



ARKANSAS DEPARTMENT OF EDUCATION

AGENDA **STATE BOARD OF EDUCATION**

August 14, 2014

Arkansas Department of Education

ADE Auditorium

10:00 AM

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Consent Agenda

C-1 Minutes - July 10, 2014

Presenter: Deborah Coffman

C-2 Minutes - July 11, 2014

Presenter: Deborah Coffman

C-3 Newly Employed, Promotions and Separations

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

Presenter: Ivy Pfeffer and Clemetta Hood

C-4 Review of Loan and Bond Applications

The members of the Arkansas State Board of Education are requested to review the following:

Commercial Bond Applications – 3 Second Lien and 13 Voted

With the recommendation to approve from the Loan Committee and additional information provided by the school district in its application package: Pursuant to Arkansas Code Annotated § 6-20-805 concerning the Revolving Loan Program, the State Board of Education, in its discretion and after considering the merits of each application with the loan committee recommendation, may approve a school district revolving loan application for the full amount of the proposed loan, approve the application for a loan of a lesser amount than requested, or disapprove the application. Pursuant to Arkansas Code Annotated § 6-20-1205 concerning school district bonds, a school district shall not sell bonds until the issue is approved by the State Board of Education. Therefore, the State Board of Education, in its discretion and after considering the merits of each application with the loan committee recommendation, may approve a school district bond application for the full amount of the proposed bond issue, approve the application for a lesser amount than requested, or disapprove the application.

Presenter: Cindy Hollowell and Amy Woody

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

Arkansas Code Annotated §6-17-309 requires local school districts to secure a waiver when classrooms are staffed with unlicensed teachers for longer than 30 days. Requests were received from 41 school districts covering a total of 69 waivers. These requests have been reviewed, have either been approved or denied by Department Staff, and are consistent with program guidelines.

Presenter: Ivy Pfeffer

C-6 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #T13-012 - Patrick Louis Russell

Violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. Violation of Standard 2: An educator maintains competence regarding skills, knowledge and dispositions relating to his organizational position, subject matter, and/or pedagogical practice. The Professional Licensure Standards Board Ethics Subcommittee recommends the State Board place Mr. Russell's license on probation for three (3) years, assess a fine of \$75, and require Mr. Russell to complete training concerning state-mandated student testing that is in addition to training routinely required of educators for professional development and that is conducted by the Arkansas Department of Education Student Assessment Office. The training is to be completed by the end of the probationary period, with all costs paid by the educator. Mr. Russell accepted the recommendation of the Ethics Subcommittee on June 9, 2014.

Presenter: Wayne Ruthven

C-7 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-024 – Jada Olivia Jones

Violation of Standard 3: An educator honestly fulfills reporting obligations associated with professional practices. The Professional Licensure Standards Board Ethics Subcommittee recommends the State Board place Ms. Jones' license on probation until December 31, 2019 and assess a fine of \$75. Ms. Jones was notified by letter, dated June 9, 2014, of the recommendation of the Ethics Subcommittee and accepted the recommendation on July 8, 2014.

Presenter: Wayne Ruthven

C-8 Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-111 – Caitlyn Elisabeth Moseley

Violation of Standard 1: An educator maintains a professional relationship with each student, both in and outside the classroom. The Professional Licensure Standards Board Ethics Subcommittee recommends the State Board issue a written warning to Ms. Moseley. Ms. Moseley was notified by letter, dated June 10, 2014, of the recommendation of the Ethics Subcommittee and accepted the recommendation June 12, 2014.

Presenter: Wayne Ruthven

C-9 Consideration of the Voluntary Surrender and Revocation of Arkansas Educator's License – PLSB Case #14-206 – Chrissie Leann Barnes

Chrissie Leann Barnes voluntarily surrendered her teaching license as evidenced by her signed consent form, dated June 26, 2014. Arkansas law does not provide for the mere surrender of a license. As a result, the Board's acceptance of the surrender of her license will result in permanent revocation of the license.

Presenter: Wayne Ruthven and Cheryl Reinhart

Action Agenda

A-1 Consideration of a Philanthropic Partnership to Enhance Educational Achievement in Arkansas

The Walton Family and Winthrop Rockefeller Foundations propose to use resources to work with the State Board of Education to develop a comprehensive plan to improve P-16 education in Arkansas. The comprehensive plan will contain specific recommendations for academically distressed districts and will be supported by data, best practices and models such as the Delaware Vision 2015 Plan led by the Rodel Foundation.

Presenter: Dr. Sherece Y. West-Scantlebury, President and Chief Executive Officer of the Winthrop Rockefeller Foundation; Cory S. Anderson, Vice-President of the Winthrop Rockefeller Foundation; and Kathy Smith, Senior Program Officer of the Walton Family Foundation

A-2 Consideration of Committee to Recommend Jacksonville Interim Board

In September 2014, voters in the Jacksonville area will consider the proposed detachment of the Jacksonville-North Pulaski School District from the Pulaski County Special School District. Should the voters approve the proposed detachment, Ark. Code Ann. § 6-13-1505 requires the State Board of Education to: (1) order the creation of the new school district; and (2) appoint a board of directors of seven (7) members for the new school district to serve until the next regular election of members, when a board of directors shall be elected in compliance with Arkansas law. Commissioner Tony Wood seeks the State Board of Education's approval of a process to be followed for the appointment of board members in the event that the voters approve the proposed detachment.

Presenter: Tony Wood

A-3 Consideration of Approval of Arkansas Better Chance 2014-2015 Competitive Grants

The Division of Child Care and Early Childhood Education respectfully requests the approval of the 2014-2015 Arkansas Better Chance Competitive Grants.

Presenter: Mary Kaye McKinney

A-4 Consideration for Final Approval: 2014 District Conversion Charter School Application

The 2014 District Conversion Application includes additional prompts suggested by the Charter Authorizing Panel and updates the submission deadline for the 2014 application cycle. The State Board of Education released this application for public comment on June 12, 2014. A public comment hearing was held on July 7, 2014. No oral or written comments were received. Department staff respectfully requests the State Board give final approval to this application.

Presenter: Kendra Clay

A-5 Consideration for approval of Embedded Courses

Act 421 of 2013 allows curriculum frameworks from two (2) separate courses to be taught in a single course, known as a combined or embedded course. Several school districts submitted applications to the Curriculum and Instruction Unit for approval of the combined or embedded course and assured in writing that the curriculum frameworks for both courses will be fully taught in the combined or embedded course.

Department staff respectfully requests the Board approve the embedded courses as listed below, understanding that when the curriculum frameworks for either of the courses are revised, a new course approval request must be submitted and approval must be granted at that time by the Board. Grade 11 English/Oral Communication – Ashdown School District; Grade 9 English/Oral Communication – Bentonville School District; Grade 10 English/Oral Communication – Bryant School District; Grade 12 English/Oral Communication – Cave City School District; Anatomy & Physiology/Health – Cave City School District; Oral Communication/English – Flippin School District; Environmental Science/Agriculture – Flippin School District; Pre-Calculus/Physics – Lincoln Consolidated School District; Grade 12 English/Oral Communication – Marion School District; Grade 10 English/Oral Communication – North Little Rock School District; Grade 11 English/Oral Communication – Southside School District.

Presenter: Thomas Coy and Dr. Debbie Jones

A-6 Consideration for Approval of Replacement of Professional Licensure Standards Board Member Due to Resignation

Dr. Randy Willison will be moving out of state and has resigned his position with the Professional Licensure Standards Board effective immediately. Dr. Willison was representing Public School Superintendents as required by ACA §6-17-422. Dr. Willison was re-nominated for the Professional Licensure Standards Board by Arkansas Association of Educational Administrators (AAEA) in June 2014 and approved by the State Board in the June 2014 meeting. His term was to expire June 30, 2017. The AAEA will recommend a replacement for Dr. Willison. The nomination requires State Board approval before voting privileges may be assumed. The next PLSB meeting is September 5, 2014. The nomination name and completed form will be submitted to Board members prior to the August State Board meeting.

Presenter: Ivy Pfeffer

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Cassie Coleman filed an appeal of the decision of the Trumann School District to deny the school choice application of J. Coleman.

Presenter: Jeremy Lasiter

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, legal counsel for Ms. Erika Goodall filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice applications of A. Goodall (6), E. Goodall (9), A. Goodall (10), and A. Goodall (12).

Presenter: Jeremy Lasiter

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, legal counsel for Ms. Stephanie White filed an appeal of the decision of the Palestine-Wheatley School District to deny the school choice application of J. White.

Presenter: Jeremy Lasiter

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Ashlee Shabazz filed an appeal of the decision of the White Hall School District to deny the school choice application of R. Shabazz.

Presenter: Jeremy Lasiter

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Mr. Joshua Fox filed an appeal of the decision of the Greenwood School District to deny the school choice application of H. Fox.

Presenter: Jeremy Lasiter

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Debra Roe filed an appeal of the decision of the Greenwood School District to deny the school choice application of K. Sutton.

Presenter: Jeremy Lasiter

A-13 Consideration of Appeal from Denial of School Choice Application – Walker (Garland County School Choice Appeal)

Ms. Latishia Walker filed an appeal of the decision of the Mountain Pine School District to deny the school choice applications of J. McIntosh, M. McIntosh, and J. Walker. Because the Mountain Pine School District is located in Garland County, the school district is subject to a desegregation order in the case of Davis et al., v. Hot Springs School District, et al. The desegregation order in the Davis case requires school choice transfers in Garland County to be administered under the Arkansas Public School Choice Act of 1989. Accordingly, this appeal will be reviewed pursuant to the requirements contained in Ark. Code Ann. § 6-18-206 (repealed).

Presenter: Jeremy Lasiter

A-14 Consideration for Emergency Adoption: Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards

Act 696 of 2013 (codified in Ark. Code Ann. §§ 6-15-2105 and 6-15-2106) requires that each public school receive a letter grade score of "A" through "F" effective with the 2014-2015 school year, and empowers the State Board of Education to approve a method for assigning letter grades. The method set forth in these rules was developed by the University of Arkansas Office of Innovation, in consultation with the ADE and stakeholders. The Department respectfully requests the State Board release these rules for emergency adoption.

Presenter: Lori Freno

A-15 Consideration for Public Comment: Arkansas Department of Education Rules Governing the Public School Rating System on Annual School Report Cards.

Act 696 of 2013 (codified in Ark. Code Ann. §§ 6-15-2105 and 6-15-2106) requires that each public school receive a letter grade score of "A" through "F" effective with the 2014-2015 school year, and empowers the State Board of Education to approve a method for assigning letter grades. The method set forth in these rules was developed by the University of Arkansas Office of Innovation for Education, in consultation with the ADE and stakeholders. The Department respectfully requests the State Board release these rules for public comment.

Presenter: Lori Freno

A-16 Consideration for Final Rules – Rules Governing the Teacher Excellence and Support System

On May 8, 2014, the State Board adopted Emergency Rules for the Teacher Excellence and Support System, and released these rules for public comment as the permanent rules. A public hearing was held on June 3, 2014. The public comment period expired on June 12, 2014. One public comment was received, which resulted in a correction of a typographical error. Department staff respectfully request the State Board give final approval to these rules pending Legislative Council review.

Presenter: Cheryl Reinhart and Ivy Pfeffer

Minutes
State Board of Education Meeting
Thursday, July 10, 2014

The State Board of Education met Thursday, July 10, 2014, in the Auditorium of the Department of Education Building. Chairman Sam Ledbetter called the meeting to order at 10:00 a.m.

Present: Sam Ledbetter, Chairman; Alice Mahony; Dr. Jay Barth; Vicki Saviers; Diane Zook; Mireya Reith; Joe Black; Jonathan Crossley, Teacher of the Year; and Tony Wood, Commissioner.

Via Phone: Toyce Newton, Vice-Chair (Ms. Newton joined the meeting in person later in the day.)

Absent: none

Mr. Ledbetter welcomed Jonathan Crossley, 2014 Teacher of the Year, and Commissioner Wood to the State Board.

Commissioner Wood introduced the new members of the ADE leadership team including Mike Hernandez, Deputy Commissioner; Dr. Eric Saunders, Assistant Commissioner of Fiscal and Administrative Services; Ivy Pfeffer, Assistant Commissioner of HR, Educator Effectiveness and Licensure; Dr. Debbie Jones, Assistant Commissioner of Learning Services; and M. Annette Barnes, Assistant Commissioner of Public School Accountability.

Consent Agenda

Ms. Mahony moved, seconded by Ms. Saviers, to approve the consent agenda. The motion carried unanimously.

Items included in the Consent Agenda:

- Minutes - June 12, 2014
- Minutes - June 13, 2014
- Newly Employed, Promotions and Separations
- Report on Waivers to School Districts for Teachers Teaching Out of Area for Longer than Thirty (30) Days, Ark. Code Ann. §6-17-309
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #13-076 – Sam Logan Prescott
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-059 – Deborah Faye Craig
- Consideration of the Recommendation of the Professional Licensure

- Standards Board for Case #14-093 – Maegan Alyssa Brewer
- Consideration of the Recommendation of the Professional Licensure Standards Board for Case #14-004C – John Lance Young

Action Agenda

A-1 Horatio School District - Two Consecutive Years with an Accredited-Probationary Status

Standards Assurance Monitoring Unit Leader Johnie Walters said Horatio School District has been identified as being in probationary status for two consecutive school years. In 2012-2013 Horatio High School had an ALP waiver violation, and in 2013-2014 Horatio District Office did not have an approved Gifted and Talented Program (K-12).

Horatio School District Superintendent Lee Smith said the district has taken corrective action. A certified teacher has been assigned to the G/T program.

Dr. Barth made a motion, seconded by Ms. Zook, to assign Horatio Public Schools two years of special monitoring by the ADE Standards Assurance team, with the monitoring to occur twice a year at the beginning of each semester. The motion carried unanimously.

A-2 Lee County School District - Two Consecutive Years with an Accredited-Probationary Status

Standards Assurance Monitoring Unit Leader Johnie Walters said Lee County High School has been identified as being in probationary status for two consecutive school years. In 2012-2013 Lee County High School did not teach the required 38 units and had a teacher licensure violation, and in 2013-2014 Lee County High School had teacher licensure violations.

Lee County School District Superintendent Willie Murdock said the district made the corrections. She also explained that there was a coding error.

Lee County School District Principal Mary Hayden said the district provided interventions to students, and the coding error was not intentional.

Board members asked additional questions and made comments in reference to the current status of Academic Distress, Fiscal Distress, and Two Consecutive Years with an Accredited-Probationary Status for Lee County.

Assistant Commissioner of Public School Accountability M. Annette Barnes said the agency could provide on-site monitoring at the beginning of school. Ms.

Barnes said monitoring could occur on a three-month basis. A report would be available at the September Board meeting.

Mrs. Murdock said the Lee County School District community is divided. She said the district has struggled for many years, and she wanted what is best for the district.

Office of Intensive Support Superintendent Andrew Tolbert said his office has been directed to provide more intensive support to the Lee County School District, and he would expect progress.

Dr. Barth made a motion, seconded by Mr. Black, to require a full accreditation report for the Lee County School District at the October Board meeting. The motion carried unanimously.

Dr. Barth made a motion, seconded by Ms. Reith, to require the Department to provide formal quarterly reports to the Board, specifically October and January, to include information related to the academic, fiscal and accreditation status of Lee County School District, and that these reports are placed on the action agenda. The motion carried unanimously.

Mr. Ledbetter requested that any Board member send specific data requests to the Department so that information may be included in the Board reports.

A-3 Consideration of Appeal from Denial of School Choice Application - McGowan

The item was pulled from the agenda at the request of the parent.

A-4 Consideration of Appeal from Denial of School Choice Application - Allen

Department General Counsel Jeremy Lasiter said pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Candyce Allen filed an appeal of the decision of the Heber Springs School District to deny the school choice applications of K. Allen and C. Allen.

Heber Springs School District Superintendent Russell Hester said the district was previously in fiscal distress. Mr. Hester said the denial of school choice is based on student numbers and the financial status of the district.

Parent Candyce Allen requested her children attend Heber Springs because her family business is located in Heber Springs. Ms. Allen said her children would

not require special education services from the district. She said she had previously filed transfer requests with the Heber Springs School District, and the requests were denied.

Mr. Hester said he believed that the district would be responsible for the students' special education services. He said the district denied the request based on the maintenance of effort.

Ms. Allen provided additional documentation of the children's health information and reviewed the timeline of actions she had taken to seek school choice.

Mr. Hester said 17 students were accepted and 12 students were denied for school choice requests to the Heber Springs School District. He said the district denied requests based on classroom student numbers.

Ms. Saviers made a motion, seconded by Ms. Zook, to sustain the appeal and grant the transfer for the Allen children to the Heber Springs School District. The motion carried unanimously.

A-6 Marvell-Elaine School District's Appeal of Marvel-Elaine High School's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period. Marvell-Elaine High School's percent proficient or advanced for the three-year period from 2011 through 2013 was 48.974%.

Marvell-Elaine High School Principal Adrian Watkins said the high school has been progressing. Ms. Watkins said the ESEA status was achieving because the school met the annual measurable objectives (AMO). She said the school was recognized for parental involvement and will be presenting during a USDOE webinar in August.

Ms. Saviers made a motion, seconded by Ms. Reith, to deny the appeal of Marvell-Elaine High School's Academic Distress Designation. The motion carried unanimously.

A-7 Watson Chapel School District's Appeal of Watson Chapel High School's Academic Distress Designation

The item was pulled from the agenda.

A-13 Fort Smith School District's Appeal of Belle Pointe Alternative Center's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period. Belle Point Alternative Center's percent proficient or advanced for the three-year period from 2011 through 2013 was 25.316%.

Fort Smith School District Superintendent Dr. Benny Gooden said Belle Point Alternative Center meets the needs of students in grades 7-12. He said enrollment is by referral only. He requested the Belle Point Alternative Center and all alternative learning environments (ALE) be removed from the academic distress list.

Board members asked additional questions and made comments regarding alternative learning environments.

Dr. Barth made a motion, seconded by Ms. Saviers, to table a decision regarding the Fort Smith School District's appeal of Belle Pointe Alternative Center's academic distress designation until the Academic Distress Rules are reviewed. The motion carried unanimously.

The Board considered A8—A-12 together. The school district administrators voiced no opposition to this consideration.

A-8 Beebe School District's Appeal of Badger Academy's Academic Distress Designation

A-9 Cabot School District's Appeal of Cabot Learning Academy's Academic Distress Designation

A-10 Hot Springs School District's Appeal of Summit School's Academic Distress Designation

A-11 Little Rock School District's Appeal of Accelerated Learning Program's Academic Distress Designation

A-12 Little Rock School District's Appeal of W.D. Hamilton Learning Academy's Academic Distress Designation

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with sections 3.02.2.1 and 10.04.3 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, the academic distress classification is assigned to any public school in which 49.5% or fewer of its students achieve proficient or advanced in math and literacy on the state-mandated criterion referenced assessments administered for the most recent three-year period.

Beebe School District Superintendent Belinda Shook and Assistant Superintendent Dr. Scott Embrey shared specific demographic and test data related to the Badger Academy.

Cabot School District Superintendent Dr. Tony Thurman said there are many variables in determining success of alternative learning centers.

Hot Springs School District Superintendent Dr. Joyce Craft said she wanted to thank the Board for this consideration.

Ms. Zook made a motion, seconded by Ms. Saviers, to table a decision on A-8 Beebe School District's appeal of Badger Academy's academic distress designation, A-9 Cabot School District's appeal of Cabot Learning Academy's academic distress designation, A-10 Hot Springs School District's appeal of Summit School's academic distress designation, A-11 Little Rock School District's appeal of Accelerated Learning Program's academic distress designation, and A-12 Little Rock School District's appeal of W.D. Hamilton Learning Academy's academic distress designation until the Academic Distress Rules are reviewed. The motion carried unanimously.

A-5 Consideration of Appeal from Denial of School Choice Application - Winters

Department General Counsel Jeremy Lasiter said pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Ms. Kaci Winters filed an appeal of the decision of the Parkers Chapel School District to deny the school choice application of J. Winters.

Parkers Chapel School District Superintendent Michael White denied the Winters' request because Junction City School District was on the school choice

exemption list.

Parent Kaci Winters said when she submitted the request, Junction City School District was not on the school choice exemption list.

Junction City School District Superintendent Robbie Lowe said the school board voted to opt out of school choice based on a desegregation order. He said a clerical error caused the submission to be late to the Department.

Mr. Lasiter confirmed that Junction City School District did have a desegregation court order.

Ms. Zook made a motion to grant the transfer. The motion died for lack of second.

Ms. Mahony made a motion, seconded by Ms. Saviers, to deny the appeal from denial of school choice application for Winters. Ms. Zook voted no. The final vote was 6-1. The motion carried.

A-14 State Board of Education Classification of Schools in Academic Distress

Assistant Commissioner of Public School Accountability M. Annette Barnes said in accordance with section 10.04.6 of the Arkansas Comprehensive Testing, Assessment and Accountability Program (ACTAAP) and the Academic Distress Program Rules, a school district or public school identified by the Department as being in academic distress shall be classified as a school district or public school in academic distress upon final determination by the State Board. She said the list would be amended to remove the alternative learning environments as per the prior Board action.

Dr. Barth made a motion, seconded by Ms. Saviers, to accept the classification of schools in academic distress, excluding the alternative learning environments (ALE). The motion carried unanimously.

A-15 Consideration of Request to Decrease the School Board Membership of the Mulberry/Pleasant View Bi-County School Board

Department General Counsel Jeremy Lasiter said on June 13, 2014, the Mulberry/Pleasant View Bi-County School Board petitioned the State Board of Education to reduce the size of its board of directors from seven (7) members to five (5) members pursuant to Ark. Code Ann. § 6-13-634.

Mulberry/Pleasant View Bi-County School District Superintendent Dana Higdon

said vacant seats on the school board previously had to be appointed because no candidates ran for the positions.

Ms. Zook made a motion, seconded by Ms. Reith, to accept the request to decrease the School Board Membership of the Mulberry/Pleasant View Bi-County School Board. The motion carried unanimously.

A-16 Consider Request for Waiver of National Board for Professional Teaching Standards (NBPTS) Repayment of State Funds for Amanda Green-Young

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland recommended that the repayment waiver for fees (\$2,743.00) expended by the state for Amanda Green-Young be considered and granted due to health and/or extenuating circumstances as outlined.

Ms. Newton made a motion, seconded by Ms. Mahony, to grant the waiver of National Board for Professional Teaching Standards (NBPTS) repayment of state funds for Amanda Green-Young. The motion carried unanimously.

A-18 Consider Recommendation of New Praxis Ages 3-4 Endorsement Licensure Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Education of Young Children (5024) test with a cut score of 160, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Zook, to approve the Praxis™ Education of Young Children (5024) test with a cut score of 160, effective September 1, 2014. The motion carried unanimously.

A-19 Consider Recommendation of New Praxis Early Childhood Special Education Integrated Licensure (B-K) Tests

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 and the Praxis™ Education of Young Children (5024) test with a cut score of 160, both effective September 1, 2014.

Ms. Newton made a motion, seconded by Ms. Mahony, to adopt the Praxis™ Interdisciplinary Early Childhood Education (5023) test with a cut score of 160 and the Praxis™ Education of Young Children (5024) test with a cut score of

160, both effective September 1, 2014. The motion carried unanimously.

A-20 Consider Recommendation of New Praxis Gifted and Talented Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said Educational Testing Service (ETS) has updated its Praxis™ Gifted Education (0357) test, which the Arkansas State Board of Education adopted as the state's Gifted and Talented content test, beginning September 1, 2007. Mr. Rowland said the Department recommended adopting the Praxis™ Gifted Education (5358), replacing the Praxis™ Gifted Education (0357), with a cut score of 155, effective September 1, 2014.

Ms. Mahony made a motion, seconded by Ms. Saviers, to adopt the Praxis™ Gifted Education (5358), replacing the Praxis™ Gifted Education (0357), with a cut score of 155, effective September 1, 2014. The motion carried unanimously.

A-21 Consider Recommendation of New Praxis Middle School Science Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Middle School Science (5440) to replace the Praxis™ Middle School Science (0439), with a cut score of 150, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Reith, to adopt the Praxis™ Middle School Science (5440), replacing the Praxis™ Middle School Science (0439), with a cut score of 150 effective September 1, 2014. The motion carried unanimously.

A-22 Consider Recommendation of New Praxis Physics Licensure (7-12) Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Physics: Content Knowledge (5265) test with a cut score of 135, effective September 1, 2014.

Ms. Reith made a motion, seconded by Ms. Mahony, to adopt the Praxis™ Physics: Content Knowledge (5265) test with a cut score of 135, effective September 1, 2014. The motion carried unanimously.

A-23 Consider Recommendation of New Praxis Speech Pathologist Test

Public School Program Advisor for the Office of Educator Effectiveness Michael Rowland said the Department recommended adopting the Praxis™ Speech-Language Pathology (5331), replacing the Praxis™ Speech-Language Pathology (0330/5330), with a cut score of 162, effective September 1, 2014.

Dr. Barth made a motion, seconded by Ms. Saviers, to adopt the Praxis™ Speech-Language Pathology (5331), replacing the Praxis™ Speech-Language Pathology (0330/5330), with a cut score of 162, effective September 1, 2014. The motion carried unanimously.

A-24 Consideration for Final Approval: Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts

Department General Counsel Jeremy Lasiter said Act 1073 of 2013 made minor revisions to Arkansas laws related to the consolidation and annexation of school districts. He said on May 8, 2014, the State Board of Education approved for public comment proposed revisions to the current rules. The Arkansas Department of Education received no public comments on the proposed revisions. Mr. Lasiter requested the Board grant final approval to the proposed rules pending legislative subcommittee review.

