	1.00	



**Marvell-elaine Elementary Sch
2012/13 School Year**

Standards Annual Accreditation Report

Marvell-elaine Elementary Sch

Accreditation Status: Accredited

District:

5404000 - Marvell-elaine School District

Superintendent Ruth Denson

P O Box 1870

Marvell , AR 72366

870-829-2101

ADE Standards Assurance Supervisor:

Brandon Morrison

Brandon.Morrison@arkansas.gov

Telephone: 501-682-4380

Fax: 501-682-4618

No exceptions found.

School Details Summary

Student Enrollment		School Information		
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume
1	36	215	60	23200
2	37			
3	27			
4	34			
5	37			
K	44			
FTE Information				
Counselor	Principal	Assistant Principal	Library/Media Specialist	
0.50	1.00	0.00	0.50	



Marvell-elaine High School
2012/13 School Year

Standards Annual Accreditation Report

Marvell-elaine High School

Accreditation Status: Accredited

District:

5404000 - Marvell-elaine School District

Superintendent Ruth Denson

P O Box 1870

Marvell , AR 72366

870-829-2101

ADE Standards Assurance Supervisor:

Brandon Morrison

Brandon.Morrison@arkansas.gov

Telephone: 501-682-4380

Fax: 501-682-4618

No exceptions found.

School Details Summary

Student Enrollment		School Information		
Grade Level	Student Count	Total Enrollment	Staff Development Hours	Total Book Volume
10	44	236	60	18200
11	22			
12	33			
6	30			
7	43			
8	37			
9	27			
		FTE Information		
		Counselor	Principal	Assistant Principal
		1.50	1.00	0.00
				Library/Media Specialist
				0.50



Marvell-elaine School District
2012/2013 School Year

Standards Annual Override Report

Marvell-elaine School District

Accreditation Status:

District:
5404000 - Marvell-elaine School District
Superintendent Ruth Denson
P O Box 1870
Marvell , AR 72366
870-829-2101

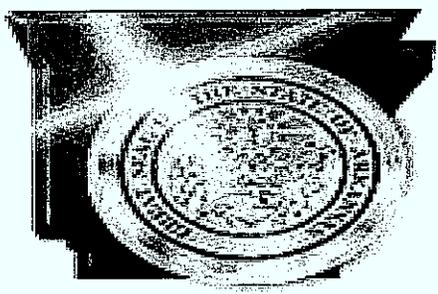
Schools:
5404030 - Marvell-elaine Elementary Sch - Accredited
5404032 - Marvell-elaine High School - Accredited

ADE Standards Assurance Supervisor:
Brandon Morrison
Brandon.Morrison@arkansas.gov
Telephone: 501-682-4380
Fax: 501-682-4618

Rule	Standard	Exception Description	LEA	Description	Comments	Status	Override
9.03.3	IV	Secondary Course Offerings	5404000	Required Course(s) missing : Arkansas History			C
9.03.3	IV	Secondary Course Offerings	5404000	Required Course(s) missing : Health and Safety			C
9.03.3	IV	Grade Level	5404032	Grade Level: COLE, EVA 9th Grade Math Portfolio (9TH GR MA PORTF)			G
15.03.1	X	Personnel Not Certified	5404032	Personnel Not Certified: PROTHEROE, MARK			I

Derson

Arkansas Division of Public School



Academic Facilities & Transportation

District Building (Facility) Information Report #: 5404/030/1B Type: Initial
District LEA / Campus LEA / # of visit

- 1. District Name: Marvell Date: March 13 2013
- 2. Building (Facility) & LEA #: Elementary 540403010 3. Grade Configuration: K-06
- 4. Facility Built Date (including additions): 2001;2008 5. Sq. Ft. of Facility: 56,555
- 6. Is Facility Academic or Non-Academic? Academic 7. Walk-thru of Facility conducted? Yes
- 8. GPS coordinates of Facility: N34.56122 W-90.91714

9. Corrective Maintenance / Preventative Maintenance Items Checked:
(Checked = visual inspection of system or component , N/A = Not Applicable, N/C = Not Checked)

Checked HVAC System

- System/Component Appears Ok
- Air Filter Appears Dirty
- Flammable Material Stored In Closet
- Return Air Appears Obstructed
- Combustion Air Appears Inadequate
- See Comment

Checked Roofs

Type Of Roof:

- System/Component Appears Ok
- Debris On Roof
- Drains Appear Clogged
- Possible Leak
- See Comment

- Metal
- Membrane
- Built-Up
- Asphalt Shingle

Checked Exit Lights

- System/Component Appears Ok
- No Monthly Inspection
- Missing
- Not Operational
- See Comment

Checked Plumbing

- System/Component Appears Ok
- Possible Leak
- Missing Or Broken Faucet/Fixture
- No Hot Water Available
- Possible Clogged Floor Drain
- No Annual Back-Flow Inspection
- See Comment

Checked Hot Water Boilers & Heaters

- System/Component Appears Ok
- No Annual or Current Inspection
- Possible Leak
- Flammable Material By Water Heater
- Relief Valve Not Piped Properly
- Boiler Not In Service
- See Comment

Checked Electrical System

- System/Component Appears Ok
- Appears GFCI May Be Needed
- Blocked Electrical Panel
- Missing Or Broken Receptacle or Cover
- Missing Breaker or Blank Cover
- See Comment

Checked Doors/Windows

- System/Component Appears Ok
- Window Appears Damaged
- Door Hardware Appears Non-Operational
- Door Hardware Not ADA Compliant
- See Comment

Checked Interior / Exterior Lighting

- System/Component Appears Ok
- Light(s) Inoperative
- Fixtures Missing Globes Or Diffusers
- Fixture Damaged Or Missing
- See Comment

Checked Emergency Lighting

- System/Component Appears Ok
- No Monthly Inspection
- Appears Inoperative
- Missing
- See Comment

Checked Floor Coverings

- System/Component Appears Ok
- Possible Future Trip Hazard
- Damaged Floor Tiles
- Carpet Loose Or Frayed
- See Comment

Checked Grounds Maintenance

- System/Component Appears Ok
- Possible Trash Problem
- Grass Appears To Need Mowing
- Shrubs/Trees Appear To Need Trimming
- Fence Appears To Need Repair
- See Comment

Checked Fire Extinguishers

- System/Component Appears Ok
- No Monthly Inspection
- Extinguisher Missing
- No Annual Inspection
- Extinguisher Discharged
- See Comment

Checked Kitchen Equipment

- System/Component Appears Ok
- No Bi-Annual Inspection
- Possible Safety Concern
- Appears To Need Cleaning
- See Comment

Checked Fire Alarm

- System/Component Appears Ok
- No Monthly Test
- No Annual Inspection
- No System
- System Not Operational
- See Comment

Checked Playground Equip.

- System/Component Appears Ok
- No Monthly Inspection
- Damaged Equipment
- Appears To Need Fall Surface/Zone
- Possible Trip Hazard
- See Comment

N/A Stairwells

- System/Component Appears Ok
- Possible Trip Hazard on Stair Treads
- Handrail Loose Or Missing
- See Comment

N/A Fire Sprinkler Systems

- System/Component Appears Ok
- No Annual Inspection
- See Comment

N/A Athletic Field Maintenance

- System/Component Appears Ok
- Grounds Appear To Need Maintenance
- Possible Trip Hazard
- Fence Appears To Need Repair
- See Comment

N/A Elevators & Wheelchair Lifts

- System/Component Appears Ok
- No Annual Inspection
- See Comment

Checked Kitchen Hood Vent / Suppression System

- System/Component Appears Ok
- Appears To Need Cleaning
- No System
- See Comment

Checked Interior / Exterior Finishes

- System/Component Appears Ok
- Ceiling Tile Appears Damaged
- Ceiling Tile Missing
- See Comment

Checked Masonry & Concrete Building Exteriors

- System/Component Appears Ok
- Possible Erosion At The Foundation
- Crack In Exterior Masonry
- Crack In Interior Masonry
- Crack In Concrete Floor
- See Comment

Checked Sidewalks, Driveways, Parking Areas, & Paved Play Areas

- System/Component Appears Ok
- Concrete Cracked/Spalding- Possible Trip Hazard
- Possible Drainage Problem
- See Comment

N/C Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas

- System/Component Appears Ok
- Appears To Need ADA Marking
- Markings Appear To Be Missing
- See Comment

10. Corrective Maintenance / Preventative Maintenance Comments:

All corrective and preventative maintenance items checked appear to be well maintained

except: 1. The fire alarm panel indicates a problem exists. Please issue a work order to

repair the problem as soon as possible. 2. Remove the flammable material stored within

24 inches of the ceiling where ever present in the building.

11. State Agency / State Mandated

Any outstanding reports or documents to check? No

Comment: _____

12. Custodial (include equipment and storage):

Checked Storage Closets

- Ok
- Closet Appears Unorganized
- Chemical Container(s) Not Labeled
- Closet Appears Organized & Stocked
- See Comment

Checked Restrooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Checked Hallways/Classrooms/Offices

- Ok
- Floors Appear To Need Cleaning
- Area Appears Clean
- See Comment

N/A Gymnasiums/Locker Rooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Custodial Comments: All custodial items checked appear to be maintained.

Summary of the General Condition of the Facility: Good once all action items are addressed.

Action Items (Follow-up required):

1. Please create a work order in C.M.M.S. (SchoolDude) for any appropriate item(s) noted.
Email work order number(s) to the division so progress toward completion may be tracked.
2. See the Comments listed in Section #10 (Maintenance) and Section #12 (Custodial).
3. _____
4. _____

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

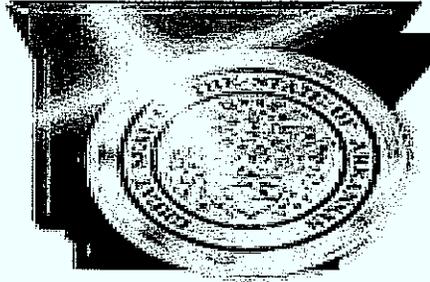
D.P.S.A.F.T. Representative: Charles Carter Position: Operations & Maintenance Mgr.

School District Representative: Carlos Albert Position: Maintenance Director

Comments: Please contact the D.P.S.A.F.T. Representative if you have any questions or concerns about this report. Thank you, in advance, for your cooperation.

Denson

Arkansas Division of Public School



Academic Facilities & Transportation

District Building (Facility) Information

Report #: 5404/032/1A
District LEA / Campus LEA / # of visit

Type: Initial

1. District Name: Marvell Date: March 13 2013

2. Building (Facility) & LEA #: High School 540403202 3. Grade Configuration: 07-12

4. Facility Built Date (including additions): 1966;1970;2011 5. Sq. Ft. of Facility: 70,542

6. Is Facility Academic or Non-Academic? Academic 7. Walk-thru of Facility conducted? Yes

8. GPS coordinates of Facility: N34.56124 W-90.91600

9. Corrective Maintenance / Preventative Maintenance Items Checked:
(Checked = visual inspection of system or component , N/A = Not Applicable, N/C = Not Checked)

Checked HVAC System

- System/Component Appears Ok
- Air Filter Appears Dirty
- Flammable Material Stored In Closet
- Return Air Appears Obstructed
- Combustion Air Appears Inadequate
- See Comment

Checked Roofs

Type Of Roof:

- System/Component Appears Ok
- Debris On Roof
- Drains Appear Clogged
- Possible Leak
- See Comment

- Metal
- Membrane
- Built-Up
- Asphalt Shingle

Checked Exit Lights

- System/Component Appears Ok
- No Monthly Inspection
- Missing
- Not Operational
- See Comment

Checked Plumbing

- System/Component Appears Ok
- Possible Leak
- Missing Or Broken Faucet/Fixture
- No Hot Water Available
- Possible Clogged Floor Drain
- No Annual Back-Flow Inspection
- See Comment

Checked Hot Water Boilers & Heaters

- System/Component Appears Ok
- No Annual or Current Inspection
- Possible Leak
- Flammable Material By Water Heater
- Relief Valve Not Piped Properly
- Boiler Not In Service
- See Comment

Checked Electrical System

- System/Component Appears Ok
- Appears GFCI May Be Needed
- Blocked Electrical Panel
- Missing Or Broken Receptacle or Cover
- Missing Breaker or Blank Cover
- See Comment

Checked Doors/Windows

- System/Component Appears Ok
- Window Appears Damaged
- Door Hardware Appears Non-Operational
- Door Hardware Not ADA Compliant
- See Comment

Checked Interior / Exterior Lighting

- System/Component Appears Ok
- Light(s) Inoperative
- Fixtures Missing Globes Or Diffusers
- Fixture Damaged Or Missing
- See Comment

Checked Emergency Lighting

- System/Component Appears Ok
- No Monthly Inspection
- Appears Inoperative
- Missing
- See Comment

Checked Floor Coverings

- System/Component Appears Ok
- Possible Future Trip Hazard
- Damaged Floor Tiles
- Carpet Loose Or Frayed
- See Comment

Checked Grounds Maintenance

- System/Component Appears Ok
- Possible Trash Problem
- Grass Appears To Need Mowing
- Shrubs/Trees Appear To Need Trimming
- Fence Appears To Need Repair
- See Comment

Checked Fire Extinguishers

- System/Component Appears Ok
- No Monthly Inspection
- Extinguisher Missing
- No Annual Inspection
- Extinguisher Discharged
- See Comment

Checked Kitchen Equipment

- System/Component Appears Ok
- No Bi-Annual Inspection
- Possible Safety Concern
- Appears To Need Cleaning
- See Comment

Checked Fire Alarm

- System/Component Appears Ok
- No Monthly Test
- No Annual Inspection
- No System
- System Not Operational
- See Comment

N/A Playground Equip.

- System/Component Appears Ok
- No Monthly Inspection
- Damaged Equipment
- Appears To Need Fall Surface/Zone
- Possible Trip Hazard
- See Comment

N/A Stairwells

- System/Component Appears Ok
- Possible Trip Hazard on Stair Treads
- Handrail Loose Or Missing
- See Comment

N/A Fire Sprinkler Systems

- System/Component Appears Ok
- No Annual Inspection
- See Comment

N/A Athletic Field Maintenance

- System/Component Appears Ok
- Grounds Appear To Need Maintenance
- Possible Trip Hazard
- Fence Appears To Need Repair
- See Comment

N/A **Elevators & Wheelchair Lifts**

- System/Component Appears Ok
- No Annual Inspection
- See Comment

Checked **Kitchen Hood Vent / Suppression System**

- System/Component Appears Ok
- Appears To Need Cleaning
- No System
- See Comment

Checked **Interior / Exterior Finishes**

- System/Component Appears Ok
- Ceiling Tile Appears Damaged
- Ceiling Tile Missing
- See Comment

Checked **Masonry & Concrete Building Exteriors**

- System/Component Appears Ok
- Possible Erosion At The Foundation
- Crack In Exterior Masonry
- Crack In Interior Masonry
- Crack In Concrete Floor
- See Comment

Checked **Sidewalks, Driveways, Parking Areas, & Paved Play Areas**

- System/Component Appears Ok
- Concrete Cracked/Spalding- Possible Trip Hazard
- Possible Drainage Problem
- See Comment

N/C **Marked Parking Lots, ADA Compliance, Fire Lanes, Bus / Car Unloading Areas**

- System/Component Appears Ok
- Appears To Need ADA Marking
- Markings Appear To Be Missing
- See Comment

10. Corrective Maintenance / Preventative Maintenance Comments:

All corrective and preventative maintenance items checked appear to be well maintained

except: 1. Replace/repair one inoperative ceiling light in the Kitchen. 2. Remove the

flammable material stored within 24 inches of the ceiling in the Kitchen Storage Room.

11. State Agency / State Mandated

Any outstanding reports or documents to check? No

Comment: _____

12. Custodial (include equipment and storage):

Checked Storage Closets

- Ok
- Closet Appears Unorganized
- Chemical Container(s) Not Labeled
- Closet Appears Organized & Stocked
- See Comment

Checked Restrooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Checked Hallways/Classrooms/Offices

- Ok
- Floors Appear To Need Cleaning
- Area Appears Clean
- See Comment

N/A Gymnasiums/Locker Rooms

- Ok
- Floor Appears To Need Cleaning
- Area Appears Clean
- Possible Odor Problem
- See Comment

Custodial Comments: All custodial items checked appear to be maintained.

Summary of the General Condition of the Facility: Good once all action items are addressed.

Action Items (Follow-up required):

1. Please create a work order in C.M.M.S. (SchoolDude) for any appropriate item(s) noted.
Email work order number(s) to the division so progress toward completion may be tracked.
2. See the Comments listed in Section #10 (Maintenance) and Section #12 (Custodial).
3. _____
4. _____

(Add additional pages, if necessary)

All observations are external. No performance tests were conducted. Any observations noted were reported to District personnel.

D.P.S.A.F.T. Representative: Charles Carter Position: Operations & Maintenance Mgr.

School District Representative: Carlos Albert Position: Maintenance Director

Comments: Please contact the D.P.S.A.F.T. Representative if you have any questions

or concerns about this report. Thank you, in advance, for your cooperation.