Ms. Newton made a motion, seconded by Ms. Saviers, to approve the Arkansas Department of Education Rules Governing Consolidation and Annexation of School Districts. The motion carried unanimously.

A-25 Consideration for Final Rule: Proposed Rules Governing Professional Development

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said on May 8, 2014, the State Board approved the Arkansas Department of Education Rules Governing Professional Development – Emergency Rule to implement changes made to the Arkansas Code regarding professional development under Act 2 of the First Extraordinary Session of 2013. She said in promulgating the permanent rule, Department staff received public comments on the rules and after careful consideration of the public comments made revisions to the rules.

Dr. Barth made a motion, seconded by Ms. Newton, to approve the Rules Governing Professional Development. The motion carried unanimously.

A-26 Consideration for Final Approval: 2014 Open Enrollment Public Charter School New Application

Department Attorney Kendra Clay said the 2014 Open Enrollment Application included additional prompts suggested by the Charter Authorizing Panel and updated the submission deadline for the 2014 application cycle.

Mr. Black made a motion, seconded by Ms. Reith, to approve the 2014 Open Enrollment Public Charter School New Application. The motion carried unanimously.

The Board considered A-27 and A-33 together.

A-27 Consideration for Emergency Adoption: Emergency Rules for Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas

A-33 Consideration for Public Comment: Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas

Assistant Commissioner of HR, Educator Effectiveness and Licensure Ivy Pfeffer said the Department recommended the promulgation of new rules to replace outdated policies for Department approval of teacher education programs. She said the Board approved an earlier version of the rules as final on April 10, 2014. However, the Department received legislative comments on the final rules, and after careful consideration of the comments proposed revisions to the rules. Ms. Pfeffer said the rules need to be in effect for the 2014-2015 academic year. She requested the Board adopt the rules as emergency rules and authorize the release of the rules for public comment on the permanent promulgation of the emergency rules.

Dr. Barth made a motion, seconded by Ms. Saviers, to approve the Emergency Rules for Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas and to authorize the release of the proposed Arkansas Department of Education Policies Governing Programs for Educator Licensure Offered by Institutions of Higher Education in Arkansas for public comment with amendments to clarify 7.07.6 and 9.09. The motion carried unanimously.

The board considered A-28, A-29, A-30, A-31, A-32, A-34, A-35 and A-36 together.

A-28 Consideration for Public Comment – Proposed Arkansas Department of Education Rules Governing Educator Licensure

A-29 Consideration for Public Comment – Proposed Arkansas Department of Education Rules Governing Background Checks for Classified Employees

A-30 Consideration for Public Comment – Repeal of Department of Education Rules Governing Nontraditional Licensure

A-31 Consideration for Public Comment – Repeal of Department of Education Rules Governing the Lifetime Teaching License

A-32 Consideration for Public Comment – Repeal of Department of Education Rules Governing the School Superintendent Mentoring Program

A-34 Consideration for Public Comment: ADE Rules Governing the Calculation of Miscellaneous Funds

A-35 Consideration for Public Comment: ADE Rules Governing the College and Career Readiness Program

A-36 Consideration for Public Comment: Proposed Revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Section 18.00 Residential Placement

Ms. Saviers made a motion, seconded by Ms. Newton, to approve the proposed Arkansas Department of Education Rules Governing Educator Licensure, the proposed Arkansas Department of Education Rules Governing Background Checks for Classified Employees, the repeal of Department of Education Rules Governing Nontraditional Licensure, the repeal of Department of Education Rules Governing the Lifetime Teaching License, the repeal of Department of Education Rules Governing the Lifetime Teaching License, the repeal of Department of Education Rules Governing the School Superintendent Mentoring Program, the ADE Rules Governing the Calculation of Miscellaneous Funds, the ADE Rules Governing the College and Career Readiness Program, and the proposed revision of the Arkansas Department of Education Rules Governing Special Education and Related Services, Section 18.00 Residential Placement for public comment. The motion carried unanimously.

A-37 Consideration of Next Steps for Student Assessments

Assistant Commissioner of Learning Services Dr. Debbie Jones said the protest in New Mexico was resolved. Arkansas is ready to move forward with the procurement of student assessments.

Ms. Mahony requested the Department consider a two-year transition period for applying growth to an educator's overall rating and promotion and/or retention consideration. She said the Department should consider a method to hold static on current annual measurable objectives (AMO) and reset the AMO in the summer of 2016. She said this proposal should be considered at the August

Board meeting, subject to authority by the Board to take action. Ms. Pfeffer said within Arkansas's planned evaluation implementation timeline, the state would not be applying growth to an educator's overall rating until 2016, when the state has two years of PARCC assessment data. The timeline is dependent on continued ESEA Flexibility.

Ms. Saviers made a motion, seconded by Ms. Newton, to support the Department's next steps in the procurement process for student assessment. The motion carried unanimously.

A-17 Hearing on Revocation of Teaching License – Heather Eshenbaugh

Professional Licensure Standards Board (PLSB) Attorney Cheryl Reinhart said Heather Eshenbaugh requested a renewal of her teaching license, which expired in 2009. She said the Department of Education Licensure Unit investigated Ms. Eshenbaugh in 2011 for fraud related to her teaching license. Under Ark. Code Ann. § 6-17-410(d), the State Board of Education may revoke, suspend, or place a license on probation for obtaining a license fraudulently and for providing false or misleading information to the Department of Education or the State Board of Education. Ms. Reinhart said the Department recommended the revocation of Ms. Eshenbaugh's license. Ms. Eshenbaugh did not attend the hearing.

Ms. Saviers made a motion, seconded by Ms. Newton, to deny renewal and permanently revoke the teaching license for Heather Eshenbaugh. The motion carried unanimously.

Adjournment

The meeting adjourned at 4:41 p.m.

Minutes recorded by Deborah Coffman.

Minutes
State Board of Education Meeting
Friday, July 11, 2014

The State Board of Education met Friday, July 11, 2014, in the Auditorium of the Department of Education Building. Chairman Sam Ledbetter called the meeting to order at 9:02 a.m.

Present: Sam Ledbetter, Chairman; Toyce Newton, Vice-Chair; Alice Mahony; Dr. Jay Barth; Vicki Saviers; Diane Zook; Mireya Reith; Joe Black; Jonathan Crossley, Teacher of the Year; and Tony Wood, Commissioner.

Absent: none

Mr. Ledbetter recognized Representative Charlotte Douglas and Representative Mark Biviano.

Reports

Chair's Report

Ms. Mahony and Dr. Barth recently participated in a science meeting in Kentucky.

Dr. Barth said Arkansas received a \$4000 grant from the National Association of State Boards of Education (NASBE) to bring in a public speaker and conduct a work session for the Board regarding Science Standards.

Commissioner's Report

Commissioner Wood said Jacksonville is proceeding with bringing forth a September vote to become a district. He said the Board has two next steps. If the community votes in favor of the Jacksonville district, then the Board will be asked to issue an order to create the new district. He said the Board would also be asked to appoint a seven member interim board for Jacksonville. Mr. Wood recommended that patrons of the Jacksonville District have the opportunity to submit applications for the interim board. He committed to bringing a list of names to serve on a review committee that could later recommend a list of seven names for the interim board. He said the interim board would not consist of zoned membership. The interim board would oversee the zoning of the district. Chairman Ledbetter asked Board members to contact Commissioner Wood if they have any questions or concerns.

Special Committee on Parent Communication

Special Committee Chair Alice Mahony said the committee met June 13, 2014, and that many people attended. Ms. Mahony said the committee found that communication is not flowing to all parts of the state.

Ms. Saviers said it is important to find ways to better communicate with parents and assist with locating school data and other information.

Ms. Newton said parents and communities struggle with education terminology and acronyms. She said we need communication to increase involvement. She said it is the responsibility of the Board to ensure communication is reaching the parents.

Ms. Reith said there is a need to use multiple methods to share communication. She said localized strategies to communicate with parents and community would be very important. She said the community organizations are willing and eager to assist with relaying communication.

A Philanthropic Partnership to Enhance Educational Achievement in Arkansas

Dr. Sherece Y. West-Scantlebury, President and Chief Executive Officer of the Winthrop Rockefeller Foundation, and Kathy Smith, Senior Program Officer of the Walton Family Foundation, proposed to use resources to work with the Board to develop a comprehensive plan to improve P-12 education in Arkansas. Dr. West-Scantlebury said the comprehensive plan would contain specific recommendations for academically distressed districts and would be supported by data, best practices and models such as the Delaware Vision 2015 Plan led by the Rodel Foundation. Ms. Smith said the foundations have been working together to support Race to the Top applications, implement the Common Core State Standards, support the Arkansas Campaign for Grade Level Reading, and enhance high-quality teacher and leader pipelines. Dr. West-Scantlebury asked the Board to partner with the foundations to support focused work in academic distress schools, long-term planning, and connecting early care, P-12 and Higher Education.

Board members expressed gratitude for the opportunity to partner with the foundations. Members said this project would bring laser focus to needed actions and evaluation. Members were also interested in how the best practices would be replicated across the state.

Ms. Smith said the collaboration would identify the options and support systems needed in schools. A written plan, leveraged resources, and targeted interventions are included in the project.

Dr. West-Scantlebury said the project would begin with a *State of Education in Arkansas Report* due Fall 2014. She said based on the data in the report, the next step would be to identify focus areas. Dr. West-Scantlebury said the RFP process would be used to identify an expert(s) to assist with the work. She said by December the project would plan to have a set of white papers of findings, and by late February or March a plan of action would be drafted.

Chairman Ledbetter requested the foundations work with the Department to make this an action item on the August Board agenda.

Student Discipline Report

Director of the Office for Education Policy Dr. Gary Ritter said Act 1329 of 2013 requires the ADE to evaluate the impact of school discipline on student achievement and report findings to the State Board of Education and school districts. He said this report was produced by the Office of Education Policy using data from the ADE Data Center and that the data were self-reported by districts. He said districts could have varying discipline policies and levels of implementation by personnel. Dr. Ritter said this report is a good first step. He cautioned against drawing conclusions based on this data. He said there are many future questions that need to be asked.

Assistant Commissioner of Research and Technology Cody Decker said the state collects 19 infraction codes, and additional codes are being added for school year 2014-2015. He said districts are able to view data in a secure format on the Student GPS Dashboard. He said communication to districts regarding requirements and updates would be reported through a commissioner's memo. He also said no student identifiable data was shared in the development of this report.

Update on Common Core State Standards, PARCC and School Improvement

Assistant Commissioner for Learning Services Dr. Debbie Jones said the Department is engaged in a framework revision cycle. She said the teacher committees are working on Fine Arts, Social Studies and Science.

Dr. Jones said thirty-five (35) schools and two charter schools are engaged in an ACSIP pilot.

State National Assessment of Educational Progress (NAEP) Coordinator Dr. Pamela Byrd said Arkansas participated in the Grade 12 NAEP pilot. Arkansas

was one of two states that scored significantly higher in Math and Reading on the state grade 12 results from 2009 to 2013.

Student Assessment Director Melody Morgan said a collaborative team has conducted digital readiness for online assessment on-site visits. She said 191 districts have had on-site visits. She said the goal is to complete the remaining district visits this month. She said 146 of the 191 districts have also completed a survey of bandwidth and devices, and only 11% of completed surveys indicated a gap in relation to online testing minimum requirements.

Adjournment

The meeting adjourned at 11:43 a.m.

Minutes recorded by Deborah Coffman.

NEWLY EMPLOYED FOR THE PERIOD OF June 14, 2014 – July 21, 2014

***Shelia Bailey – Nutritionist Consultant, Grade C121, Division of Fiscal and Administrative Services, Child Nutrition, effective 07/07/14.**

Karyl Bearden – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 07/07/14.

Deborah Bruick-Jones – Assistant Commissioner, Grade N912, Division of Learning Services, effective 07/01/14.

***Sharese Cross – Public School Program Advisor, Grade C122, Public School Accountability, Equity Assistance, effective 07/01/14.**

Bonita Flint – ADE APSCN Field Analyst, Grade C121, Division of Fiscal and Administrative Services, Arkansas Public School Computer Network (APSCN) , effective 07/07/14.

Ann Finch – Public School Program Advisor, Grade C122, Division of Learning Services, Student Assessment, effective 07/21/14.

Christina Foley – Public School Program Coordinator, Grade C123, Division of Learning Services, Special Education, effective 07/07/14.

Holly Glover – ADE APSCN Director, Grade N908, Division of Research and Technology, effective 07/21/14.

Sandra Hurst – ADE Special Advisor, Grade N908, Division of Human Resources/Licensure, Office of Educator Effectiveness, effective 07/01/14.

Vicki King – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 06/23/14.

Lisa Knoedl – Public School Program Advisor, Grade C122, Division of Learning Services, School Improvement, effective 07/07/14.

Alan Lytle – Public School Program Advisor, Grade C122, Division of Learning Services, Student Assessment, effective 07/21/14.

***Selina Mahon – Human Resources Specialist, Grade C113, Division of Human Resources/Licensure, Time and Leave Unit, effective 06/23/14.**

Kathy Mascuilli – Public School Program Advisor, Grade C122, Division of Learning Services, Professional Development, effective 07/01/14.

Heather Newsam – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 07/21/14.

Sheila Peters – Administrative Specialist II, Grade C109, Division of Learning Services, Migrant Education, effective 06/23/14.

Eric Saunders – Assistant Commissioner, Grade N912, Division of Fiscal and Administrative Services, effective 07/01/14.

***Bessie Smith – Administrative Specialist II, Grade C109, Division of Learning Services, Charter/Home Schools, effective 06/23/14.**

Stacy Smith – ADE Special Advisor, Grade N908, Division of Learning Services, Curriculum and Instruction, effective 07/01/14.

***Scot Tyler – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 07/21/14.**

***Muzical Waite – Public School Program Advisor, Grade C122, Division of Learning Services, Curriculum and Instruction, effective 06/23/14.**

PROMOTIONS/DEMOTION/LATERAL TRANSFERS FOR THE PERIOD OF June 14, 2014 – July 21, 2014

***Annette Barnes from a ADE Coordinator School Improvement/Standards Assurance, Grade N905, Public School Accountability, to an ADE Assistant Commissioner, Grade N912, Public School Accountability, effective 07/01/14. Promotion**

Jimmy Blevins from a Public School Program Advisor, Grade C122, Division of Learning Services, Student Assessment, to a Public School Program Manager, Grade C126, Division of Learning Services, Student Assessment, effective 06/16/14. Promotion

***Vannessa Chambers from an Administrative Analyst, Grade C115, Division of Human Resources/Licensure, Employee Induction, to an Human Resources Recruiter, Grade C116, Division of Human Resources/Licensure, Employee Induction, effective 07/07/14. Promotion**

Cindy Grizzelle from an Administrative Specialist III, Grade C112, Division of Human Resources/Licensure, Office of Educator Effectiveness, to an Administrative Specialist III, Grade C112, Division of Fiscal and Administrative Services, Child Nutrition, effective 07/07/14. Lateral Transfer

Lisa Haley from a Public School Program Manager, Grade C126, Division of Learning Services, Special Education, to an ADE Special Education Division Manager, Grade C129, Division of Learning Services, Special Education, effective 07/01/14. Promotion

Elbert Harvey from a Public School Program Manager, Grade C126, Division of Learning Services, School Improvement, to an ADE Coordinator School Improvement/Standards Assurance, Grade N905, Public School Accountability, effective 07/07/14. Promotion

Miguel Hernandez, III from an ADE Assistant Commissioner, Grade N912, Division of Fiscal and Administrative Services, to the Deputy Commissioner of Education, Central Administration, Deputy Commissioner's Office, Grade U027U, effective 07/01/14. Promotion

***Cheryl Houston from an Administrative Specialist II, Grade C109, Division of Public School Academic Facilities and Transportation (DPSAFT), to an Administrative Specialist III, Grade C112, DPSAFT, effective 07/07/14. Promotion**

***LaQueena Johnson from an Administrative Specialist III, Grade C112, Division of Human Resources/Licensure, Educator Licensure, to an Administrative Analyst, Grade C115, Division of Human Resources/Licensure, Educator Licensure, effective 06/23/14. Promotion**

Ivy Pfeffer from an ADE Special Advisor, Grade N908, Division of Human Resources/Licensure, Office of Educator Effectiveness, to an ADE Assistant Commissioner, Grade N912, Division of Human Resources/Licensure, effective 07/01/14. Promotion

***Junelle Sanders from a Student Applications Specialist, Grade C116, Division of Fiscal and Administrative Services, APSCN, to an ADE APSCN Field Analyst, Grade C121, APSCN, effective 06/23/14. Promotion**

Trent Saracini from an Administrative Analyst, Grade C115, Division of Human Resources/Licensure, Office of Educator Effectiveness, to a Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Office of Educator Effectiveness, effective 06/23/14. Promotion

Tony Wood from the Deputy Commissioner of Education, Grade CU027C, Central Administration, Deputy Commissioner's Office, to the Commissioner of Education, Central Administration, Commissioner's Office, Grade U033C, effective 07/01/14. Promotion

SEPARATIONS FOR THE PERIOD OF June 14, 2014 – July 21, 2014

Martha Asti – ADE Special Education Division Manager, Grade C129, Division of Learning Services, Special Education, effective 06/30/14. 6 Years, 5 months, 23 days. Retirement

Jennifer Brown – Public School Program Manager, Grade C126, Division of Learning Services, Special Education, effective 07/02/14. 1 Year, 11 months, 23 days. 01

Misty Harp – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Office of Educator Effectiveness, effective 07/18/14. 0 Years, 11 months, 6 days. 01

***John Hoy – Assistant Commissioner, Grade N912, Public School Accountability, effective 06/30/14. 2 Years, 11 months, 29 days. 01**

Thomas Kimbrell – Commissioner of Education, GradeU033U, Central Administration, Commissioner's Office effective 06/30/14. 4 Years, 9 months, 12 days. 01

Jim Lucas – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 06/30/14. 6 Years, 10 months, 10 days. Retirement

Lynn Lucas – Public School Program Advisor, Grade C122, Division of Human Resources/Licensure, Educator Licensure, effective 06/30/14. 6 Years, 2 months, 16 days. Retirement

***Alexia Mahomes – Administrative Specialist II, Grade C109, Division of Learning Services, Special Education effective 06/27/14. 0 Years, 5 months, 6 days. 01**

***Avery Moore – Administrative Specialist II, Grade C109, Division of Learning Services, Special Education, effective 06/24/14. 1 Year, 3 months, 29 days. 01**

Danny Reed – Public School Program Coordinator, Grade C123, Division of Learning Services, Special Education, effective 06/30/14. 7 Years, 5 months, 25 days. Retirement

Delinda Rhoades – Administrative Specialist III, Grade C112, Division of Learning Services, Gifted and Talented, effective 07/18/14. 2 Years, 6 months, 5 days. 07

Beverley Romanin – ADE OERZ Director, Grade C126, Division of Learning Services, Education Renewal Zone, effective 06/30/14. 0 Years, 9 months, 7 days. 01

Bessie Smith – Administrative Specialist II, Grade C109, Division of Learning Services, Charter/Home Schools, effective 07/07/14. 0 Years, 0 months, 14 days. 01

***Gloria Stephens – Public School Program Coordinator, Grade C123, Central Administration, Communications Office, effective 06/30/14. 43 Years, 6 months, 14 days. Retirement**

Tracy Tucker – ADE Special Advisor, Grade N908, Division of Learning Services, Curriculum and Instruction, effective 06/30/14. 3 Years, 2 months, 12 days. 01

Karen Walters – Assistant Commissioner, Grade N912, Division of Human Resources/Licensure, effective 06/30/14. 2 Years, 11 months, 29 days. 01

Megan Witonski – Assistant Commissioner, Grade N912, Division of Learning Services, effective 06/30/14. 1 Year, 0 months, 6 days. 01

***Minority**

AASIS Codes:

01 – Voluntary

07- Career Opportunity

Retirement

Section 1
Second Lien Bonds

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

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

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

**STATE BOARD OF EDUCATION MEETING
AUGUST 14, 2014
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

3 2nd Lien	\$	4,695,000.00
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3	\$	4,695,000.00

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Cedar Ridge	Independence	819.60	\$1,250,000	2.69%	\$4,083,176	Constructing and equipping a new preschool (\$1,200,000); cost of issuance and underwriter's discount allowance (\$50,000) and any remaining funds will be used for other construction, renovations and/or equipment purchases.
England	Lonoke	763.55	\$1,870,000	10.69%	\$5,720,000	Constructing a multi-purpose facility; installing HVAC at the high school campus and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities (\$1,804,620); cost of issuance and underwriter's discount allowance (\$65,380).
Pangburn	White	792.59	\$1,575,000	11.94%	\$12,926,406	Building and equipping a softball and baseball complex (\$1,500,000), cost of issuance and underwriter's discount allowance (\$75,000) and any remaining funds will be used for other construction, renovations and equipment purchases.

Section 2 Voted Bonds

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

A school district may borrow money and issue negotiable bonds to repay borrowed moneys from school funds for:

- (1) Building and equipping school buildings;
- (2) Making additions and repairs to school buildings;
- (3) Purchasing sites for school buildings;
- (4) Purchasing new or used school buses;
- (5) Refurbishing school buses;
- (6) Providing professional development and training of teachers or other programs authorized under the federally recognized qualified zone academy bond program, 26 U.S.C. § 1397E;
- (7) Paying off outstanding postdated warrants, installment contracts, revolving loans, and lease-purchase agreements, as provided by law.

**STATE BOARD OF EDUCATION MEETING
AUGUST 14, 2014
APPLICATIONS FOR COMMERCIAL BONDS**

COMMERCIAL BOND APPLICATIONS:

13	Voted	\$	153,200,000.00
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13		\$	153,200,000.00

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
Buffalo Island Central	Craighead	792.06	\$9,990,000	21.89%	\$13,115,171	Building new school buildings; and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities (\$9,744,220); cost of issuance and underwriter's discount allowance (\$245,780).
Centerpoint	Pike	975.68	\$10,320,000	18.00%	\$10,320,000	Refunding the District's July 1, 2005 and May 1, 2010 bonds (\$3,935,000), funding the following partnership project; erecting and equipping a new elementary school facility (Project #1415-5502-001) (\$6,050,000) and cost of issuance, underwriter's discount allowance and escrow contingencies (\$335,000) and any remaining funds will be used for other capital projects and equipment purchases.
Clinton	Van Buren	1,307.51	\$4,285,000	8.42%	\$23,457,991	Constructing a new Agri building, Animal Science building, and greenhouse; renovating Walker Gym, football stadium and baseball stadium; demolition of old buildings and removal of asbestos; additional bleachers at the rodeo arena; and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities (\$4,165,445); cost of issuance and underwriter's discount allowance (\$119,555).
Crossett	Ashley	1,775.38	\$22,175,000	11.83%	\$32,014,719	Refunding the March 1, 2006 bonds (\$1,660,000); erecting and equipping a new high school facility (\$20,000,000); cost of issuance, underwriter's discount allowance and escrow contingencies (\$515,000) and any remaining funds will be used for other capital projects and equipment purchases.

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
DeWitt	Arkansas	1,251.90	\$14,390,000	11.09%	\$15,693,931	Refunding the May 1, 2012 bond issue (\$6,045,743); constructing, furnishing and equipping a new middle school, and safe room/multi-purpose facility for the high school/elementary school; constructing and repairing parking lots, drives and drainage at the high school/middle school campus (\$8,001,677); cost of issuance and underwriter's discount allowance (\$342,580) with any remaining funds to be used for constructing, refurbishing, remodeling and equipping school facilities.
Gravette	Benton	1,839.84	\$11,505,000	16.15%	\$43,950,000	Constructing and equipping a new K-5 elementary school and addition to existing high school (\$11,225,890); cost of issuance and underwriter's discount allowance (\$279,110) and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities.
Greenwood	Sebastian	3,564.30	\$10,000,000	13.49%	\$45,385,456	Erecting and equipping new school facilities, renovating and equipping existing school facilities(\$9,754,000) and cost of issuance (\$246,000).
Harrison	Boone	2,745.90	\$45,390,000	14.14%	\$45,390,000	Refunding the outstanding bond issues dated April 1, 2009 and November 1, 2010 (\$17,363,248); constructing new school buildings (\$27,002,172); cost of issuance and underwriter's discount allowance (\$1,024,580) and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities.

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
McCrary	Woodruff	621.50	\$4,890,000	7.78%	\$4,890,000	Refunding the outstanding bond issue dated August 1, 2011 (\$501,888); refunding the outstanding bond issue dated September 1, 2011 (\$2,057,670); renovating, constructing and equipping the existing high school and auditorium; renovation and conversion of existing band/music and art building into additional classrooms; and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities (\$2,196,972); cost of issuance and underwriter's discount allowance (\$133,470).
Searcy County	Searcy	870.15	\$6,970,000	10.72%	\$7,493,358	Refunding the outstanding bond issue dated March 1, 2009 (\$2,259,688); constructing and equipping a new high school fine arts building; constructing and equipping additional classrooms with basement; and renovation of existing classrooms at Marshall Elementary School (\$4,530,972); and cost of issuance and underwriter's discount allowance (\$179,340); and any remaining funds will be used for constructing, refurbishing, remodeling and equipping school facilities.
Smackover-Norphlet	Union	1,209.88	\$5,650,000	7.08%	\$9,873,511	Refunding the two outstanding bond issues dated April 1, 2012 (\$4,801,675); constructing, refurbishing, remodeling and equipping school facilities (\$698,025); and cost of issuance and underwriter's discount allowance (\$150,300).
Trumann	Poinsett	1,604.71	\$5,050,000	13.65%	\$12,065,423	Constructing a new K-4 elementary school; and any remaining funds will be used for constructing, refurbishing, remodeling and equipping existing facilities (\$4,912,900); cost of issuance and underwriter's discount allowance (\$137,100).