2012 Arkansas District ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT LEA: 5404000 Address: P O BOX 1870 MARVELL, AR 72366 Phone: 870-829-2101	Superintendent: RUTH DENSON Grades: P - 12 Enrollment: 418 Attendance Rate: 92.00% (3 QTR AVG) Poverty Rate: 97.61%
-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------

Achieving District

Achieving District Percent Tested

	# Expected Literacy	Literacy	# Expected Math	Math
All Students	223	YES	259	YES
Targeted Achievement Gap Group	221	YES	255	YES
ESEA Subgroups	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	204	YES	234	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	12	YES	18	YES
Economically Disadvantaged	221	YES	255	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	32	YES	35	YES

Achieving District Graduation Rate

	# Expected Graduates	Percentage	2011 AMO
2011 Graduation Rate			
All Students	60	78.33	61.60
Targeted Achievement Gap Group	49	79.59	56.35
ESEA Subgroups			
African Americans	56	82.14	63.85
Hispanic	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10
Economically Disadvantaged	49	79.59	56.35
English Learners	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10

Achieving District in Literacy

	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	194	60.31	46.93	130	69.23	47.25
Targeted Achievement Gap Group	192	59.90	47.29	129	68.99	46.53
Three Year Performance			Three Year Growth			
All Students	669	47.23	46.93	437	51.72	47.25
Targeted Achievement Gap Group	649	47.00	47.29	424	51.42	46.53
ESEA Subgroups	2012 Performance		2012 Growth			
African Americans	178	59.55	46.25	120	69.17	46.59
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	11	54.55	47.62	n < 10	n < 10	n < 10
Economically Disadvantaged	192	59.90	47.48	129	68.99	46.82
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	28	17.86	8.33	17	29.41	12.50

2012 Arkansas District ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT LEA: 5404000 Address: P O BOX 1870 MARVELL, AR 72366 Phone: 870-829-2101	Superintendent: RUTH DENSON Grades: P - 12 Enrollment: 418 Attendance Rate: 92.00% (3 QTR AVG) Poverty Rate: 97.61%
-------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------

Achieving District

Achieving District in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
	2012 Performance			2012 Growth		
All Students	226	71.24	58.73	130	66.15	49.88
Targeted Achievement Gap Group	222	70.72	58.19	129	65.74	49.31
	Three Year Performance			Three Year Growth		
All Students	749	56.34	58.73	437	46.23	49.88
Targeted Achievement Gap Group	720	55.97	58.19	424	46.69	49.31
ESEA Subgroups	2012 Performance			2012 Growth		
African Americans	205	70.73	57.79	120	66.67	50.20
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	16	68.75	61.40	n < 10	n < 10	n < 10
Economically Disadvantaged	222	70.72	58.40	129	65.74	49.62
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	31	41.94	29.90	17	58.82	12.50

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL PRIMARY SCHOOL	Principal: SYLVIA MOORE
LEA: 5404030	Grades: P - 06
Address: P O BOX 1870	Enrollment: 230
MARVELL, AR 72366	Attendance Rate: 93.03% (3 QTR AVG)
Phone: 870-829-2946	Poverty Rate: 99.57%

Needs Improvement Focus School	Met Year 1 Exit Criteria
--------------------------------	--------------------------

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	131	YES	131	YES
Targeted Achievement Gap Group	130	YES	130	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	119	YES	119	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	130	YES	130	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	22	YES	22	YES

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
All Students	117	68.38	50.58	85	76.47	50.55
Targeted Achievement Gap Group	116	68.10	50.45	84	76.19	48.52
Three Year Performance				Three Year Growth		
All Students	371	54.18	50.58	261	57.09	50.55
Targeted Achievement Gap Group	364	53.85	50.45	255	56.47	48.52
ESEA Subgroups						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
African Americans	107	68.22	51.11	78	76.92	51.55
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	68.10	50.83	84	76.19	49.07
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	21.05	8.33	12	39.33	15.38

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
All Students	117	77.78	76.08	85	49.41	60.20
Targeted Achievement Gap Group	116	77.59	76.05	84	48.81	59.81
Three Year Performance				Three Year Growth		
All Students	371	69.27	76.08	261	50.19	60.20
Targeted Achievement Gap Group	364	63.99	76.05	255	49.41	59.81
ESEA Subgroups						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance				2012 Growth		
African Americans	107	77.57	76.43	78	50.00	62.02
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	77.59	76.67	84	48.81	60.53
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	31.58	31.25	12	8.33	15.38

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL PRIMARY SCHOOL	Principal: SYLVIA MOORE
LEA: 5404030	Grades: P - 06
Address: P O BOX 1870	Enrollment: 230
MARVELL, AR 72366	Attendance Rate: 93.03% (3 QTR AVG)
Phone: 870-829-2946	Poverty Rate: 99.57%

Needs Improvement Focus School Met Year 1 Exit Criteria

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	131	YES	131	YES
Targeted Achievement Gap Group	130	YES	130	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	119	YES	119	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	130	YES	130	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	22	YES	22	YES

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	117	68.38	50.58	85	76.47	50.55
Targeted Achievement Gap Group	116	68.10	50.45	84	76.19	48.52
Three Year Performance			Three Year Growth			
All Students	371	54.18	50.58	261	57.09	50.55
Targeted Achievement Gap Group	364	53.85	50.45	255	56.47	48.52
ESEA Subgroups			2012 Performance			
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
African Americans	107	68.22	51.11	78	76.92	51.55
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	68.10	50.83	84	76.19	49.07
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	21.05	8.33	12	33.33	15.38

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	117	77.78	76.08	85	49.41	60.20
Targeted Achievement Gap Group	116	77.59	76.05	84	48.61	59.81
Three Year Performance			Three Year Growth			
All Students	371	69.27	76.08	261	50.19	60.20
Targeted Achievement Gap Group	364	68.93	76.05	255	49.41	59.81
ESEA Subgroups			2012 Performance			
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
African Americans	107	77.57	76.43	78	50.00	62.02
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	116	77.59	76.67	84	48.51	60.53
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	19	31.58	31.25	12	28.33	15.38

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL HIGH SCHOOL	Principal: ADRIAN WATKINS
LEA: 5404032	Grades: 07 - 12
Address: P O BOX 1870	Enrollment: 188
MARVELL, AR 72366	Attendance Rate: 90.75% (3 QTR AVG)
Phone: 870-829-1351	Poverty Rate: 95.21%

Needs Improvement Priority School Met Year 1 Exit Criteria

Achieving School Percent Tested				
	# Expected Literacy	Literacy	# Expected Math	Math
All Students	92	YES	128	YES
Targeted Achievement Gap Group	91	YES	125	YES
ESEA Subgroups				
	# Expected Literacy	Literacy	# Expected Math	Math
African Americans	85	YES	115	YES
Hispanic	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	12	YES
Economically Disadvantaged	91	YES	125	YES
English Learners	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	10	YES	13	YES

Achieving School Graduation Rate			
	# Expected Graduates	Percentage	2011 AMO
2011 Graduation Rate			
All Students	60	78.33	61.60
Targeted Achievement Gap Group	49	79.59	56.35
ESEA Subgroups			
African Americans	56	82.14	63.85
Hispanic	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10
Economically Disadvantaged	49	79.59	56.35
English Learners	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10

Achieving School in Literacy						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
2012 Performance			2012 Growth			
All Students	77	48.05	42.21	45	55.56	42.34
Targeted Achievement Gap Group	76	47.37	43.10	45	55.56	43.10
Three Year Performance			Three Year Growth			
All Students	294	58.73	42.21	175	43.43	42.34
Targeted Achievement Gap Group	282	53.90	43.10	168	43.45	43.10
ESEA Subgroups			2012 Growth			
African Americans	71	46.48	39.98	42	54.76	39.44
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Economically Disadvantaged	76	47.37	43.10	45	55.56	43.10
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10

2012 Arkansas School ESEA Accountability Report

District: MARVELL SCHOOL DISTRICT	Superintendent: RUTH DENSON
School: MARVELL HIGH SCHOOL	Principal: ADRIAN WATKINS
LEA: 5404032	Grades: 07 - 12
Address: P O BOX 1870	Enrollment: 188
MARVELL, AR 72366	Attendance Rate: 90.75% (3 QTR AVG)
Phone: 870-829-1351	Poverty Rate: 95.21%

Needs Improvement Priority School Met Year 1 Exit Criteria

Achieving School in Math						
	# Attempted	Percentage	2012 AMO	# Applicable	Percentage	2012 AMO
	2012 Performance			2012 Growth		
All Students	109	64.22	43.64	45	40.00	36.43
Targeted Achievement Gap Group	106	63.21	42.26	45	40.00	35.20
	Three Year Performance			Three Year Growth		
All Students	377	43.50	43.64	175	63.74	36.43
Targeted Achievement Gap Group	355	42.54	42.26	168	32.14	35.20
ESEA Subgroups	2012 Performance			2012 Growth		
African Americans	98	63.27	41.40	42	40.48	34.52
Hispanic	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
White	11	72.73	64.75	n < 10	n < 10	n < 10
Economically Disadvantaged	106	63.21	42.26	45	40.00	35.20
English Learners	n < 10	n < 10	n < 10	n < 10	n < 10	n < 10
Students with Disabilities	12	58.33	28.70	n < 10	n < 10	n < 10

WOW!!! LOOK WHAT WE DID!

Arkansas Democrat ~~and~~ Gazette

35 labeled 'achieving' of 239 school districts

CYNTHIA HOWELL
ARKANSAS DEMOCRAT-GAZETTE

Thirty-five of Arkansas' 239 school districts and six of 16 open-enrollment charter schools are classified as "achieving" school systems under the state's new accountability system, leaving more than 200 districts and charter systems — some considered very high performing — branded as "needing improvement."

East Arkansas school districts such as Marvell and

Osceola, which are relatively low performing, are recognized in the new system as "achieving." That reflects the recent academic progress made by students there.

In contrast, the Conway and Vilonia school districts in central Arkansas, and the Bentonville and Rogers school districts in Northwest Arkansas — typically high performers — are tagged as needing to improve.

See **ACHIEVE**, Page 7A

Achieve

• Continued from Page 1A

The good news for the districts carrying the needing-improvement label is that with the exception of having to explain the label to their communities, there are no other immediate consequences.

"We don't have specific sanctions or incentives for those districts that are achieving or need to improve," said Phyllis Stewart, the chief of staff and spokesman at the Arkansas Department of Education.

"But they are ultimately responsible for the progress of [individual] schools in their districts, especially if they have 'priority' or 'focus' schools," Stewart added. "If the districts don't meet the requirements for those schools, they may end up being in academic distress."

There are 48 "priority schools." Those are the 5 percent lowest-achieving schools on the state Benchmark and End-of-Course exams. The 109 "focus schools" are those with the greatest disparities between their at-risk students — who are special-education, low-income or limited-English-speaking students — and those students who are not in the at-risk categories.

Focus and priority schools must carry out improvement plans, or their performance can put their districts in jeopardy of being labeled as academically distressed. School districts in academic distress, as the result of rules recently adopted by the Arkansas Board of Education, have up to two years to im-

prove or else face state sanctions that can include a state takeover. There are no districts currently classified as academically distressed.

Frank Mitchell, superintendent of the 3,150-student Vilonia School District in Faulkner County, was dismayed by the needs-improvement label for his district, where 77 percent or more of both students overall and students in populations at risk of school failure scored at proficient or better levels on state exams last spring.

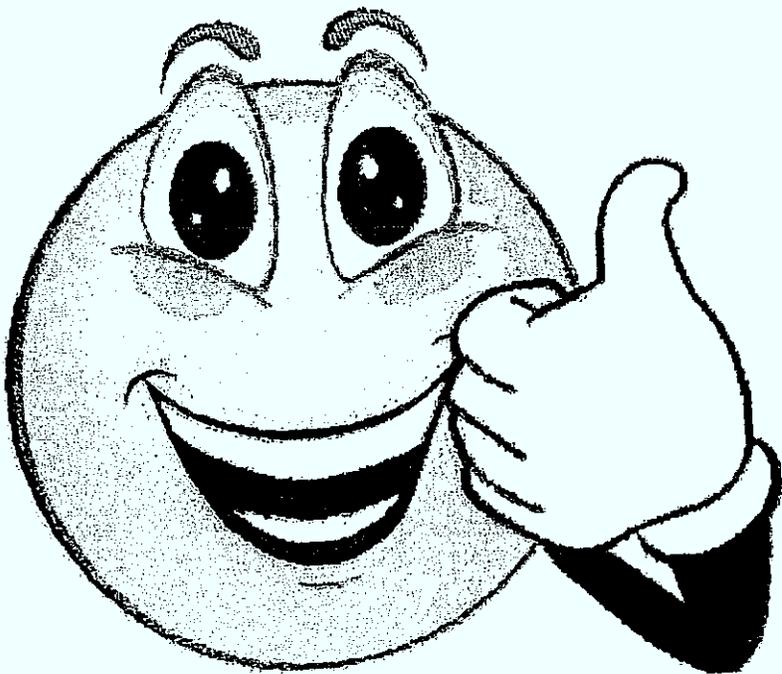
"A lot of this doesn't make sense," Mitchell said. "It puts you in categories where you don't belong."

Arkansas' new accountability system, approved last June by the U.S. Department of Education, customizes student-achievement requirements for each school.

No longer are Arkansas schools facing a 2013-14 deadline to get 100 percent of students to proficient or grade level in math and literacy. That was required by the federal No Child Left Behind Act of 2002.

Now, because of a waiver to the federal law, every school is supposed to get halfway to 100 percent proficient within six years, using the percentage of students scoring at proficient or better in 2011 as the starting point.

If, for example, 76 percent of students scored at the proficient level in 2011, then the school must increase that percentage by 12 points at a rate of at least 2 points a year over six years. If only 40 percent of the students are proficient, then the school must improve that by 5 percentage points a year, or 30 points, by



Achieving schools

The following 35 Arkansas school districts and six charter school systems are categorized as "achieving" under the state's new accountability system approved in June by the U.S. Department of Education.

School Districts

Batesville
Beebe
Berryville
Bismarck
Cabot
Cossatot River School District
Cutter-Morning Star
Dardanelle
DesArc
Dermott
Dierks
Elkins
Farmington
Fayetteville
Greenbrier
Hartford
Highland
Huntsville
Lakeside (Garland County)
Magnet Cove
Marvell
Manilla
McGehee

Mountain Home
Mulberry
Omaha
Osceola
Ouachita
Pangburn
Salem
Siloam Springs
Scranton
Springdale
Valley View
Waldron School District
Charter Schools
Covenant Keepers Charter School (Little Rock)
Estem Elementary Public Charter School (Little Rock)
E-Stem High Public Charter School (Little Rock)
Haas Hall Academy (Fayetteville)
KIPP Delta Public Schools (Helena-West Helena)
Lisa Academy North Charter School (Sherwood)

2016-17

In Vilonia, better than 87 percent of students overall and 77 percent of students in at-risk groups scored at proficient or better in literacy in 2012. Similarly, 88.75 percent of Vilonia students overall and 81.41 percent of at-risk group students scored at proficient or better in math.

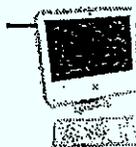
But the district fell short of the math achievement targets of 89.11 percent proficient for all students and 82.41 percent for the at-risk group.

"Our test scores were good under the old format, and in our opinion they are good under the new format," Vilonia Assistant Superintendent Gary Lambert said. "Our

test scores have not changed. Under the new system, the goals and the targets set by the state are pretty high because our test results were high in the past."

Despite the "needs improvement" classification, Lambert said he expects the state Education Department will put its efforts into other school districts with greater academic deficiencies than Vilonia.

"It is a little bothersome and hard to explain to a group of teachers when their students scored 85 percent in literacy when the target was 87. Eighty-five percent is a good result. All in all, we are good here. We are not afraid of accountability. We want to



**More
information
on the Web**

Search for schools' status

[arkansasonline.com/
2012schoolstatus](http://arkansasonline.com/2012schoolstatus)

do our best to serve kids."

Osceola School District Superintendent Mike Cox welcomed the state's new accountability system and the "achieving" label for his district of 1,270 students, 88 percent of whom are from low-income families.

Cox said the academic gains that produced the achieving label were the result of hard work by teachers and students, coupled with support from an education-improvement company. The district also benefits, Cox said, from the vitality infused by Teach For America teachers, a group of recent college graduates who commit to teach for two years in high-poverty communities.

"Any kind of success makes it easier to encourage," said Cox, a veteran Arkansas superintendent who is in his third year as the chief executive at Osceola. "It tells the teachers that what we are doing is working, so let's continue to do what we are doing and add some to it."

"I'm just excited to come to work every day," he added.

About 70 percent of Osceola students overall and students in groups at-risk of school failure scored at proficient or better on state literacy tests last spring, exceeding achievement targets that are in the 62-64 percent range.

In math, about 56 percent of students scored at proficient or better, besting the 51 to 53 percent range of targets.

The Osceola district is a district that has two "priority schools" — Osceola High and Osceola Middle schools. Those schools were identified as some of the lowest-achieving schools in the state three years ago. As such, the two schools received three-year, multimillion-dollar federal School Improvement Grants. Schools that received those grants were automatically labeled as priority schools this year. Osceola is in the final year of the grants this school year.

Under the state's previous system, Osceola had two schools on the needs-improvement list, one for so many years it was "state-directed," or operating under state Education Department guidance.

Two other east Arkansas school districts classified as "achieving" under the new accountability system are of particular note. The relatively affluent Valley View district in Jonesboro attained "achieving" status while spending the least amount per pupil in the state — \$6,903 — according to the Arkansas Annual Statistical Report for the 2011-12 school year.

The Marvell School District in Phillips County, where 98 percent of the 400 students are from low-income families, also earned "achieving" status. Marvell spends \$20,547 per student, the highest dollar amount in the state, according to the same statistical report.

AP Certificate



ARKANSAS DEPARTMENT OF EDUCATION

May 28, 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. Ruth Denson, Superintendent
Marvell School District
P.O. Box 1870
Marvell, AR 72366-1870

Dear Ms. Denson:

The Individuals with Disabilities Education Improvement Act of 2004 amended the Individuals with Disabilities Education Act (IDEA) to require each State to submit a State Performance Plan (SPP) to the U.S. Department of Education in December 2005. The IDEA further requires that each State submit an Annual Performance Report (APR) to the U.S. Department of Education that includes data on the State's performance in relation to the measurable and rigorous targets established in the SPP. The APR based on the SPP was submitted February 1, 2013. In addition, the IDEA requires each State to report publicly the performance of each local education agency (LEA) in relation to the measurable and rigorous targets established in the State's SPP. Each LEA APR is published on the ADE Special Education website (<http://arksped.k12.ar.us>) and was provided previously to the LEA.

As the Office of Special Education Programs (OSEP) at the U.S. Department of Education reviews the State's APR submission, Section 616 of the IDEA must be considered annually to determine whether the State:

- Meets the requirements and purpose of Part B;
- Needs assistance in implementing the requirements of Part B;
- Needs intervention in implementing the requirements of Part B;
- Needs substantial intervention in implementing the requirements of Part B.

IDEA requires the States to make the same determination at the LEA level.

In making these determinations and in deciding upon appropriate enforcement actions, the ADE will consider all information available at the time of the determination, including the history, nature and length of time of any reported noncompliance, and any evidence of correction.

For the current school year the SPP compliance indicators used in making the determinations were:

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

Indicator 4b: Suspension/Expulsion
Indicator 09: Disproportionality - Eligibility
Indicator 10: Disproportionality – Disability Category

Ruth Denson
Page 2 of 2
May 28, 2013

- Indicator 11:** Child Find – Timely Evaluation
Indicator 15: Identification and Correction of Noncompliance: Timely correction, within one year of citation, of noncompliance identified by the ADE by monitoring or other means
Indicator 20: Timely and Accurate Data Reporting: All required data elements (via APSCN/MySped Resource) were accurate and submitted on time.

To that end, the review of the LEA's 2011-12 Annual Performance Report resulted in a determination of "**Meets Requirements**" for the Marvell School District.

As an LEA with a designation of "Meets Requirements", no corrective actions are required. However, the ADE suggests that the LEA review its APR and use it as a guide for planning school improvement activities.

Failure to comply with these requirements will result in non-compliance citations and or sanctions.

The ADE Special Education Unit is committed to supporting the LEA's implementation of the IDEA with a focus on improving education results and functional outcomes for all students with disabilities.

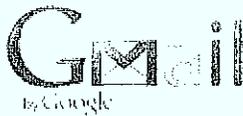
Respectfully,



Martha Kay Asti, Associate Director
Special Education Unit

Enclosure

cc: Lisa Haley, Administrator, Monitoring/Program Effectiveness
Rhonda Saunders, Area Supervisor, Monitoring/Program Effectiveness
Becky Baldwin, LEA Supervisor
File



Ruth Denson <superintendent10@gmail.com>

Fwd: Application for Program Approval for Gifted/Talented Education

1 message

Tracy Hoard <tfohard@gmail.com>
To: superintendent10@gmail.com

Wed, Oct 10, 2012 at 8:27 AM

----- Forwarded message -----

From: <donotreply@arkansas.gov>
Date: Fri, Sep 21, 2012 at 2:55 PM
Subject: Application for Program Approval for Gifted/Talented Education
To: tfohard@gmail.com

Tracy Fryauf Hoard
MARVELL SCHOOL DISTRICT
P.O. BOX 1870
MARVELL, AR 72366

Dear Tracy Fryauf Hoard:

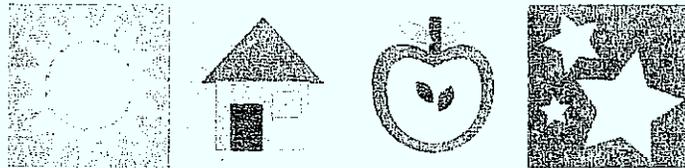
Your 2012 K-12 program for gifted education, as described in your program application has been approved by this office. If changes should become necessary, please provide a written explanation to the Office of Gifted and Talented.

Please feel free to contact our program office at 501-682-4224 for additional assistance.