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

DISTRICT	COUNTY	ADM	AMOUNT OF APPLICATION	DEBT RATIO	TOTAL DEBT W/THIS APPLICATION	PURPOSE
White County Central	White	643.05	\$2,585,000	6.22%	\$4,915,000	Renovating the existing gymnasium (\$2,500,000); cost of issuance and underwriter's discount allowance (\$85,000) and any remaining funds will be used for capital projects and equipment purchases.

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
1701	Alma School District	1	Ikenberry, Michele Regina	ECE P-4, Middle Childhood Education, Life/Earth Science, Special Education 4-12	412	Career Preparation	14-15	Granted
3201	Batesville School District	1	Pickett, Sarah	English 7-12	286	Library Media Spec	14-15	Granted
0801	Berryville School District	1	Gardner, Rachel	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13 13-14 14-15	Denied
4801	Brinkley School District	1	Baker, Kerri	Speech	108	Journalism	14-15	Granted
1101	Corning School District	3	Cagle, Joshua David	PE/Wellness/Leisure	418	Career Orientation Endors	14-15	Granted
			Russom, Jessica	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	14-15	Granted
			Varvil, Christy	Mathematics, Coaching, Reading P-12	288	Guid. & Counseling	14-15	Granted
2403	County Line School District	1	Gattis, Justin Taylor	Bldg. Administrator P-12; Agriculture Sciences; Career Orientation	311	District Administrator P-12	14-15	Granted
2601	Cutter-Morning Star Sch. Dist.	1	McAfee, Jonathan	PE/Wellness/Leisure; Special Education	276	Build Level Admin.	13-14 14-15	Granted
5901	Des Arc School District	1	Roberts, Chad	Mathematics 7-12	289	Gifted & Talented	14-15	Granted

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
6047	E-Stem Charter School	1	Ernst, Patricia	Business Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Granted
5301	East End School District	1	Gist, Bradley	Secondary Sciences, MS Science, Elementary, District Administrator, Elementary Principal, Coaching	302	Building Level Administrator 5-12	14-15	Granted
	Elizabeth Richardson Center	1	Brown, Amanda	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	14-15	Granted
7202	Farmington School District	1	Dandenhauer, Audrea	Art P-12	289	Gifted & Talented	14-15	Granted
3002	Glen Rose School District	3	Farber, Tonya	MS Social Studies, Elementary 1-6, PE/Wellness/Leisure	231	Sp Ed Ech Inst Specialist P-4	13-14 14-15	Granted
			Wingfield, Christi	ECE P-4, MS Social Studies, Elementary K-6, GT P-12	299	Guidance & Counseling	13-14 14-15	Denied
	Glen Rose School District Continued		Wingfield, Christi	ECE P-4, MS Social Studies, Elementary K-6, GT P-12	300	Guidance & Counseling	13-14 14-15	Denied

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
0803	Green Forest School District	1	Banks, Zoe	ECE P-4	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied
2807	Greene Co. Tech School Dist.	1	Nelson, Charles	Mathematics 7-12	302	Building Level Administrator 5-12	14-15	Granted
1202	Heber Springs School District	1	Adams, Megan	ECE P-4, Grade 5/6 Endorsement	312	Building Administrator P-8	14-15	Granted
6804	Highland School District	1	Goodson, Kelly	Elementary K-6	280	Curr/ Prog Admin / Curr	13-14 14-15	Granted
6703	Horatio School District	1	Smith, Lee	Agri Science & Technology, Career Orientation, Vocational Administrator, Building Administrator	311	District Administrator P-12	14-15	Granted
6202	Hughes School District	1	Owens, Sheryl	Social Studies 7-12, Secondary School Counseling; Secondary Principal	311	District Administrator P-12	12-13 13-14 14-15	Granted
3405	Jackson Co. School District	3	Bowen, Lyndsey	ECE P-4	253	Elementary	14-15	Granted
			Rowlett, Lisa	ECE P-4	253	Elementary	14-15	Granted
			Wood, Tanya	ECE P-4	107	Grade 5/6 Endorsement (P-4)	12-13 13-14 14-15	Granted

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
3704	Lafayette County School District	2	Henderson, Clyde	Earth Science	230	Sp Education Instructional Specialist 4-12	14-15	Granted
			Tucker II, Jimmie	Agri Science 7-12	412	Career Preparation	14-15	Granted
6605	Lavaca School District	1	Reed, Joshua Renner	PE/Wellness/Leisure, Coaching	169	Physical /Earth Science 7-12	14-15	Granted
7205	Lincoln School District	1	Sebastian, Melody	Elementary 1-6, MS English	312	Building Administrator P-8	14-15	Granted
6001	Little Rock School District	2	Fletcher, Shannon	Guidance Counseling P-12	305	Gifted & Talented P-8	11-12 12-13 13-14 14-15	Granted
			Fletcher, Shannon	Guidance Counseling P-12	306	Gifted & Talented 7-12	11-12 12-13 13-14 14-15	Granted
3004	Malvern School District	1	Harper, Lillian	ECE P-4	312	Building Administrator P-8	14-15	Granted
Methodist Family Health		3	Easter, Sr., Clifton L.	ECE P-4, Middle Level Education, Grade 5/6 Endorsement, Reading K-12	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied
			McCoy, Jayme	PE/Wellness/Leisure, Coaching	230	Sp Education Instructional Specialist 4-12	14-15	Granted
			Oliver, Cecilie	ECE P-4, Elementary K-6	231	Sp Ed Ech Inst Specialist P-4	13-14 14-15	Denied
Millcreek of Arkansas		3	Glass, Teresa K.	Middle Level Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
			Howard, Martha	Elementary K-6, Reading	230	Sp Education Instructional Specialist 4-12	12-13 13-14 14-15	Granted
			Puterbaugh, Christy	Health, Adult Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied
	Ozark Guidance	1	Guinsolus, Eric	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	12-13 13-14 14-15	Granted
6505	Ozark Mountain School District	3	Gilley, Kimberly	Elementary 1-6, Middle Childhood Education, English 7-12	295	Library Media Science P-8	12-13 13-14 14-15	Granted
	Ozark Mountain School District Continued		Gilley, Kimberly	Elementary 1-6, Middle Childhood Education, English 7-12	296	Library Media Science 7-12	12-13 13-14 14-15	Granted
			Saylor, Rose	Building Level Administrator, Elementary 1-6, MS Social Studies	280	Curr/ Prog Admin / Curr	13-14 14-15	Granted
	Pinnacle Pointe Behavioral Healthcare	2	Collins, Kimberly	ECE P-4	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Granted
			Nix, Angelia	Special Education P-4	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Granted
	Rivendell Behavioral Health	1	Young, Monica	English/Language Arts 7-12	230	Sp Education Instructional Specialist 4-12	14-15	Granted

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
	Riverview Behavioral Center	1	Williams, Patty	FACS	230	Sp Education Instructional Specialist 4-12	12-13 13-14 14-15	Granted
6502	Searcy County School District	1	Yarbrough, Jimmy A.	Bldg. Administrator	311	District Administrator P-12	14-15	Granted
7311	Searcy School District	7	Boatman, Elizabeth Renee	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied
			Figley, Christye	Middle Childhood Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Granted
Searcy School District Continued			Hendricks, Bailey	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	13-14 14-15	Denied
			Jackson, Melanie	ECE P-4, Special Ed P-4	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Denied
			Little, Amanda	Social Studies 7-12	230	Sp Education Instructional Specialist 4-12	14-15	Granted
			Smith, Allanna Nicole	ECE P-4, PE/Wellness/Leisure P-12	231	Sp Ed Ech Inst Specialist P-4	13-14 14-15	Denied
			Whitsett, Kristen E.	ECE P-4, Middle Level Education	230	Sp Education Instructional Specialist 4-12	14-15	Granted
Valley Behavioral Health			Birch, Becky	ECE P-4	231	Sp Ed Ech Inst Specialist P-4	13-14 14-15	Granted
			McClellan, Amber	English/Language Arts 7-12	230	Sp Education Instructional Specialist 4-12	14-15	Granted

Additional Licensure Waiver Requests

August 2014

State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
0505	Valley Springs School District	2	Green, Judy	Curriculum Program Administrator	311	District Administrator P-12	14-15	Granted
			Sherrill, Lisa	Elementary K-6	280	Curr/ Prog Admin / Curr	14-15	Denied
	Vantage Point	6	Bailey, Tessa	English 7-12	230	Sp Education Instructional Specialist 4-12	12-13 13-14 14-15	Granted
	Vantage Point Continued		Chism, Patricia	Middle Level Education	230	Sp Education Instructional Specialist 4-12	13-14 14-15	Granted
			Geng, Kevin	Elementary K-6, Middle Childhood Education	231	Sp Ed Ech Inst Specialist P-4	14-15	Granted
			Harris, Martha Deanne	Middle Level Education	230	Sp Education Instructional Specialist 4-12	12-13 13-14 14-15	Granted
			Hiatt, Donna	Secondary Science 7-12, ESL P-12	230	Sp Education Instructional Specialist 4-12	14-15	Granted
			Long, Sarah	ECE P-4	230	Sp Education Instructional Specialist 4-12	14-15	Granted
1204	West Side School District	1	Carr, Devin Delynn	Middle Childhood Education	418	Career Orientation Endors	14-15	Granted
3606	Westside School District	1	Holland, Jay	Bldg. Administrator	311	District Administrator P-12	13-14 14-15	Granted
7304	White Co. Central School Dist.	1	Hill, Stephanie	Middle Childhood Education	288	Guid. & Counseling	14-15	Granted
	Woodbridge Behavioral Health	1	Pendergrass, Neysa	ECE P-4, Elementary K-6	230	Sp Education Instructional Specialist 4-12	12-13 13-14 14-15	Granted

Additional Licensure Waiver Requests
 August 2014
 State Board Agenda

LEA	District	# Waivers Requested	Teacher	Licensure Area	ALP Code	Out of Area	Yrs on ALP	Granted /Denied
41	# Districts Requesting Waivers This Month	69	# Waivers Requested This Month			# Waivers Granted This Month		56
						# Waivers Denied This Month		13
						Total Waivers Requested		69

Below are resources we believe may be helpful to Board members in preparation for our discussion on August 14. The resources from the Rodel Foundation show how philanthropy can contribute to solutions to the problems that prevent too many students from learning and achieving to their full capacity and solutions to positively transform academically distressed schools. The Walton Family and Winthrop Rockefeller Foundations proposes to use its resources to work with the State Board of Education to develop a comprehensive plan to improve P-12 education in Arkansas that will contain specific recommendations for academically distressed districts. The comprehensive plan will be supported by data, best practices and models such as the Delaware Vision 2015 Plan lead by the Rodel Foundation.

GFE Case Study on Rodel Foundation

http://www.edfunders.org/sites/default/files/case_8_rodel.pdf

Delaware Vision 2015 Plan

<http://www.vision2015delaware.org/vision-plan/>

Delaware Vision 2015 Progress Reports

<http://www.rodelfoundationde.org/resources/issues-and-resources/>

Delaware Public Education at a Glance E-book

http://hollistercreative.com/e/Rodel_DePubEd2013.html

The Delaware Vision 2015 is one model among many. We thought this would be a good example to give the Board a framework for what could be done here in Arkansas with philanthropy as a partner.



August 4, 2014

Tony Wood, Commissioner
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201

RE: Statement of Intentions: Philanthropic Partnership to Enhance Educational Achievement in Arkansas

Dear Mr. Wood:

This statement of intentions (Statement of Intent) establishes the philanthropic partnership with the Arkansas Department of Education (ADE) and the Winthrop Rockefeller (WRF) and Walton Family (WFF) foundations to work together to enhance educational achievement in Arkansas. As presented during the July 2014 meeting of the Arkansas State Board of Education, WRF and WFF will use their resources to develop a comprehensive approach to improve P-16 education in Arkansas in concert with ADE. The approach will include specific recommendations for moving forward our academically distressed schools and districts. We anticipate the development of this approach to begin in August 2014 and end upon receipt of all agreed upon deliverables by July 2015.

Andrew Ford, Interim Senior Associate for Education and Community Change at WRF, and Kathy Smith, Senior Program Officer for Arkansas Education Reform Initiative at WFF, will be the persons to contact regarding the management of this agreement.

Description of Work and Products

WRF and WFF will use their resources to do the following:

- Identify and hire consultant(s) to facilitate planning processes, conduct research, and develop and produce reports
- Organize and convene meetings to support a strategic planning process
- Produce an objective report on the state of education in Arkansas to create a case for action with an anticipated delivery date of Fall 2014
- Produce a comprehensive plan to enhance educational achievement in Arkansas that will include specific recommendations for academically distressed schools and districts

M A K I N G A D I F F E R E N C E I N A R K A N S A S

ADE will use its resources to do the following:

- Provide staff to aid in the development of the strategic plan and review of deliverables
- Provide access to data according to FERPA mandates
- Coordinate with schools and school districts

Costs

WRF and WFF will incur costs associated with the process of developing the comprehensive strategic plan for P-16 education and the related deliverables described in the Description of Work and Products. WRF and WFF do not anticipate making any monetary funding requests to ADE nor are any monetary payments to ADE implied or promised as part of this Statement of Intent.

Reporting

WRF and WFF agree to report quarterly to the Arkansas State Board of Education on progress of the development of the comprehensive plan for P-16 education and related deliverables.

I hope you find the terms of this Statement of Intent acceptable. Please indicate this by signing below and returning the completed Statement of Intent to WRF's office.

On behalf of the Winthrop Rockefeller and Walton Family foundations, we look forward to a productive relationship.

SHERECE Y. WEST-SCANTLEBURY, Ph.D., President and Chief Executive Officer
Winthrop Rockefeller Foundation

KATHY SMITH, Senior Program Officer, Arkansas Education Reform Initiative
Walton Family Foundation

Accepted by: Arkansas Department of Education

Name: Tony Wood, Commissioner, Arkansas Department of Education

Signature: _____

Copy: Sam Ledbetter, Chair, Arkansas State Board of Education
Toyce Newton, Chair, Winthrop Rockefeller Foundation
Buddy Philpot, Executive Director, Walton Family Foundation

2014-2015 Competitive ABC Grants

Agency	FY15 Vendor Numbers	Program Model	Total Slots	Total Funding	If 1099 Reportable, Enter "T"
Lee County School District	3390400001	Center-based	80	\$ 388,800.00	
Russellville School District	3580500001	Center-based	20	\$ 97,200.00	
			100	\$ 486,000.00	



ARKANSAS DEPARTMENT OF EDUCATION

2014 Application District Conversion Public Charter School

**Deadline for Receipt of Submission: Tuesday, September 9, 2014, 4:00
p.m.**

Applications will not be accepted after this time.



Name of Proposed Charter School:

Any application that is substantially incomplete will not be forwarded to the authorizer for consideration. An application will be considered substantially incomplete if it does not provide enough information to enable staff at the Arkansas Department of Education to provide a meaningful review.

**Arkansas Department of Education
Charter School Office
Four Capitol Mall Little Rock,
AR 72201
501.683.5313**

ARKANSAS DEPARTMENT OF EDUCATION

**2014 APPLICATION
DISTRICT CONVERSION PUBLIC CHARTER SCHOOL**

A. GENERAL INFORMATION

Name of Proposed Charter School: _____

Grade Level(s) for the School: _____ Student Enrollment Cap: _____

Name of School District: _____

Name of Contact Person: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____ FAX: () _____

Email: _____

Charter Site Address: _____

City: _____

ZIP: _____ Date of Proposed Opening: _____

Name of Superintendent: _____

Address: _____ City: _____

ZIP: _____ Daytime Phone Number: () _____

B. EXECUTIVE SUMMARY

Provide the mission statement of the proposed school.

Applicant Response:

Applicant response is limited to the area provided on this page.

Briefly describe the key programmatic features that the school will implement in order to accomplish the mission.

Applicant Response:

Applicant response is limited to the area provided on this page.

C. NARRATIVE DESCRIPTION OF THE PROPOSED CHARTER SCHOOL

The applicant for the proposed charter school, if approved by the authorizer, agrees to operate the educational program described below in accordance with the provisions described within this document, Arkansas Code Annotated §6-23-101 et seq., the State Board of Education Rules Governing Charter Schools, and the attached assurances.

Provide a narrative description of the various components of the proposed charter school by responding to the following prompts:

1. Describe the results of the public hearing, called by the school board, which was held for the purposes of assessing support for the establishment of this public charter school. Provide copies of supporting evidence.

Applicant Response

Applicant response is limited to 7,000 characters/spaces.
The text box will expand once you have clicked out of it.

Attach documentation to demonstrate that each of the following requirements of Arkansas Code Annotated §6-23-302 was met:

- A. The notice of public hearing was distributed to the community, certified school personnel, and parents of all students enrolled at the public school for which the school district initiated the application.
- B. The notice of the public hearing was published in a newspaper having general circulation in the school district in which the school will be located at least three weeks prior to the date of the meeting.



2. Give the mission statement for the proposed charter school.

Applicant Response:

Response generated from Section B.

3. Describe the educational need for the school by responding to the following prompts. Include the innovations that will distinguish the charter from other schools.

Complete the following charts to include 2013 literacy and mathematics performance assessment data and graduation rates for the district in which the charter would be located and the schools closest to the proposed charter.

DISTRICT DATA			
<u>District Name</u>			
<u>District Status</u>			
	LITERACY 2013 ESEA Report Percentage Achieving or Advanced	MATH 2013 ESEA Report Percentage Achieving or Advanced	GRADUATION RATE 2012-2013 2013 Report Card Percent Graduated
All Students (Combined)	-	-	-
Targeted Achievement Gap Group	-	-	-
African American	-	-	-
Hispanic	-	-	-
White/Caucasian	-	-	-
Economically Disadvantaged	-	-	-
English Language Learners/ Limited English Proficient	-	-	-
Students with Disabilities	-	-	-

CAMPUS DATA - CAMPUS PROPOSED FOR CONVERSION TO CHARTER			
<u>District Name</u>			
<u>Campus Name</u>			
<u>Grade Levels</u>			
<u>Campus Status</u>			
	LITERACY 2013 ESEA Report Percentage Achieving or Advanced	MATH 2013 ESEA Report Percentage Achieving or Advanced	GRADUATION RATE 2012-2013 2013 Report Card Percent Graduated IF APPLICABLE
All Students (Combined)	-	-	
Targeted Achievement Gap Group	-	-	
African American	-	-	
Hispanic	-	-	
White/Caucasian	-	-	
Economically Disadvantaged	-	-	
English Language Learners/ Limited English Proficient	-	-	
Students with Disabilities	-	-	

CAMPUS DATA - OTHER CAMPUS IN FEEDER PATTERN OF PROPOSED CONVERSION CHARTER	
<u>District Name</u>	
<u>Campus Name</u>	

<u>Grade Levels</u>			
<u>Campus Status</u>			
	<u>LITERACY</u> <u>2013 ESEA Report</u> <u>Percentage</u> <u>Achieving or</u> <u>Advanced</u>	<u>MATH</u> <u>2013 ESEA Report</u> <u>Percentage</u> <u>Achieving or</u> <u>Advanced</u>	<u>GRADUATION RATE</u> <u>2012-2013</u> <u>2013 Report Card</u> <u>Percent Graduated</u> <u>IF APPLICABLE</u>
All Students (Combined)	-	-	
Targeted Achievement Gap Group	-	-	
African American	-	-	
Hispanic	-	-	
White/Caucasian	-	-	
Economically Disadvantaged	-	-	
English Language Learners/ Limited English Proficient	-	-	
Students with Disabilities	-	-	

<u>CAMPUS DATA - OTHER CAMPUS IN FEEDER PATTERN OF PROPOSED CONVERSION CHARTER</u>			
<u>District Name</u>			
<u>Campus Name</u>			
<u>Grade Levels</u>			
<u>Campus Status</u>			
	<u>LITERACY</u> <u>2013 ESEA Report</u> <u>Percentage</u> <u>Achieving or</u> <u>Advanced</u>	<u>MATH</u> <u>2013 ESEA Report</u> <u>Percentage</u> <u>Achieving or</u> <u>Advanced</u>	<u>GRADUATION RATE</u> <u>2012-2013</u> <u>2013 Report Card</u> <u>Percent Graduated</u> <u>IF APPLICABLE</u>
All Students (Combined)	-	-	
Targeted Achievement Gap Group	-	-	
African American	-	-	
Hispanic	-	-	
White/Caucasian	-	-	
Economically Disadvantaged	-	-	
English Language Learners/ Limited English Proficient	-	-	
Students with Disabilities	-	-	

Explain the educational need for the charter in light of the academic performance by the district, the campus proposed to be converted, and at the schools in the same feeder

pattern as the proposed charter. Explain other significant factors. Be certain to include the source for information presented.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

If the performance of students at schools and or/districts not noted in the previous charts demonstrate the need for the charter, provide the student performance data and its source and explain.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

Describe the innovations that will distinguish the charter from other schools.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

4. On the following table, list the specific measurable goals in reading, reading comprehension, and mathematics, based on the state mandated assessments, and any other assessment tools if used, for improving student academic achievement for each year of the public charter school's initial five-year period. For each goal, include the following:

- The tool to be used to measure the academic performance;
- The level of performance that will demonstrate success; and
- The timeframe for the achievement of the goal.

Explain how the attainment of the goals will demonstrate that the charter is meeting the identified educational need for the school and fulfilling its mission.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

5. Describe the educational program to be offered by the charter school.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

6. Explain why a charter school is necessary to better meet student academic needs instead of a traditional district school.

Applicant Response:

Applicant response is limited to the area provided on this page.

7. Explain how the charter school will have more autonomy than traditional schools in the district. Discuss each of the following: A) Employing personnel; B) Developing and controlling the charter school budget; C) Managing day-to-day charter school operations; D) Developing and controlling the school calendar; and E) Other areas of autonomy to be afforded to the charter.

Applicant Response:

Applicant response is limited to 18,000 characters/spaces.
The text box will expand once you have clicked out of it.

8. Describe the school improvement plan by addressing the following:
A) Explain how the licensed employees and parents of the students to be enrolled in the charter school will be involved in developing and implementing the school improvement plan, identifying performance criteria, and evaluating the effectiveness of the improvement plan.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

B) Describe a plan for school improvement that addresses how the charter school will improve student learning and meet the state education goals.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

9. Describe the process that will be used to ensure curriculum alignment with the Arkansas Curriculum Frameworks and the curriculum requirements of the Common Core State Standards as adopted by the State Board of Education.

Applicant Response:
this page.

Applicant response is limited to the area provided on

10. Describe the manner in which the school will make provisions for the following student services, even in those areas for which a waiver is requested:

A) Guidance program;

**Applicant
Response:**

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

B) Health services;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

C) Media center;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

D) Special education;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

E) Transportation;

Applicant Response:

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

F) Alternative education, including Alternative Learning Environments;

**Applicant
Response:**

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

G) English Language Learner (ELL) instruction

**Applicant
Response:**

Applicant response is limited to 4,800 characters/spaces.
The text box will expand once you have clicked out of it.

H) Gifted and Talented Program.

Applicant Response:
characters/spaces.

Applicant response is limited to 4,800

The text box will expand once you have clicked out of it.

11. Describe the plan for the school officials to provide an annual report to parents, the community, and the authorizer, **separate from the district's annual report to the public**, that demonstrates the progress made by the charter school during any previous academic year in meeting its academic performance objectives. (See *Arkansas Code Annotated 6-23-202.*)

Applicant Response:

Applicant response is limited to the area provided on this page.

12. Describe the enrollment criteria and student admission, recruitment and selection processes for the proposed public charter school.

Applicant Response:

Applicant response is limited to the area provided on this page.

It is affirmed that a random, anonymous student selection method will be utilized in the event that more students apply for admission to the public charter school than can be accommodated under the terms of the charter.

Yes

No

13. Name any district personnel, and/or leaders of the proposed charter who have any prior involvement in the operation of one or more other charter schools and complete a Prior Charter Involvement template for each individual listed.

Applicant Response:

Applicant response is limited to area provided on this page

14. Summarize the job descriptions of the school administrator(s) and other key personnel. Specify the qualifications to be met by professional employees (administrators, teachers, counselors, etc.) of the program. List the types of administrative positions, teaching positions, and support positions for the school.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces. The text box will expand once you have clicked out of it.

15. It is affirmed that the public charter school will participate in the Arkansas Public School Computer Network, as required by state statute and by State Board of Education rule, for reporting **both education data and financial data**, including grant funds or private donations received directly by the charter school.

Yes

No

16. Describe the facilities to be used. Give the present use of the facility and its use for the past three years.

Applicant Response:

Applicant response is limited to 6,000 characters/spaces. The text box will expand once you have clicked out of it.

The facility will comply with all requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Individuals with Disabilities Education Act (IDEA) and all other state and federal laws and local zoning ordinances.

Yes

No

If the facility does not currently meet these requirements, provide a list of items that will need to be addressed to bring the facility into compliance. Also include a statement of permissible uses for the facility from the local zoning authority, and whether there are any alcohol sales within 1,000 feet of the facility.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces. The text box will expand once you have clicked out of it.

17. Describe the manner in which the school will make provisions for food services. State whether the proposed charter school will apply to participate in the federal National School Lunch program or other federal nutrition programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

18. Describe how the parents or guardians of the enrolled students and other members of the community will be involved with the school to positively impact the charter school's educational programs.

Applicant Response:

Applicant response is limited to the area provided on this page.

19. List the provisions of Title 6 of the Arkansas Code Annotated (Education Code), State Board of Education rules, and sections of the *Standards for Accreditation of Arkansas Public Schools and School Districts* from which the public charter school seeks to be exempted in order to meet the goals of the school. Identify the specific statute, rule, or standard requested to be waived by title and section number if applicable. **Provide a brief description of the rationale for each waiver requested.**

Applicant Response:

Applicant response is limited to 22,000 characters/spaces. The text box will expand once you have clicked out of it.