Sincerely,

Mary Kathryn Stein, Program Coordinator
Office of Gifted and Talented and Advanced Placement
Arkansas Department of Education
Four Capitol Mall, 305B
Little Rock, AR 72201
501-682-4224: Office
501-682-4220: Fax
mary.stein@arkansas.gov

This message is intended only for the named recipient. If you are not the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.



better beginnings

EVERY CHILD DESERVES OUR BEST

August 24, 2012

Dear Families,

Marveli-Elaine Elementary Preschool has earned a level 3 certification as an Arkansas Better Beginnings facility. Better Beginnings is a voluntary quality rating improvement system for licensed child care and education facilities in Arkansas. During the Better Beginnings certification process, our facility was assessed in five areas.

- Administration
- Administrator and Staff Qualifications and Training
- Curriculum
- Learning Environment
- Child Health and Development

All child care facilities in Arkansas are licensed by the Department of Human Services. Minimum licensing regulations primarily address health and safety issues. Better Beginnings, however, looks beyond minimum standards, evaluating the elements of high quality child care and early education experiences.

Here are some of the things you may expect as a result of our decision to meet the higher standards for Better Beginnings Level 3.

- Increased qualifications and training for staff and administrators
- Administrative practices that exceed national standards
- Increased standards for classroom quality
- Daily activities that address learning goals for children
- A written curriculum plan

We invite you to visit www.arbetterbeginnings.com to read about all of the benefits of enrolling your child in an Arkansas Better Beginnings facility.

Sincerely,

Sylvia Moore

Sylvia Moore

Principal

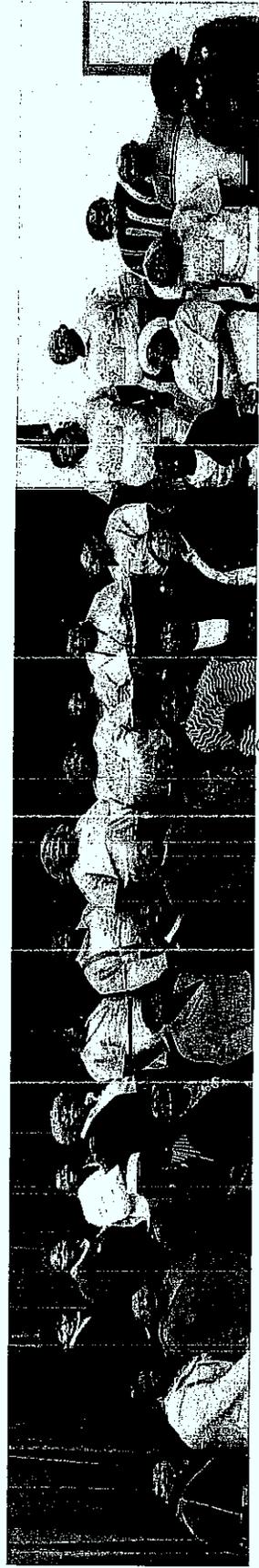
**Marvell-Elaine School District
2013-2014 Parent and Community Involvement Seminars**

**Dr. Ruth Denson
Superintendent**

**Mrs. Verlene McCall
Parent Coordinator**

**Ms. Donna Ross
Federal Coordinator**

TOPIC	DATE	TIME	LOCATION
ESEA Flexibility: What Parents Need to Know: School Accountability, School Report Cards, Public School Choice and Common Core State Standards	September 24, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Understanding Student Test Results	October 8, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Making the Most of Parent Teacher Conferences: Tips for Parents	October 22, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Creating a Home Environment for Learning	November 5, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Behavior Management	November 19, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Improving Your Child's Learning and Grades	December 3, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Increasing Your Child's Motivation to Learn	December 17, 2013	3:30 p.m.	Marvell-Elaine Elementary School
Improving Your Child's School Organization Skills	January 14, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Strengthening Your Child's Home Study Skills	January 21, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Test-Taking Strategies and Techniques	February 11, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Family and School Health Index	February 25, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Career Planning	March 11, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Parenting Toward School Success	March 25, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Technology Academic Integration	April 15, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Drug-Free and Violence Free Education	April 23, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Character Education	May 6, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Extended Academic School Year/Academic Summer School	May 13, 2014	3:30 p.m.	Marvell-Elaine Elementary School
Parent Involvement Policy Annual Review	May 20, 2014	3:30 p.m.	Marvell-Elaine Elementary School



SUCCESS IS OUR ONLY OPTION!!!!!!

RICK CRAWFORD
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
1408 Longworth Building
Washington, DC 20515

August 30, 2012

WASHINGTON, DC
1408 LONGWORTH HOB
WASHINGTON, DC 20515
PHONE: (202) 225-4076
FAX: (202) 225-5602

JONESBORO
2400 EAST HIGHLAND
SUITE 300
JONESBORO, AR 72401
PHONE: (870) 203-0540
FAX: (870) 203-0542

CABOT OFFICE
112 SOUTH FIRST STREET
CABOT, AR 72033
PHONE: 501-843-3043
FAX: 501-843-4985

MOUNTAIN HOME
1001 HIGHWAY 62 EAST
SUITE 9
MOUNTAIN HOME, AR 72653
PHONE: 870-424-2075
FAX: 870-424-3149

WWW.CRAWFORD.HOUSE.GOV

Ms. Ruth Denson
Superintendent
Marvell Elaine Schools District
PO Box 1870
Marvell, AR 72366-1870

Dear Ms. Denson,

It was a pleasure visiting with you recently at the Marvell-Elaine School District. Thank you for your participation.

I was encouraged to find community leaders fully engaged and supportive of the Marvell-Elaine School District. Your input was very beneficial to me, and I appreciate the opportunity to hear from you.

I look forward to working with you, and if I can be of any assistance in the future, please do not hesitate to contact me or my staff.

Sincerely,



Rick Crawford
Member of Congress

RC/cl

The Phillips County Retired Teachers Association

1022 McDonough Street
Helena, AR 72342
March 19, 2013

Marvell-Elaine School District
Mrs. Ruth B. Denson, Superintendent
P. O. Box 1870
Marvell, AR 72366

Dear Mrs. Denson:

Congratulations! We, the members of the Phillips County Retired Teachers Association, would like to extend our message of joy and admiration of the success and good fortune that has resulted from the excellent work and implementation of the school improvement grant. Please accept this letter as our way of recognizing the exceptional job that has been done at Marvell-Elaine High School.

We read, with great delight, the article published in *The Helena World* regarding the visit from the U.S. Department of Education. Marvell-Elaine High School garnered the attention of the U.S. Department of Education. Job well done! Your work has put Marvell and the state of Arkansas on the map, and as an achieving school, you, the staff, and students are a model for the nation. The outstanding leadership of the administration, the untiring efforts and support of the staff, and the devotion and commitment of the students are evident, and we want to give you a gold star.

It is no wonder why the community rallies around the school district. You are providing the best education for the students, and it is our wish that your service to our young people will continue to sustain your pursuit of success.

Keep up the good work!

Leroy Williams, President

The Phillips County Retired Teachers Association



Ruth Denson <superintendent10@gmail.com>

FW: Monitoring Presentation and Plan

5 messages

Jayne Green (ADE) <Jayne.Green@arkansas.gov>

Fri, Dec 21, 2012 at 11:09 AM

To: Adrian Watkins <awat327@yahoo.com>

Cc: Ruth Denson <superintendent10@gmail.com>, "Bobby Lester (ADE)" <Bobby.Lester@arkansas.gov>, "Rick Green (ADE)" <Rick.Green@arkansas.gov>

Ms. Watkins,

Congratulations! Marvell has been selected for a site visit from the United States Department of Education on January 28th, 2013. You will find attached items to help prepare you for this upcoming visit.

We are thrilled to be able to highlight the successes at Marvell High School. Please do not hesitate to contact me if you have any questions.

Jayne Green

Federal Programs Unit

Title I Director

Arkansas Department of Education

Division of Learning Services

Four Capitol Mall, Box 26

Little Rock, AR 72201

(501)682-2395



Date: Monday, June 24, 2013 2:22 PM
From: Adrian Watkins <awat327@yahoo.com>
To: dfross@suddenlink.net, webstercew@yahoo.com, ayblakely@scientist.com, williamsdenetra@gmail.com
Subject: Fw: USED requesting a case study on Marvell-Elaine High

What have we gotten ourselves into now?
A. Watkins

--- On Mon, 6/24/13, Nancy Doorey <ndoorey@verizon.net> wrote:

> From: Nancy Doorey <ndoorey@verizon.net>
> Subject: USED requesting a case study on Marvell-Elaine High
> To: awat327@yahoo.com
> Date: Monday, June 24, 2013, 1:31 PM
> Dear Principal Watkins, I just spoke with Rick Green
> and David Tollett and they provided this personal email
> address for you, so I hope that's OK. I have been asked by the US
> Department of Education to develop a case study of the very
> successful parent and community engagement work at your high
> school under the SIG grant. They plan to provide a set
> of case studies to state departments across the country to
> provide suggestions on effective strategies that their
> schools undergoing turnaround may want to consider.
> Rick and David provided a
> terrific general description of the work your school has
> done and the results. I am hoping I could talk with
> you for about 30 minutes to gain additional information as
> well as your thoughts on the most important lessons learned
> that should be shared with others, particularly those in
> rural schools.
> In addition to
> better understanding what strategies you have used to engage
> parents and community members, I need to gather any data you
> have on impact, such as:
> Results from parent surveys
> Increases in parent participation in
> school meetings, teacher-parent conferences, etc.
> Increases in average daily attendance,
> as a possible consequence of parent engagement, and/or
> Any other indicators of improved
> engagement that you can suggest. Finally, I will also want to
> ask you for the names and either phone numbers or email
> addresses for a parent/guardian I can speak with as well as
> an elected official, such as a school board member or city
> or county representative. If you could think about who
> you would recommend I contact, that would be terrific. Below are the times
when I am
> available for a 30 minute phone interview. Would any
> of these be convenient for you:
> Tues., June 25, 7:00 - 8:30 am
> CST OR 1:30 - 3:30 CST
> Wed, June 26, 7:00 - 9:00 am
> CST
> Thurs., June 27, 8:00 am - 12:30
> pm CST
> Thank you, and I
> hope we can speak this week. Best regards, Nancy Nancy Doorey
4601 Beechwood
Avenue
Wilmington, DE
19803
nancydoorey@gmail.com
302-463-7139
>
>
>

©1997-2011 Openwave Systems Inc. All rights reserved.



Date: Tuesday, June 25, 2013 2:31 PM

From: Adrian Watkins <awat327@yahoo.com>

To: ALYSIA BLAKELY <ayblakely@scientist.com>, Linda Chaytor <lindachaytor@yahoo.com>, Ruth Denson <superintendent10@gmail.com>, SYLVIA MOORE <sylviammoore@yahoo.com>, Donna Ross <dfross@suddenlink.net>, CHARLES WEBSTER <webstercew@yahoo.com>, DENETRA WILLIAMS <williamsdenetra@gmail.com>

Subject: Fw: Re: Case Study

--- On Tue, 6/25/13, David Tollett (ADE) <David.Tollett@arkansas.gov> wrote:

> From: David Tollett (ADE) <David.Tollett@arkansas.gov>
> Subject: Re: Case Study
> To: "Adrian Watkins" <awat327@yahoo.com>
> Date: Tuesday, June 25, 2013, 1:26 PM
> Good deal! She is an extremely nice
> lady and just wanting to know what ya ll have done to
> increase your parent involvement. I emailed her the
> information you gave me. When we talked to her I told her
> you have a high turnout for ya lls events. She is just
> wanting to follow up with you. She is a very nice lady and
> writing an article to highlight ya lls district especially
> being a rural district. Ya ll can answer her questions, just
> talk about ya ll are already doing. Hope your having a great
> day and enjoy the rest of your summer!
> Thanks,
>
>
> David Tollett
> SIG Site Director
> Arkansas Department of Education (ADE)
> Sent from my iPad
>
> On Jun 25, 2013, at 12:22 PM, "Adrian Watkins" <awat327@yahoo.com>
> wrote:
>
>> David,
>>
>> We will be doing the phone conference with Ms. Doorey
> Thursday at 8:15. I hope that we will be able to
> answer all of her questions.
>>
>> A. Watkins
>

©1997-2011 Openwave Systems Inc. All rights reserved.

1.	2011 Real Assessment	\$	39,052,503		14.	Per-Student Revenue	\$				3,260.49
2.	2011 Personal Assessment	\$	12,023,015		15.	Per-Student Foundation Funding Amount	\$				6,267.00
3.	2011 Utility Assessment	\$	4,479,224		16.	Per-Student State Foundation Funding Aid	\$				3,006.51
4.	2011 Total Assessment	\$	55,554,742		17.	PY ALE FTEs (Qtrs. 1-4)					5.17
5.	98% of URT X Assessment	\$	1,361,091		18.	CY English Language Learner Students					0
6.	Net Revenues	\$	1,352,617		19.	PY NSL Students (Free and Reduced)					408
7.	Five-Year Avg. Misc. Funds ¹	\$	0		20.	Professional Development Funding Rate	\$				43.39
8.	2010-11 ADM (Qtrs. 1-3 Avg.)	\$	454.37		21.	Adjusted 11/05 Scheduled Debt Payment	\$				218,790.00
9.	2011-12 ADM (Qtrs. 1-3 Avg.)	\$	417.45		22.	Bonded Debt Assistance Funding Factor	\$				18.03
10.	2012-13 ADM (Qtr. 1)	\$	446.53		23.	State Wealth Index	\$				0.00000
11.	Estimated 2012-13 ADM for SGF (Qtr. 2)	\$	452.60		24.	ADM of Isolated School Area	\$				0.00
12.	Estimated 2012-13 ADM for SGF (Qtr. 3)	\$	441.99		25.	Isolated Funding Amount	\$				0
13.	Estimated 2012-13 ADM for SGF (Qtr. 4)	\$	445.84								

FUNDING

			Amount		Statutory Code/Act	Restricted	Rev. Code	SOF Code
26.	State Foundation Funding Aid	\$	1,255,068		6-20-2303, 6-20-2305	No	31101	2001
27.	Educational Excellence Trust ² - R	\$	128,978		6-5-301 et seq.	Yes		
28.	Alternative Learning Environment - R	\$	21,859		6-20-2303, 6-20-2305	Yes	32370	275
29.	English Language Learners - R	\$	0		6-20-2303, 6-20-2305	Yes	32371	276
30.	NSL State Categorical Funding ³ - R	\$	631,992		6-20-2303, 6-20-2305	Yes	32381	281
31.	NSL Transitional Funding ³ - R	\$	0		6-20-2305	Yes	32381	281
32.	NSL Growth Funding ³ - R	\$	0		6-20-2305	Yes	32381	281
33.	Professional Development - R	\$	18,113		6-20-2303, 6-20-2305	Yes	32256	223
34.	Bonded Debt Assistance - R	\$	0		6-20-2503	Yes	32915	001
35.	State Financial Assistance - GFF - R	\$	6,114		6-20-2503	No	32912	392
36.	State Financial Assistance - SMIF - R	\$	0		6-20-2503	No	31620	001
37.	Isolated Funding	\$	0		6-20-601, 6-20-603	Yes	31500	212
38.	Special Needs Isolated Funding ⁴	\$	0		6-20-604 (c), (d) & (e)	Yes	31500	212
39.	Special Needs Small District Funding ⁴	\$	130,808		6-20-604 (f)	No	32249	2920
40.	Special Needs Isolated Transportation ⁴	\$	0		6-20-604 (h)	Yes	32248	228
41.	Special Needs Isolated Adequacy	\$	0		6-20-2305	No	31500	212
42.	Declining Enrollment Adequacy	\$	0		6-20-2305	No	31460	218
43.	Declining Enrollment Adequacy	\$	0		6-20-2305	No	31460	218
44.	Student Growth-Qtr. 1 & Est. Qtrs. 2, 3, & 4 ⁶ - R	\$	183,545		6-20-2303 & 2305	No	31450	217
45.	98% of URT X Assessment less Net Revenues ⁷	\$	8,475		6-20-2303, 6-20-2305	No	31103	2001

ACA-Arkansas code annotated, ADM-average daily membership, Avg.-average, ALE-alternative learning environment, CY-current year, FTE-full-time equivalent, FY-fiscal year, GFF-general facilities funding, LEA-local education agency, Misc.-miscellaneous, NSL-national school lunch, PY-prior year, Qtr.-quarter, R-state board rule, Rev.-revenue, SGF-student growth funding, SMIF-supplemental millage incentive funding, SOF-source of fund, URT-uniform rate of tax

1) Miscellaneous funds per ACA § 6-20-2303 (11) for categories of miscellaneous funds received equal (average of FY07 through FY11) X (URT/district total mills in effect as of January 1 of the prior FY).

2) Educational excellence trust funds are included in state foundation funding aid and are restricted pursuant to ACA § 6-5-307.

3) The combination of NSL state categorical, NSL transitional (plus or minus) and NSL growth funding equals the total net NSL state categorical funding received by a school district.

4) Eligible school districts shall receive special needs isolated, small district, and transportation funding under ACA § 6-20-604 or declining enrollment funding under ACA § 6-20-2305 (a) (3) (A) (i).

5) No school district shall receive both declining enrollment funding under ACA § 6-20-2305 (a) (3) (A) (i) and student growth funding under ACA § 6-20-2305 (c) (2) or special needs isolated, small district, and transportation funding under ACA § 6-20-604. The initial FY13 state aid notice provides declining enrollment funding under ACA § 6-20-2305 (a) (3) (A) (i) that has not been compared to student growth funding under ACA § 6-20-2305 (c) (2) and/or special needs isolated, small district, and transportation funding. Subsequent FY13 state aid notices will reflect these comparisons.

6) The final determination of FY13 student growth funding will be made in FY14 pursuant to ACA § 6-20-2305.

7) Negative funding amounts for 98% of URT X Assessment less Net Revenues indicate funds owed to the state. Districts with negative funding amounts will receive written notification that will include information on how to code the repayment transaction.

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:

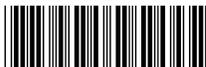
22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

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 :		

**ADDITIONAL DOCUMENTATION/
DESEGREGATION ORDERS**

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RECEIVED
ATTORNEY'S OFFICE**

**RECEIVED
COMMISSIONER'S OFFICE**

Tuesday, May 14, 2013

MAY 16 2013

MAY 16 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

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

RE: Marvell-Elaine School District Certified Resolution-Declaring Exemption

Dear Commissioner Kimbrell:

On behalf of the Marvell-Elaine School District Board of Education, I am submitting a copy of the Certified Resolution Declaring Exemption in relation to the 2013 School Choice Act, as passed by the Marvell-Elaine School District Board of Education on May 13, 2013.

This submission is made pursuant to the May 1, 2013 e-mail of Phyllis Stewart providing direction as to the proper method of submission of such resolutions.

Please notify me immediately if there is any further action that the district or board needs to take for this exemption to be fully effective for the 2013-14 school year.

Thank you for your consideration.

Sincerely,



Ruth B. Denson, Ed.S., Superintendent of Schools
Marvell-Elaine School District

RBD:dm

MARVELL - ELAINE PUBLIC SCHOOLS

P.O. BOX 1870
MARVELL, ARKANSAS 72366
870-829-2101

**RESOLUTION OF MARVELL ELAINE SCHOOL DISTRICT
BOARD OF DIRECTORS**

WHEREAS, the Marvell Elaine School District Board of Directors (Board) met in a special, open, and properly-called meeting on May 13, 2013, in Marvell, Arkansas;

WHEREAS, 4 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 Marvell Elaine 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 Marvell Elaine School District Board has, pursuant to the Public School Choice Act of 2013, Act 1227 of 2013 (to be codified), determined that the Marvell Elaine 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, Marvell, 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 *Jackson, et al. v. Marvell School District*, 425 F2d 211 (1970), U.S. Court of Appeals, Eighth Circuit; and, as confirmed in *Fields v. Marvell School District*, 102 SW 3rd 502, 352 Ark. 483 (2003); and

WHEREAS, the Board of the Marvell Elaine 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

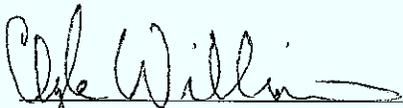
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

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 Marvell Elaine School District immediately; and

NOW THEREFORE, BE IT RESOLVED, this Board of the Marvell Elaine School District hereby authorizes the Superintendent of the Marvell Elaine 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, Marvell Elaine 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,

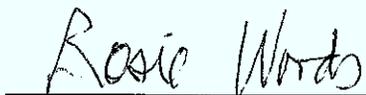
THEREFORE, BE IT FURTHER RESOLVED, that the Superintendent is directed to immediately notify the Arkansas State Department of Education of this declaration of exemption for the 2013-14 school year.


Board President

5-13-2013
Date

CERTIFICATION

I, Rosie Woods, Secretary of the Board of Education of the Marvell Elaine School District, hereby certify that the above and foregoing resolution was considered and adopted by said Board at a special session on May 13, 2013.


Board Secretary

May 13, 2013
Date

 [West Reporter Image \(PDF\)](#)

425 F.2d 211

United States Court of Appeals, Eighth Circuit.
 Ceiners JACKSON et al., Appellants,
 v.
 MARVELL SCHOOL DISTRICT NO. 22 et al., Appellees.
 Earlis JACKSON et al., Appellants,
 v.
 MARVELL SCHOOL DISTRICT NO. 22 et al., Appellees.

No. 20124.

April 29, 1970, Rehearing Denied May 18, 1970.

School desegregation case. The United States District Court for the Eastern District of Arkansas, Oren Harris, Chief Judge, gave judgment, but the Court of Appeals remanded with directions, [389 F.2d 740](#). On appeal after remand the Court of Appeals vacated and remanded with directions, [416 F.2d 380](#). On appeal after remand the Court of Appeals held that order could not stand where effect of it was to approve segregation of races among classes within several facilities of school district for remainder of 1969-70 school year, but reviewing court would refrain from interfering with assignment of students in school district for 1969-70 school year; instead it would direct entry of an order requiring district to fully and effectively desegregate not only all facilities but the faculty and classes effective at beginning of 1970-71 school year.

Reversed and remanded.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

 [92](#) Constitutional Law
 [92XXXVI](#) Equal Protection
 [92XXXVI\(B\)](#) Particular Classes
 [92XXXVI\(B\)8](#) Race, National Origin, or Ethnicity
 [92k3275](#) Education
 [92k3278](#) Public Elementary and Secondary Education
 [92k3278\(1\)](#) k. In general. [Most Cited Cases](#)
 (Formerly 92k220(1), 92k220)

 [141E](#) Education  [KeyCite Citing References for this Headnote](#)
 [141EII](#) Public Primary and Secondary Schools
 [141EII\(F\)](#) Racial Segregation and Desegregation
 [141Ek831](#) k. Existence and propriety of segregated system. [Most Cited Cases](#)
 (Formerly 345k13(2), 345k13 Schools)

Segregation of races in classrooms constitutes invidious discrimination in violation of the Fourteenth Amendment. [U.S.C.A.Const. Amend. 14](#).

[2]  [KeyCite Citing References for this Headnote](#)

 [141E](#) Education
 [141EII](#) Public Primary and Secondary Schools

[141EII\(F\)](#) Racial Segregation and Desegregation
[141Ek838](#) k. Time for desegregation. [Most Cited Cases](#)
(Formerly 345k13(9), 345k13, 345k154 Schools)

Order could not stand where effect of it was to approve segregation of races among classes within several facilities of school district for remainder of 1969–70 school year, but reviewing court would refrain from interfering with assignment of students in school district for 1969–70 school year; instead it would direct entry of an order requiring district to fully and effectively desegregate not only all facilities but the faculty and classes effective at beginning of 1970–71 school year.

***211** John W. Walker, of Walker, Rotenberry, Kaplan, Lavey & Hollingsworth, Little Rock, Ark., for appellants' Philip E. Kaplan, Little Rock, Ark., and Jack Greenberg, James M. Nabrit, III, and Norman Chachkin, New York City, on the brief.

Robert V. Light, Little Rock, Ark., for appellees; Herschel H. Friday and G. Ross Smith, Little Rock, Ark., on the brief.

Before MATTHES, LAY and HEANEY, Circuit Judges.

PER CURIAM.

This is the third time we are required to determine whether the appellee school district has adopted and placed into effect a plan for fully desegregating its schools.

In Jackson II, decided on October 2, 1969, reported at [416 F.2d 380](#), 8 Cir., we ***212** reversed the judgment of the district court and directed it 'to require the Marvell School District to file * * * a plan which will convert the present organization of the public schools of Marvell to a unitary, nonracial system. The plan shall eliminate all vestiges of the freedom-of-choice provisions and shall be fully implemented and become effective no later than January 19, 1970.' [Id. at 385](#).

On remand, the district court entered an order on October 16, 1969, directing the district to submit a plan not later than December 1, 1969, and granting plaintiffs 20 days thereafter to respond. In compliance with that order, the district filed a report in which it proposed to restructure the schools beginning January 19, 1970, as follows: (a) all students in grades 1 through 3 were to be assigned to the site now known as Marvell Elementary School; (b) all students in grades 4 through 9 were to be assigned to the site now known as Tate Elementary School and Tate High School; (c) all students in grades 10 through 12 were to be assigned to the site now known as Marvell High School; (d) all faculty members willing to remain were to be retained and will be so assigned as to realize the maximum utilization of their training and experience without regard to their race.

Under date of December 15, counsel for plaintiffs informed counsel for the school district that in light of the plan proposed by the school district 'to which plaintiffs have no objections at this time' there was no need for a hearing to be held.

In the meantime, however, and apparently without knowledge by plaintiffs' counsel at the time the aforesaid letter was written, the superintendent of the district notified all parents in writing of the restructuring of the schools as shown above and further informed them that 'insofar as possible students will stay with their same teachers.'

The notice from the superintendent precipitated the filing by plaintiffs on January 12, 1970, of a motion to cite the defendants for contempt of court. The motion was premised upon the proposal of the defendants to continue segregation of the classes.

Evidence was not heard on the motion for citation for contempt. However, the district court did hold a hearing on January 14, 1970, at which time the judge ruled from the bench that the plan submitted would be approved with the exception of Subsection (d) relating to the faculty. On January 19, the court's formal order, dated January 16, approving the plan as modified with respect to Subsection (d), was filed. In due time, plaintiffs appealed from that order.

[1] [2] The effect of the approval of the order as demonstrated by correspondence attached to appellees' brief between counsel for appellees and the district judge is to approve the segregation of the races among classes within the several facilities for the remainder of the 1969-70 school year.

Plaintiffs challenge the propriety of the court's failure to require the district to desegregate not only the school facilities but the classes beginning January 19, 1970. They insist that we should reverse and require immediate desegregation of the classes.

We hold the court fell into error in sanctioning the district's ingenious effort to circumvent the plain meaning of our decision. It is settled doctrine that segregation of the races in classrooms constitutes invidious discrimination in violation of the Fourteenth Amendment to the Constitution. [Johnson v. Jackson Parish School Board, 420 F.2d 692 \(5th Cir., 1970\)](#). See [McNeese v. Board of Education, 373 U.S. 668, 83 S.Ct. 1433, 10 L.Ed.2d 622 \(1963\)](#); [McLaurin v. Oklahoma State Regents, 339 U.S. 637, 70 S.Ct. 851, 94 L.Ed. 1149 \(1950\)](#).

Accordingly, we reverse and remand to the district court. Upon due consideration and with particular reference to the brief time remaining in the school year, we refrain from interfering with *213 the assignment of students in the Marvell School District for the 1969-70 school year.[\[FN1\]](#) However, we direct the district court to enter an order requiring the district to fully and effectively desegregate not only all facilities but the faculty and classes effective at the beginning of the 1970-71 school year.

Plaintiffs are allowed costs on this appeal.

[FN1](#). See [Hall v. St. Helena's Parish Board of Education, 424 F.2d 320 \(5th Cir., 1970\)](#), in which the court recalled its previous order of March 6, 1970, ordering immediate desegregation when it discovered that the St. Helena Parish schools were to close for the summer recess at the end of April.

C.A.Ark. 1970.
Jackson v. Marvell School Dist. No. 22,
425 F.2d 211

END OF DOCUMENT

 [West Reporter Image \(PDF\)](#)

Adobe Reader is required to view PDF images.



(c) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works

 [West Reporter Image \(PDF\)](#)

352 Ark. 483, 102 S.W.3d 502, 176 Ed. Law Rep. 465

[Briefs and Other Related Documents](#)
[Judges and Attorneys](#)

Supreme Court of Arkansas.
 Fannie FIELDS, Annetta Carruth, Casey Cox, Loretta Jarrett, and Willie Spriggs
 v.
 MARVELL SCHOOL DISTRICT.

No. 02-1336.
 April 10, 2003.

School district brought action against school board candidates, seeking a temporary restraining order or preliminary injunction to prevent candidates from appearing on ballot. The Circuit Court, Pulaski County, [John Plegge](#), J., entered judgment in favor of district. Candidates appealed. The Supreme Court, [Donald L. Corbin](#), J., held that district was exempt from provisions of statute governing effect of minority populations on school board elections, and thus, district was not required to elect an entirely new school board after district rezoned its boundaries.

Affirmed.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

- 🔑 [141E](#) Education
 - 🔑 [141EII](#) Public Primary and Secondary Schools
 - 🔑 [141EII\(A\)](#) Establishment, Operation, and Regulation in General
 - 🔑 [141EII\(A\)3](#) Government and Boards
 - 🔑 [141Ek84](#) County or District Boards
 - 🔑 [141Ek87](#) Appointment or Election, Qualification, and Tenure
 - 🔑 [141Ek87\(2\)](#) k. Redistricting; Voting Rights Act. [Most Cited Cases](#)
 (Formerly 345k53(1) Schools)

School district was exempt from provisions of statute governing effect that minority population had on school board elections, and thus, district was not required to elect an entirely new school board after district rezoned its boundaries, where district was in compliance with Voting Rights Act, as it already had a zone-elected board of directors, and district was operating under a federal desegregation order. Voting Rights Act of 1965, § 2 et seq., [42 U.S.C.A. § 1973 et seq.](#); [A.C.A. § 6-13-631](#).

[2]  [KeyCite Citing References for this Headnote](#)

- 🔑 [30](#) Appeal and Error
 - 🔑 [30XVI](#) Review
 - 🔑 [30XVI\(F\)](#) Trial De Novo
 - 🔑 [30k892](#) Trial De Novo
 - 🔑 [30k893](#) Cases Triable in Appellate Court
 - 🔑 [30k893\(1\)](#) k. In general. [Most Cited Cases](#)

Supreme Court reviews issues of statutory interpretation de novo, as it is for the Court to decide

what a statute means.

[3]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30XVI](#) Review

 [30XVI\(A\)](#) Scope, Standards, and Extent, in General

 [30k838](#) Questions Considered

 [30k842](#) Review Dependent on Whether Questions Are of Law or of Fact

 [30k842\(1\)](#) k. In general. [Most Cited Cases](#)

Supreme Court is not bound by the trial court's decision as to statutory construction; however, in the absence of a showing that the trial court erred, its interpretation will be accepted as correct on appeal.

[4]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30V](#) Presentation and Reservation in Lower Court of Grounds of Review

 [30V\(A\)](#) Issues and Questions in Lower Court

 [30k170](#) Nature or Subject-Matter of Issues or Questions

 [30k170\(1\)](#) k. In general. [Most Cited Cases](#)

School board candidates waived on appeal claim that school district's act of rezoning constituted a waiver of any claimed exemption under statute governing effect minority population had on school board elections, where candidates did not raise argument before trial court. [A.C.A. § 6-13-631](#).

[5]  [KeyCite Citing References for this Headnote](#)

 [30](#) Appeal and Error

 [30V](#) Presentation and Reservation in Lower Court of Grounds of Review

 [30V\(A\)](#) Issues and Questions in Lower Court

 [30k169](#) k. Necessity of presentation in general. [Most Cited Cases](#)

Supreme court will not consider arguments raised for the first time on appeal.

****503 *483** J.F. Valley, P.A., by: [J.F. Valley](#), Helena, for appellant.

Brazil, Adlong & Winningham, PLC, by: [William Clay Brazil](#), Conway, for appellee.

[DONALD L. CORBIN](#), Justice.

This case involves a dispute over a school board election. Appellants Fannie Fields, Annetta Carruth, Casey Cox, Loretta Jarrett, and Willie Spriggs ***484** appeal the order of the Pulaski County Circuit Court, declaring that the positions that they had filed for as candidates on the Marvell School Board were not open for election. On appeal, they argue that the trial court erred in determining that the school district was not required to elect an entirely new school board in compliance with [Ark.Code Ann. § 6-13-631](#) (Repl.1999). As this is an appeal involving an issue of statutory construction, our jurisdiction is pursuant to Ark. Sup.Ct. R. 1-2(b)(6). We find no error and affirm.

Appellee Marvell School District previously elected its school board via an at-large election system. Because its black voting-age population totaled 53.04% after the 1990 decennial census, the District, pursuant to [section 6-13-631](#), changed to a zone-election system, meaning that five of the seven board members were elected from zoned districts, while the remaining two members were elected at-large. According ****504** to [section 6-13-631\(b\)\(2\)](#), each zone must have a "substantially equal population" and have boundaries based on the most recent federal decennial census information. [Section 6-13-631\(e\)](#) also requires that after a new school board is elected, the members must draw

lots to determine the length of their terms, so that no more than two positions are open for election at the same time. This has been the election method for the school district's board members since 1994.

The 2000 decennial census showed that the district's black voting-age population was 54.87% and that zones one, two, and three had a black majority population, just as they did in the previous census. The school district hired Dr. David England, a demographer at Arkansas State University, to review its election zones and determine if the school district still remained in compliance with [section 6-13-631](#) and the Voting Rights Act of 1965. Dr. England had drafted a report for the district in 1994 in order to bring it into initial compliance with the requirements of [section 6-13-631](#).

According to Dr. England's 2000 report, Marvell School District remained in compliance because it maintained a plan for five single-member zones as required by [section 6-13-631](#). Because the 2000 census information revealed a population change in zones three and four, Dr. England recommended realigning those two zones by shifting their boundary line by approximately one block. The population change was the result of construction of a housing project in zone four. After Dr. ***485** England's study was complete, the board voted to adopt his plan, which thereby resulted in the adjustment of the boundary line separating zones three and four. Black voters, however, continued to be in the majority in three of the five single-member zones, specifically zones one, two, and three. Thereafter, on May 21, 2002, the District sent a letter to the Arkansas Department of Education, stating that it was in compliance with the requirements of the [section 6-13-631](#).

In August 2002, Appellants filed as candidates for unexpired positions on the District's board of directors. Only one of the incumbents, running for the open at-large position, filed as a candidate. Each Appellant was certified by the Phillips County Election Commission as candidates to be placed on the September 17, 2002 ballots. Thereafter, the District filed a lawsuit seeking a temporary restraining order or preliminary injunction to prevent Appellants from appearing on the ballot, because it was the District's contention that the only seat open for election was one at-large position with an expired term.

A hearing was held in the circuit court on September 6, 2002. Testifying at this hearing was Ulicious Reed, superintendent of the school district. He testified that the school district continues to operate under a desegregation order from 1971. He stated that although the school was now fully integrated, it had to continue to monitor student placement because of a decrease in student enrollment, particularly of white students. He also testified that the election procedures instituted in 1994, pursuant to [section 6-13-631](#), brought the district into compliance with the Voting Rights Act. Reed further testified that it was the school district's position that there was only one school board seat open for election.

Appellants took the position at this hearing that [section 6-13-631](#) required the election of an entirely new school board after the district rezoned. The school district asserted that it was exempt from the requirements of [section 6-13-631](#) because it met two exceptions set forth in the statute, namely that it was operating under ****505** a desegregation order and that it was in compliance with the Voting Rights Act.

After considering the testimony and arguments of counsel, the trial court ruled that the school district was in compliance ***486** with the Voting Rights Act, as well as the court's desegregation order of 1971. The court further ruled that there was only one position on the board open for election. In a subsequent written order, dated September 11, 2002, the trial court reiterated its finding that [section 6-13-631](#) did not require the school district to elect an entirely new school board because it was still operating under a federal desegregation order, was in compliance with the Voting Rights Act, and was in compliance with the requirements of [section 6-13-631](#). The order directed the county clerk to count only those votes cast for the at-large position.

Appellants filed an appeal of the trial court's order with this court on the same day as the trial court's written order was filed. Appellants sought a writ of certiorari and a stay of the election scheduled for September 17. In a *per curiam* opinion, this court denied the writ and motion on the basis that this court did not have the authority to enjoin a regularly scheduled election. See [Fields v.](#)

[Pleqge, 350 Ark. 57, 84 S.W.3d 446 \(2002\)](#). This appeal followed.

[1]  Appellants raise only one point on appeal. They argue that the trial court erred in its interpretation of [section 6-13-631](#). Specifically, Appellants argue that a plain reading of the statute reveals that a new school board must be elected any time a district engages in rezoning of its boundaries, as did Marvell School District in the present case. The school district counters that it is exempt from the provisions of [section 6-13-631](#), because it is in compliance with the Voting Rights Act, as it already has a zone-elected board of directors. It claims an additional exemption based on the fact that it was operating under a 1971 federal desegregation order. We agree with the school district.

[2]  [3]  We review issues of statutory interpretation *de novo*, as it is for this court to decide what a statute means. [Clayborn v. Bankers Standard Ins. Co., 348 Ark. 557, 75 S.W.3d 174 \(2002\)](#); [Fewell v. Pickens, 346 Ark. 246, 57 S.W.3d 144 \(2001\)](#). In this respect, we are not bound by the trial court's decision; however, in the absence of a showing that the trial court erred, its interpretation will be accepted as correct on appeal. [Harris v. City of Little Rock, 344 Ark. 95, 40 S.W.3d 214 \(2001\)](#); [Norman v. Norman, 342 Ark. 493, 30 S.W.3d 83 \(2000\)](#).

[Section 6-13-631](#) provides in relevant part as follows:

***487** (a) Beginning with the 1994 annual school election, the qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.

The statute then sets forth a method for electing a brand new school board from five zoned districts, with two at-large positions. Once the new school board is elected, each member must draw lots to determine the length of his or her term; thus, preventing more than two seats being up for election at the same time.

The statute further provides:

(f)(1) After each federal decennial census and at least ninety (90) days before the annual school election, the local board of directors, with the approval of the controlling county board of election commissioners, shall divide each ****506** school district having a ten percent (10%) or greater minority population into single-member zones. The zones shall be based on the most recent federal decennial census information and substantially equal in population.

(2) At the annual school election following the rezoning, a new school board shall be elected in accordance with procedures set forth in this section.

In subsection (g)(1), however, school districts meeting any of the following criteria are specifically exempted from the provisions of this section:

(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;

(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(C) A school district that has a zoned board meeting the requirements of the federal Voting Rights Act of 1965, as amended; and

(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.