20. Describe the potential impact of the proposed public charter school on the efforts of affected public school district(s) to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.

Applicant Response:

Applicant response is limited to the area provided on this page.

21. Explain what the charter founders and other leaders are doing or will do to ensure the success of the charter school in perpetuity.

Applicant Response:

Applicant response is limited to 8,500 characters/spaces.
The text box will expand once you have clicked out of it.

**2014 APPLICATION
DISTRICT CONVERSION PUBLIC CHARTER SCHOOL
STATEMENT OF ASSURANCES**

The signature of the superintendent of the school district proposing the public charter school certifies that the following statements are and will be addressed through policies adopted by the public charter school; and, if the application is approved, the local board, administration, and staff of the district conversion public charter school shall abide by them:

1. The information submitted in this application is true to the best of my knowledge and belief.
2. The district conversion public charter school shall be open to all students, on a space-available basis, and shall not discriminate in its admission policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility.
3. In accordance with federal and state laws, the district conversion public charter school hiring and retention policies of administrators, teachers, and other employees shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, or special need.
4. Any educator employed by a school district before the effective date of a charter for a district conversion public charter school operated at a school district facility shall not be transferred to or employed by the public charter school over the educator's objection.
5. The district conversion public charter school shall operate in accordance with federal laws and rules governing public schools; applicable provisions of the Arkansas Constitution; and state statutes or regulations governing public schools not waived by the approved charter.
6. The district conversion public charter school shall ensure that any of its employees who qualify for membership in the Arkansas Teacher Retirement System or the State and Public School Employee Insurance Program shall be covered under those systems to the same extent any other qualified employee of the school district is covered.
7. The district conversion public charter school shall comply with all health and safety laws, rules and regulations of the federal, state, county, region, or community that may apply to the facilities and school property.

8. The employees and volunteers of the district conversion public charter school are held immune from liability to the same extent as other school district employees and volunteers under applicable state laws.
9. The district conversion public charter school shall be reviewed for its potential impact on the efforts of a public school district to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
10. The applicant confirms the understanding that certain provisions of state law shall not be waived. The district conversion public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code Annotated and any rule and regulation approved by the State Board of Education under this title relating to:
 - (a) Monitoring compliance with Arkansas Code Annotated § 6-23-101 *et seq.* as determined by the Commissioner of the Department of Education;
 - (b) Conducting criminal background checks for employees;
 - (c) High school graduation requirements as established by the State Board of Education;
 - (d) Special education programs as provided by this title;
 - (e) Public school accountability under this title;
 - (f) Ethical guidelines and prohibitions as established by Arkansas Code Annotated § 6-24-101 *et seq.*, and any other controlling state or federal law regarding ethics or conflicts of interest; and
 - (g) Health and safety codes as established by the State Board of Education and local governmental entities.
11. The facilities of the public charter school shall comply with all requirements for accessibility for individuals with disabilities in accordance with the ADA and IDEA and all other state and federal laws.

Signature of Superintendent of School District

Date

Printed Name

Name of Individual with Prior Charter Experience _____

Position with Proposed Charter _____

Name of Other Charter	Position at Other Charter	Status of Other Charter	Address of Other Charter	Web Address for State Assessment Results of Other Charter

Ashdown School District

OFFICE OF THE SUPERINTENDENT
511 NORTH SECOND STREET
ASHDOWN, ARKANSAS 71822
PHONE: 870-898-3208
FAX: 870-898-3709

July 14, 2014

Sherri Thorne
Arkansas Department of Education
Learning Services
Curriculum and Instruction
Four Capitol Mall
301-B
Little Rock, AR 72201

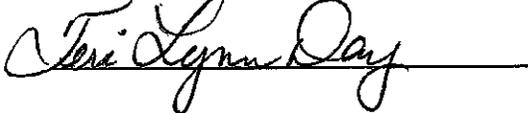
Re: Letter of Assurance for ELA 11 and Oral Communications

To whom it may concern:

The Ashdown School District hereby assures the Arkansas Department of Education, Office of Learning Services, Curriculum and Instruction unit, that all of the required standards for English Language Arts 11th grade, and the frameworks for Oral Communications will be taught as an embedded course starting in the 2014-15 school year.

Sincerely,

Teri Lynn Day
Curriculum Director
Ashdown School District



Jason Sanders
Superintendent
Ashdown School District





BENTONVILLE HIGH SCHOOL

1801 Southeast J Street
Bentonville, Arkansas 72712

(479) 254-5100 ♦ Fax: (479) 271-1184
<http://www.bentonvillek12.org>

IB World School

STATEMENT OF ASSURANCE

I, Chad A. Scott, Principal of Bentonville High School, assure the licensed teachers assigned to teach this English I/Oral Communications “embedded curriculum” course will teach the standards of both of the courses implied in this course approval request.

Chad A. Scott, Ed. D.

Chad A. Scott
Principal, Bentonville High School

Subject: AR Oral Communication Courses-URGENT

Date: Tuesday, July 29, 2014 at 2:57:55 PM Central Daylight Time

From: Deborah Coffman (ADE)

From: Shay Rafferty <shay.rafferty@gmail.com>

Date: July 28, 2014 at 10:14:52 AM CDT

To: <Tony.wood@arkansas.gov>

Subject: AR Oral Communication Courses-URGENT

Dear Mr. Wood:

I am writing to you as an at large member of the Arkansas Communication and Theatre Arts Association and a committee member of the ACTAA Professional Standards and the Oral Communication Position Committees. We are aware that there are several districts, including my own, that are considering combining Oral Communications with other core courses.

In concern for the quality of our students' educational experience, the Arkansas Communication and Theatre Arts Association has drafted the attached position statement regarding two fundamental issues affecting our schools immediately and having strong, detrimental implications for the futures of individual students and academic norms: (a) the degradation of our professional standards as educators through licensure requirements and, (b) the acceptance of amalgamated courses that dilute communication standards into core and other courses, reducing the quality of both Oral Communication and the assorted courses into which it has been disseminated.

Our organization specifically requests that members of the State Board of Education deny the request of administrators from the North Little Rock School District to provide joint credit for rewritten Oral Communication/English courses, the Bentonville School District for Oral Communication/Pre-AP English, and future integrated Oral Communication course waiver requests for the reasons asserted above and in our attached statement.

Core courses already have a long list of standards that they are required to meet and it is in my opinion that the Oral Communications standards will be pushed aside. Students need these lessons, as they are imperative to a successful adult life.

We furthermore request that the amalgamated courses previously approved in other districts be reevaluated for their ability to adequately serve our students' needs given the essential nature of communication mastery in the academic, professional, technical, and personal realms of student and adult life.

Below you will find our Oral Communications position. Please read it carefully. I thank you so much for your time and consideration.

Subject: Oral Communication is an essential discipline taught by Oral Communication Professionals Greetings from the Arkansas Communication and Theatre Arts Association

The Arkansas Communication and Theatre Arts Association recognizes that the mastery of oral communication is an essential life skill. Oral Communication exceeds Common Core

Standards to assure the success of our students outside the realm of education. In a world that demands mature and eloquent communication in both career and life, the mastery of oral communication is fundamental to continuing the success of our communities and our nation in a global marketplace. As the American foundation has progressively been built upon communication, from the Declaration of Independence to legislative debates and town hall meetings, our liberty and freedoms are inherently secured by the ability to communicate well. Our students are entitled to a quality education following this American tradition. It is the right and essential responsibility of our association and the State of Arkansas to endorse the values of oral communication in the state school curriculum and teacher licensure.

The position of the Arkansas Communication and Theatre Arts Association is that all teachers responsible for Oral Communication curriculum display proof of quality preparation through both testing and successful completion of multiple accredited courses in this discipline at the undergraduate and/or graduate level. This quality preparation will be evident in our students' success and skill level as demonstrated on a specialized End of Course Exam to be developed by the Arkansas Communication and Theatre Arts Association in collaboration with the Arkansas Department of Education. Proper learning of these essential communication skills can only occur in Oral Communication, Debate, and Forensics courses taught by teachers with the qualifications detailed above. Furthermore, we assert that Oral Communication Standards cannot be disseminated into other concentrated courses in other disciplines and core classes without severe dissolution of the quality of our students' educational experience and quality of life thereafter.

The Arkansas Communication and Theatre Arts Association resolves

that the State of Arkansas and the Arkansas Department of Education support and affirm the continued undiluted teaching of oral communication in all Junior High Schools and Senior High Schools by specifically trained and tested oral communication professionals.

Drafted by the ACTAA Professional Standards and the Oral Communication Position Committees July 14, 2014

Unanimously passed by the ACTAA membership in an

emergency meeting at the annual summer workshop on July 14, 2014

Sincerely,

Shay Rafferty

Response on Embedded Courses

A.C.A. § 6-15-202 grants a school district the right to combine two courses if the school district certifies, in writing, to the State Board that all of the curriculum frameworks for the two separate courses will be fully taught within the proposed combined or embedded course.

A school district with an approved combined or embedded course has completed a thorough process. The process involved thought, preparation, and the superintendent's statement of assurance that both sets of standards would be taught.

The district must supply the following for embedded course approval:

- Course Outline
- Instructional Materials, Resources, and Equipment
- Targeted Student Population
- Examples of Application, Problem Solving, and Higher-Order Thinking
- Instructional Strategies for Diverse Learner Needs
- Examples of Assessments
- Examples of Hands-on-Activities

The course outline submitted must be more than a list of topics and more extensive than a pacing guide. It shall outline all of the course content and include links or connections to specific curriculum frameworks or standards on which the new course is based. The instructional materials information must include all of the relevant and required materials. Resources and equipment needed by both teachers and students must also be included; not just a textbook listing. The targeted student population shall include the grade levels and prerequisites. The embedded course application must include examples of higher-order thinking, problem solving and application, and define differentiation strategies. Also, samples of assessments, which include framework standards from both courses combined, are required. Teachers must be licensed or working on an approved ALP in both courses embedded within the one course.

The Arkansas Legislature has supported the 21st century educational challenge by providing schools more flexibility in providing an education that is appropriate, rigorous, and relevant by allowing school districts to approach education with new solutions, courses, and mediums. Not only do students have new opportunities to take courses online, but they also have opportunities to approach content differently. The choice of embedded and blended courses remains a local decision; yet the expectation that Arkansas standards will be taught with fidelity remains unchanged.



BRYANT PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT

July 16, 2014

Thomas Coy
Public School Program Coordinator
Arkansas Department of Education
Curriculum and Instruction
Four Capitol Mall, Room 302-B
Little Rock, AR 72201

RE: Statement of Assurance – Blended Courses

Dear Mr. Coy,

Please accept this letter as documentation that Bryant School High School will teach both the Common Core State Standards for English Language Arts for 10th grade and the Oral Communications frameworks in their entirety for the blended course requested by Bryant High School for the 2014-2015 school year.

If you need any additional information or have questions, please contact Karen Walters at 653-5103 or by email at kwalters@bryantschools.org.

Sincerely,

Thomas W. Kimbrell, Ed.D.
Superintendent

Cc: Dr. Karen Walters

Dr. Tom W. Kimbrell, Superintendent

Prepared for Arkansas Department of Education Course Approval Application

April 21, 2014

Cave City High School desires to offer our seniors the opportunity to gain a ½ credit of oral communications concurrently with their 4th year credit of English. This can be accomplished through careful embedding of speech studies, which address the Oral Communication Curriculum Frameworks for one semester, into the studies that address the Common Core State Standards for English Language Arts for 11th-12th grade students. The following will demonstrate a single course of study that does this and includes all aspects required as attachments to the application for course approval by the Arkansas Department of Education: course outline with specific connections to the appropriate curriculum framework and student learning expectations; list of instructional materials, teaching resources and equipment to be used for this course; description of targeted student population and a statement of any prerequisites for students enrolling in the course; description or examples of how the course will emphasize application of content knowledge, problem solving and higher order thinking skills; description of instructional strategies to address diverse learner needs; description or examples of assessments appropriate for this course; and description or examples of hands-on activities or labs that will be done in this course. Appendixes will support the course outline and statements made for this application.

July 24, 2014

Mr. Thomas Coy:

This letter is intended to be a statement of assurance that Cave City High School will teach both sets of frameworks for Anatomy and Physiology and Health in their entirety. They will also be taught by an instructor certified in both areas.

We appreciate the opportunity to blend these classes and believe it will benefit students taking both.

If we can be of any further assistance, please do not hesitate to call us at 870-283-3333.

Sincerely,

Marc Walling

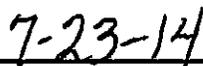
Statement of Assurance

As Superintendent of Flippin School District, I do hereby certify by my signature below and by this written Statement of Assurance that the set of frameworks for the following embedded courses will be taught in their entirety.

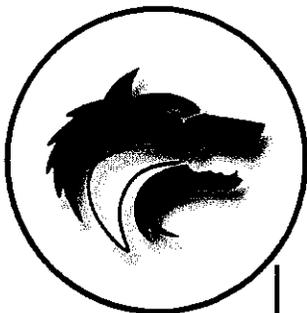
Oral Communication/English
Environmental Sciences / Agriculture



Superintendent Signature



Date



LINCOLN CONSOLIDATED SCHOOL DISTRICT

"All Belong, All Learn, All Succeed"

BOARD OF EDUCATION

President

Kendra Moore

Vice President

Jim Ayers

Secretary

Dax Moreton

Member

Connie Meyer

Scott Davis

ADMINISTRATION

107 E. School St

Lincoln, AR 72744

479-824-7300

FAX 479-824-3045

Superintendent

Mrs. Mary Ann Spears

Federal Programs Coordinator

Rebecca Griscom

Curriculum Coordinator

Melody Sebastian

Special Education Supervisor

Felicia Pasley

Child Nutrition Supervisor

Valerie Dawson

Maintenance Supervisor

Steve Flickinger

Transportation Supervisor

Steve Flickinger

WELLNESS CENTER

Wellness Center Director

Martie Cousar

School Health Coordinator

Rebecca Pugh

July 7, 2014

Thomas Coy, Public School Program Manager
Arkansas Department of Education
Division of Learning Services
Four Capitol Mall, Room 301-B
Little Rock, AR 72201

E: Course Approvals

Dear Mr. Coy:

I am writing to you regarding the proposed Pre-Calculus/Physics embedded class for Lincoln High School that will be taught by Marion Harris. I assure that all curriculum frameworks and student learning expectations for both Pre-Calculus (CCSS) and Physics will be included, aligned, and taught within the course content. Thank you for your support and consideration of this request.

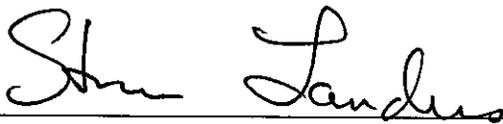
If you need any further information, please do not hesitate to call.

Sincerely,

Mary Ann Spears
Superintendent

VII. Statement of assurance that both sets of curriculum frameworks will be taught

Marion High School will follow all components of the plan set forth in this document as long as the course is taught and/or allowed. Both the ELA 12 Standards and Oral Communication Standards will be fully addressed.

 4/2/14

Steve Landers

Marion High School Principal

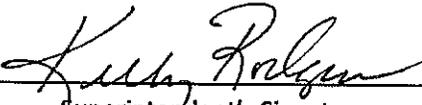


Don Johnston

Superintendent, Marion School District

STATEMENT OF ASSURANCE
HIGH SCHOOL COURSE APPROVAL

I, Mr. Kelly Rodgers, Superintendent of the North Little Rock School District, do hereby certify by my signature below and by this written Statement of Assurance that the content and frameworks required in oral communication for each high school credited course taught in grades nine through twelve, will be taught within the English 10 course. All requirements by the Arkansas Standards for Accreditation of Arkansas Public Schools, will be met. This Statement of Assurance is given in compliance with Ark. Code Ann. §6-15-1505.



Superintendent's Signature

7-7-2014

Date



Southside School

70 Scott Drive
Batesville, AR 72501

Phone: 870-251-2341
Fax: 870-251-3316

<http://southsideschools.org>

A caring community of learners.

Thomas Coy
Arkansas Department of Education
Four Capitol Mall, Suite 301-B
Little Rock, AR 72201

July 7, 2014

Dear Mr. Coy,

Southside School District guarantees that the curriculum frameworks for both Oral Communication and English 11 will be fully taught in the proposed Oral Communications/English 11 course.

Thank you for your time and attention to this matter. If you have any further questions, please feel free to contact me at (870) 251-2341.

Sincerely,

Roger Rich
Superintendent

RECEIVED

JUL 10 2014

CURRICULUM, ASSESSMENT
& RESEARCH UNIT

HEARING PROCEDURES

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.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 7, 2014

Tony Wood
Commissioner

**State Board
of Education**

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Ms. Cassie Coleman
20608 Lewis Road
Harrisburg, AR 72432

Mr. Danny Sample, Supt.
Harrisburg School District
207 West Estes Street
Harrisburg, AR 72432

Ms. Myra Graham, Supt.
Trumann School District
221 Pine Avenue
Trumann, AR 72472

**Re: Appeal Under the Public School Choice Act of 2013
Coleman v. Trumann School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On June 18, 2014, Ms. Cassie Coleman filed a petition appealing the decision of the Trumann School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- J. Coleman

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

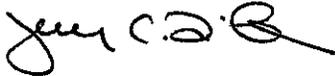
The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
July 7, 2014
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison

APPEAL

From:

Cassandra Jean
Coleman



Harrisburg, AR 72432

Fax to: (501) 682-4249

Code: 6181901



Coleman appeal

Trumann School District

AdvancEd Accredited
Myra Graham, *Superintendent*
(870) 483-6444 • (870) 483-6445 Fax

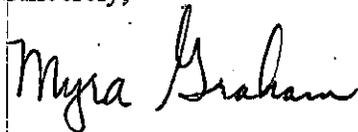
211 Pine Avenue
Trumann, Arkansas 72472

Wednesday, June 11, 2014

Dear Mrs. Coleman,

This letter is being sent in response to your request to transfer J. [REDACTED] Coleman into the Trumann School District under a school choice application. The Trumann Board of Education rejected your application in their June 9, 2014 regular meeting. It was denied because the court restrictions on Jay's school attendance would have required the employment of additional school personnel.

Sincerely,



Myra Graham, Superintendent
Trumann School District

Smiles to the Bus Stop for Trumann

PETITION FOR TRANSFER OF STUDENTS

STATE OF ARKANSAS

COUNTY OF Poinsett

TO THE BOARD OF DIRECTORS OF THE Harrisburg
(Resident School District)

I, Cassie Coleman, petition that my children or wards, as listed below, now residing in the Harrisburg High School School District in Poinsett County, Arkansas, be transferred to the Trumann High School School District in Poinsett County, Arkansas, for educational purposes under the provisions of Ark Code Ann. § 6-18-316 authorizing such a transfer, effective the 31 day of March, 2014.

NAME	AGE	NAME	AGE
<u>[Redacted]</u> <u>Coleman</u>	<u>15</u>		

Cassie Coleman, P# [Redacted]
Harrisburg, AR 72432

Cassie Coleman
(Signature of Petitioner)

CONSENT OF RESIDENT DISTRICT

The Board of Directors of Harrisburg School District of Poinsett County, consents to have the student (s) listed above transferred from said school district

April 14, 2014
Date Board Authorized Transfer

Todd Bartholomeu
President of School Board

CONSENT OF RECEIVING DISTRICT

The Board of Directors of _____ School District of _____ County, consents to have the student (s) listed above transferred to said school district.

Date Board Authorized Transfer

President of School Board

File approved copies with: (1) resident district, (2) servicing district, (3) county clerk and (4) Department of Education, Local Fiscal Services, Room 202-A, Little Rock, Arkansas 72201. If the school districts are in different counties, copies should be filled with both county clerks.

(See reverse side)

4-15-14
Mailed to
Trumann School Dist Central office
211 Pine Ave.

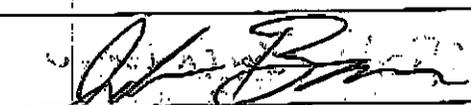
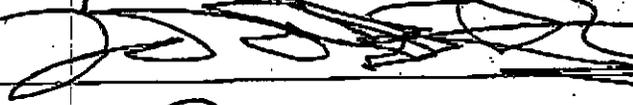
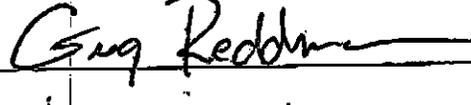
**TRANSFER OF STUDENTS
AFFIDAVIT**

According to Ark Code Ann §6-18-317:

- (a) Boards of Directors of the local school district are prohibited from granting legal transfers in the following situations:
- (1) Where either the resident or the receiving district is under a desegregation-related court order or has ever been under such a court order; and
 - (2) The transfer in question would negatively affect the racial balance of that district which is or has been under such a court order.

Whereas, the Board of Directors of Harrisburg School District, in Poinsett County (resident district), and the Board of Directors of Trumann School District, in _____ County (receiving district), have agreed to have the student (s) listed below transferred _____, 20____, and in granting this transfer have in no way violated Ark. Code Ann. §6-18-317.

NAME	AGE	NAME	AGE
J. [REDACTED] Loleman	15		

RESIDENT DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES	RECEIVING DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES
	
	
	
	

DATE PRINTED : 01/30/2014

COLEMAN, J [REDACTED]
HARRISBURG, AR 72432

STUDENT TRANSCRIPT
HARRISBURG HIGH SCHOOL
501 WEST SOUTH ST.
HARRISBURG, AR 72432
(870) 578-2417

COLEMAN, CASSANDRA
[REDACTED]
09 [REDACTED]

[REDACTED]
M
2016

Course	Sem 1	Sem 2	Earned Credit	Course	Sem 1	Sem 2	Earned Credit
Year 2014 Grade	09						
PRE AP ENG. 9	[REDACTED]	[REDACTED]	[REDACTED]				
PRE AP ENG. 9	[REDACTED]	[REDACTED]	[REDACTED]				
PHYSICAL SCI	[REDACTED]	[REDACTED]	[REDACTED]				
ALGEBRA I	[REDACTED]	[REDACTED]	[REDACTED]				
ALGEBRA I	[REDACTED]	[REDACTED]	[REDACTED]				
SPANISH I	[REDACTED]	[REDACTED]	[REDACTED]				
CIVICS	[REDACTED]	[REDACTED]	[REDACTED]				
ECONOMICS	[REDACTED]	[REDACTED]	[REDACTED]				
HEALTH&WELLNESS	[REDACTED]	[REDACTED]	[REDACTED]				
PERS. FIT FOR L	[REDACTED]	[REDACTED]	[REDACTED]				
ATH FB/BSKTB	[REDACTED]	[REDACTED]	[REDACTED]				
ATH FB/BSKTB	[REDACTED]	[REDACTED]	[REDACTED]				
[REDACTED] Credit:	[REDACTED]	[REDACTED]	[REDACTED]				

Date of Graduation: _____
Cumulative GPA: [REDACTED]

Class Rank: [REDACTED]

School Official Signature

[REDACTED]

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APPLICATION FOR TRANSFER TO A NON-RESIDENT DISTRICT "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013" (Must Be Submitted to Non-Resident and Resident Districts)

APPLICANT INFORMATION

Student Name: [Redacted] Coleman

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 Asian African-American

Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OR APPLICANT

District Name: Harrisburg School District #6 County Name: Poinsett

Address: 207 West Esters St.

Phone: 870-578-2416

NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Trumann School District County Name: Poinsett

Address: 221 Pine Avenue

Phone: 870-483-6444

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

PARENT OR GUARDIAN INFORMATION

Name: Cassie Coleman Home Phone: [REDACTED]

Address: [REDACTED] Work Phone: None

Harrisburg, AR, 72432

Parent/Guardian Signature: Cassie Coleman Date: May 11, 2014

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 Date and Time Received by Nonresident District: 5-13-14 12:00 PM Poppey

Resident District LEA #: _____ Nonresident District LEA#: 5605

Student's State Identification #: _____

Application Accepted Rejected

Reason for Rejection (If Applicable): Would require the School District to hire additional personnel.

Date Notification Sent to Parent/Guardian of Applicant: 6-12-14

Date Notification Sent to Resident District: 6-16-14

RESPONSE

Trumann School District

Member of North Central Association of Colleges and Schools

Myra Graham, *Superintendent*

(870) 483-6444 • (870) 483-2602 Fax

**RECEIVED
ATTORNEY'S OFFICE**

JUL 07 2014

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

221 Pine Avenue
Trumann, Arkansas 72472

**RECEIVED
COMMISSIONER'S OFFICE**

JUL 7 - 2014

DEPARTMENT OF EDUCATION

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

Re: J. Coleman-School Choice Appeal-Trumann School District Response

Dear Office of the Commissioner:

The Trumann School District has denied the school choice application submitted by Cassandra Coleman on behalf of her son, J. Coleman. On March 20, 2014, the Poinsett County Circuit Court ordered this student to not have any unsupervised contact with under-aged females, except for his sisters. Enclosed is a copy of the court order that Ms. Coleman submitted to the district. Due to the Court imposed restrictions placed on the student's attendance, the district would have to employ additional personnel to supervise the student. Therefore, the student's choice application was properly denied. Thank you for your consideration of this matter.

Sincerely,



Myra Graham, Superintendent

Enclosure

TRUMANN PUBLIC SCHOOLS
MEMBER NORTH CENTRAL ASSOCIATION
221 PINE AVENUE
TRUMANN, ARKANSAS 72472

MEMBERS
TN 390
02 JUL 14
PM 5 L



Office of the Commissioner
Four Capitol Mall
Little Rock, AR 72201

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SCHOOL CHOICE STATUTES

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1902

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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1902 (2014)

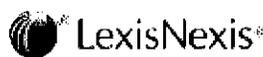
6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1908



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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1908



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SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

HEARING PROCEDURES

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.