***488** Thus, there are clear exemptions that allow a school district to deviate from the requirements of [section 6-13-631](#). The 1971 federal desegregation order was introduced at trial, and Superintendent Reed testified that the school was still operating under that order. Specifically, he stated that they constantly monitored student placement. He also testified that he sends reports to the federal court when requested and recently submitted a recruitment report. Dr. England's report stating that the school district was in compliance with the Voting Rights Act because it elected its school board members from zoned districts was also introduced at the hearing. Appellants produced no evidence to dispute the fact that these two exceptions applied in this case.

[4]  [5]  Appellants now assert that it is absurd for the school district to claim that it is entitled to exemptions when it took the action of hiring someone to study the population information and undertake a rezoning as the statute requires. According to Appellants, because the school district took the action of rezoning it is now required to comply with the remainder of the statute and hold a new school board election as set forth in [section 6-13-631\(f\)\(2\)](#). Appellants, however, failed to raise this argument before the trial court. Likewise, Appellants did not argue below that the school district's act of rezoning constituted a waiver of any claimed exemption. It is well settled that this court will not consider arguments raised for the first time on appeal. See, e.g., [Arkansas Blue Cross & Blue Shield v. Hicks](#), 349 Ark. 269, 78 S.W.3d 58 (2002); [Laird v. Shelnut](#), 348 Ark. 632, 74 S.W.3d 206 (2002).

We agree with the trial court's determination that the school district meets the exception set out in [section 6-13-631\(g\)\(1\)\(A\)](#), as operating under the 1971 federal desegregation order, as well as the exception set forth in subsection (g)(1)(C), having a zoned school board meeting the requirements of the Voting Rights Act. Accordingly, we cannot say that the trial court erred in determining that the only seat open for election on the September 17 ballot was the one expired at-large position.

Affirmed.

Ark., 2003.
Fields v. Marvell School Dist.
352 Ark. 483, 102 S.W.3d 502, 176 Ed. Law Rep. 465

Briefs and Other Related Documents ([Back to top](#))

- [2003 WL 23701414](#) (Appellate Brief) Appellee's Brief with Supplemental Addendum (Feb. 21, 2003)  [Original Image of this Document \(PDF\)](#)
- [2003 WL 23701415](#) (Appellate Brief) Appellant' Abstract and Brief (Feb. 21, 2003)  [Original Image of this Document \(PDF\)](#)

Judges and Attorneys ([Back to top](#))

[Judges](#) | [Attorneys](#)

Judges

- **Corbin, Hon. Donald L.**

State of Arkansas Supreme Court
Little Rock, Arkansas 72201

[Litigation History Report](#) | [Judicial Reversal Report](#) | [Judicial Expert Challenge Report](#) | [Profiler](#)

- **Plegge, Hon. John B.**

[Litigation History Report](#) | [Judicial Reversal Report](#) | [Profiler](#)

Attorneys

Attorneys for Appellant

- **Valley, James F.**

Helena, Arkansas 72342

[Litigation History Report](#) | [Profiler](#)

Attorneys for Appellee

• **Brazil, William C.**

Conway, Arkansas 72034

[Litigation History Report](#) | [Profiler](#)

END OF DOCUMENT

 [West Reporter Image \(PDF\)](#)

Adobe Reader is required to view PDF images.



(c) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

August 14, 2013

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Sam Ledbetter
Little Rock
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Terry and Jessica Hearron
P.O. Box 115
Midland, AR 72945

Mrs. Teresa Ragsdale, Superintendent
Hartford School District
508 West Main Street
Hartford, AR 72938

Mr. Robert Ross, Superintendent
Mansfield School District
402 Grove Street
Mansfield, AR 72944

**Re: Appeal Under the Public School Choice Act of 2013
Hearron v. Mansfield School District
VIA ELECTRONIC AND REGULAR MAIL**

Everyone:

On July 26, 2013, Terry and Jessica Hearron filed a petition appealing the decision of the Mansfield School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

T. Hearron
M. Hearron
C. Hearron

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) during a special board meeting on **Friday, August 16, 2013**. The meeting will begin at **11:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. The State Board will hold the special board meeting to address this pending school choice appeal prior to the first day of classes which, for most school districts, is Monday, August 19, 2013.

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 9:30 a.m. on Thursday, August 15**.

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

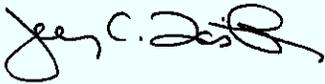
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Notice Letter
August 14, 2013
Page 2 of 2

Act of 2013. If you are unable to attend the meeting in person, you may call in to the State Board of Education conference call number, **(559) 546-1700, Access Code: 337878.**

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

APPEAL

State Board of Education

July 22, 2013

RECEIVED
COMMISSIONER'S OFFICE
JUL 26 2013

DEPARTMENT OF EDUCATION

Terry and Jessica Hearron, parents of Tyler, Coby and Madison Hearron, hereby request a hearing to be reconsidered for school choice transfer in the year of 2013-14. A rejection letter has been sent to us from Mansfield School district due to the 3% cap on schools enrollment. We feel that it would be in our childrens best interest academically and otherwise to be attending Mansfield school. We have enclosed some additional documents and arguments supporting our need to be transferred this current school year.

Sincerely,

Terry Hearron



Jessica Hearron



RECEIVED
ATTORNEY'S OFFICE

JUL 26 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

School Board of Education

7/22/2013

We have enclosed some documents from schooldigger.com that compares our resident school to two other non-resident schools that are in close proximity to us. It ranks our district, high school, and elementary schools testing scores in recent years. Clearly indicating that our resident school (Hartford) is extremely low academically compared to the other schools we would consider as an alternative choice. Currently our resident school is under fiscal distress. Understanding that this does not void our rejection letter, we feel that the large cutbacks that the school has had to make is greatly effecting the students and primarily ours.

Our oldest son Tyler will be going into his sophomore year and plans on taking pre-AP classes. At Mansfield they have teachers in the classroom trained in AP courses. Hartford also offers some of these courses but is limited to the desire of the students and many of these classes can only be offered online. Last year we experienced a online course (Spanish 1) and was greatly disappointed. The teacher that facilitated in that classroom could not speak any Spanish and was no help to the students. During the first semester the internet was down so many times that students missed lectures, missed assignments, and homework deadlines. Tyler's grade was greatly affected. Due to the lack of money to appropriately upgrade the internet, this continued to be a problem throughout the year. We feel that our son would benefit greatly if he had a teacher in the classroom teaching the current course. This next year Tyler will be recommended to take Spanish 2 and Mansfield offers a Spanish teacher in the classroom, however Hartford only offers this course online.

It is our understanding that for these academic reasons alone school choice was implemented, giving every child an opportunity to attend a school that can help them achieve their academic goals. We are asking that the board would reconsider this rejection and allow our children this next school year to attend Mansfield. My husband, Terry Hearron stepped down from being school board president due to this conflict of interest. Knowing that students and parents are not receiving the state mandated CAP meetings by Hartford. We hate that we are having to remove our children from our resident district but realize they are not receiving the type of education that they need and would like to attend a school that can offer some options and stability for their future.

We are asking for all of our children to be reconsidered, however Tyler is our biggest concern due to him entering into High School. If not all, would you at least allow Tyler to attend Mansfield, so he can get the best taught AP classes? We will

school choice our other two again the following year. Thank you for your consideration and look forward to hearing from you.

Sincerely,

Terry Hearron

Handwritten signature of Terry Hearron in cursive script.

Jessica Hearron

Handwritten signature of Jessica Hearron in cursive script.



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

- Home
- Find a School
- Near an Address
- Compare Schools
- City Rankings
- District Rankings
- School Rankings
- Best 10 Schools
- Worst 10 Schools
- Most Improved

[Home](#) > [Arkansas](#) > School Rankings

American Int School

www.ais.edu.hk

A leading K-12 US standards-based independent school in HK since 1986



AdChoices

Ranking:

Arkansas High School Rankings

Tools: [Follow us](#)

Share: [Facebook](#) [Tweet](#) 4

[\(change state\)](#)

Like Send 85 people like this. Be the first of your friends.

Over 30 million people have visited SchoolDigger!

Like

685

Hint: Want to see more than 10 rows per page? Press the Facebook "Like" button or the Google +1 button and we'll increase the listing to 100 rows!

1. Level: High Schools

2. Year: 2011-2012

3. Grade: 11th, End of course

4. Test: ACTAAP Literacy & ACTAAP Geometry

5. Show Columns...

Go!

Top states visiting SchoolDigger right now:

- New York: 9%
- Georgia: 7%
- Utah: 5%
- New Jersey: 4%
- Texas: 4%
- Virginia: 4%
- Colorado: 4%
- California: 4%

Quick links:

- [Arkansas Elementary School Rankings](#)
- [Arkansas Middle School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

Arkansas High School Rankings

11th, End of course
ACTAAP Literacy & ACTAAP Geometry
2011-2012

Rank* (of 264)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP_avg Geometry** (2012)	ACTAAP_avg Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
240	Dermott High School	Dermott School District	Dermott	07	12	205	53.0	40.0	93.0	50
240	Sparkman High School	Harmony Grove School District	Sparkman	07	12	95	33.0	60.0	93.0	11
243	Fordyce High School	Fordyce School District	Fordyce	09	12	287	44.0	47.0	91.0	9
244	Hartford High School	Hartford School District	Hartford	07	12	163	35.0	55.0	90.0	35
244	Jacksonville High School	Pulaski County Special School District	Jacksonville	09	12	945	45.0	45.0	90.0	5
244			Prescott	09	12	327	48.0	42.0	90.0	40



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

Home

[Home](#) > [Arkansas](#) > School Rankings

Find a School

Near an Address

Compare Schools

City Rankings

District Rankings

School Rankings

Best 10 Schools

Worst 10 Schools

Most Improved

Over 30 million people have visited SchoolDigger!

Like **5.2k**

685

Top states visiting SchoolDigger right now:

- New York: 10%
- Georgia: 9%
- Texas: 7%
- California: 6%
- Maryland: 5%
- Florida: 4%
- Virginia: 4%
- Colorado: 4%

Diana's Day Care

www.dianasdaycare.blogspot.com

30 years of loving care. Licensed. Openings available for all ages.



AdChoices

Ranking:

Arkansas High School Rankings

[\(change state\)](#)

Tools: [Follow us](#)

Share: Facebook Tweet 4

Like Send 85 people like this. Be the first of your friends.

Hint: Want to see more than 10 rows per page? Press the Facebook "Like" button or the Google +1 button and we'll increase the listing to 100 rows!

1. Level: High Schools

2. Year: 2011-2012

3. Grade: 11th, End of course

4. Test: ACTAAP Literacy & ACTAAP Geometry

5. Show Columns...

Go!

Quick links:

- [Arkansas Elementary School Rankings](#)
- [Arkansas Middle School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

Arkansas High School Rankings

11th, End of course
ACTAAP Literacy & ACTAAP Geometry
2011-2012

Rank* (of 264)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP_avg Geometry** (2012)	ACTAAP_avg Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
90	Mammoth Spring High School	Mammoth Spring School District	Mammoth Spring	07	12	226	87.0	66.0	153.0	19
90	Mansfield High School	Mansfield School District	Mansfield	09	12	315	81.0	72.0	153.0	7
90	Melbourne High School	Melbourne School District	Melbourne	07	12	409	71.0	82.0	153.0	73
90	Morrilton Senior High School	So. Conway County School District	Morrilton	09	12	647	80.0	73.0	153.0	63
90	Oden High School	Ouachita River School District	Oden	07	12	112	72.0	81.0	153.0	140
96			Green Forest	09	12	343	88.0	64.0	152.0	13



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

- Home
- Find a School
- Near an Address
- Compare Schools
- City Rankings
- District Rankings
- School Rankings
- Best 10 Schools
- Worst 10 Schools
- Most Improved

[Home](#) > [Arkansas](#) > School Rankings

Affordable SIF Solutions

www.CpsiLtd.com

Leading Vendor SIF Based Solutions Lower Your Costs with SIF & CPSI



AdChoices

Ranking:

Arkansas High School Rankings

([change state](#))

Tools: Follow us

Share: Facebook Tweet 4

Like Send 85 people like this. Be the first of your friends.

Over 30 million people have visited SchoolDigger!

Like 5.2k

685

[Print](#)

Top states visiting SchoolDigger right now:

- California: 11%
- New York: 7%
- Georgia: 7%
- Virginia: 4%
- Colorado: 4%
- Illinois: 4%
- Massachusetts: 4%
- Florida: 3%

Hint: Want to see more than 10 rows per page? Press the Facebook "Like" button or the Google +1 button and we'll increase the listing to 100 rows!

1. Level: High Schools

2. Year: 2011-2012

3. Grade: 11th, End of course

4. Test: ACTAAP Literacy & ACTAAP Geometry

5. Show Columns...

Go!

Quick links:

- [Arkansas Elementary School Rankings](#)
- [Arkansas Middle School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

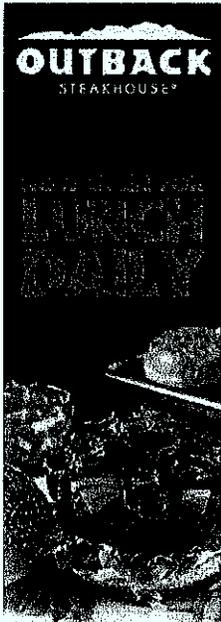
Arkansas High School Rankings

11th, End of course
ACTAAP Literacy & ACTAAP Geometry
2011-2012

Rank* (of 264)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP, avg Geometry** (2012)	ACTAAP, avg Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
181	Hackett High School	Hackett School District	Hackett	07	12	292	57.0	73.0	130.0	28
181	Hamburg High School	Hamburg School District	Hamburg	09	12	534	74.0	56.0	130.0	94
181	Midland High School	Midland School District	Pleasant Plains	07	12	240	69.0	61.0	130.0	64
184	Brookland High School	Brookland School District	Brookland	09	12	411	60.0	69.0	129.0	89
185	Barton High School	Barton-Lexa School District	Barton	07	12	381	82.0	46.0	128.0	98
185	Bruno-Pyatt High School	Ozark Mountain School District	Everton	07	12	126	75.0	53.0	128.0	7



AR High School Rankings 2012-2013



	School	District	Year	2011	2012	2013	2011	2012	2013	Rank
186	Fordyce High School	Fordyce School District	09	12	287	65.0	52.0	117.0	57	
186	Northside High School	Fort Smith School District	10	12	1356	58.0	59.0	117.0	43	
189	Fouke High School	Fouke School District	09	12	301	46.0	70.0	116.0	5	
189	Hackett High School	Hackett School District	07	12	292	56.0	60.0	116.0	8	

Jump to page: 11 12 13 14 15 16 17 18 19 20 ...

Find School: Hackett High School (Ha) Find

Want to see more than 10 rows per page?

Source: National Center for Education Statistics, U.S. Dept of Education, and Arkansas Dept of Education

Home Schooling For Free

SmarterSchooling.com/HomeSchooling

Top Home Schooling Programs For All Students. Start Learning ASAP.



AdChoices

* Rank is determined by adding each school's average ACTAAP Geometry score with the average ACTAAP Literacy score to form a combined average score. The school with the highest combined score is ranked #1.
 ** The values used in the ACTAAP columns are % proficient.

Rankings are available for all Arkansas public elementary, middle, and high schools that have published ACTAAP scores for the latest year. See the [Ranking FAQ](#) for more information about how SchoolDigger.com ranks schools.

Tools: Follow us

Like Send

85 people like this. Be the first of your friends.

Share: Facebook Tweet 4

Nationwide
Insurance

JOIN THE NATION.
We put members first, because we don't have shareholders.

GO >

115	Van Buren High School	Van Buren School District	Van Buren	10	12	1263	74.0	68.0	142.0	54
118	Academics Plus High Charter School	Academics Plus Charter School	Mauumelle	07	12	266	67.0	74.0	141.0	7
118	East Poinsett County High School	East Poinsett County School District	Lepanto	07	12	325	71.0	70.0	141.0	96
118	Mansfield High School	Mansfield School District	Mansfield	09	12	315	61.0	80.0	141.0	28

Jump to page:

11 12 13 14 15 16 17 18 19 20 ...

Find School:

[Want to see more than 10 rows per page?](#)

Source: National Center for Education Statistics, U.S. Dept of Education, and Arkansas Dept of Education

Home Schooling For Free

SmarterSchooling.com/HomeSchooling

Top Home Schooling Programs For All Students. Start Learning ASAP.



AdChoices

* Rank is determined by adding each school's average ACTAAP Geometry score with the average ACTAAP Literacy score to form a combined average score. The school with the highest combined score is ranked #1.
 ** The values used in the ACTAAP columns are % proficient.

Rankings are available for all Arkansas public elementary, middle, and high schools that have published ACTAAP scores for the latest year. See the [Ranking FAQ](#) for more information about how SchoolDigger.com ranks schools.

Tools: [Follow us](#)

Like Send

85 people like this. Be the first of your friends.

Share: [Facebook](#) [Tweet](#) 4



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

Home

[Home](#) > [Arkansas](#) > School Rankings

Find a School

Near an Address

Compare Schools

City Rankings

District Rankings

School Rankings

Best 10 Schools

Worst 10 Schools

Most Improved

Over 30 million people have visited SchoolDigger!

Like: 5.2k

685

Top states visiting SchoolDigger right now:

- New York: 9%
- California: 8%
- Georgia: 8%
- Colorado: 7%
- Florida: 3%
- Tennessee: 3%
- Connecticut: 3%
- Mississippi: 3%

Think Your Teen Has ADHD?

www.TeenageADHDstudy.com

Is Your Teen Easily Distracted? Take Part In Our ADHD Study.



AdChoices

Ranking:

Arkansas High School Rankings

([change state](#))

Tools: [Follow us](#)

Share: Facebook Tweet StumbleUpon

Like: Send 85 people like this. Be the first of your friends.

1. Level: High Schools

2. Year: 2012-2013

3. Grade: 11th, End of course

4. Test: ACTAAP Literacy & ACTAAP Geometry

5. Show Columns...

Go!

Quick links:

- [Arkansas Elementary School Rankings](#)
- [Arkansas Middle School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)



Sorry, Hartford High School (Hartford) was not found in the ranking list. Only schools that have current ACTAAP Geometry and ACTAAP Literacy scores are included.

See SchoolDigger.com's profile for [Hartford High School \(Hartford\)](#)

Arkansas High School Rankings

11th, End of course
ACTAAP Literacy & ACTAAP Geometry
2012-2013

Rank* (of 239)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP avg Geometry** (2013)	ACTAAP avg Literacy** (2013)	ACTAAP Combined	Rank Change From 2012
1	Viola High School	Viola School District	Viola	07	12	198	90.0	100.0	190.0	3
2	Bentonville High School	Bentonville School District	Bentonville	09	12	3495	93.0	89.0	182.0	
3	Benton City School Of Arts High	Benton County School Of Arts	Rogers	09	12	199	90.0	91.0	181.0	13
3	Dardanelle High School	Dardanelle School District	Dardanelle	09	12	526	98.0	83.0	181.0	3
3	Valley View High School	Valley View School District	Jonesboro	07	12	1046	91.0	90.0	181.0	2
6	Taylor High School	Emerson-Taylor School District	Taylor	07	12	137	79.0	100.0	179.0	5
7				07	12	200	91.0	87.0	178.0	7



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

- Home
- Find a School
- Near an Address
- Compare Schools
- City Rankings
- District Rankings
- School Rankings
- Best 10 Schools
- Worst 10 Schools
- Most Improved

[Home](#) > [Arkansas](#) > School Rankings

Earn an Animation Degree

www.ArtInstitutes.edu

The Art Institutes - Get Info on the Animation Program.



AdChoices

Ranking:

Arkansas Elementary School Rankings

(change state)

Tools: [Follow us](#)

Share: [Facebook](#) [Tweet](#) 22

Like Send 193 people like this. Be the first of your friends.

Over 30 million people have visited SchoolDigger!

Like 5.2k
685

Hint: Want to see more than 10 rows per page? Press the Facebook "Like" button or the Google +1 button and we'll increase the listing to 100 rows!

Top states visiting SchoolDigger right now:

- New York: 10%
- California: 6%
- Massachusetts: 5%
- Alabama: 4%
- Georgia: 4%
- New Jersey: 4%
- Florida: 3%
- Colorado: 3%

1. Level: Elementary Schools

2. Year: 2011-2012

3. Grade: 3rd, 4th Grades Combined

4. Test: ACTAAP Mathematics & ACTAAP Literacy

5. Show Columns...

Go!

Quick links:

- [Arkansas Middle School Rankings](#)
- [Arkansas High School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

Arkansas Elementary School Rankings

3rd, 4th Grades Combined
ACTAAP Mathematics & ACTAAP Literacy
2011-2012

Rank# of 451	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP avg Mathematics** (2012)	ACTAAP avg Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
378	West Side Elementary School	Helena/W. Helena School District	West Helena	01	06	394	71.0	77.0	148.0	2
378	Westside Elementary School	Westside School District	Hartman	KG	06	352	75.5	72.5	148.0	24
383	Hartford Elementary School	Hartford School District	Hartford	PK	06	199	76.5	71.0	147.5	113
383	Jones Elementary School	Springdale School District	Springdale	PK	05	546	77.0	70.5	147.5	39
383	Woodrow Wilson Elementary School	Paragould School District	Paragould	KG	04	360	79.5	68.0	147.5	21
386			Little Rock	KG	06	433	75.5	71.5	147.0	19





The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

- Home
- Find a School
- Near an Address
- Compare Schools
- City Rankings
- District Rankings
- School Rankings
- Best 10 Schools
- Worst 10 Schools
- Most Improved

Over 30 million people have visited SchoolDigger!

Like 5.2k
685

Top states visiting SchoolDigger right now

- New York: 13%
- California: 7%
- Georgia: 7%
- Florida: 4%
- Colorado: 4%
- Illinois: 4%
- Massachusetts: 4%
- District Of Columbia: 3%

[Home](#) > [Arkansas](#) > School Rankings

Obama Grants For Moms

www.ArticlesBase.com

Obama Offers Scholarships & Grants For Mothers To Go Back To School



AdChoices

Ranking:

Arkansas Elementary School Rankings

(change state)

Hint: Want to see more than 10 rows per page? Press the Facebook "Like" button or the Google +1 button and we'll increase the listing to 100 rows!

Tools: Follow us

Share: Facebook Tweet 22

Like Send 193 people like this. Be the first of your friends.

1. Level: Elementary Schools

2. Year: 2011-2012

3. Grade: 3rd, 4th Grades Combined

4. Test: ACTAAP Mathematics & ACTAAP Literacy

5. Show Columns...

Go!

Quick links:

- [Arkansas Middle School Rankings](#)
- [Arkansas High School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

Arkansas Elementary School Rankings

3rd, 4th Grades Combined
ACTAAP Mathematics & ACTAAP Literacy
2011-2012

Rank* (of 451)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP_svs Mathematics** (2012)	ACTAAP_svs Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
128	Kirby Elementary School	Kirby School District	Kirby	KG	06	206	88.5	89.0	177.5	85
128	Mansfield Elementary School	Mansfield School District	Mansfield	KG	04	338	87.5	90.0	177.5	34
128	Valley Springs Elementary School	Valley Springs School District	Valley Springs	PK	04	393	88.5	89.0	177.5	14
128	Walker Elementary School	Springdale School District	Springdale	KG	05	565	89.5	88.0	177.5	43
135	County Line Elementary School	County Line School District	Branch	PK	06	263	95.0	82.0	177.0	21
135	Fouke Elementary School	Fouke School District	Fouke	PK	05	576	90.5	86.5	177.0	5



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

Home

[Home](#) > [Arkansas](#) > School Rankings

Find a School

Near an Address

Compare Schools

City Rankings

District Rankings

School Rankings

Best 10 Schools

Worst 10 Schools

Most Improved

Over 30 million people have visited SchoolDigger!

Like
 685

Top states visiting SchoolDigger right now:

- [New York](#): 8%
- [North Carolina](#): 6%
- [Texas](#): 5%
- [Florida](#): 4%
- [California](#): 4%
- [Arizona](#): 4%
- [Massachusetts](#): 4%
- [Washington](#): 3%

Online High School

www.InternetHighSchool.com/Colorado

Find Out if Internet High School is Right for You. Accredited Schools.



Ranking:

Arkansas Elementary School Rankings

([change state](#))

Tools: Follow us

Share: Facebook Tweet 22

Like people like this. Be the first of your friends.

1. Level: Elementary Schools

2. Year: 2011-2012

3. Grade: 3rd, 4th Grades Combined

4. Test: ACTAAP Mathematics & ACTAAP Literacy

5. Show Columns...

Quick links:

- [Arkansas Middle School Rankings](#)
- [Arkansas High School Rankings](#)
- [Arkansas District Rankings](#)
- [Arkansas City Rankings](#)

Arkansas Elementary School Rankings

3rd, 4th Grades Combined
ACTAAP Mathematics & ACTAAP Literacy
2011-2012

Rank* (of 451)	School	District	City	Low Grade	High Grade	Total students (2011)	ACTAAP_avg Mathematics** (2012)	ACTAAP_avg Literacy** (2012)	ACTAAP Combined	Rank Change From 2011
121	Cutter-Morning Star Elementary School	Cutter-Morning Star School District	Hot Springs	PK	06	331	93.0	85.5	178.5	83
121	Sheridan Intermediate School	Sheridan School District	Sheridan	03	05	596	91.0	87.5	178.5	74
123	Crystal Hill Elementary	Pulaski County Special School District	North Little Rock	PK	05	744	88.5	89.5	178.0	14
123	Genoa Central Elementary School	Genoa Central School District	Texarkana	PK	04	397	87.0	91.0	178.0	86
123	Hackett Elementary School	Hackett School District	Hackett	KG	06	319	86.5	91.5	178.0	183



The Web's Easiest and Most Useful K-12 Search and Comparison Tool for Parents

Home

Home > Arkansas > Mansfield School District > Mansfield High School > Compare

Find a School

Near an Address

Compare Schools

City Rankings

District Rankings

School Rankings

Best 10 Schools

Worst 10 Schools

Most Improved

Over 30 million people have visited SchoolDigger!

Like 5.2k

685

Top states visiting SchoolDigger right now

- New York: 10%
- Texas: 7%
- California: 6%
- Georgia: 5%
- New Jersey: 4%
- Illinois: 4%
- Arizona: 4%
- New Mexico: 3%

Notice: Welcome to our brand new SchoolDigger school comparison web page!

We are excited to make these great new features available to our visitors. Starting now, you can compare schools and school data in ways never before possible! Please check out the new comparison page below and give us your [feedback](#) - good or bad is welcome! If you wish, you can see our old school comparison page [here](#).

Tools: [Review](#) [Print](#) [Email](#) [Share](#) [Follow us](#)

Share: [Facebook](#) [Twitter](#) [0](#)

Like Send Be the first of your friends to like this.

✓ Ad muted. [Undo](#)

We'll do our best to show you more relevant ads in the future.

Help us show you better ads by updating your [ads preferences](#).



Compare Mansfield High School

Public | Grades: 9-12 | 315 students
SchoolDigger 2013 Rating: ★★★★★

...to these schools:

- High schools in Mansfield School District
- Elementary schools in Hartford School District
- High schools in Hartford School District
- High schools in Hackett School District

[Add Schools...](#)

Grid Map

3 schools are in your comparison list below. Change the set of columns by clicking on a tab below, or click *Custom* to choose your own columns!

Summary Rankings Teachers and Students Test Scores Custom...

Display 10 schools

Show only my favorites (0)

Find school:

ACTAAP (2013)

School	Algebra I End of Course	Biology End of Course	Geometry End of Course	Literacy 11th Grade
Mansfield High School	62.0	49.0	61.0	80.0
Hartford High School	65.0	12.0	n/a	33.0

School Ranking Test Scores





69.0 34.0 56.0 60.0

Hackett High School

Showing 1 to 3 of 3 schools

First Previous **1** Next Last

Grid coloring legend:



WORST score/value
for schools in
THIS listing

BEST score/value
for schools in
THIS listing

Note that red does not necessarily mean a bad score or value, nor does green necessarily mean good. The color just reflects the score *relative* to the other schools in the listing.

Tools: Review Follow us

Share: Facebook Tweet 0

© 2006-2013 SchoolDigger.com. All rights reserved. ([About Us](#) - [Contact Us](#) - [Advertise with Us](#) - [Privacy Policy](#) - [Terms of Use](#))



Mansfield School District

ACCREDITED BY THE ARKANSAS DEPARTMENT OF EDUCATION

402 Grove Street, Mansfield AR 72944

479-928-4006

Fax 479-928-4482

www.mansfieldtigers.org

BOARD OF EDUCATION

Robert Sadoski
President

Mark Barton
Vice President

Joyce Williams
Secretary

Jason Baggett
Member

Keith Dedmon
Member

ADMINISTRATION

Robert Ross
Superintendent

Tina Smith
High School Principal

Cindy Coleman
Middle School Principal

Sam Slott
Elementary Principal

Floyd Fisher
Assistant Principal
High School

Nancy Vitale
Sp. Ed. Supervisor

July 11, 2013

Terry & Jessica Hearnon
P.O. Box 115
Midland, AR 72945

Re: School Choice Application

Dear Parent(s) of Madison Hearnon, Coby Hearnon, and Tyler Hearnon,

I am sorry, but the applications you submitted for Madison Hearnon, Coby Hearnon, and Tyler Hearnon have been rejected for the following reason.

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

As noted in your original application, you have 10 days from the receipt of this notice to appeal this decision to the State Board of Education.

Respectfully,

Robert Ross
Superintendent



Mansfield School District

ACCREDITED BY THE ARKANSAS DEPARTMENT OF EDUCATION

2500 HWY 71 South, Mansfield AR 72944 479-928-1105 Fax 479-928-1108 <http://mansfieldtigers.com>

ADMINISTRATION

Robert Ross
Superintendent

Dr. Jim Best
High School Principal

Cindy Coleman
Middle School Principal

Sam Slott
Elementary Principal

Floyd Fisher
Assistant Principal
High School

Nancy Vitale
Sp. Ed. Supervisor

BOARD OF EDUCATION

Robert Sadoski
President

Mark Barton
Vice-President

Joyce Williams
Secretary

Jason Baggett
Member

Keith Dedmon
Member

July 11, 2013

To Whom It May Concern,

I am writing this letter on behalf of Tyler Hearron who will be a sophomore during the 2013-14 school year. Tyler's family completed all the necessary School Choice paperwork before the deadline of June 1, but he was unable to transfer to the Mansfield School District based on the 3% transfer limit that his resident district, the Hartford School District, reached prior to approving his application.

At this time Tyler is appealing the decision to deny his transfer due to academic reasons. Tyler's family indicates that the Hartford School District has limited Pre-AP and AP course offerings. Mansfield High School has Pre-AP and AP classes, taught on campus, by AP trained faculty, in biology, English and mathematics. Tyler and his family realize that he has reached the grade level where Pre-AP courses are crucial to building the academic foundation necessary to succeed in AP and college courses.

Please give his appeal your utmost consideration and contact me at 479-928-4006 if you should have questions or need additional information.

Sincerely,

Robert Ross, Superintendent
Mansfield School District

Mansfield Public Schools
402 Grove St.
Mansfield, Arkansas 72944

Terry & Jessica Hearron
P.O. Box 115
Midland, AR 72945

UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.46⁰
0001727930 JUL 12 2013
MAILED FROM ZIP CODE 72944



7294530115



~~18A~~
18A

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: Tyler Hearron

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 9th

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: Hartford County Name: Sebastian

Address: 508 Ludlow St Hartford AR

Phone: 479-639-2239 High School

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Mansfield County Name:

Address: 402 Grove St Mansfield, AR 72944

Phone: ~~928-1102~~ 928-1102

Does the applicant already have a sibling or step-sibling in attendance in this district? no

PARENT OR GUARDIAN INFORMATION

Name: Terry or Jessica Hearron

Home Phone: 

Address: POBx 115 Midland AR 72045

Work Phone: Terry 479-464-2223
Jessica 479-462-9031

Parent/Guardian Signature

Jessica Hearron

Date:

5-16-2013

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:

5/16/13 9:30 Am

Date and Time Received by Nonresident District:

5/16/13 8:25am

Resident District LEA #:

6604

Nonresident District LEA#:

6606

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 :

18B

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: Madison Hearron

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 2013 K

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: Hartford County Name: Sebastian

Address: 508 Ludlow St Hartford AR

Phone: 639-2831 Elementary office

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Mansfield County Name: Sebastian

Address: 402 Grove St Mansfield, AR 72944

Phone: 928-1102

Does the applicant already have a sibling or step-sibling in attendance in this district?
no

PARENT OR GUARDIAN INFORMATION

Name: Terry or Jessica Hearron Home Phone: [REDACTED]

Address: POBx 115 Midland AR 72445 Work Phone: 479-414-2223 Terry
479-462-9031 Jessica

Parent/Guardian Signature: Jessica Hearron Date: 5-16-13

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: 5/16/13 9:30 AM Date and Time Received by Nonresident District: 5/16/13 8:25 AM

Resident District LEA #: 6604 Nonresident District LEA #: 6606

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 :

18C

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: Coby Hearron

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 5th

Does the applicant require special needs or programs? Yes No Classroom modification as needed

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: Hartford County Name: Sebastian

Address: 508 ~~00~~ Ludlow St Hartford AR

Phone: 479-639-2831 Elementary office

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Mansfield County Name: Sebastian

Address: 402 Grove St. Mansfield, AR 72944

Phone: 928-1102

Does the applicant already have a sibling or step-sibling in attendance in this district? no

PARENT OR GUARDIAN INFORMATION

Name: Terry or Jessica Hearron Home Phone: [REDACTED]
 Address: POBx 115 Midland AR 72445 Work Phone: Terry 414-2223
Jessica 462-9031

Parent/Guardian Signature: Jessica Hearron Date: 5-16-2013

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: 5/16/13 9:30 AM Date and Time Received by Nonresident District: 5/16/13 8:25 AM
 Resident District LEA #: 6604 Nonresident District LEA#: 6606

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 :

Harrison
PO Box 115
Midland, AR 72045

NORTHWEST AR P&DF
AR 727 2 T
10 AUG 2013 PM



AR Dept. of Education
Four Capitol Mall
Little Rock, AR 72201-1019
Attn: Jeremy Lasiter

7220151019



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:

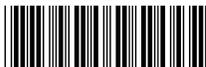
22 *SECTION 1. Arkansas Code § 6-18-206 is repealed.*

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 :		

ADDITIONAL MATERIALS

04 29 2013 3% rounded up

2012-13 2012-13

LEA	COUNTY	DISTRICT	ADM	3% ADM
			Qtrs. 1-3	Qtrs. 1-3
		total	459,374.54	13,902.00
101	ARKANSAS	DEWITT	1,284.59	39.00
104	ARKANSAS	STUTT GART	1,745.26	53.00
201	ASHLEY	CROSSETT	1,824.81	55.00
203	ASHLEY	HAMBURG	1,889.38	57.00
302	BAXTER	COTTER	643.78	20.00
303	BAXTER	MOUNTAIN HOME	3,976.63	120.00
304	BAXTER	NORFORK	451.35	14.00
401	BENTON	BENTONVILLE	14,821.62	445.00
402	BENTON	DECATUR	515.90	16.00
403	BENTON	GENTRY	1,379.95	42.00
404	BENTON	GRAVETTE	1,798.10	54.00
405	BENTON	ROGERS	14,445.31	434.00
406	BENTON	SILOAM SPRINGS	3,935.46	119.00
407	BENTON	PEA RIDGE	1,685.41	51.00
501	BOONE	ALPENA	548.84	17.00
502	BOONE	BERGMAN	1,091.53	33.00
503	BOONE	HARRISON	2,780.94	84.00
504	BOONE	OMAHA	419.42	13.00
505	BOONE	VALLEY SPRINGS	938.61	29.00
506	BOONE	LEAD HILL	362.20	11.00
601	BRADLEY	HERMITAGE	434.85	14.00
602	BRADLEY	WARREN	1,573.02	48.00
701	CALHOUN	HAMPTON	531.08	16.00
801	CARROLL	BERRYVILLE	1,961.29	59.00
802	CARROLL	EUREKA SPRINGS	607.98	19.00
803	CARROLL	GREEN FOREST	1,240.41	38.00
901	CHICOT	DERMOTT	393.10	12.00
903	CHICOT	LAKESIDE - Total	1,111.29	34.00
1002	CLARK	ARKADELPHIA	1,972.64	60.00
1003	CLARK	GURDON	751.47	23.00
1101	CLAY	CORNING	985.26	30.00
1104	CLAY	PIGGOTT	892.25	27.00
1106	CLAY	RECTOR	582.42	18.00
1201	CLEBURNE	CONCORD	468.69	15.00
1202	CLEBURNE	HEBER SPRINGS	1,800.54	55.00
1203	CLEBURNE	QUITMAN	642.21	20.00
1204	CLEBURNE	WEST SIDE	434.17	14.00
1304	CLEVELAND	WOODLAWN	542.87	17.00
1305	CLEVELAND	CLEVELAND COUNTY	852.83	26.00
1402	COLUMBIA	MAGNOLIA	2,708.36	82.00
1408	COLUMBIA	EMERSON-TAYLOR	623.62	19.00
1503	CONWAY	NEMO VISTA	475.50	15.00

1505	CONWAY	WONDERVIEW	421.88	13.00
1507	CONWAY	SO CONWAY COUNTY	2,202.43	67.00
1601	CRAIGHEAD	BAY	573.32	18.00
1602	CRAIGHEAD	WESTSIDE CONSOLIDATED	1,661.10	50.00
1603	CRAIGHEAD	BROOKLAND	1,842.34	56.00
1605	CRAIGHEAD	BUFFALO ISLAND CENTRAL	794.19	24.00
1608	CRAIGHEAD	JONESBORO	5,518.46	166.00
1611	CRAIGHEAD	NETTLETON	3,201.21	97.00
1612	CRAIGHEAD	VALLEY VIEW	2,508.56	76.00
1613	CRAIGHEAD	RIVERSIDE	814.97	25.00
1701	CRAWFORD	ALMA	3,325.72	100.00
1702	CRAWFORD	CEDARVILLE	892.20	27.00
1703	CRAWFORD	MOUNTAINBURG	703.81	22.00
1704	CRAWFORD	MULBERRY/PLEASANT VIEW BI-COUNTY	339.50	11.00
1705	CRAWFORD	VAN BUREN	5,909.59	178.00
1802	CRITTENDEN	EARLE	649.96	20.00
1803	CRITTENDEN	WEST MEMPHIS	5,540.71	167.00
1804	CRITTENDEN	MARION	4,102.88	124.00
1901	CROSS	CROSS COUNTY	621.94	19.00
1905	CROSS	WYNNE	2,805.04	85.00
2002	DALLAS	FORDYCE	873.41	27.00
2104	DESHA	DUMAS	1,458.89	44.00
2105	DESHA	MCGEHEE	1,152.11	35.00
2202	DREW	DREW CENTRAL	931.42	28.00
2203	DREW	MONTICELLO	2,101.16	64.00
2301	FAULKNER	CONWAY	9,553.77	287.00
2303	FAULKNER	GREENBRIER	3,260.53	98.00
2304	FAULKNER	GUY-PERKINS	423.04	13.00
2305	FAULKNER	MAYFLOWER	1,121.82	34.00
2306	FAULKNER	MOUNT VERNON/ENOLA	478.87	15.00
2307	FAULKNER	VILONIA	3,172.73	96.00
2402	FRANKLIN	CHARLESTON	859.94	26.00
2403	FRANKLIN	COUNTY LINE	446.88	14.00
2404	FRANKLIN	OZARK	1,890.62	57.00
2501	FULTON	MAMMOTH SPRING	459.61	14.00
2502	FULTON	SALEM	756.10	23.00
2503	FULTON	VIOLA	413.23	13.00
2601	GARLAND	CUTTER-MORNING STAR	572.93	18.00
2602	GARLAND	FOUNTAIN LAKE	1,282.78	39.00
2603	GARLAND	HOT SPRINGS	3,564.74	107.00
2604	GARLAND	JESSIEVILLE	913.75	28.00
2605	GARLAND	LAKE HAMILTON	4,353.38	131.00
2606	GARLAND	LAKESIDE	3,169.12	96.00
2607	GARLAND	MOUNTAIN PINE	586.00	18.00
2703	GRANT	POYEN	562.31	17.00
2705	GRANT	SHERIDAN	4,167.13	126.00
2803	GREENE	MARMADUKE	712.37	22.00