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- 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.

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- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
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- 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.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 7, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Mr. George Rozell
Attorney at Law
224 South 2nd Street
Rogers, AR 72756

Ms. Joye Hughes, Supt.
Forrest City School District
625 Irving Avenue
Forrest City, AR 72335

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

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

Mr. Bill Brazil
Attorney at Law
1315 Main Street
Conway, AR 72034

Mr. M. Samuel Jones III
Mitchell Williams Law Firm
425 West Capitol Avenue, Ste. 1800
Little Rock, AR 72201

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

Everyone:

On June 24, 2014, on behalf of Ms. Erika Goodall, Mr. George Rozell filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- A. Goodall (6)
- E. Goodall (9)
- A. Goodall (10)
- A. Goodall (12)

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

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

School Choice Appeal Hearing Notice

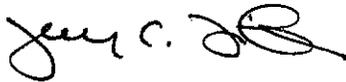
July 7, 2014

Page 2 of 2

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

Respectfully,



Jeremy C. Lasiter
General Counsel

Enclosures

cc: Mr. Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison
Ms. Mindy Pipkin, Office of the Attorney General

APPEAL

Sean T. Keith, P.A.
Andrew R. Miller, P.A.
Stephen W. Butler, P.A.
Mary M. White Schneider, P.A.
Kristin L. Pawlik, P.A.
G. Nicholas Arnold



Anna R. Betts
Andrew K. Shelor
Victoria H. Bruton
George M. Rozzell IV

Tom J. Keith, of Counsel

June 24, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201
Via Electronic Mail – valerie.bailey@arkansas.gov, jeremy.lasiter@arkansas.gov

Re: Palestine-Wheatley School Choice Rejection Letters
A. Goodall, 6; E. Goodall, 9; A. Goodall, 10; A. Goodall, 12, J. White, 6

Dear Commissioner,

Please accept this letter to satisfy the notice of appeal requirement under Rule 8.00 et seq. of the Arkansas Department of Education Emergency Rules Governing The Public School Choice Act of 2013 as adopted on May 13, 2013. This single letter shall serve as notice for each of the above students. It is brought by each of them individually through his or her parent and next friend, Erika Goodall or Stephanie White, due to each child's minor status. We are awaiting denial letters on Ms. Goodall's oldest children because of a distress issue with Forrest City, however we expect that those shall be coming shortly.

An application for each child to attend the Palestine-Wheatley School District for the upcoming 2013-2014 school year was made for each student. These applications were completed under the Public School Choice Act of 2013, Ark. Code Ann. § 6-18-1901 et seq. ("School Choice Act"). Palestine-Wheatley School District denied these applications upon the sole premise that the Forrest City School District is exempt from the School Choice Act due to it being under a desegregation order.

Erika Goodall and Stephanie White appeal this decision on the basis that Forrest City School District has not shown itself to be subject to a desegregation order pursuant to the statute. Additionally, Ms. White appeals the decision for her son as he is the brother of another child who attends Palestine-Wheatley School District and should be permitted transfer pursuant to the grandfather provision of Act 1334 of 2013.

For the foregoing reasons, and because the time sensitive nature of this matter, Erika Goodall and Stephanie White requests a hearing to be held for each of their children, or for all of them together, as soon as practicable.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Rozzell". The signature is fluid and cursive, with a large initial "G" and "R".

George Rozzell
Attorney at Law

cc: Erika Goodall, Stephanie White
Arkansas Department of Education (through its attorneys by electronic mail)
Arkansas State Board of Education (through its attorneys by electronic mail)
Forrest City School District (through its attorneys by electronic mail)
Palestine-Wheatley School District (through its attorneys by electronic mail)

RESPONSE

**BEFORE THE
ARKANSAS STATE BOARD OF EDUCATION**

IN RE: GOODALL AND WHITE SCHOOL CHOICE APPEALS

RESPONSE OF FORREST CITY SCHOOL DISTRICT

On June 24, 2014, Ms. Erika Goodall and Ms. Stephanie White through counsel, George Rozzell, appealed the decision of the Palestine-Wheatley School District denying the transfer applications of the four Goodall children and the child of Ms. White. These transfer requests were made pursuant to the Public School Choice Act of 2013. The same transfer requests were made in 2013 and denied by this Board. For the same reasons stated in this Board's Order of August 1, 2013, involving the same appellants and the same statute, these appeals should be denied once again.

I. The Essentials of the August 1, 2013 Order

In its Findings of Fact in the August 1, 2013 Order (hereafter the Order attached as Exhibit 1), the Board determined that Palestine-Wheatley denied the 2013 applications because of the exemption declaration of the Forrest City School District. (Order page 1). Forrest City claimed the exemption because it is subject to a federal court desegregation order remedying the effects of past racial discrimination. (Order page 2).

In its Conclusions of Law, this Board determined that the Public School Choice Act of 2013 authorized Forrest City to declare itself exempt from the operation of the act and that it was not the role of this Board to determine either the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. (Order page 3).

The Board concluded on August 1, 2013 that because Forrest City had declared the exemption, the appeals of Goodall and White must be denied.

No new reasons have been advanced by Goodall or White to warrant a different result in these two appeals. Accordingly, the appeals to transfer of Goodall and White from the Forrest City School District to the Palestine-Wheatley School District should be denied.

**II. Prior Litigation Between Forrest City School District and
Palestine-Wheatley School District**

This litigation prohibited any transfer from Forrest City to Palestine-Wheatley under the now repealed School Choice Act.

It was previously noted by counsel for this board in the proceedings from last year (Administrative Record Page 114) that Forrest City was contending that other students had illegally transferred under the now repealed School Choice Act. Since that time, the Forrest City School District has located and now attaches as Exhibit 2 the Order of the Circuit Court of St. Francis County dated August 14, 2003 which acts as a permanent injunction regarding transfers under the School Choice Act. As paragraph 2 made plain: "The court further finds that the provisions of A.C.A. § 6-18-206, commonly referred to as School Choice, do not apply as to transfer of students between the Forrest City School District and the Palestine-Wheatley School District. Specifically, the Palestine-Wheatley School District is not eligible to accept students who are residents of the Forrest City School District..."

The court went on to award \$80,000 in damages in favor of the Forrest City School District and against the Palestine-Wheatley School District for having permitted transfers from Forrest City to Palestine-Wheatley in part under the School Choice Act and ordered the Arkansas Department of Education to withhold funds from Palestine-Wheatley should this judgment not be paid. See Exhibit 2 at paragraph 9.

III. The Goodall Application

The findings of fact established that the Goodall family were residents of Palestine-Wheatley before moving to a larger home in the Forrest City School District in 2012. For the 2012-2013 school year, the Goodalls attended Palestine-Wheatley as residents of that district. Therefore, any application they might make under Section 1334 must be disallowed because any siblings who previously attended Palestine-Wheatley did so as residents of the district, not as transfers under the now repealed School Choice Act of 1989.

IV. The Forrest City Desegregation Litigation Prohibits "Choice" Transfers of Any Kind

To the extent that the Goodalls or Whites or any one of them are also seeking transfer pursuant to some other choice act, such as the opportunity school choice act, Forrest City respectfully states that the pertinent orders entered in the *McKissick* case, its desegregation case, prohibit any kind of choice however characterized.¹ In its Order filed January 16, 1970, attached hereto as Exhibit 3, the district court concluded that Forrest City was operating identifiable schools as part of a dual school system and had failed to take adequate steps to dismantle that system. In specifying what was required to become a non-dual system, the court specifically stated that: "All vestiges of 'freedom of choice' shall be eliminated no later than the beginning of the second semester of the present school year." Then, the federal court noted it was retaining continuing jurisdiction and reserving the right to approve, modify or reject any plan submitted. This Order was affirmed by the United States Court of Appeals for the Eighth Circuit on June 5, 1970. (See Court of Appeals Order attached as Exhibit 4).

¹ It is not entirely clear whether the Goodalls, the Whites or both families are asking this court to review any transfer request under Act 1334 or any other choice act. However, a similar issue arose at the eleventh hour last year. When it arose, the administrative record reflects at page 111 that the board's counsel opined: "if the argument is, as both counsel have indicated, that there is a desegregation order that controls, it would also control that." Further, at pages 114-119 and at page 124 of the Administrative Record, board members asked questions about this issue. It appears the conclusion was reached that the exemption provision controlled and the other acts do not apply to the circumstances of the Forrest City School District.

Forrest City submitted a new plan on July 12, 1971. The court ordered it to be revised and it was then approved on August 16, 1971. (See Exhibit 5). Jurisdiction was again retained.

In 1990 the federal court noted that the Forrest City schools were in compliance with the orders of the court since the plan of 1971 and approved a magnet school plan to supplement the court approved plan. (See Exhibit 6). The court again retained jurisdiction.

Forrest City is neither inviting nor encouraging this Board to scrutinize these orders. Rather, they are offered simply for the proposition that the appellants cannot disprove the fact that Forrest City continues to operate pursuant to a court ordered and approved plan from 1971 which specifically disapproved choice as an element for that plan. Accordingly, choice is not a permissible option for students residing within the Forrest City School District. This Board need not second guess that circumstance but should simply deny any and all appeals for transfer from Forrest City to any other school district.

In conclusion, the transfers should be denied for the same reasons explained in the 2013 Order and as set forth above.

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)
Attorneys for Forrest City School District

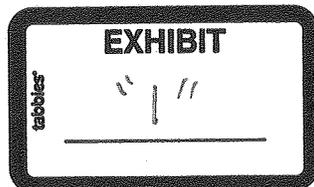
BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 8, 2013, during a regular meeting of the Arkansas State Board of Education, a joint hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by the Public School Choice Act of 2013 (Act 1227 of 2013) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Before the Board were the appeals of Petitioners, the Goodall, Moffett, and White families, challenging the decisions of the Palestine-Wheatley School District ("Respondent") denying their applications for transfer of their children (Goodall family, four children; Moffett family, one child; White family, one child) under the School Choice Act of 2013. All Petitioners were represented by attorney George Rozzell; the Respondent by Superintendent Jon Estes. Also participating was the Forrest City School District (the Petitioners' resident school district), which was represented by attorneys M. Samuel Jones and Brad Beavers.

FINDINGS OF FACT

1. The Goodall Petitioners are residents of the Forrest City School District. They formerly resided in Respondent Palestine-Wheatley School District, where three of the children attended school and one attended a pre-kindergarten program. The Goodall family moved to the Forrest City School District in 2012.

2. On or about April 3, 2013, the Goodall Petitioners submitted applications to transfer the four Goodall children to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 4, 2013, Respondent denied the applications because the Petitioners' resident school district, the Forrest City



School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

3. The Moffett Petitioners are residents of the Forrest City School District. On or about April 25, 2013, they submitted an application to transfer one child to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 3, 2013, Respondent denied the application because the Moffett's resident school district, the Forrest City School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

4. The White Petitioners are residents of the Forrest City School District. On or about May 1, 2013, they submitted applications to transfer one child to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 4, 2013, Respondent denied the application because the White's resident school district, the Forrest City School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

5. The Public School Choice Act of 2013 took effect on April 16, 2013.

6. The Forrest City School District declared itself exempt from the School Choice Act of 2013 on May 14, 2013. The District notified the Arkansas Department of Education that it was declaring an exemption on or about May 16, 2013.

7. The Forrest City School District notified the Board that it remains subject to a federal court desegregation order in *McKissie et al. v. Forrest City School Dist. No. 7, et*

al., Case No. H-69-C-42 (United States District Court for the Western District of Arkansas), and presented to the Board an order in that case dated December of 1990. Petitioners presented no court orders to the contrary.

CONCLUSIONS OF LAW

8. Because the Forrest City School District was the resident district of the Petitioners, Forrest City's participation in the joint hearings was appropriate and in accordance with the Public School Choice Act of 2013, the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, and the Arkansas Administrative Procedures Act (Ark. Code Ann. § 25-15-201 *et seq.*).

9. The Public School Choice Act of 2013, which took effect on April 16, 2013, authorizes a school district to declare itself exempt from the Act if the district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

10. It is not this Board's role to determine the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

11. The Public School Choice Act of 2013 provides that a school district must notify the Arkansas Department of Education by April 1 if in the next school year the district intends to declare an exemption. The Act does not identify any sanction for a district's failure to meet this deadline. In particular, the Act does not state that failure to meet the April 1 deadline invalidates a district's exemption. Because the Act did not take effect until April 16, 2013, it would have been impossible for any school district

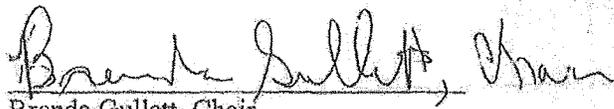
(including Forrest City) to notify the ADE of its intention to declare an exemption by April 1, 2013. Petitioners' argument that no school district may declare an exemption for the 2013-2014 school year because the ADE notification date passed before the Act took effect would contravene legislative intent and lead to absurd results.

12. The Forrest City School District is not foreclosed from declaring an exemption under the School Choice Act of 2013. All transfers under the School Choice Act of 2013 are subject to the limitation of an exemption declared by a school district.

ORDER

13. Because Forrest City declared an exemption under the School Choice Act of 2013, the Board denies the appeals of Petitioners Goodall, Moffett, and White.

Signed this 1 day of August, 2013


Brenda Gullett, Chair
Arkansas State Board of Education

IN THE CIRCUIT COURT OF ST. FRANCIS COUNTY, ARKANSAS

IN RE: THE MATTER OF THE
FORREST CITY SCHOOL DISTRICT
and PALESTINE WHEATLEY SCHOOL DISTRICT

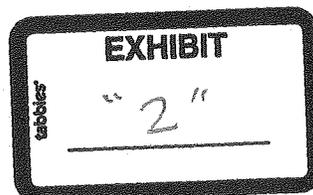
No. E-2000-58

AGREED ORDER

On this 14th day of August, 2003, comes to be heard this cause of action on Joint Petition of the parties. The Forrest City School District appearing by and through its attorney, Brad J. Beavers, of Sharpe, Beavers & Cline, P.O. Box 924, Forrest City, AR 72336-0924, and Palestine Wheatley School District appearing by and through its attorney, W. Frank Morledge, P.O. Box 912, Forrest City, AR 72336-0912. The Court, after reviewing all pleadings filed herein, hearing statements of counsel and being well and sufficiently advised, finds that:

1. That the Forrest City School District has been granted Summary Judgment against the Palestine Wheatley School District based upon violation of A.C.A. §6-18-202 for the 1999-2000, 2000-2001, and 2001-2002 school years as to certain students as is more specifically set forth in said Summary Judgment dated the 1st day of July, 2002, and filed the 9th day of July, 2002. The Forrest City School District has been granted Partial Summary Judgment against the Palestine Wheatley School District in the amount of \$45,175.85.

2. The Court further finds that the provisions of A.C.A. §6-18-206, commonly referred to as "School Choice", do not apply as to transfer of students between the Forrest City School District and the Palestine Wheatley School District. Specifically, the Palestine Wheatley School District is not eligible to accept students who are residents of



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the Forrest City School District (as defined by the provisions of A.C.A. §6-18-202) under the provisions of A.C.A. §6-18-206.

3. Certain students listed on Exhibit "A" hereto are found to have been enrolled by the Palestine Wheatley School District in violation of both A.C.A. §6-18-202 and §6-18-206 for the school year 2001-2002, under the "School Choice" provisions.

4. The Forrest City School District is, by agreement, granted Judgment against the Palestine Wheatley School District, as a compromised settlement, the amount of \$80,000.00, inclusive of the amount of \$45,175.85 Summary Judgment filed July 9, 2002.

5. Exhibit "A" contains information concerning individual students. Exhibit "A" shall be attached to this Order in the sealed portion of the Court file. Any copy of this Judgment released to any person other than the parties, or open for public inspection, shall not contain Exhibit "A" hereto.

6. ~~Each party is ordered and directed to advise all persons inquiring of the District, as to parties to this action under A.C.A. §6-18-206 "School Choice", that the District is not eligible and will not enroll any student residing in the other District for the school year 2003-2004 or any future year, unless eligibility standards shall change or unless the Arkansas Department of Education shall approve participation, and in no event unless the other District shall have been given notice of such intent to participate and ninety (90) days for response.~~

7. The Palestine Wheatley School District shall, within twenty (20) days of entry of this Order, notify the parents, guardians, or other persons in loco parentis, of each student listed on Exhibit "A" currently enrolled, and/or any other student residing in

the Forrest City School District, that Palestine Wheatley School District is not eligible under the provisions of A.C.A. §6-18-206 to participate in School Choice in relation to residents of the Forrest City School District and that the student will not be allowed to enroll for the 2003-2004 school year absent full compliance with applicable law.

8. Neither District shall enroll any student transferring from the other District unless residency shall be established and verified. Upon such enrollment, the enrolling District shall give notice to the other District within ten (10) days, including all documents and other information provided in relation to verification of residency.

9. The Palestine Wheatley School District shall, within thirty (30) days, pay the Forrest City School District the total amount of Judgment recited herein, \$80,000.00. In the event that such payment shall not be received within said thirty (30) day period, the Forrest City School District shall be authorized to petition the Arkansas Department of Education, pursuant to A.C.A. §6-18-205(a)(1)(3), to satisfy the liability created by this Agreed Order, in the sum of \$80,000.00, with credit for any amount paid, by transferring that amount to the Forrest City School District from funds which the Department would have next distributed to the Palestine Wheatley School District, as the liable school district, until such time as the full liability is paid. The Department is ordered to determine that the amount of the liability is as set forth in this Agreed Order and shall satisfy the liability by such transfer from the next available funds due to the Palestine Wheatley School District. If not paid, the Forrest City School District may collect said Judgment in any way allowed by Arkansas law.

10. The Palestine Wheatley School District has requested dismissal of all pending claims against the Forrest City School District and all such claims are hereby

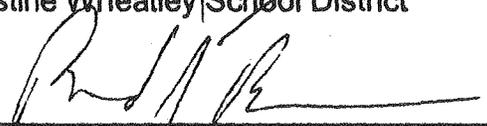
dismissed with prejudice. The Forrest City School District has requested dismissal of all remaining pending claims against the Palestine Wheatley School District (except as reduced to Judgment herein) and all such remaining claims are hereby dismissed.

IT IS SO ORDERED this 14th day of ^{August} ~~July~~, 2003.


KATHLEEN BELL, JUDGE

APPROVED AS TO FORM AND CONTENT:


W. FRANK MORLEDGE, Attorney for
Palestine Wheatley School District


BRAD J. BEAVERS, Attorney for
Forrest City School District

Judge Kathleen Bell
Fourth Division
Bench Trial
Non-Trial

FILED

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

W. H. MCCLELLAN, CLERK
By: 212
Dep. Clerk

ERIC MCKISICK, ET AL.,]	
	Plaintiffs,]
]
v.]
]
FORREST CITY SPECIAL SCHOOL]
DISTRICT NO. 7, ET AL.,]
	Defendants.]

NO. H 69-C-42

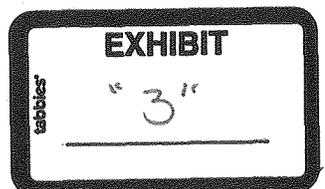
ORDER

On this 14th day of January, 1970, this cause comes on for hearing to the Court as scheduled. The parties filed the complaint against the Forrest City School District on November 6, 1969. It was scheduled for a hearing on January 7, 1969, but due to inclement weather resulting in extremely hazardous conditions of the roads, the case of necessity was postponed and rescheduled this date. The plaintiff appearing by their attorney, Philip E. Kaplan, of the law firm of Walker, Rotenberry, Kaplan, Lavey & Hollingsworth, and the defendants appearing in person and by their attorneys, E. J. Butler and Harold Sharpe, and the parties announced ready for trial of the case.

From the pleadings, interrogatories, ore tenus testimony, exhibits, statements of counsel, and the entire record, the Court issued its decision from the bench at the conclusion of the trial.

Jurisdiction is admitted and established.

As stated by the Court, at the conclusion of the hearing, the Forrest City Public Schools are presently operating identifiable schools under a traditional policy of dual school systems contrary to law and in violation of the Constitution of the United States. Although, the school district has a planned program of operation



toward compliance, it has failed to take necessary steps to effectively implement a desegregated unitary school system.

This is the first time the district has been required to act by court decree. The school district contends that it has developed a plan of desegregation in consultation with and in cooperation by the Department of Health, Education and Welfare to be fully, effectively and completely implemented no later than the commencement of the 1970-71 school year. It further contends that to require immediate unitization of their multiple schools, as will be fully accomplished with the beginning of the next school year, would be impractical and detrimental to a well planned and operated school program and would be educationally unsound in that it would make ineffectual the educational processes during the second semester. Such claims shall no longer serve as deterrents to immediate compliance with the constitutional standards. Christian, et al. v. Board of Education of Strong School District No. 83 of Union County, et al., Eighth Circuit, December 8, 1969; Alexander v. Holmes, Supreme Court No. 632, October 29, 1969.

It is the duty of school boards to voluntarily accomplish an end to segregation without judicial prodding. The burden on the school board is to develop and present a plan that promises realistically to work at once. Green v. County School Board, New Kent County, 391 U.S. 438-39, Christian, et al. v. Board of Education of Strong School District No. 83 of Union County, et al., supra. See Brown v. Board of Education, 349 U.S. 294 (1955) Brown II.

In compliance with the ruling of the Court, entered herein at the conclusion of the trial, the Court is of the opinion that

the defendants, Forrest City Special School District No. 7, Superintendent of Schools and the Forrest City School Board, should file with the Court an appropriate plan for immediate conversion of the public schools to a unitary, non-racial system.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the Forrest City Special School District No. 7, its officers and members of the board, shall file with the Court within ten days from the date of the hearing a plan to convert the present organization of the district's public schools to a unitary, non-racial system. The plan shall provide as the Court directs herein, inter alia, and be implemented as set forth below:

1. The present system of dual bussing of some students shall be eliminated and a unitary bussing system established no later than beginning with the second semester of the present school year.

2. The assignment of students to schools and classes therein shall be made without regard to race commencing no later than the beginning of the second semester of the present school year. The assignments and reassignments of students shall continue and the new plan for the attendance of students on a non-racial basis shall be fully implemented no later than the 1970-71 school year.

3. The employment and assignment of faculty and other personnel shall be made without regard to race and color commencing no later than the second semester of the present school year. The plan shall further provide for the transfer of faculty and other personnel on a continuing basis to eliminate all vestiges of segregation and fully implemented no later than the commencement of the 1970-71 school year.

4. All vestiges of "freedom of choice" shall be eliminated no later than the beginning of the second semester of the present school year.

5. The Court retains continuing jurisdiction and reserves the right to approve, modify or reject any plan submitted toward the establishment of an effective and fully implemented unitary, non-racial system of the district's public schools.

DATED: January 15, 1970.


UNITED STATES DISTRICT JUDGE

Copy to Judge Warren

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JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT.

JUL 1 1970

W. H. McCLELLAN, CLERK
BY: MA
Dep. Clerk

No. 20143 September Term, 1969

Eric McKisick, Sheleeta Gail)
McKisick, Sandra McKisick by)
their mother and next friend, et al,)
Appellants,	) Appeal from the
	) United States
vs.	) District Court
	) for the Eastern
Forrest City Special School	) District of
District No. 7, et al.	) Arkansas.
Appellees.	

A 69C-42

This Cause came on to be heard on the original files of the United States District Court for the Eastern District of Arkansas and was argued by counsel.

On Consideration Whereof, it is now here ordered and adjudged by this Court that the order of the said District Court of January 16, 1970 be, and it is hereby, affirmed, in accordance with the per curiam opinion of this Court this day filed herein.

June 5, 1970

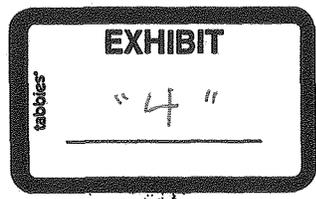
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Robert C. Tice

Attest:

Clerk, U.S. Court of Appeals, 8th Circuit.

June 29, 1970



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M. H. McLELLAN CLERK

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

Shirley Stoddard
Dep. Clerk

ERIC MCKISICK, ET AL.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	NO. H-69-C-42
	}	
FORREST CITY SPECIAL SCHOOL	}	
DISTRICT NO. 7, ET AL.,	}	
	}	
Defendants.	}	

MEMORANDUM AND ORDER

This proceeding was originally brought by the plaintiffs against the defendants in their individual capacities and as a class action pursuant to Rule 23(a) (b) (1) (B) of the Federal Rules of Civil Procedure. The plaintiffs and their class they propose to represent are black citizens of the defendant school district. The plaintiffs seek relief by requiring the school district to eliminate its dual system of operation and all vestiges of segregation and to require the defendant school district to operate a unitary system without regard to race.

Jurisdiction having been established, this Court entered an order January 16, 1970, requiring the Defendant Forrest City Special School District No. 7, its officers and members of the board, to submit a plan of operation to a unitary, non-racial system in compliance with constitutional standards.

Pursuant thereto, the defendant school district submitted a proposed plan for the operation of its schools on January 24, 1970. In the meantime, the plaintiffs appealed to the Circuit Court of Appeals for the Eighth Circuit the order of the Court entered January 16, 1970. The plaintiffs sought summary reversal

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of the Court's order, which was denied and the Clerk of the Court of Appeals was directed to prepare a briefing schedule for oral argument and submission to the Court of Appeals at its April, 1970 session.

On June 5, 1970, the appeal was heard by the appellate court and on the original files of the United States District Court for the Eastern District of Arkansas, and arguments of counsel, judgment was entered affirming the order of the district court entered January 16, 1970, in accordance with per curiam opinion filed at that time.