2807	GREENE	GREENE COUNTY TECH	3,468.96	105.00
2808	GREENE	PARAGOULD	2,896.36	87.00
2901	HEMPSTEAD	BLEVINS	502.77	16.00
2903	HEMPSTEAD	HOPE	2,474.72	75.00
2906	HEMPSTEAD	SPRING HILL	575.83	18.00
3001	HOT SPRING	BISMARCK	1,027.22	31.00
3002	HOT SPRING	GLEN ROSE	981.06	30.00
3003	HOT SPRING	MAGNET COVE	627.89	19.00
3004	HOT SPRING	MALVERN	2,141.13	65.00
3005	HOT SPRING	OUACHITA	463.79	14.00
3102	HOWARD	DIERKS	552.17	17.00
3104	HOWARD	MINERAL SPRINGS	444.89	14.00
3105	HOWARD	NASHVILLE	1,930.58	58.00
3201	INDEPENDENCE	BATESVILLE	2,915.17	88.00
3209	INDEPENDENCE	SOUTHSIDE	1,544.14	47.00
3211	INDEPENDENCE	MIDLAND	516.87	16.00
3212	INDEPENDENCE	CEDAR RIDGE	809.39	25.00
3301	IZARD	CALICO ROCK	395.15	12.00
3302	IZARD	MELBOURNE	869.11	27.00
3306	IZARD	IZARD COUNTY CONSOLIDATED	498.36	15.00
3403	JACKSON	NEWPORT	1,326.01	40.00
3405	JACKSON	JACKSON COUNTY	827.39	25.00
3502	JEFFERSON	DOLLARWAY	1,318.65	40.00
3505	JEFFERSON	PINE BLUFF	4,452.75	134.00
3509	JEFFERSON	WATSON CHAPEL	2,955.57	89.00
3510	JEFFERSON	WHITE HALL	2,981.28	90.00
3601	JOHNSON	CLARKSVILLE	2,557.48	77.00
3604	JOHNSON	LAMAR	1,149.00	35.00
3606	JOHNSON	WESTSIDE	630.09	19.00
3701	LAFAYETTE	BRADLEY	356.91	11.00
3704	LAFAYETTE	LAFAYETTE COUNTY	702.86	22.00
3804	LAWRENCE	HOXIE	861.98	26.00
3806	LAWRENCE	SLOAN-HENDRIX	667.33	21.00
3809	LAWRENCE	HILLCREST	363.63	11.00
3810	LAWRENCE	LAWRENCE COUNTY	1,118.04	34.00
3904	LEE	LEE COUNTY	911.76	28.00
4003	LINCOLN	STAR CITY	1,596.17	48.00
4101	LITTLE RIVER	ASHDOWN	1,418.63	43.00
4102	LITTLE RIVER	FOREMAN	557.85	17.00
4201	LOGAN	BOONEVILLE	1,316.06	40.00
4202	LOGAN	MAGAZINE	535.28	17.00
4203	LOGAN	PARIS	1,118.83	34.00
4204	LOGAN	SCRANTON	398.82	12.00
4301	LONOKE	LONOKE	1,834.02	56.00
4302	LONOKE	ENGLAND	718.50	22.00
4303	LONOKE	CARLISLE	716.45	22.00
4304	LONOKE	CABOT	10,115.11	304.00

4401	MADISON	HUNTSVILLE	2,255.60	68.00
4501	MARION	FLIPPIN	807.67	25.00
4502	MARION	YELLVILLE-SUMMIT	763.15	23.00
4602	MILLER	GENOA CENTRAL	1,068.52	33.00
4603	MILLER	FOUKE	1,008.86	31.00
4605	MILLER	TEXARKANA	4,314.25	130.00
4701	MISSISSIPPI	ARMOREL	435.35	14.00
4702	MISSISSIPPI	BLYTHEVILLE	2,582.08	78.00
4706	MISSISSIPPI	SO MISSISSIPPI COUNTY	1,277.13	39.00
4708	MISSISSIPPI	GOSNELL	1,354.90	41.00
4712	MISSISSIPPI	MANILA	1,021.77	31.00
4713	MISSISSIPPI	OSCEOLA	1,302.56	40.00
4801	MONROE	BRINKLEY	581.31	18.00
4802	MONROE	CLARENDON	546.91	17.00
4901	MONTGOMERY	CADDO HILLS	564.02	17.00
4902	MONTGOMERY	MOUNT IDA	511.06	16.00
5006	NEVADA	PRESCOTT	1,065.05	32.00
5008	NEVADA	NEVADA	372.78	12.00
5102	NEWTON	JASPER	890.44	27.00
5106	NEWTON	DEER/MT. JUDEA	371.95	12.00
5201	OUACHITA	BEARDEN	572.10	18.00
5204	OUACHITA	CAMDEN-FAIRVIEW	2,419.95	73.00
5205	OUACHITA	HARMONY GROVE	1,025.09	31.00
5206	OUACHITA	STEPHENS	344.32	11.00
5301	PERRY	EAST END	626.26	19.00
5303	PERRY	PERRYVILLE	987.24	30.00
5401	PHILLIPS	BARTON-LEXA	831.33	25.00
5403	PHILLIPS	HELENA-W HELENA	1,655.04	50.00
5404	PHILLIPS	MARVELL	447.89	14.00
5502	PIKE	CENTERPOINT	968.35	30.00
5503	PIKE	KIRBY	360.28	11.00
5504	PIKE	SO PIKE COUNTY - SO PIKE COUNTY	693.92	21.00
5602	POINSETT	HARRISBURG - HARRISBURG	1,362.62	41.00
5604	POINSETT	MARKED TREE	568.82	18.00
5605	POINSETT	TRUMANN	1,560.55	47.00
5608	POINSETT	EAST POINSETT COUNTY	708.40	22.00
5703	POLK	MENA	1,842.08	56.00
5706	POLK	OUACHITA RIVER	686.39	21.00
5707	POLK	COSSATOT RIVER	1,102.38	34.00
5801	POPE	ATKINS	993.00	30.00
5802	POPE	DOVER	1,396.84	42.00
5803	POPE	HECTOR	608.67	19.00
5804	POPE	POTTSVILLE	1,621.34	49.00
5805	POPE	RUSSELLVILLE	4,995.69	150.00
5901	PRAIRIE	DES ARC	577.50	18.00
5903	PRAIRIE	HAZEN	645.76	20.00
6001	PULASKI	LITTLE ROCK	22,186.99	666.00

6002	PULASKI	N LITTLE ROCK	8,543.60	257.00
6003	PULASKI	PULASKI COUNTY	16,724.10	502.00
6102	RANDOLPH	MAYNARD	443.59	14.00
6103	RANDOLPH	POCAHONTAS	1,848.86	56.00
6201	ST FRANCIS	FORREST CITY	2,953.82	89.00
6202	ST FRANCIS	HUGHES	348.07	11.00
6205	ST FRANCIS	PALESTINE-WHEATLEY	663.30	20.00
6301	SALINE	BAUXITE	1,532.13	46.00
6302	SALINE	BENTON	4,755.09	143.00
6303	SALINE	BRYANT	8,578.83	258.00
6304	SALINE	HARMONY GROVE	1,058.46	32.00
6401	SCOTT	WALDRON	1,563.70	47.00
6502	SEARCY	SEARCY COUNTY	898.96	27.00
6505	SEARCY	OZARK MOUNTAIN	630.62	19.00
6601	SEBASTIAN	FORT SMITH	13,965.70	419.00
6602	SEBASTIAN	GREENWOOD	3,585.30	108.00
6603	SEBASTIAN	HACKETT	627.72	19.00
6604	SEBASTIAN	HARTFORD	349.38	11.00
6605	SEBASTIAN	LAVACA	847.75	26.00
6606	SEBASTIAN	MANSFIELD	867.22	27.00
6701	SEVIER	DEQUEEN	2,408.69	73.00
6703	SEVIER	HORATIO	841.21	26.00
6802	SHARP	CAVE CITY	1,345.62	41.00
6804	SHARP	HIGHLAND	1,541.60	47.00
6901	STONE	MOUNTAIN VIEW	1,683.02	51.00
7001	UNION	EL DORADO	4,462.61	134.00
7003	UNION	JUNCTION CITY	534.97	17.00
7006	UNION	NORPHLET	405.05	13.00
7007	UNION	PARKERS CHAPEL	669.92	21.00
7008	UNION	SMACKOVER	807.25	25.00
7009	UNION	STRONG-HUTTIG	423.42	13.00
7102	VAN BUREN	CLINTON	1,315.27	40.00
7104	VAN BUREN	SHIRLEY	418.55	13.00
7105	VAN BUREN	SOUTH SIDE	487.73	15.00
7201	WASHINGTON	ELKINS	1,116.55	34.00
7202	WASHINGTON	FARMINGTON	2,284.60	69.00
7203	WASHINGTON	FAYETTEVILLE	9,093.34	273.00
7204	WASHINGTON	GREENLAND	775.75	24.00
7205	WASHINGTON	LINCOLN CONSOLIDATED	1,217.69	37.00
7206	WASHINGTON	PRAIRIE GROVE	1,837.97	56.00
7207	WASHINGTON	SPRINGDALE	19,970.81	600.00
7208	WASHINGTON	WEST FORK	1,193.48	36.00
7301	WHITE	BALD KNOB	1,265.48	38.00
7302	WHITE	BEEBE	3,180.86	96.00
7303	WHITE	BRADFORD	456.79	14.00
7304	WHITE	WHITE COUNTY CENTRAL	653.83	20.00
7307	WHITE	RIVERVIEW	1,400.73	43.00

7309	WHITE	PANGBURN	776.48	24.00
7310	WHITE	ROSE BUD	819.86	25.00
7311	WHITE	SEARCY SPECIAL	4,160.31	125.00
7401	WOODRUFF	AUGUSTA	457.19	14.00
7403	WOODRUFF	MCCRORY	618.68	19.00
7503	YELL	DANVILLE	882.14	27.00
7504	YELL	DARDANELLE	2,013.47	61.00
7509	YELL	WESTERN YELL COUNTY	439.42	14.00
7510	YELL	TWO RIVERS	808.44	25.00
			459,374.54	13,902.00

Subject: Re: School Choice Appeal Questions from SBE

Date: Wednesday, August 14, 2013 11:37:14 AM CT

From: Teresa Ragsdale

To: Valerie Bailey (ADE)

- 1) The Hartford School District reached the 11 student net cap on 05/14/2013.
- 2) The Hearron family submitted their School Choice papers on 05/16/2013.
- 3) All School Choice forms were processed in order as received, with date and time noted.
- 4) The Hearron family's applications were the 18th application received out of 23. The 11 student net cap was reached with application number 17.

On Wed, Aug 14, 2013 at 10:03 AM, Valerie Bailey (ADE) <Valerie.Bailey@arkansas.gov> wrote:

Ms. Teresa Ragsdale
Superintendent
Hartford School District
(Resident School District –Hearron Appeal)

Dear Ms. Ragsdale,

Please respond to the following questions regarding the Hearron School Choice Application:

- (1) When did Hartford School District reach the 11 student net cap?
- (2) When were the Hearron family submit its applications?
- (3) Were all school choice applications processed in order?
- (4) Where did the Herror family appear in the rank order?

Thank you so much for your help. I look forward to hearing from you at hour earliest convenience.

Sincerely,
Valerie Bailey

Attorney
Office of General Counsel
Arkansas Department of Education
Four Capitol Mall, Room 404-A
Little Rock, AR 72201
[501-682-1958](tel:501-682-1958) (office)
[501-682-4249](tel:501-682-4249) (fax)
valerie.bailey@arkansas.gov

--

Teresa Ragsdale
Superintendent
Hartford Public Schools
508 West Main
Hartford, AR 72938
479-639-2910
Fax: 479-639-2158

Subject: Re: One additional question

Date: Wednesday, August 14, 2013 11:48:15 AM CT

From: Teresa Ragsdale

To: Valerie Bailey (ADE)

The school district received 6 requests for School Choice into the district.

On Wed, Aug 14, 2013 at 10:11 AM, Valerie Bailey (ADE) <Valerie.Bailey@arkansas.gov> wrote:
Ms. Ragsdale,

Can you also please include whether your district received any students through School Choice, and the number?

Thank you,
Valerie

Valerie Bailey
Attorney
Office of General Counsel
Arkansas Department of Education
Four Capitol Mall, Room 404-A
Little Rock, AR 72201
[501-682-1958](tel:501-682-1958) (office)
[501-682-4249](tel:501-682-4249) (fax)
valerie.bailey@arkansas.gov

--
Teresa Ragsdale
Superintendent
Hartford Public Schools
508 West Main
Hartford, AR 72938
479-639-2910

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

August 14, 2013

State Board
of Education

Brenda Gullett
Fayetteville
Chair

Sam Ledbetter
Little Rock
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Tonya Potthast
14305 Oak Bower Road
Mulberry, AR 72946

Mr. David Woolly, Superintendent
Alma School District
P.O. Box 2359
Alma, AR 72921

Ms. Dana Higdon, Superintendent
Mulberry School District
424 Alma Avenue
Mulberry, AR 72947

Re: **Appeal Under the Public School Choice Act of 2013**
Potthast v. Alma School District
VIA ELECTRONIC AND REGULAR MAIL

Everyone:

On August 8, 2013, Tonya Potthast filed a petition appealing the decision of the Alma School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

J. Potthast
G. Potthast
K. Potthast

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) during a special board meeting on **Friday, August 16, 2013**. The meeting will begin at **11:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. The State Board will hold the special board meeting to address this pending school choice appeal prior to the first day of classes which, for most school districts, is Monday, August 19, 2013.

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 9:30 a.m. on Thursday, August 15**.

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

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

School Choice Notice Letter

August 14, 2013

Page 2 of 2

Act of 2013. If you are unable to attend the meeting in person, you may call in to the State Board of Education conference call number, **(559) 546-1700, Access Code: 337878.**

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

APPEAL

AUG 8 - 2013

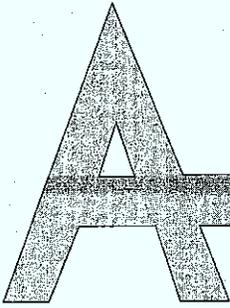
DEPARTMENT OF EDUCATION

To whom it may concern,

I am writing on behalf of my 3 children Jimmie, Garrett, & Kaytlyn Pottthost. I want to appeal my denial to go to Alma School District. We recently moved out of Alma District after residing there for 3 yrs. In that 3 years I have seen major improvement in my children.

My 2 boys have IEP's and the schools are very close with myself and my children. They are always making sure they are keeping up at school & keep me informed. They both have grown and are happy. My daughter has only known this District and we have had many hurdles with her ADHD and the district is working with me even without medication. She has been allergic to all medication we have tried. With this diagnosis she has a very hard time with change. I believe changing districts will be bad for her and we will have many outbursts in anger. We have finally got her wanting to go to school and like it.

In the past we went to Mulberry-Pleasantview School District. At that time I had multiple problems with teachers not teaching & belittling my children. As well as bully problems that were overlooked.



ADMINISTRATIVE OFFICES
ALMA SCHOOL DISTRICT

916 HIGHWAY 64 EAST
P.O. BOX 2359

PHONE: (479) 632-4791
FAX: (479) 632-4793

ALMA, ARKANSAS 72921



August 1, 2013

Tonya Potthast
14305 Oak Bower Road
Mulberry, AR 72946

RE: Applications for Transfer to Nonresident District
Jimmie Potthast, 10th grade
Garrett Potthast, 7th grade
Kaytlyn Potthast, 3rd grade

Dear Ms. Potthast,

Thank you for your application for transfer to Alma School District. We appreciate your interest in our schools. Unfortunately, you received a "tentative" approval letter from our district dated May 30, 2013. I regret to inform you that I must deny your application for the 2013-14 school year due to the Mulberry School District 3% cap concerning School Choice.

Please feel free to contact me at 479-632-4791 if you need more information.

Sincerely,

Pamm Treece,
Director of Student Services

RECEIVED
ATTORNEY'S OFFICE

AUG 08 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

PLEASE PRESS FIRMLY

Print postage online - Go to usps.com/postal

PLEASE ...

1907

UNITED STATES POSTAL SERVICE

72947
AUG 07 13
RMD/UNT
\$19.95
0005079-08



UNITED STATES POSTAL SERVICE

Flat Rate Mailing Envelope
For Domestic and International Use



UNITED STATES POSTAL SERVICE

Addressee Copy
Label 11-B, March 2004

EG89J258709US



EG89J258709US

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 92447	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd and 4th Day	Postage \$ 11.00
Date Accepted 6/21/13	Scheduled Date of Delivery	Return Receipt Fee
Mo. Day Year 6 21 13	Month Day 6 21	Insurance Fee
Time Accepted 1:58 PM	Scheduled Time of Delivery <input type="checkbox"/> 9 AM <input type="checkbox"/> 3 PM	Total Postage & Fees \$ 11.00
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Military <input type="checkbox"/> Intl Alpha Country Code	Acceptance Emp. Initials MJC

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day 6 21	AM PM	
Delivery Attempt	Time	Employee Signature
Mo. Day 6 21	AM PM	
Delivery Date	Time	Employee Signature
Mo. Day 6 21	AM PM	

CUSTOMER USE ONLY

NO DELIVERY
 Weekend Holiday

MAILER SIGNATURE (Domestic Mail Only)
Customer requires signature of sender. Signature is valid if customer requests signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and authorizes that delivery employee's signature constitutes valid proof of delivery.

FROM: (PLEASE PRINT)

FROM: (PLEASE PRINT) PHONE: (PLEASE PRINT)

Tracy Pittman
14506 Lee Road Rd
Mudrook, MO 63107

TO: (PLEASE PRINT)

TO: (PLEASE PRINT) PHONE: (PLEASE PRINT)

Department of Justice
475 L'Enfer Ave
St Louis, MO 63107

FOR PICKUP OR TRACKING

Visit www.usps.com
Call 1-800-222-1811



ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.



When used internationally
affix customs declarations
(PS Form 2976, or 2976A).