Pursuant to the per curiam opinion of the Circuit Court of Appeals, Eighth Circuit, June 5, 1970, this Court entered an order dated July 6, 1970, approving the proposed plan of operation for the public schools of the defendant, Forrest City Special School District No. 7, submitted and entered January 24, 1970.

On timely motion of the plaintiffs to reconsider the court-approved plan of the defendant school district, the Court entered an order denying the plaintiffs' motion for reconsideration on August 21, 1970. The plaintiffs filed timely notice of appeal of this Court's orders dated July 6, 1970, and August 21, 1970, respectively to the United States Court of Appeals for the Eighth Circuit.

In the interim period, the Supreme Court of the United States decided and filed opinions in the following cases: Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1; Davis v. Board of School Commissioners of Mobile County, 402 U.S. 33; North Carolina State Board of Education v. Swann, 402 U.S. 43; McDaniel, Superintendent of Schools v. Barresi, 402 U.S. 39.

Pursuant to the above-mentioned opinions, the Eighth Circuit Court of Appeals vacated this Court's orders of July 6, 1970, and August 21, 1970, and remanded the cause to the district court with directions. As a result, this Court entered an order June 1, 1971, directing the defendant school district to file with the Court a plan for the operation of its elementary schools which complies with the guidelines and teachings of the opinions of the United States Supreme Court in the above-cited cases. The school district was directed to submit the plan no later than July 12, 1971, and the plaintiffs were given ten days after the filing of the plan by the school board to respond or otherwise plead in connection with the proposal. At the same time, the Court scheduled a hearing on the proposal for Tuesday, July 27, 1971.

In compliance with the Court's order, the defendant school district on July 12, 1971, submitted proposed plan adopted by the school board revising the previously desegregation proposal in an effort to comply with the guidelines as previously directed. The plaintiffs filed no formal objection or other response.

As scheduled, the Court held a hearing on the school district's revised plan July 27, 1971. The plaintiffs appeared with their attorney, Honorable Phillip E. Kaplan, and the defendants appeared with their attorneys, Honorable Harold Sharpe and Honorable E. J. Butler. After opening statements of counsel, testimony was presented by Mr. William Irving, Superintendent of Schools, and in addition to the plan proposed by the district in detail, numerous exhibits were presented as an explanation of its operation. Following the testimony and the presentation of exhibits and further statements of counsel, the Court concluded

that the plan proposed failed to meet the guidelines and teachings of the recent opinions of the Supreme Court of the United States. The school board was directed to file a revised plan within ten days that would meet the objection of the Court as shown from the evidence presented during the course of the hearing. In compliance with the Court's order, the school district submitted the revised plan with detailed information as to the distribution of the students in all of its schools, teacher assignment, exhibits showing proposed bus routes and attendance areas adopting a combination of pairing of certain schools and zoning as applicable to its elementary schools.

The plaintiffs filed objections to the defendant's revised plan and contend that the elementary schools of the district would still be racially identifiable and that the plan would not achieve a unitary status. The plaintiffs further contend that since the school district has over 50% black enrollment a racial balance should be required in all of its schools. Further objection is made to the faculty assignment, contending that the proposed faculty distribution remain racially identifiable.

This Court did not propose, and does not do so now, to require the school district to achieve a racial balance. It is not required as a matter of substantive constitutional right.

Swann v. Board of Education, 402 U.S. 1, 24.

On this question the Supreme Court made it clear in Swann that the objective sought does not and cannot embrace all the problems of racial prejudice. The District Court established a norm for the various schools of a 71-29 ratio. It was acknowledged that variations from that norm may be unavoidable. Mr. Justice

Burger stated, commencing at page 24 as follows:

"If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." See also United States v. Watson Chapel School District No. 24, et al., No. 20,699, United States Court of Appeals for the Eighth Circuit, August 7, 1971, pages 9 and 10.

With reference to faculty assignment, the plan calls for 122 teachers, 61 black and 61 white. In addition thereto, the district will have a number of special teachers as speech therapy, art, music, physical education and so forth of both black and white who will serve two or more schools. It appears the school district has sufficiently achieved faculty desegregation and an acceptable assignment of its faculty that reasonably complies with the law.

No question or objection is raised to the school district's proposed operation of the Forrest City High School and the Forrest City Junior High School, grades 7-12. It was stipulated by the parties to the Court this arrangement was acceptable.

There are four rural elementary schools and five city elementary schools which are to accommodate 3167 students, 1829 black and 1338 white. No elementary school has less than 25% white or less than 30% black, except DeRossitt, an elementary school in a remote area of the district with pre-dominantly black population. 8% of the students to be assigned will be white

with a faculty composed of 50% black and 50% white. The Court concludes that from the record, and under the circumstances, this proposed arrangement complies with (No. 2) of the problem areas discussed in Swann, supra, pages 25 and 26. The Court is satisfied that the racial composition of this elementary school is not the result of present or past discriminatory action on the part of the school authorities.

The Court also takes note that due to the proposed teacher assignments, it will be necessary to purchase additional portable buildings by the school district. Additions will be required at Forrest Hills School (2 buildings) and Stewart Elementary (1 building). Ultimately to meet the requirements of the plan, the school district may be required to purchase one or two other portable buildings to serve the needs of the district. In that these additional buildings will be necessary as a part of the plan, it follows that the school district will be required to provide these additional facilities.

It is also noted that the original plan submitted by the district in 1970, effective with the commencement of the 1970-71 school year, had the approval of the Department of Health, Education and Welfare. The instant plan proposed by the district achieves a greater degree of desegregation than did the proposed plan approved by H.E.W.

The Court has carefully scrutinized the revised plan submitted herein on August 5, 1971, and pursuant to the record, the Court is of the opinion that the proposed plan submitted by the school board of the Forrest City Special School District No. 7 for its elementary schools complies with the guidelines and teachings of the United States Supreme Court of April 20,

1971, in the Swann and other cases cited hereinabove and should be approved.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the plan of operation of the public schools of the Forrest City Special School District No. 7, Forrest City, Arkansas, submitted on August 5, 1971, be and the same is hereby approved.

IT IS FURTHER ORDERED that this Court retains jurisdiction for further consideration of any problem that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this Court.

DATED: August 13, 1971.


UNITED STATES DISTRICT JUDGE

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U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 04 1990

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

CARL H. BHENTS, CLERK
By: Bluesley
DEP. CLERK

ERIC MCKISSIC, ET AL.

PLAINTIFFS

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

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

DEFENDANTS

ORDER

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

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

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

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

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

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

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

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

IT IS SO ORDERED.

Dated this 3rd day of December, 1990.


UNITED STATES DISTRICT JUDGE

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

SCHOOL CHOICE STATUTES

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A.C.A. § 6-18-1901 (Copy w/ Cite)

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A.C.A. § 6-18-1901

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*** Legislation is current through the 2013 Regular Session and updates ***
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 *** November15, 2013. ***

Title 6 Education
 Subtitle 2. Elementary And Secondary Education Generally
 Chapter 18 Students
 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

View

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A.C.A. § 6-18-1901 (Copy w/ Cite)

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A.C.A. § 6-18-1902

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*** November 15, 2013. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1902 (2014)

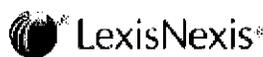
6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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 [A.C.A. § 6-18-1903](#) 

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*** November 15, 2013. ***Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905

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Title 6 Education
 Subtitle 2. Elementary And Secondary Education Generally
 Chapter 18 Students
 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1906

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

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Title 6 Education
 Subtitle 2. Elementary And Secondary Education Generally
 Chapter 18 Students
 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.

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Title 6 Education
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Chapter 18 Students
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A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

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SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

HEARING PROCEDURES

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.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 7, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Mr. George Rozell
Attorney at Law
224 South 2nd Street
Rogers, AR 72756

Ms. Joye Hughes, Supt.
Forrest City School District
625 Irving Avenue
Forrest City, AR 72335

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

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

Mr. Bill Brazil
Attorney at Law
1315 Main Street
Conway, AR 72034

Mr. M. Samuel Jones III
Mitchell Williams Law Firm
425 West Capitol Avenue, Ste. 1800
Little Rock, AR 72201

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

Everyone:

On June 24, 2014, on behalf of Ms. Stephanie White, Mr. George Rozell filed a petition appealing the decision of the Palestine-Wheatley School District to deny the following application(s) made pursuant to the Public School Choice Act of 2013:

- J. White

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

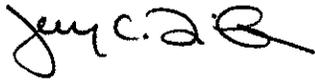
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
July 7, 2014
Page 2 of 2

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

Respectfully,



Jeremy C. Lasiter
General Counsel

Enclosures

cc: Mr. Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison
Ms. Mindy Pipkin, Office of the Attorney General

APPEAL

Sean T. Keith, P.A.
Andrew R. Miller, P.A.
Stephen W. Butler, P.A.
Mary M. White Schneider, P.A.
Kristin L. Pawlik, P.A.
G. Nicholas Arnold



Anna R. Betts
Andrew K. Shelor
Victoria H. Bruton
George M. Rozzell IV

Tom J. Keith, of Counsel

June 24, 2013

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201
Via Electronic Mail – valerie.bailey@arkansas.gov, jeremy.lasiter@arkansas.gov

Re: Palestine-Wheatley School Choice Rejection Letters
A. Goodall, 6; E. Goodall, 9; A. Goodall, 10; A. Goodall, 12, J. White, 6

Dear Commissioner,

Please accept this letter to satisfy the notice of appeal requirement under Rule 8.00 et seq. of the Arkansas Department of Education Emergency Rules Governing The Public School Choice Act of 2013 as adopted on May 13, 2013. This single letter shall serve as notice for each of the above students. It is brought by each of them individually through his or her parent and next friend, Erika Goodall or Stephanie White, due to each child's minor status. We are awaiting denial letters on Ms. Goodall's oldest children because of a distress issue with Forrest City, however we expect that those shall be coming shortly.

An application for each child to attend the Palestine-Wheatley School District for the upcoming 2013-2014 school year was made for each student. These applications were completed under the Public School Choice Act of 2013, Ark. Code Ann. § 6-18-1901 et seq. ("School Choice Act"). Palestine-Wheatley School District denied these applications upon the sole premise that the Forrest City School District is exempt from the School Choice Act due to it being under a desegregation order.

Erika Goodall and Stephanie White appeal this decision on the basis that Forrest City School District has not shown itself to be subject to a desegregation order pursuant to the statute. Additionally, Ms. White appeals the decision for her son as he is the brother of another child who attends Palestine-Wheatley School District and should be permitted transfer pursuant to the grandfather provision of Act 1334 of 2013.

For the foregoing reasons, and because the time sensitive nature of this matter, Erika Goodall and Stephanie White requests a hearing to be held for each of their children, or for all of them together, as soon as practicable.

Sincerely,

A handwritten signature in blue ink, appearing to read "George Rozzell". The signature is fluid and cursive, with a large initial "G" and "R".

George Rozzell
Attorney at Law

cc: Erika Goodall, Stephanie White
Arkansas Department of Education (through its attorneys by electronic mail)
Arkansas State Board of Education (through its attorneys by electronic mail)
Forrest City School District (through its attorneys by electronic mail)
Palestine-Wheatley School District (through its attorneys by electronic mail)

RESPONSE

**BEFORE THE
ARKANSAS STATE BOARD OF EDUCATION**

IN RE: GOODALL AND WHITE SCHOOL CHOICE APPEALS

RESPONSE OF FORREST CITY SCHOOL DISTRICT

On June 24, 2014, Ms. Erika Goodall and Ms. Stephanie White through counsel, George Rozzell, appealed the decision of the Palestine-Wheatley School District denying the transfer applications of the four Goodall children and the child of Ms. White. These transfer requests were made pursuant to the Public School Choice Act of 2013. The same transfer requests were made in 2013 and denied by this Board. For the same reasons stated in this Board's Order of August 1, 2013, involving the same appellants and the same statute, these appeals should be denied once again.

I. The Essentials of the August 1, 2013 Order

In its Findings of Fact in the August 1, 2013 Order (hereafter the Order attached as Exhibit 1), the Board determined that Palestine-Wheatley denied the 2013 applications because of the exemption declaration of the Forrest City School District. (Order page 1). Forrest City claimed the exemption because it is subject to a federal court desegregation order remedying the effects of past racial discrimination. (Order page 2).

In its Conclusions of Law, this Board determined that the Public School Choice Act of 2013 authorized Forrest City to declare itself exempt from the operation of the act and that it was not the role of this Board to determine either the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. (Order page 3).

The Board concluded on August 1, 2013 that because Forrest City had declared the exemption, the appeals of Goodall and White must be denied.

No new reasons have been advanced by Goodall or White to warrant a different result in these two appeals. Accordingly, the appeals to transfer of Goodall and White from the Forrest City School District to the Palestine-Wheatley School District should be denied.

II. Prior Litigation Between Forrest City School District and Palestine-Wheatley School District

This litigation prohibited any transfer from Forrest City to Palestine-Wheatley under the now repealed School Choice Act.

It was previously noted by counsel for this board in the proceedings from last year (Administrative Record Page 114) that Forrest City was contending that other students had illegally transferred under the now repealed School Choice Act. Since that time, the Forrest City School District has located and now attaches as Exhibit 2 the Order of the Circuit Court of St. Francis County dated August 14, 2003 which acts as a permanent injunction regarding transfers under the School Choice Act. As paragraph 2 made plain: "The court further finds that the provisions of A.C.A. § 6-18-206, commonly referred to as School Choice, do not apply as to transfer of students between the Forrest City School District and the Palestine-Wheatley School District. Specifically, the Palestine-Wheatley School District is not eligible to accept students who are residents of the Forrest City School District..."

The court went on to award \$80,000 in damages in favor of the Forrest City School District and against the Palestine-Wheatley School District for having permitted transfers from Forrest City to Palestine-Wheatley in part under the School Choice Act and ordered the Arkansas Department of Education to withhold funds from Palestine-Wheatley should this judgment not be paid. See Exhibit 2 at paragraph 9.

III. The Goodall Application

The findings of fact established that the Goodall family were residents of Palestine-Wheatley before moving to a larger home in the Forrest City School District in 2012. For the 2012-2013 school year, the Goodalls attended Palestine-Wheatley as residents of that district. Therefore, any application they might make under Section 1334 must be disallowed because any siblings who previously attended Palestine-Wheatley did so as residents of the district, not as transfers under the now repealed School Choice Act of 1989.

IV. The Forrest City Desegregation Litigation Prohibits "Choice" Transfers of Any Kind

To the extent that the Goodalls or Whites or any one of them are also seeking transfer pursuant to some other choice act, such as the opportunity school choice act, Forrest City respectfully states that the pertinent orders entered in the *McKissick* case, its desegregation case, prohibit any kind of choice however characterized.¹ In its Order filed January 16, 1970, attached hereto as Exhibit 3, the district court concluded that Forrest City was operating identifiable schools as part of a dual school system and had failed to take adequate steps to dismantle that system. In specifying what was required to become a non-dual system, the court specifically stated that: "All vestiges of 'freedom of choice' shall be eliminated no later than the beginning of the second semester of the present school year." Then, the federal court noted it was retaining continuing jurisdiction and reserving the right to approve, modify or reject any plan submitted. This Order was affirmed by the United States Court of Appeals for the Eighth Circuit on June 5, 1970. (See Court of Appeals Order attached as Exhibit 4).

¹ It is not entirely clear whether the Goodalls, the Whites or both families are asking this court to review any transfer request under Act 1334 or any other choice act. However, a similar issue arose at the eleventh hour last year. When it arose, the administrative record reflects at page 111 that the board's counsel opined: "if the argument is, as both counsel have indicated, that there is a desegregation order that controls, it would also control that." Further, at pages 114-119 and at page 124 of the Administrative Record, board members asked questions about this issue. It appears the conclusion was reached that the exemption provision controlled and the other acts do not apply to the circumstances of the Forrest City School District.

Forrest City submitted a new plan on July 12, 1971. The court ordered it to be revised and it was then approved on August 16, 1971. (See Exhibit 5). Jurisdiction was again retained.

In 1990 the federal court noted that the Forrest City schools were in compliance with the orders of the court since the plan of 1971 and approved a magnet school plan to supplement the court approved plan. (See Exhibit 6). The court again retained jurisdiction.

Forrest City is neither inviting nor encouraging this Board to scrutinize these orders. Rather, they are offered simply for the proposition that the appellants cannot disprove the fact that Forrest City continues to operate pursuant to a court ordered and approved plan from 1971 which specifically disapproved choice as an element for that plan. Accordingly, choice is not a permissible option for students residing within the Forrest City School District. This Board need not second guess that circumstance but should simply deny any and all appeals for transfer from Forrest City to any other school district.

In conclusion, the transfers should be denied for the same reasons explained in the 2013 Order and as set forth above.

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)
Attorneys for Forrest City School District

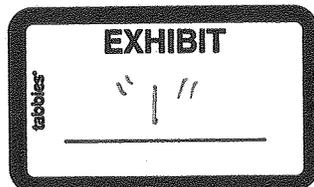
BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 8, 2013, during a regular meeting of the Arkansas State Board of Education, a joint hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by the Public School Choice Act of 2013 (Act 1227 of 2013) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Before the Board were the appeals of Petitioners, the Goodall, Moffett, and White families, challenging the decisions of the Palestine-Wheatley School District ("Respondent") denying their applications for transfer of their children (Goodall family, four children; Moffett family, one child; White family, one child) under the School Choice Act of 2013. All Petitioners were represented by attorney George Rozzell; the Respondent by Superintendent Jon Estes. Also participating was the Forrest City School District (the Petitioners' resident school district), which was represented by attorneys M. Samuel Jones and Brad Beavers.

FINDINGS OF FACT

1. The Goodall Petitioners are residents of the Forrest City School District. They formerly resided in Respondent Palestine-Wheatley School District, where three of the children attended school and one attended a pre-kindergarten program. The Goodall family moved to the Forrest City School District in 2012.

2. On or about April 3, 2013, the Goodall Petitioners submitted applications to transfer the four Goodall children to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 4, 2013, Respondent denied the applications because the Petitioners' resident school district, the Forrest City



School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

3. The Moffett Petitioners are residents of the Forrest City School District. On or about April 25, 2013, they submitted an application to transfer one child to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 3, 2013, Respondent denied the application because the Moffett's resident school district, the Forrest City School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

4. The White Petitioners are residents of the Forrest City School District. On or about May 1, 2013, they submitted applications to transfer one child to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 4, 2013, Respondent denied the application because the White's resident school district, the Forrest City School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

5. The Public School Choice Act of 2013 took effect on April 16, 2013.

6. The Forrest City School District declared itself exempt from the School Choice Act of 2013 on May 14, 2013. The District notified the Arkansas Department of Education that it was declaring an exemption on or about May 16, 2013.

7. The Forrest City School District notified the Board that it remains subject to a federal court desegregation order in *McKissie et al. v. Forrest City School Dist. No. 7, et*

al., Case No. H-69-C-42 (United States District Court for the Western District of Arkansas), and presented to the Board an order in that case dated December of 1990. Petitioners presented no court orders to the contrary.

CONCLUSIONS OF LAW

8. Because the Forrest City School District was the resident district of the Petitioners, Forrest City's participation in the joint hearings was appropriate and in accordance with the Public School Choice Act of 2013, the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, and the Arkansas Administrative Procedures Act (Ark. Code Ann. § 25-15-201 *et seq.*).

9. The Public School Choice Act of 2013, which took effect on April 16, 2013, authorizes a school district to declare itself exempt from the Act if the district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

10. It is not this Board's role to determine the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

11. The Public School Choice Act of 2013 provides that a school district must notify the Arkansas Department of Education by April 1 if in the next school year the district intends to declare an exemption. The Act does not identify any sanction for a district's failure to meet this deadline. In particular, the Act does not state that failure to meet the April 1 deadline invalidates a district's exemption. Because the Act did not take effect until April 16, 2013, it would have been impossible for any school district

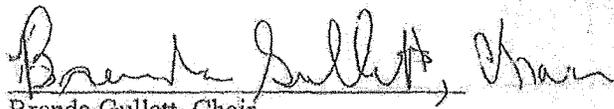
(including Forrest City) to notify the ADE of its intention to declare an exemption by April 1, 2013. Petitioners' argument that no school district may declare an exemption for the 2013-2014 school year because the ADE notification date passed before the Act took effect would contravene legislative intent and lead to absurd results.

12. The Forrest City School District is not foreclosed from declaring an exemption under the School Choice Act of 2013. All transfers under the School Choice Act of 2013 are subject to the limitation of an exemption declared by a school district.

ORDER

13. Because Forrest City declared an exemption under the School Choice Act of 2013, the Board denies the appeals of Petitioners Goodall, Moffett, and White.

Signed this 1 day of August, 2013


Brenda Gullett, Chair
Arkansas State Board of Education

IN THE CIRCUIT COURT OF ST. FRANCIS COUNTY, ARKANSAS

IN RE: THE MATTER OF THE
FORREST CITY SCHOOL DISTRICT
and PALESTINE WHEATLEY SCHOOL DISTRICT

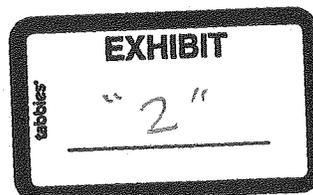
No. E-2000-58

AGREED ORDER

On this 14th day of August, 2003, comes to be heard this cause of action on Joint Petition of the parties. The Forrest City School District appearing by and through its attorney, Brad J. Beavers, of Sharpe, Beavers & Cline, P.O. Box 924, Forrest City, AR 72336-0924, and Palestine Wheatley School District appearing by and through its attorney, W. Frank Morledge, P.O. Box 912, Forrest City, AR 72336-0912. The Court, after reviewing all pleadings filed herein, hearing statements of counsel and being well and sufficiently advised, finds that:

1. That the Forrest City School District has been granted Summary Judgment against the Palestine Wheatley School District based upon violation of A.C.A. §6-18-202 for the 1999-2000, 2000-2001, and 2001-2002 school years as to certain students as is more specifically set forth in said Summary Judgment dated the 1st day of July, 2002, and filed the 9th day of July, 2002. The Forrest City School District has been granted Partial Summary Judgment against the Palestine Wheatley School District in the amount of \$45,175.85.

2. The Court further finds that the provisions of A.C.A. §6-18-206, commonly referred to as "School Choice", do not apply as to transfer of students between the Forrest City School District and the Palestine Wheatley School District. Specifically, the Palestine Wheatley School District is not eligible to accept students who are residents of



FILED
AUG 14 2003
TIME: 9:55A M PS
BETTE E GREENE CLERK

the Forrest City School District (as defined by the provisions of A.C.A. §6-18-202) under the provisions of A.C.A. §6-18-206.

3. Certain students listed on Exhibit "A" hereto are found to have been enrolled by the Palestine Wheatley School District in violation of both A.C.A. §6-18-202 and §6-18-206 for the school year 2001-2002, under the "School Choice" provisions.

4. The Forrest City School District is, by agreement, granted Judgment against the Palestine Wheatley School District, as a compromised settlement, the amount of \$80,000.00, inclusive of the amount of \$45,175.85 Summary Judgment filed July 9, 2002.

5. Exhibit "A" contains information concerning individual students. Exhibit "A" shall be attached to this Order in the sealed portion of the Court file. Any copy of this Judgment released to any person other than the parties, or open for public inspection, shall not contain Exhibit "A" hereto.

6. ~~Each party is ordered and directed to advise all persons inquiring of the District, as to parties to this action under A.C.A. §6-18-206 "School Choice", that the District is not eligible and will not enroll any student residing in the other District for the school year 2003-2004 or any future year, unless eligibility standards shall change or unless the Arkansas Department of Education shall approve participation, and in no event unless the other District shall have been given notice of such intent to participate and ninety (90) days for response.~~

7. The Palestine Wheatley School District shall, within twenty (20) days of entry of this Order, notify the parents, guardians, or other persons in loco parentis, of each student listed on Exhibit "A" currently enrolled, and/or any other student residing in

the Forrest City School District, that Palestine Wheatley School District is not eligible under the provisions of A.C.A. §6-18-206 to participate in School Choice in relation to residents of the Forrest City School District and that the student will not be allowed to enroll for the 2003-2004 school year absent full compliance with applicable law.

8. Neither District shall enroll any student transferring from the other District unless residency shall be established and verified. Upon such enrollment, the enrolling District shall give notice to the other District within ten (10) days, including all documents and other information provided in relation to verification of residency.

9. The Palestine Wheatley School District shall, within thirty (30) days, pay the Forrest City School District the total amount of Judgment recited herein, \$80,000.00. In the event that such payment shall not be received within said thirty (30) day period, the Forrest City School District shall be authorized to petition the Arkansas Department of Education, pursuant to A.C.A. §6-18-205(a)(1)(3), to satisfy the liability created by this Agreed Order, in the sum of \$80,000.00, with credit for any amount paid, by transferring that amount to the Forrest City School District from funds which the Department would have next distributed to the Palestine Wheatley School District, as the liable school district, until such time as the full liability is paid. The Department is ordered to determine that the amount of the liability is as set forth in this Agreed Order and shall satisfy the liability by such transfer from the next available funds due to the Palestine Wheatley School District. If not paid, the Forrest City School District may collect said Judgment in any way allowed by Arkansas law.

10. The Palestine Wheatley School District has requested dismissal of all pending claims against the Forrest City School District and all such claims are hereby

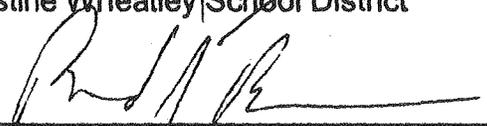
dismissed with prejudice. The Forrest City School District has requested dismissal of all remaining pending claims against the Palestine Wheatley School District (except as reduced to Judgment herein) and all such remaining claims are hereby dismissed.