USPS packaging products have been
awarded Cradle to Cradle CertificationSM
for their ecologically-intelligent design.
For more information go to
mbdc.com/usps

Please recycle.



PRESS HARD. YOU ARE MAKING 3 COPIES.



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:

Kaytlyn Potthast

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:

Mulberry

County Name:

Crawford

Address:

14305 Oak Bower Rd Mulberry, Ar. 72947

Phone:

479 217-0325

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Alma

County Name:

Crawford

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

List sibling name(s) and grade(s):

Jimmie Potthast 10th

Garrett Potthast 7th

Attends Alma - 3 years.

PARENT OR GUARDIAN INFORMATION

Name: Tonya Pothast Home Phone: [REDACTED]

Address: 14305 Oak Bower Rd Work Phone:

Mulberry, Ar. 72947

Parent/Guardian Signature
Tonya Pothast

Date:
5-29-13

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:
5/29/13 12:45 P.M.

Resident District LEA #:

Nonresident District LEA#:
1701

Student's State Identification #:

Application Accepted Rejected

Banner Hill

Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:
6-3-13

Date Notification Sent to Resident 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: Jimmie Pottthast

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 10th

Does the applicant require special needs or programs? Yes No [REDACTED]

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: Mulberry County Name: Crawford

Address: 14305 Oak Bower Rd. Mulberry, Ar 72947

Phone: 479 217-217-0325

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Alma County Name: Crawford

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

List sibling name(s) and grade(s):
Garrett Pottthast 7th
Kaytlyn Pottthast 3rd

Attends Alma - 3 years.

PARENT/GUARDIAN INFORMATION

Name: Tonya Pottthast Home Phone: [REDACTED]
 Address: 14305 Oak Bower Rd Work Phone: [REDACTED]

mm/becca, Ac. 72947
 Parent/Guardian Signature: Tonya Pott Date: 5-29-13

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: 5/29/13 12:45 P.M.
 Resident District LEA #: _____ Nonresident District LEA#: 1701

Student's State Identification #: _____
 Application Accepted Rejected Gann Hester

Reason for Rejection (If Applicable): _____

Date Notification Sent to Parent/Guardian of Applicant: 6-3-13

Date Notification Sent to Resident 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: Garrett Pothast

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 7th

Does the applicant require special needs or programs? Yes No [REDACTED]

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: Mulberry County Name: Crawford

Address: 14305 Oak Bower Rd Mulberry, Ar. 72947

Phone: 479 217-0325

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Alma County Name: Crawford

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district?

List sibling name(s) and grade(s):
Kaytlyn Pothast 3rd
Jimmie Pothast 10th
Attends Alma - 3 years

PARENT/GUARDIAN INFORMATION

Name: Tomya Pottthast Home Phone: [REDACTED]
 Address: 14305 Oak Bowser Rd Work Phone: [REDACTED]

Mulberry, Ar. 72947

Parent/Guardian Signature: [Signature] Date: 5-29-13

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:	
		<u>5/29/13 12:45</u>	
Resident District LEA #:		Nonresident District LEA#:	
		<u>1701</u>	
Student's State Identification #:			
Application	Accepted	Rejected	<u>[Signature]</u>
Reason for Rejection (If Applicable):			
Date Notification Sent to Parent/Guardian of Applicant:			
<u>6-3-13</u>			
Date Notification Sent to Resident District :			

fax # 501 681-1079
 School choice appeal

Department of E
 Attn: School
 4 Mail Little Rock, Ar.

(501) 682-4212 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 :		

ADDITIONAL MATERIALS

04 29 2013 3% rounded up

2012-13 2012-13

LEA	COUNTY	DISTRICT	ADM	3% ADM
			Qtrs. 1-3	Qtrs. 1-3
		total	459,374.54	13,902.00
101	ARKANSAS	DEWITT	1,284.59	39.00
104	ARKANSAS	STUTTGART	1,745.26	53.00
201	ASHLEY	CROSSETT	1,824.81	55.00
203	ASHLEY	HAMBURG	1,889.38	57.00
302	BAXTER	COTTER	643.78	20.00
303	BAXTER	MOUNTAIN HOME	3,976.63	120.00
304	BAXTER	NORFORK	451.35	14.00
401	BENTON	BENTONVILLE	14,821.62	445.00
402	BENTON	DECATUR	515.90	16.00
403	BENTON	GENTRY	1,379.95	42.00
404	BENTON	GRAVETTE	1,798.10	54.00
405	BENTON	ROGERS	14,445.31	434.00
406	BENTON	SILOAM SPRINGS	3,935.46	119.00
407	BENTON	PEA RIDGE	1,685.41	51.00
501	BOONE	ALPENA	548.84	17.00
502	BOONE	BERGMAN	1,091.53	33.00
503	BOONE	HARRISON	2,780.94	84.00
504	BOONE	OMAHA	419.42	13.00
505	BOONE	VALLEY SPRINGS	938.61	29.00
506	BOONE	LEAD HILL	362.20	11.00
601	BRADLEY	HERMITAGE	434.85	14.00
602	BRADLEY	WARREN	1,573.02	48.00
701	CALHOUN	HAMPTON	531.08	16.00
801	CARROLL	BERRYVILLE	1,961.29	59.00
802	CARROLL	EUREKA SPRINGS	607.98	19.00
803	CARROLL	GREEN FOREST	1,240.41	38.00
901	CHICOT	DERMOTT	393.10	12.00
903	CHICOT	LAKESIDE - Total	1,111.29	34.00
1002	CLARK	ARKADELPHIA	1,972.64	60.00
1003	CLARK	GURDON	751.47	23.00
1101	CLAY	CORNING	985.26	30.00
1104	CLAY	PIGGOTT	892.25	27.00
1106	CLAY	RECTOR	582.42	18.00
1201	CLEBURNE	CONCORD	468.69	15.00
1202	CLEBURNE	HEBER SPRINGS	1,800.54	55.00
1203	CLEBURNE	QUITMAN	642.21	20.00
1204	CLEBURNE	WEST SIDE	434.17	14.00
1304	CLEVELAND	WOODLAWN	542.87	17.00
1305	CLEVELAND	CLEVELAND COUNTY	852.83	26.00
1402	COLUMBIA	MAGNOLIA	2,708.36	82.00
1408	COLUMBIA	EMERSON-TAYLOR	623.62	19.00
1503	CONWAY	NEMO VISTA	475.50	15.00

1505	CONWAY	WONDERVIEW	421.88	13.00
1507	CONWAY	SO CONWAY COUNTY	2,202.43	67.00
1601	CRAIGHEAD	BAY	573.32	18.00
1602	CRAIGHEAD	WESTSIDE CONSOLIDATED	1,661.10	50.00
1603	CRAIGHEAD	BROOKLAND	1,842.34	56.00
1605	CRAIGHEAD	BUFFALO ISLAND CENTRAL	794.19	24.00
1608	CRAIGHEAD	JONESBORO	5,518.46	166.00
1611	CRAIGHEAD	NETTLETON	3,201.21	97.00
1612	CRAIGHEAD	VALLEY VIEW	2,508.56	76.00
1613	CRAIGHEAD	RIVERSIDE	814.97	25.00
1701	CRAWFORD	ALMA	3,325.72	100.00
1702	CRAWFORD	CEDARVILLE	892.20	27.00
1703	CRAWFORD	MOUNTAINBURG	703.81	22.00
1704	CRAWFORD	MULBERRY/PLEASANT VIEW BI-COUNTY	339.50	11.00
1705	CRAWFORD	VAN BUREN	5,909.59	178.00
1802	CRITTENDEN	EARLE	649.96	20.00
1803	CRITTENDEN	WEST MEMPHIS	5,540.71	167.00
1804	CRITTENDEN	MARION	4,102.88	124.00
1901	CROSS	CROSS COUNTY	621.94	19.00
1905	CROSS	WYNNE	2,805.04	85.00
2002	DALLAS	FORDYCE	873.41	27.00
2104	DESHA	DUMAS	1,458.89	44.00
2105	DESHA	MCGEHEE	1,152.11	35.00
2202	DREW	DREW CENTRAL	931.42	28.00
2203	DREW	MONTICELLO	2,101.16	64.00
2301	FAULKNER	CONWAY	9,553.77	287.00
2303	FAULKNER	GREENBRIER	3,260.53	98.00
2304	FAULKNER	GUY-PERKINS	423.04	13.00
2305	FAULKNER	MAYFLOWER	1,121.82	34.00
2306	FAULKNER	MOUNT VERNON/ENOLA	478.87	15.00
2307	FAULKNER	VILONIA	3,172.73	96.00
2402	FRANKLIN	CHARLESTON	859.94	26.00
2403	FRANKLIN	COUNTY LINE	446.88	14.00
2404	FRANKLIN	OZARK	1,890.62	57.00
2501	FULTON	MAMMOTH SPRING	459.61	14.00
2502	FULTON	SALEM	756.10	23.00
2503	FULTON	VIOLA	413.23	13.00
2601	GARLAND	CUTTER-MORNING STAR	572.93	18.00
2602	GARLAND	FOUNTAIN LAKE	1,282.78	39.00
2603	GARLAND	HOT SPRINGS	3,564.74	107.00
2604	GARLAND	JESSIEVILLE	913.75	28.00
2605	GARLAND	LAKE HAMILTON	4,353.38	131.00
2606	GARLAND	LAKESIDE	3,169.12	96.00
2607	GARLAND	MOUNTAIN PINE	586.00	18.00
2703	GRANT	POYEN	562.31	17.00
2705	GRANT	SHERIDAN	4,167.13	126.00
2803	GREENE	MARMADUKE	712.37	22.00

2807	GREENE	GREENE COUNTY TECH	3,468.96	105.00
2808	GREENE	PARAGOULD	2,896.36	87.00
2901	HEMPSTEAD	BLEVINS	502.77	16.00
2903	HEMPSTEAD	HOPE	2,474.72	75.00
2906	HEMPSTEAD	SPRING HILL	575.83	18.00
3001	HOT SPRING	BISMARCK	1,027.22	31.00
3002	HOT SPRING	GLEN ROSE	981.06	30.00
3003	HOT SPRING	MAGNET COVE	627.89	19.00
3004	HOT SPRING	MALVERN	2,141.13	65.00
3005	HOT SPRING	OUACHITA	463.79	14.00
3102	HOWARD	DIERKS	552.17	17.00
3104	HOWARD	MINERAL SPRINGS	444.89	14.00
3105	HOWARD	NASHVILLE	1,930.58	58.00
3201	INDEPENDENCE	BATESVILLE	2,915.17	88.00
3209	INDEPENDENCE	SOUTHSIDE	1,544.14	47.00
3211	INDEPENDENCE	MIDLAND	516.87	16.00
3212	INDEPENDENCE	CEDAR RIDGE	809.39	25.00
3301	IZARD	CALICO ROCK	395.15	12.00
3302	IZARD	MELBOURNE	869.11	27.00
3306	IZARD	IZARD COUNTY CONSOLIDATED	498.36	15.00
3403	JACKSON	NEWPORT	1,326.01	40.00
3405	JACKSON	JACKSON COUNTY	827.39	25.00
3502	JEFFERSON	DOLLARWAY	1,318.65	40.00
3505	JEFFERSON	PINE BLUFF	4,452.75	134.00
3509	JEFFERSON	WATSON CHAPEL	2,955.57	89.00
3510	JEFFERSON	WHITE HALL	2,981.28	90.00
3601	JOHNSON	CLARKSVILLE	2,557.48	77.00
3604	JOHNSON	LAMAR	1,149.00	35.00
3606	JOHNSON	WESTSIDE	630.09	19.00
3701	LAFAYETTE	BRADLEY	356.91	11.00
3704	LAFAYETTE	LAFAYETTE COUNTY	702.86	22.00
3804	LAWRENCE	HOXIE	861.98	26.00
3806	LAWRENCE	SLOAN-HENDRIX	667.33	21.00
3809	LAWRENCE	HILLCREST	363.63	11.00
3810	LAWRENCE	LAWRENCE COUNTY	1,118.04	34.00
3904	LEE	LEE COUNTY	911.76	28.00
4003	LINCOLN	STAR CITY	1,596.17	48.00
4101	LITTLE RIVER	ASHDOWN	1,418.63	43.00
4102	LITTLE RIVER	FOREMAN	557.85	17.00
4201	LOGAN	BOONEVILLE	1,316.06	40.00
4202	LOGAN	MAGAZINE	535.28	17.00
4203	LOGAN	PARIS	1,118.83	34.00
4204	LOGAN	SCRANTON	398.82	12.00
4301	LONOKE	LONOKE	1,834.02	56.00
4302	LONOKE	ENGLAND	718.50	22.00
4303	LONOKE	CARLISLE	716.45	22.00
4304	LONOKE	CABOT	10,115.11	304.00

4401	MADISON	HUNTSVILLE	2,255.60	68.00
4501	MARION	FLIPPIN	807.67	25.00
4502	MARION	YELLVILLE-SUMMIT	763.15	23.00
4602	MILLER	GENOA CENTRAL	1,068.52	33.00
4603	MILLER	FOUKE	1,008.86	31.00
4605	MILLER	TEXARKANA	4,314.25	130.00
4701	MISSISSIPPI	ARMOREL	435.35	14.00
4702	MISSISSIPPI	BLYTHEVILLE	2,582.08	78.00
4706	MISSISSIPPI	SO MISSISSIPPI COUNTY	1,277.13	39.00
4708	MISSISSIPPI	GOSNELL	1,354.90	41.00
4712	MISSISSIPPI	MANILA	1,021.77	31.00
4713	MISSISSIPPI	OSCEOLA	1,302.56	40.00
4801	MONROE	BRINKLEY	581.31	18.00
4802	MONROE	CLARENDON	546.91	17.00
4901	MONTGOMERY	CADDO HILLS	564.02	17.00
4902	MONTGOMERY	MOUNT IDA	511.06	16.00
5006	NEVADA	PRESCOTT	1,065.05	32.00
5008	NEVADA	NEVADA	372.78	12.00
5102	NEWTON	JASPER	890.44	27.00
5106	NEWTON	DEER/MT. JUDEA	371.95	12.00
5201	OUACHITA	BEARDEN	572.10	18.00
5204	OUACHITA	CAMDEN-FAIRVIEW	2,419.95	73.00
5205	OUACHITA	HARMONY GROVE	1,025.09	31.00
5206	OUACHITA	STEPHENS	344.32	11.00
5301	PERRY	EAST END	626.26	19.00
5303	PERRY	PERRYVILLE	987.24	30.00
5401	PHILLIPS	BARTON-LEXA	831.33	25.00
5403	PHILLIPS	HELENA-W HELENA	1,655.04	50.00
5404	PHILLIPS	MARVELL	447.89	14.00
5502	PIKE	CENTERPOINT	968.35	30.00
5503	PIKE	KIRBY	360.28	11.00
5504	PIKE	SO PIKE COUNTY - SO PIKE COUNTY	693.92	21.00
5602	POINSETT	HARRISBURG - HARRISBURG	1,362.62	41.00
5604	POINSETT	MARKED TREE	568.82	18.00
5605	POINSETT	TRUMANN	1,560.55	47.00
5608	POINSETT	EAST POINSETT COUNTY	708.40	22.00
5703	POLK	MENA	1,842.08	56.00
5706	POLK	OUACHITA RIVER	686.39	21.00
5707	POLK	COSSATOT RIVER	1,102.38	34.00
5801	POPE	ATKINS	993.00	30.00
5802	POPE	DOVER	1,396.84	42.00
5803	POPE	HECTOR	608.67	19.00
5804	POPE	POTTSVILLE	1,621.34	49.00
5805	POPE	RUSSELLVILLE	4,995.69	150.00
5901	PRAIRIE	DES ARC	577.50	18.00
5903	PRAIRIE	HAZEN	645.76	20.00
6001	PULASKI	LITTLE ROCK	22,186.99	666.00

6002	PULASKI	N LITTLE ROCK	8,543.60	257.00
6003	PULASKI	PULASKI COUNTY	16,724.10	502.00
6102	RANDOLPH	MAYNARD	443.59	14.00
6103	RANDOLPH	POCAHONTAS	1,848.86	56.00
6201	ST FRANCIS	FORREST CITY	2,953.82	89.00
6202	ST FRANCIS	HUGHES	348.07	11.00
6205	ST FRANCIS	PALESTINE-WHEATLEY	663.30	20.00
6301	SALINE	BAUXITE	1,532.13	46.00
6302	SALINE	BENTON	4,755.09	143.00
6303	SALINE	BRYANT	8,578.83	258.00
6304	SALINE	HARMONY GROVE	1,058.46	32.00
6401	SCOTT	WALDRON	1,563.70	47.00
6502	SEARCY	SEARCY COUNTY	898.96	27.00
6505	SEARCY	OZARK MOUNTAIN	630.62	19.00
6601	SEBASTIAN	FORT SMITH	13,965.70	419.00
6602	SEBASTIAN	GREENWOOD	3,585.30	108.00
6603	SEBASTIAN	HACKETT	627.72	19.00
6604	SEBASTIAN	HARTFORD	349.38	11.00
6605	SEBASTIAN	LAVACA	847.75	26.00
6606	SEBASTIAN	MANSFIELD	867.22	27.00
6701	SEVIER	DEQUEEN	2,408.69	73.00
6703	SEVIER	HORATIO	841.21	26.00
6802	SHARP	CAVE CITY	1,345.62	41.00
6804	SHARP	HIGHLAND	1,541.60	47.00
6901	STONE	MOUNTAIN VIEW	1,683.02	51.00
7001	UNION	EL DORADO	4,462.61	134.00
7003	UNION	JUNCTION CITY	534.97	17.00
7006	UNION	NORPHLET	405.05	13.00
7007	UNION	PARKERS CHAPEL	669.92	21.00
7008	UNION	SMACKOVER	807.25	25.00
7009	UNION	STRONG-HUTTIG	423.42	13.00
7102	VAN BUREN	CLINTON	1,315.27	40.00
7104	VAN BUREN	SHIRLEY	418.55	13.00
7105	VAN BUREN	SOUTH SIDE	487.73	15.00
7201	WASHINGTON	ELKINS	1,116.55	34.00
7202	WASHINGTON	FARMINGTON	2,284.60	69.00
7203	WASHINGTON	FAYETTEVILLE	9,093.34	273.00
7204	WASHINGTON	GREENLAND	775.75	24.00
7205	WASHINGTON	LINCOLN CONSOLIDATED	1,217.69	37.00
7206	WASHINGTON	PRAIRIE GROVE	1,837.97	56.00
7207	WASHINGTON	SPRINGDALE	19,970.81	600.00
7208	WASHINGTON	WEST FORK	1,193.48	36.00
7301	WHITE	BALD KNOB	1,265.48	38.00
7302	WHITE	BEEBE	3,180.86	96.00
7303	WHITE	BRADFORD	456.79	14.00
7304	WHITE	WHITE COUNTY CENTRAL	653.83	20.00
7307	WHITE	RIVERVIEW	1,400.73	43.00

7309	WHITE	PANGBURN	776.48	24.00
7310	WHITE	ROSE BUD	819.86	25.00
7311	WHITE	SEARCY SPECIAL	4,160.31	125.00
7401	WOODRUFF	AUGUSTA	457.19	14.00
7403	WOODRUFF	MCCRORY	618.68	19.00
7503	YELL	DANVILLE	882.14	27.00
7504	YELL	DARDANELLE	2,013.47	61.00
7509	YELL	WESTERN YELL COUNTY	439.42	14.00
7510	YELL	TWO RIVERS	808.44	25.00
			459,374.54	13,902.00