IT IS SO ORDERED this 14th day of ^{August} July, 2003.


KATHLEEN BELL, JUDGE

APPROVED AS TO FORM AND CONTENT:


W. FRANK MORLEDGE, Attorney for
Palestine Wheatley School District


BRAD J. BEAVERS, Attorney for
Forrest City School District

Judge Kathleen Bell
Fourth Division
Bench Trial
Non-Trial

FILED

m JAN 16 1970

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

W. H. MCCLELLAN, CLERK
By: 212
Dep. Clerk

ERIC MCKISICK, ET AL.,]	
	Plaintiffs,]
]
v.]
]
FORREST CITY SPECIAL SCHOOL]
DISTRICT NO. 7, ET AL.,]
	Defendants.]

NO. H 69-C-42

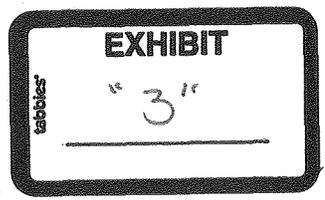
ORDER

On this 14th day of January, 1970, this cause comes on for hearing to the Court as scheduled. The parties filed the complaint against the Forrest City School District on November 6, 1969. It was scheduled for a hearing on January 7, 1969, but due to inclement weather resulting in extremely hazardous conditions of the roads, the case of necessity was postponed and rescheduled this date. The plaintiff appearing by their attorney, Philip E. Kaplan, of the law firm of Walker, Rotenberry, Kaplan, Lavey & Hollingsworth, and the defendants appearing in person and by their attorneys, E. J. Butler and Harold Sharpe, and the parties announced ready for trial of the case.

From the pleadings, interrogatories, ore tenus testimony, exhibits, statements of counsel, and the entire record, the Court issued its decision from the bench at the conclusion of the trial.

Jurisdiction is admitted and established.

As stated by the Court, at the conclusion of the hearing, the Forrest City Public Schools are presently operating identifiable schools under a traditional policy of dual school systems contrary to law and in violation of the Constitution of the United States. Although, the school district has a planned program of operation



toward compliance, it has failed to take necessary steps to effectively implement a desegregated unitary school system.

This is the first time the district has been required to act by court decree. The school district contends that it has developed a plan of desegregation in consultation with and in cooperation by the Department of Health, Education and Welfare to be fully, effectively and completely implemented no later than the commencement of the 1970-71 school year. It further contends that to require immediate unitization of their multiple schools, as will be fully accomplished with the beginning of the next school year, would be impractical and detrimental to a well planned and operated school program and would be educationally unsound in that it would make ineffectual the educational processes during the second semester. Such claims shall no longer serve as deterrents to immediate compliance with the constitutional standards. Christian, et al. v. Board of Education of Strong School District No. 83 of Union County, et al., Eighth Circuit, December 8, 1969; Alexander v. Holmes, Supreme Court No. 632, October 29, 1969.

It is the duty of school boards to voluntarily accomplish an end to segregation without judicial prodding. The burden on the school board is to develop and present a plan that promises realistically to work at once. Green v. County School Board, New Kent County, 391 U.S. 438-39, Christian, et al. v. Board of Education of Strong School District No. 83 of Union County, et al., supra. See Brown v. Board of Education, 349 U.S. 294 (1955) Brown II.

In compliance with the ruling of the Court, entered herein at the conclusion of the trial, the Court is of the opinion that

the defendants, Forrest City Special School District No. 7, Superintendent of Schools and the Forrest City School Board, should file with the Court an appropriate plan for immediate conversion of the public schools to a unitary, non-racial system.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the Forrest City Special School District No. 7, its officers and members of the board, shall file with the Court within ten days from the date of the hearing a plan to convert the present organization of the district's public schools to a unitary, non-racial system. The plan shall provide as the Court directs herein, inter alia, and be implemented as set forth below:

1. The present system of dual bussing of some students shall be eliminated and a unitary bussing system established no later than beginning with the second semester of the present school year.

2. The assignment of students to schools and classes therein shall be made without regard to race commencing no later than the beginning of the second semester of the present school year. The assignments and reassignments of students shall continue and the new plan for the attendance of students on a non-racial basis shall be fully implemented no later than the 1970-71 school year.

3. The employment and assignment of faculty and other personnel shall be made without regard to race and color commencing no later than the second semester of the present school year. The plan shall further provide for the transfer of faculty and other personnel on a continuing basis to eliminate all vestiges of segregation and fully implemented no later than the commencement of the 1970-71 school year.

4. All vestiges of "freedom of choice" shall be eliminated no later than the beginning of the second semester of the present school year.

5. The Court retains continuing jurisdiction and reserves the right to approve, modify or reject any plan submitted toward the establishment of an effective and fully implemented unitary, non-racial system of the district's public schools.

DATED: January 15, 1970.


UNITED STATES DISTRICT JUDGE

Copy to Judge Warren

FILED

JUDGMENT

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT.

JUL 1 1970

W. H. McCLELLAN, CLERK
BY:
Dep. Clerk

No. 20143 September Term, 1969

Eric McKisick, Sheleeta Gail)	
McKisick, Sandra McKisick by)	
their mother and next friend, et al,)	
	)	Appellants,
	)	Appeal from the
	)	United States
vs.	)	District Court
	)	for the Eastern
Forrest City Special School	)	District of
District No. 7, et al.	)	Arkansas.
	)	Appellees.

A-69C-42

This Cause came on to be heard on the original files of the United States District Court for the Eastern District of Arkansas and was argued by counsel.

On Consideration Whereof, it is now here ordered and adjudged by this Court that the order of the said District Court of January 16, 1970 be, and it is hereby, affirmed, in accordance with the per curiam opinion of this Court this day filed herein.

June 5, 1970

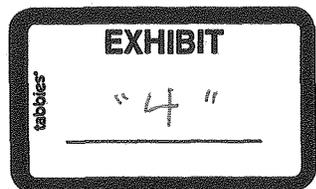
A true copy.

Robert C. Tice

Attest:

Clerk, U.S. Court of Appeals, 8th Circuit.

June 29, 1970



*Copies to
Pub. System
C. J. [unclear]
[unclear]*

FILED

AUG 16 1971

J. H. McLELLAN, CLERK
James Stoddard
Dep. Clerk

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

ERIC MCKISICK, ET AL.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	NO. H-69-C-42
	}	
FORREST CITY SPECIAL SCHOOL	}	
DISTRICT NO. 7, ET AL.,	}	
	}	
Defendants.	}	

MEMORANDUM AND ORDER

This proceeding was originally brought by the plaintiffs against the defendants in their individual capacities and as a class action pursuant to Rule 23(a) (b) (1) (B) of the Federal Rules of Civil Procedure. The plaintiffs and their class they propose to represent are black citizens of the defendant school district. The plaintiffs seek relief by requiring the school district to eliminate its dual system of operation and all vestiges of segregation and to require the defendant school district to operate a unitary system without regard to race.

Jurisdiction having been established, this Court entered an order January 16, 1970, requiring the Defendant Forrest City Special School District No. 7, its officers and members of the board, to submit a plan of operation to a unitary, non-racial system in compliance with constitutional standards.

Pursuant thereto, the defendant school district submitted a proposed plan for the operation of its schools on January 24, 1970. In the meantime, the plaintiffs appealed to the Circuit Court of Appeals for the Eighth Circuit the order of the Court entered January 16, 1970. The plaintiffs sought summary reversal

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of the Court's order, which was denied and the Clerk of the Court of Appeals was directed to prepare a briefing schedule for oral argument and submission to the Court of Appeals at its April, 1970 session.

On June 5, 1970, the appeal was heard by the appellate court and on the original files of the United States District Court for the Eastern District of Arkansas, and arguments of counsel, judgment was entered affirming the order of the district court entered January 16, 1970, in accordance with per curiam opinion filed at that time.

Pursuant to the per curiam opinion of the Circuit Court of Appeals, Eighth Circuit, June 5, 1970, this Court entered an order dated July 6, 1970, approving the proposed plan of operation for the public schools of the defendant, Forrest City Special School District No. 7, submitted and entered January 24, 1970.

On timely motion of the plaintiffs to reconsider the court-approved plan of the defendant school district, the Court entered an order denying the plaintiffs' motion for reconsideration on August 21, 1970. The plaintiffs filed timely notice of appeal of this Court's orders dated July 6, 1970, and August 21, 1970, respectively to the United States Court of Appeals for the Eighth Circuit.

In the interim period, the Supreme Court of the United States decided and filed opinions in the following cases: Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1; Davis v. Board of School Commissioners of Mobile County, 402 U.S. 33; North Carolina State Board of Education v. Swann, 402 U.S. 43; McDaniel, Superintendent of Schools v. Barresi, 402 U.S. 39.

Pursuant to the above-mentioned opinions, the Eighth Circuit Court of Appeals vacated this Court's orders of July 6, 1970, and August 21, 1970, and remanded the cause to the district court with directions. As a result, this Court entered an order June 1, 1971, directing the defendant school district to file with the Court a plan for the operation of its elementary schools which complies with the guidelines and teachings of the opinions of the United States Supreme Court in the above-cited cases. The school district was directed to submit the plan no later than July 12, 1971, and the plaintiffs were given ten days after the filing of the plan by the school board to respond or otherwise plead in connection with the proposal. At the same time, the Court scheduled a hearing on the proposal for Tuesday, July 27, 1971.

In compliance with the Court's order, the defendant school district on July 12, 1971, submitted proposed plan adopted by the school board revising the previously desegregation proposal in an effort to comply with the guidelines as previously directed. The plaintiffs filed no formal objection or other response.

As scheduled, the Court held a hearing on the school district's revised plan July 27, 1971. The plaintiffs appeared with their attorney, Honorable Phillip E. Kaplan, and the defendants appeared with their attorneys, Honorable Harold Sharpe and Honorable E. J. Butler. After opening statements of counsel, testimony was presented by Mr. William Irving, Superintendent of Schools, and in addition to the plan proposed by the district in detail, numerous exhibits were presented as an explanation of its operation. Following the testimony and the presentation of exhibits and further statements of counsel, the Court concluded

that the plan proposed failed to meet the guidelines and teachings of the recent opinions of the Supreme Court of the United States. The school board was directed to file a revised plan within ten days that would meet the objection of the Court as shown from the evidence presented during the course of the hearing. In compliance with the Court's order, the school district submitted the revised plan with detailed information as to the distribution of the students in all of its schools, teacher assignment, exhibits showing proposed bus routes and attendance areas adopting a combination of pairing of certain schools and zoning as applicable to its elementary schools.

The plaintiffs filed objections to the defendant's revised plan and contend that the elementary schools of the district would still be racially identifiable and that the plan would not achieve a unitary status. The plaintiffs further contend that since the school district has over 50% black enrollment a racial balance should be required in all of its schools. Further objection is made to the faculty assignment, contending that the proposed faculty distribution remain racially identifiable.

This Court did not propose, and does not do so now, to require the school district to achieve a racial balance. It is not required as a matter of substantive constitutional right.

Swann v. Board of Education, 402 U.S. 1, 24.

On this question the Supreme Court made it clear in Swann that the objective sought does not and cannot embrace all the problems of racial prejudice. The District Court established a norm for the various schools of a 71-29 ratio. It was acknowledged that variations from that norm may be unavoidable. Mr. Justice

Burger stated, commencing at page 24 as follows:

"If we were to read the holding of the District Court to require, as a matter of substantive constitutional right, any particular degree of racial balance or mixing, that approach would be disapproved and we would be obliged to reverse. The constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole." See also United States v. Watson Chapel School District No. 24, et al., No. 20,699, United States Court of Appeals for the Eighth Circuit, August 7, 1971, pages 9 and 10.

With reference to faculty assignment, the plan calls for 122 teachers, 61 black and 61 white. In addition thereto, the district will have a number of special teachers as speech therapy, art, music, physical education and so forth of both black and white who will serve two or more schools. It appears the school district has sufficiently achieved faculty desegregation and an acceptable assignment of its faculty that reasonably complies with the law.

No question or objection is raised to the school district's proposed operation of the Forrest City High School and the Forrest City Junior High School, grades 7-12. It was stipulated by the parties to the Court this arrangement was acceptable.

There are four rural elementary schools and five city elementary schools which are to accommodate 3167 students, 1829 black and 1338 white. No elementary school has less than 25% white or less than 30% black, except DeRossitt, an elementary school in a remote area of the district with pre-dominantly black population. 8% of the students to be assigned will be white

with a faculty composed of 50% black and 50% white. The Court concludes that from the record, and under the circumstances, this proposed arrangement complies with (No. 2) of the problem areas discussed in Swann, supra, pages 25 and 26. The Court is satisfied that the racial composition of this elementary school is not the result of present or past discriminatory action on the part of the school authorities.

The Court also takes note that due to the proposed teacher assignments, it will be necessary to purchase additional portable buildings by the school district. Additions will be required at Forrest Hills School (2 buildings) and Stewart Elementary (1 building). Ultimately to meet the requirements of the plan, the school district may be required to purchase one or two other portable buildings to serve the needs of the district. In that these additional buildings will be necessary as a part of the plan, it follows that the school district will be required to provide these additional facilities.

It is also noted that the original plan submitted by the district in 1970, effective with the commencement of the 1970-71 school year, had the approval of the Department of Health, Education and Welfare. The instant plan proposed by the district achieves a greater degree of desegregation than did the proposed plan approved by H.E.W.

The Court has carefully scrutinized the revised plan submitted herein on August 5, 1971, and pursuant to the record, the Court is of the opinion that the proposed plan submitted by the school board of the Forrest City Special School District No. 7 for its elementary schools complies with the guidelines and teachings of the United States Supreme Court of April 20,

1971, in the Swann and other cases cited hereinabove and should be approved.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the plan of operation of the public schools of the Forrest City Special School District No. 7, Forrest City, Arkansas, submitted on August 5, 1971, be and the same is hereby approved.

IT IS FURTHER ORDERED that this Court retains jurisdiction for further consideration of any problem that might arise in connection with the operation of the Forrest City Schools and compliance with the orders of this Court.

DATED: August 13, 1971.


UNITED STATES DISTRICT JUDGE

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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

DEC 04 1990

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

CARL H. BHENTS, CLERK
By: Bluesley
DEP. CLERK

ERIC MCKISSIC, ET AL.

PLAINTIFFS

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

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

DEFENDANTS

ORDER

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

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

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

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

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

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

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

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

IT IS SO ORDERED.

Dated this 3rd day of December, 1990.


UNITED STATES DISTRICT JUDGE

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

SCHOOL CHOICE STATUTES

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1902

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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1902 (2014)

6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View [↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

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SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

HEARING PROCEDURES

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.
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- 10.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
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- 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.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 7, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Ms. Ashlee Shabazz
5720 West 7th Avenue
Pine Bluff, AR 71603

Mr. Danny Hazelwood, Supt.
Watson Chapel School District
4100 Camden Road
Pine Bluff, AR 71603

Dr. Larry Smith, Supt.
White Hall School District
1020 W. Holland Ave.
White Hall, AR 71602

**Re: Appeal Under the Public School Choice Act of 2013
Shabazz v. White Hall School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 1, 2014, Ms. Ashlee Shabazz filed a petition appealing the decision of the White Hall School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- R. Shabazz

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

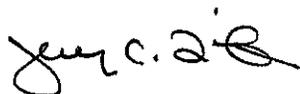
Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me at (501) 682-4227 should you require additional information.

School Choice Appeal Hearing Notice

July 7, 2014

Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a prominent initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison

APPEAL

Attn: School Choice Appeal

**RECEIVED
COMMISSIONER'S OFFICE**

JUL 1 - 2014

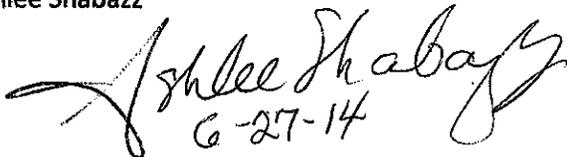
To whom it may concern,

DEPARTMENT OF EDUCATION

My name Ashlee Shabazz and I received a letter in the mail dated June 26,2014 about my son school choice application (Pine Bluff, Ark) and it was denied because are resident school district (Watson Chapel) did not receive a copy of the application that my husband filled out at the non-resident school (White Hall). The application was filled out on May 1st 2014 and the deadline was June 1st 2014 and I am not disputing the state law but it was an honest mistake my husband did not know to give them (Watson Chapel) a copy of the application. The only problem I'm having is I already have 3 children in the White Hall school district. 1at WHMS and 2 at Moody Elementary and my son R [REDACTED] Shabazz is entering Kindergarten and I didn't want him separated from his siblings. Both Watson Chapel and White Hall elementary schools get out at 3:20pm and it's impossible for me to get my children picked up on time nor will it be anyone at the house if he was to take the bus because of my work schedule and my husband work schedule. R [REDACTED] is my youngest child the last one I'm trying to get in school and I am asking please if I can get him in the same school district (White Hall) with his siblings. I can get the copy to Watson Chapel at any time but I don't want my children separated please.

Thank You in advance!!

Ashlee Shabazz


6-27-14

WHITE HALL SCHOOL DISTRICT
1020 WEST HOLLAND AVENUE
WHITE HALL, AR 71602
870-247-2002

June 26, 2014

Ashlee and Rashad Shabazz

██████████
Pine Bluff, AR 71603

Not my child
↓

I am sorry, but the applications you submitted for G ██████████ Billingsley has been rejected for the following reason.

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

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

____ Your child does not meet the openings identified for the coming school-year identified in its Board of Directors Resolution adopted on May 21, 2013.

The specific reason for rejection is that acceptance would cause the district to have to add:

____ Staff

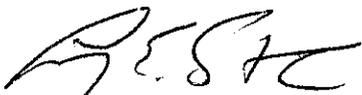
____ Teachers

____ classroom(s)

Your child's application was not filed with both RESIDENT and Non-RESIDENT School District as required by "ARKANSAS PUBLIC SCHOOL CHOICE ACT of 2013"

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the Arkansas State Board of Education.

Respectfully,



Dr. Larry Smith, Superintendent

copy

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:

R [REDACTED] Sha bazz

Student Date of Birth:

[REDACTED]

Gender

Male Female

Grade:

Kindergarten

Does the applicant require special needs or programs? Yes No Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races Asian African-American Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

Hanson Chapel

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Moody Elementary

County Name:

Jefferson

Address:

700 Moody Drive

Phone:

(870) - 247 - 4363

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

Yes he has 3 siblings in the White Hall school district

PARENT OR GUARDIAN INFORMATION		
Name: <i>Ashlee Shabazz</i>	Home Phone: [REDACTED]	
Name: <i>Rashad Shabazz</i>	Home Phone: [REDACTED]	
Address: [REDACTED]	Work Phone: <i>(870) 575-1800</i>	
<i>71603</i>		
Parent/Guardian Signature <i>Rashad Shabazz</i>	Date: <i>05-01-14</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: <i>8:57</i>	
Resident District LEA #:	Nonresident District LEA #: <i>51000</i>	
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 :		

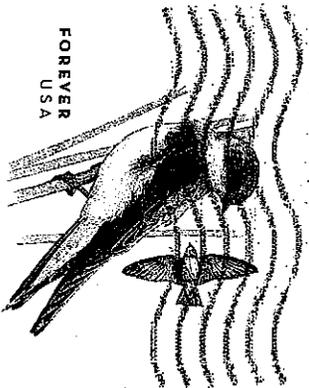
Asklee Shabazz
[REDACTED]
Pine Bluff, AR
71603

Arkansas Board of Education
4 Capitol Mall
Little Rock, AR
72201

72201101999



LITTLE ROCK, AR 722
28 JUN 2014 PM 4 1



FOREVER
USA

Bank Swallow

RESPONSE

WHITE HALL SCHOOL DISTRICT NO. 27

1020 West Holland Avenue
White Hall, Arkansas 71602-9632
Phone 870-247-2002
Fax 870-247-3707

DR. LARRY SMITH
Superintendent

BILL MITCHELL
Assistant Superintendent

DOROTHY WELCH
Assistant Superintendent

HEATH BENNETT
Assistant Superintendent

July 14, 2014

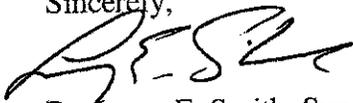
Jeremy C. Lasiter, General Counsel
Arkansas Department of Education
Four Capitol Mall, Room 404-A
Little Rock, AR 72201

Mr. Lasiter,

I have received your email and both letter concerning the Notice of Filing of School Choice Appeal- Shabazz Family. I am enclosing a copy of the application that was submitted properly to the White Hall School District. During our Cooperative Board Retreat, Mr. Hazelwood and I sat down and reviewed all applications between our districts. While the Shabazz family did submit their application to the White Hall School District prior to the June 1st deadline, Mr. Hazelwood had no record of an application from the Shabazz family being filed prior to June 1st. By law and rules, the White Hall School District must deny the application for Roderick Shabazz.

There was a mistake made on the original letter sent to the Shabazz family with the wrong name of the child attached. We have corrected that and resent the rejection letter to the family. A copy of the corrected letter is enclosed as well.

Sincerely,



Dr. Larry E. Smith, Superintendent
White Hall Public Schools

RECEIVED
ATTORNEY'S OFFICE

||| 16 2014

DEPARTMENT OF EDUCATION
GENERAL DIVISION

WHITE HALL SCHOOL DISTRICT
1020 WEST HOLLAND AVENUE
WHITE HALL, AR 71602
870-247-2002

July 9, 2014

Rejection Letter with the corrected student's name which was previously mistyped.

Mr. & Mrs. Ashlee and Rashad Shabazz

[REDACTED]
Pine Bluff, AR 71603

I am sorry, but the applications you submitted for R [REDACTED] Shabazz has been rejected for the following reason.

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

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

___ Your child does not meet the openings identified for the coming school-year identified in its Board of Directors Resolution adopted on May 21, 2013.

The specific reason for rejection is that acceptance would cause the district to have to add:

___ Staff

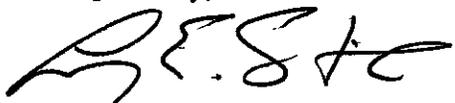
___ Teachers

___ classroom(s)

Your child's application was not filed with both RESIDENT and Non-RESIDENT School District as required by "ARKANSAS PUBLIC SCHOOL CHOICE ACT of 2013"

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the Arkansas State Board of Education.

Respectfully,



Dr. Larry Smith, Superintendent

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:

[REDACTED] *Shabazz*

Student Date of Birth:

Gender

Male Female

Grade:

*Kindergarten*Does the applicant require special needs or programs? Yes No Is applicant currently under expulsion? Yes No **ETHNIC ORIGIN (CHECK ONE)**

(For data reporting purposes only)

2 or More Races Asian African-American Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander White **RESIDENT SCHOOL DISTRICT OF APPLICANT**

District Name:

Watson Chapel

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Moody Elementary

County Name:

Jefferson

Address:

700 Moody Drive

Phone:

(870) - 247 - 4363

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

Yes he has 3 sibling in the White Hall school district

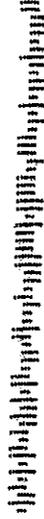
PARENT OR GUARDIAN INFORMATION	
Name: <i>Ashlee Shabazz</i>	Home Phone: [REDACTED]
Name: <i>Rashad Shabazz</i>	Home Phone: [REDACTED]
Address: [REDACTED]	Work Phone: <i>(870) 575-1800</i>
<i>71603</i>	
Parent/Guardian Signature <i>Rashad Shabazz</i>	Date: <i>05-01-14</i>
<p>Pursuant to standards adopted 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: <i>8:57</i>
Resident District LEA #:	Nonresident District LEA #: <i>White Hall School District 1020 West Holland Avenue White Hall, AR 71602</i>
Student's State Identification #:	
Application	Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/>
Reason for Rejection (If Applicable): <i>Did not file w/resident district (Watson Chapel)</i>	
Date Notification Sent to Parent/Guardian of Applicant: <i>7-26-14</i>	
Date Notification Sent to Resident District :	

WHITE HALL SCHOOL DISTRICT NO. 27
1020 WEST HOLLAND AVENUE
WHITE HALL, ARKANSAS 71602-9632



Jeremy Lassiter
General Council
Arkansas Department of Ed
Four Capitol Mall-Rm 404-A
Little Rock, AR 72201

72201101999



SCHOOL CHOICE STATUTES

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A.C.A. § 6-18-1901

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1902

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A.C.A. § 6-18-1902 (2014)

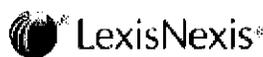
6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1908



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A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1908



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SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

HEARING PROCEDURES

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.
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NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 11, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

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Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Mr. Joshua Fox
10308 Legacy Lane
Hackett, AR 72937

Ms. Teresa Ragsdale, Supt.
Hartford School District
508 West Main Street
Hartford, AR 72938

Mr. John Ciesla, Supt.
Greenwood School District
420 North Main
Greenwood, AR 72936

**Re: Appeal Under the Public School Choice Act of 2013
Fox v. Greenwood School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 7, 2014, Mr. Joshua Fox filed a petition appealing the decision of the Greenwood School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- H. Fox

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

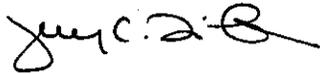
The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
July 11, 2014
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Mr. Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison

APPEAL

**RECEIVED
ATTORNEY'S OFFICE**

**RECEIVED
COMMISSIONER'S OFFICE**

School Choice Act Appeal

JUL 07 2014

JUL 7 - 2014

To whom it may concern:

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

DEPARTMENT OF EDUCATION

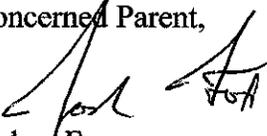
Hello, my name is Joshua Fox and I have a 5 year old daughter, H[REDACTED] Fox, entering kindergarten. Unfortunately I live in the Hartford school district where I attended school throughout my childhood. After some simple research it was clear to me that I did not want my child attending any of the Hartford schools. I filed the proper paperwork and turned it in but my request was denied. I am now ready to make my appeal of the decision.

The basis on which I am appealing this decision is the fact that my daughter would receive a superior education at Greenwood. Here are a few statistics I have found online, Hartford Elementary School is ranked 352 out of 448 elementary schools in the state. That's the bottom 21%. The Hartford School district as a whole (including the high school) is ranked 201 of 220 districts in the state. That's the bottom 10% in the entire state! This is unacceptable! As any concerned parent I want a better education for my daughter and refuse to send her to one of the worst schools in the state. I researched various schools close to our location and have found that Greenwood is the better choice for my child. Greenwood has two elementary schools Westwood and East Pointe ranked 82 and 118 respectively. That is the top 22% in the state. Greenwood School District as a whole is ranked 26 out of 220. That is the top 11% in the state. Based on these stats alone it is obvious that Greenwood is the better choice for my child.

On a more personal level I have other family members who children were attending Hartford but in the last year has made the decision to pull them out of the school. Of course their "School Choice" was denied as well but they did not want their children at the school so they homeschooled them instead of sending them to the Hartford School. We also have family whose children attend Greenwood Schools and they love it and are so glad they made the decision to transfer. There are numerous accounts of families that have left the Hartford School District because of the lack of education their children were receiving.

The only question left unanswered is why the state is forcing my child to endure inferior education and life opportunities by attending Hartford Schools. I consider the bottom 10% of schools to be failing which is where Hartford is. On the Hartford District web page even they list both elementary and high schools as "needs improvement". I understand the reasoning for denying my child a better education under the current 3% transfer cap, but I believe my case warrants an exception. When faced with the facts I believe the Board of Education will be inclined to grant a transfer. My family is willing to do what it takes to get our children the education that they deserve. I do not like the fact that we feel forced to send our child to a school that is clearly failing. I only want the State Board to ask themselves one thing; Would you send your child to Hartford?

Concerned Parent,


Joshua Fox

[REDACTED]
Hackett, AR 72937



Greenwood School District

June 19, 2014

Dear Mr. Fox:

I am sorry, but the application you submitted for H [REDACTED] Fox has been rejected for the following reasons.

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

As noted in your original application, you have ten (10) days from receipt of this notice in which to submit a written appeal of this decision to the State Board of Education.

Respectfully,

A handwritten signature in cursive script that reads "Jerry Cecil".

Jerry Cecil
Assistant Superintendent

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School	Westwood Elementary School 300 Westwood Ave Greenwood, AR 72936	East Pointe Elementary School 700 Mount Harmony Rd Greenwood, AR 72936	Hartford Elementary School 508 Ludlow Hartford, AR 72938	Hartford High School 508 West Main St Hartford, AR 72938
	Homes for sale Add to My School List	Homes for sale Add to My School List	Homes for sale Add to My School List	Homes for sale Add to My School List
School type	Public 1-6	Public K-5	Public PK-6	Public 7-12
GreatSchools Rating	8	9	4	1
Total enrollment	818 students			
District name	Greenwood School District	Greenwood School District	Hartford School District	Hartford School District
Community rating (overall)	Based on 20 ratings		Based on 2 ratings	Based on 12 ratings
Recent reviews	I have two children at this school, a fourth grader and a... More » - Submitted by a parent Read all 17 reviews	There are no reviews yet for this school. Be the first to share!	My daughter was the happiest she has ever been when she went to... More » - Submitted by a parent Read the review	As a graduate from Hartford, now with children of my own here I... More » - Submitted by a parent Read all 4 reviews

Overview Ratings & Reviews Test Scores Teachers & Students Programs & Extracurriculars Map

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Private school Public/Charter school Preschool No rating

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Hartford Elementary School (Hartford)

Rank (of 448)	School	District	City	Low Grade	High Grade	Total students (2012)	Student/Teacher Ratio (2012)	ACTAAP avg Mathematics (2013)	ACTAAP avg Literacy (2013)	ACTAAP Combined	Rank Change From 2012
350	Wonder Elementary School	West Memphis School District	West Memphis	PK	06	496	16.1	81.5	72.5	154.0	173
352	Hartford Elementary School	Hartford School District	Hartford	PK	06	251	14.7	78.5	75.0	153.5	31
353	Kensett Elementary School	Riverview School District	Kensett	PK	06	418	13.8	77.5	75.0	152.5	68
354	Lonoke Elementary School	Lonoke School District	Lonoke	03	05	407	15.4	77.0	75.0	152.0	60
354	Meadow Park Elementary School	N. Little Rock School District	North Little Rock	PK	05	186	14.8	75.0	77.0	152.0	63
354	Seventh Street Elementary School	N. Little Rock School District	North Little Rock	PK	05	280	13.8	75.0	77.0	152.0	55
354	Washington Elementary School	Fayetteville School District	Fayetteville	KG	05	363	15.5	74.5	77.5	152.0	39
358	Brown Elementary School	Star City School District	Star City	PK	06	850	15.7	78.5	73.0	151.5	11
358	Garfield Elementary School	Rogers School District	Garfield	PK	05	120	14.3	76.0	75.5	151.5	269
360	Murrell Taylor Elementary School	Pulaski County Special School District	Jacksonville	KG	05	453	16.6	75.5	75.5	151.0	12

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Westwood Elementary School (Green) [Find](#)

Rank (of 448)	School	District	City	Low Grade	High Grade	Total students (2012)	Student/Teacher Ratio (2012)	ACTAAP, avg Mathematics (2013)	ACTAAP, avg Literacy (2013)	ACTAAP Combined	Rank Change From 2012
75	Springhill Elementary School	Bryant School District	Alexander	KG	05	577	17.7	90.5	92.0	182.5	68
82	Amanda Gist Elementary School	Cotter School District	Cotter	PK	06	396	12.2	94.0	88.0	182.0	46
82	St. Paul Elementary School	Huntsville School District	Saint Paul	KG	06	103	10.6	88.5	93.5	182.0	253
82	Westwood Elementary School	Greenwood School District	Greenwood	KG	05	816	16.1	93.5	88.5	182.0	11
82	Wynne Intermediate School	Wynne School District	Wynne	03	05	657	15.9	91.0	91.0	182.0	11
86	Chenal Elementary School	Pulaski County Special School District	Little Rock	KG	05	559	17.5	89.0	92.5	181.5	35
86	Guy-Perkins Elementary School	Guy-Perkins School District	Guy	PK	06	263	11.3	92.0	89.5	181.5	28
86	Southside Elementary School	Cabot School District	Cabot	KG	04	494	16.6	91.5	90.0	181.5	15
86	Woodland Heights Elementary School	Harrison School District	Harrison	PK	04	181	17.8	89.0	92.5	181.5	65
90	Eagle Heights Elementary School	Harrison School District	Harrison	PK	04	178	13.5	92.5	88.5	181.0	8

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 ACTAAP Mathematics & ACTAAP Literacy
 2012-2013 [\(Customize\)](#)

East Pointe Elementary School (Greenwood)

Rank (of 448)	School	District	City	Low Grade	High Grade	Total students (2012)	Student/Teacher Ratio (2012)	ACTAAP, avg Mathematics (2013)	ACTAAP, avg Literacy (2013)	ACTAAP Combined	Rank Change From 2012
106	Piggott Elementary School	Piggott School District	Piggott	PK	06	556	14.5	91.0	88.0	179.0	113
106	Smackover Elementary School	Smackover School District	Smackover	PK	06	497	14.7	91.0	88.0	179.0	223
106	West Magnet School	Batesville School District	Batesville	KG	06	530	14.8	87.5	91.5	179.0	113
106	Western Yell County Elementary School	Western Yell County School District	Belleville	PK	06	246	10.6	87.5	91.5	179.0	61
115	Bonnie Grimes Elementary School	Rogers School District	Rogers	PK	05	594	17.6	90.0	88.5	178.5	26
115	Joe Mathias Elementary School	Rogers School District	Rogers	PK	05	472	16.5	90.5	88.0	178.5	80
115	Sunnymede Elementary School	Fort Smith School District	Fort Smith	KG	06	603	17.0	91.5	87.0	178.5	155
118	Beebe Elementary School	Beebe School District	Beebe	02	04	504	18.2	90.5	87.5	178.0	47
118	East Pointe Elementary School	Greenwood School District	Greenwood	KG	05	775	16.6	93.5	84.5	178.0	N/A
118	Hackler Intermediate School	Mountain Home School District	Mountain Home	03	05	918	17.1	90.0	88.0	178.0	N/A

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Arkansas School District Rankings

Rank (of 220)	District	# Students	# Ranked Elementary Schools	# Ranked Middle Schools	# Ranked High Schools	Rank score*
201	<u>Hartford School District</u>	439	1	0	0	0.214
202	<u>Augusta School District</u>	546	1	0	1	0.213
203	<u>Bradley School District</u>	380	1	0	1	0.210
204	<u>Crossett School District</u>	1996	1	1	1	0.203
205	<u>Arkansas Virtual Academy</u>	500	1	1	0	0.185
206	<u>Hermitage School District</u>	507	1	0	1	0.173
207	<u>Hillcrest School District</u>	424	1	0	1	0.172
208	<u>Hampton School District</u>	551	1	0	1	0.147
209	<u>Clarendon School District</u>	589	1	0	1	0.131
210	<u>Lafayette County School District</u>	694	0	0	1	0.121

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Source: National Center for Education Statistics, U.S. Dept of Education, and Arkansas Dept of Education

* Rank score is determined by averaging the ranks of the individual schools within each district. For more information, see our [Ranking FAQ](#).



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Massachusetts:	4%

Arkansas School District Rankings

Rank (of 220)	District	# Students	# Ranked Elementary Schools	# Ranked Middle Schools	# Ranked High Schools	Rank score*
21	Bentonville School District	14123	9	0	1	0.840
22	Benton School District	4712	4	1	1	0.833
23	Dover School District	1447	1	1	1	0.827
24	Buffalo Is. Central School District	856	2	0	1	0.827
25	Salem School District	721	1	0	1	0.824
26	Greenwood School District	3602	2	1	1	0.822
27	Bryant School District	8369	6	1	1	0.811
28	Dequeen School District	2369	1	1	1	0.803
29	Parkers Chapel School District	710	1	0	0	0.799
30	Vilonia School District	3234	3	1	1	0.792

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Source: National Center for Education Statistics, U.S. Dept of Education, and Arkansas Dept of Education

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School	Hartford High School 508 West Main St Hartford, AR 72938	Greenwood High School 440 East Gary St Greenwood, AR 72936	Greenwood Junior High School 300 East Gary St Greenwood, AR 72936	East Hills Middle School 1211 Wells Dr Greenwood, AR 72936
	Homes for sale Add to My School List	Homes for sale Add to My School List	Homes for sale Add to My School List	Homes for sale Add to My School List
School type	Public 7-12	Public 10-12	Public PK, 8-9	Public 6-7
GreatSchools Rating	1	8	9	9
Total enrollment				
District name	Hartford School District	Greenwood School District	Greenwood School District	Greenwood School District
Community rating (overall)	Based on 12 ratings	Based on 7 ratings	Based on 5 ratings	Based on 26 ratings
Recent reviews	As a graduate from Hartford, now with children of my own here I... More » - Submitted by a parent Read all 4 reviews	The teachers can give you almost any information you need. The... More » - Submitted by a student Read all 7 reviews	Greenwood junior high is a wonderful school the principle is... More » Read all 4 reviews	My school is the best school and the teachers are very helpful so... More » - Submitted by a parent Read all 22 reviews

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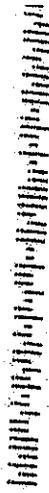
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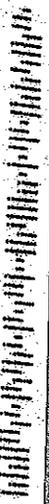
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**APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013"
(Must Be Submitted to Non-Resident and Resident Districts)**

APPLICANT INFORMATION

Student Name: H [REDACTED] Fox

Student Date of Birth: [REDACTED] Gender Male Female

Grade: 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 <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:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: GREENWOOD County Name: SEBASTIAN

Address:

Phone:

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

PARENT OR GUARDIAN INFORMATION

Name: JOSH FOX

Home Phone: [REDACTED]

Address: [REDACTED]

Work Phone: [REDACTED]

Parent/Guardian Signature: HACKETT, AR 72937


Date: 2/21/14

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:

02/21/14 9:15 AM

2-21-14 9:15 CC

Resident District LEA #: 6604

Nonresident District LEA#: 6602

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

Jeremy Lasiter (ADE)

From: Teresa Ragsdale <teresa.ragsdale@hartfordhustlers.net>
Sent: Wednesday, July 09, 2014 11:05 AM
To: Jeremy Lasiter (ADE)
Cc: jerry.cecil@greenwoodk12.com
Subject: Re: School Choice Transfer Appeal - Fox

The Hartford School District's 3% was 10 family units. We had 1 family unit Choice into the district, thus we were able to have no more than 11 family units Choice out. As the law states, students with siblings already in the receiving district get priority. Acting upon that criteria first, then basing the remaining slots on dates and times applications were received, the 11 family unit slots were filled before the request by the Fox family.

If you need any information from me, please let me know.

On Wed, Jul 9, 2014 at 10:27 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Ciesla and Superintendent Ragsdale:

Please find attached a school choice appeal filed with the ADE by the Fox family. The Fox family appeals the decision of the Greenwood School District to deny its school choice application based upon the Hartford School District's 3% cap. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter once any response is received (or if the ten-day time period passes without a response from the nonresident district).

Additionally, if the Greenwood School District could please scan and email me the school choice application that the Fox family submitted, I would appreciate it. Thank you all.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, AR 72201

(501) 682-4227

jeremy.lasiter@arkansas.gov

--

Teresa Ragsdale
Superintendent
Hartford Public Schools
512 Ludlow
Hartford, AR 72938
479-639-2910
Fax: 479-639-2158

Jeremy Lasiter (ADE)

From: Cecil, Jerry <Jerry.Cecil@greenwoodk12.com>
Sent: Thursday, July 10, 2014 9:03 AM
To: Jeremy Lasiter (ADE)
Subject: RE: School Choice Transfer Appeal - Fox

Jeremy,

The Greenwood School District would welcome the Fox children. We did not actually reject their application. Hartford notified us that they had reached their 3% cap on families leaving their district under school choice. We notified the Fox family of that fact. The problem is not on our end. If something is worked out, we would be happy to have the Fox children. Please let me know the final decision.

jc

From: Jeremy Lasiter (ADE) [<mailto:Jeremy.Lasiter@arkansas.gov>]
Sent: Wednesday, July 09, 2014 10:28 AM
To: Ciesla, John; teresa.ragsdale@hartfordhustlers.net
Cc: Cecil, Jerry
Subject: School Choice Transfer Appeal - Fox

Superintendent Ciesla and Superintendent Ragsdale:

Please find attached a school choice appeal filed with the ADE by the Fox family. The Fox family appeals the decision of the Greenwood School District to deny its school choice application based upon the Hartford School District's 3% cap. The applicable ADE rules state that a nonresident district must file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

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Respectfully,

Jeremy C. Lasiter, General Counsel
Arkansas Department of Education
Four Capitol Mall, Room 404-A
Little Rock, AR 72201
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jeremy.lasiter@arkansas.gov

SCHOOL CHOICE STATUTES

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Title 6 Education
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A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1902

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A.C.A. § 6-18-1902 (2014)

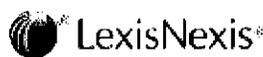
6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

View 

 A.C.A. § 6-18-1906 

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A.C.A. § 6-18-1906 (Copy w/ Cite)

Pages: 3



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View ▾[↩ A.C.A. § 6-18-1907 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1907** (Copy w/ Cite)Pages: **2***A.C.A. § 6-18-1907*

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 *** received from the Arkansas Code Revision Commission through ***
 *** November 15, 2013. ***

Title 6 Education
 Subtitle 2. Elementary And Secondary Education Generally
 Chapter 18 Students
 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1907 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1907** (Copy w/ Cite)Pages: **2**

View

A.C.A. § 6-18-1908



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A.C.A. § 6-18-1908 (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1908

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*** November 15, 2013. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

View

A.C.A. § 6-18-1908



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A.C.A. § 6-18-1908 (Copy w/ Cite)

Pages: 2

SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

HEARING PROCEDURES

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.

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- 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.

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 16, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Ms. Debra Roe
5604 Fresno Street
Fort Smith, AR 72903

Dr. Benny Gooden, Supt.
Fort Smith School District
P.O. Box 1948
Fort Smith, AR 72902-1948

Mr. John Ciesla, Supt.
Greenwood School District
420 North Main
Greenwood, AR 72936

**Re: Appeal Under the Public School Choice Act of 2013
Roe v. Greenwood School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 8, 2014, Ms. Debra Roe filed a petition appealing the decision of the Greenwood School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- K. Sutton

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Ark. Code Ann. § 6-18-1901 et seq. and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013.

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

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

School Choice Appeal Hearing Notice
July 16, 2014
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read "Jeremy C. Lasiter". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

Jeremy C. Lasiter
General Counsel

Enclosures

cc: Mr. Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison

APPEAL

June 23, 2014

To whom it may concern,

I Debra Roe would like to appeal the rejection of acceptance for my daughter K [REDACTED] Sutton. We are currently seeking to move to Greenwood. We plan to rent at first so the process will not be a lengthy one. My daughter may or may not need to take special education classes. I know the evaluations and IEP development, if needed this year, take time to establish. Therefore, I would like to avoid any disruption in her education due to re-evaluation if moved during a school year. I am asking that you please reconsider.

Respectfully,



Debra L. Roe

RECEIVED

JUL 10 2014

EQUITY ASSISTANCE CENTER

RECEIVED

JUL 08 2014

SPECIAL EDUCATION



Greenwood School District

June 19, 2014

Dear Ms. Roe:

I am sorry, but the application you submitted for K [REDACTED] Sutton has been rejected for the following reasons.

Your child does not meet the openings identified for the coming school year. The specific reason for rejection is that acceptance would cause the district to have to add:

- Staff
- Teachers
- Classroom

As noted in your original application, you have ten (10) days from receipt of this notice in which to submit a written appeal of this decision to the State Board of Education.

Respectfully,

A handwritten signature in cursive script that reads "Jerry Cecil".

Jerry Cecil
Assistant Superintendent

Debra Roe

██████████
Ft. Smith AR 72903

AR 72903
AR 72903
25 JUN 2014 PM

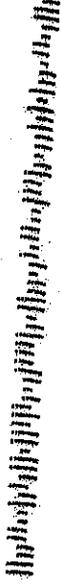


Debra

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JUL 08 2014
SPECIAL EDUCATION

Arkansas Department of Education
Office of Communications
Four Capital Mall, Rm 403-A
Little Rock AR 72201

7220181019





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: *K [Redacted] Sutton*

Student Date of Birth: *[Redacted]* Gender Male Female

Grade: *Sixth going into seventh*

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: *Fort Smith* County Name: *Sebastian*

Address: *5604 Fresno St. Ft. Smith, AR 72903*

Phone: _____

NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: *Greenwood* County Name: *Sebastian*

Address: _____

Phone: _____

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

Post-it® Fax Note 767 11

To <i>Paul Roe</i>	Date <i>5-13-14</i>	# of pages <i>2</i>
Co./Dept.	From <i>Student Services</i>	
Phone #	Co.	
Fax # <i>[Redacted]</i>	Phone #	
	Fax #	

Form must be returned in person

PARENT OR GUARDIAN INFORMATION	
Name: DEBRA L. ROE	Home Phone: [REDACTED]
Address: Holt Smith, AR 722903	Work Phone: 479-6735-4214
Parent/Guardian Signature: <i>Debra Roe</i>	Date: 5/27/14
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and otherwise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the nonresident district's standards shall not include an applicant's qualifications of an applicant to the nonresident district. However, a nonresident district's standards shall include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency scores, and previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Arkansas 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 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 who is rejected by the nonresident district may request a hearing before the State Board of Education by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or the 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>	
RECEIVED DISTRICT USE ONLY	
Date and Time Received by Resident District: FORT SMITH PUBLIC SCHOOLS <i>Wed 5/28/14 10:35</i>	Date and Time Received by Nonresident District: 6-29-14 8:20am CC
Resident District LEA #: 6601	Nonresident District LEA #: 62602
Student's State Identification #:	
Application: <input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected	
Reason for Rejection (If Applicable):	
Date Notification Sent to Parent/Guardian of Applicant:	
Date Notification Sent to Resident District:	

RESPONSE



Greenwood School District

July 22, 2014

Mr. Jeremy Lasiter
General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

CERTIFIED MAIL

Mr. Lasiter:

I received your letter dated July 16, 2014 regarding the appeal of Greenwood School District's decision to deny the school choice application of K. Sutton.

At this time in our seventh grade classrooms we operate two Integrated Classroom Models. The Integrated Special Education Model as referenced in *Section 2.36 of the Arkansas Department of Education Special Education Unit Procedural Regulations and Program Standards states that Integrated classroom means a general education classroom in which instruction is provided to general and special education students for the entire instructional day by a teacher dually licensed in general and special education. The maximum classroom composition is limited to 2/3 general education students and 1/3 students with disabilities. The classroom must have a half-time paraprofessional. See attached*

Our Integrated Model classrooms in the seventh grade are at maximum capacity for the 2014-2015 school year. The model states that the classroom optimum is 24 with only 1/3 of these being children with disabilities. Currently we are at the maximum in these classrooms.

If you have any questions, feel free to contact me at 479-996-4142.

Sincerely,

A handwritten signature in black ink that reads "John Ciesla".

John Ciesla
Superintendent

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
2.00 DEFINITIONS
July 2008

2.01 ADVERSE AFFECT ON EDUCATIONAL PERFORMANCE

Adverse affect on educational performance means the effect on the child that an impairment identified in 34 CFR 300. 8(c)(1) – (13) and §6.08 of these regulations must have in order to establish eligibility for special education and related services under Part B of the IDEA. In the consideration of the effect of the child's disability on his or her overall educational performance, criteria must include not only curriculum/ developmental areas, but also affective, behavioral, and physical characteristics or professional judgment of a multidisciplinary team.

2.02 ADMINISTRATIVE CASE MANAGEMENT

Administrative case management activities include the purchase by an LEA of appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities.

2.03 ARKANSAS DEPARTMENT OF EDUCATION

The Arkansas Department of Education (ADE) is the State educational agency (SEA) designated in State law as responsible for the State supervision of public elementary and secondary schools.

2.04 ASSISTIVE TECHNOLOGY DEVICE

Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

2.05 ASSISTIVE TECHNOLOGY SERVICE

Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes -

- 2.05.1 The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

2.33 INCLUDE

The term include means that the items named are not all of the possible items that are covered, whether like or unlike the ones named.

2.34 INDEPENDENT EDUCATIONAL EVALUATION

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the local education agency or other public agency responsible for the education of the child in question.

2.35 INDIRECT SERVICES

Indirect services means those services provided by a qualified professional, commonly termed "consulting teacher," whose primary role is to consult with general and/or special education teachers regarding the modification and/or adaptation of instruction for specific students with disabilities. The consulting teacher may provide limited direct instruction to students.

2.36 INTEGRATED CLASSROOM

Integrated classroom means a general education classroom in which instruction is provided to general and special education students for the entire instructional day by a teacher dually licensed in general and special education. The maximum classroom composition is limited to 2/3 general education students and 1/3 students with disabilities. This classroom must have a half-time paraprofessional.

2.37 INTERPRETING SERVICES

2.37.1 When used with respect to children who are deaf or hard of hearing, interpreting services means oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and Type Well; and

2.37.2 Special interpreting services for children who are deaf-blind.

2.38 ITINERANT INSTRUCTION

Itinerant instruction means direct instruction which may be educational or therapeutic in nature provided to a student by qualified personnel. Itinerant instruction may be delivered in a variety of settings, including, general and special education classrooms, homes and hospitals, and other community settings. Such instruction may be provided daily or on a rotating schedule.

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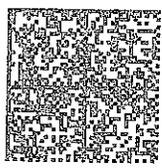
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FROM: GREENWOOD PUBLIC SCHOOLS

420 North Main

Greenwood, Arkansas 72936

TO:

Mr. Jeremy Lasiter
General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

SCHOOL CHOICE STATUTES

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A.C.A. § 6-18-1901

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Title 6 Education
 Subtitle 2. Elementary And Secondary Education Generally
 Chapter 18 Students
 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1901 (2014)

6-18-1901. Title -- Legislative findings.

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

(b) The General Assembly finds that:

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

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1902

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A.C.A. § 6-18-1902 (2014)

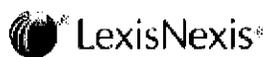
6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student who transfers to a nonresident district through a public school choice option under this subchapter.

HISTORY: Acts 2013, No. 1227, § 6.View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
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Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1903 (2014)

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

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

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

(c) This subchapter does 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.

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

(2) The standards:

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

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

(i) Resides in the same household; and

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

(C) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

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

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

(e) A nonresident district shall:

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

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

(f) 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:

(1) Availability of the program;

(2) Application deadline; and

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

HISTORY: Acts 2013, No. 1227, § 6.

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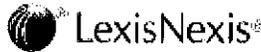
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A.C.A. § 6-18-1904 (2014)

6-18-1904. General provisions.

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

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

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

(B) 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.

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

(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection 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.

(d) (1) 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.

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1905 (2014)

6-18-1905. Application for a transfer.

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

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

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

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

(b) (1) By August 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, 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.

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

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

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

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

HISTORY: Acts 2013, No. 1227, § 6.

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A.C.A. § 6-18-1906 (2014)

6-18-1906. Limitations.

(a) If the provisions of this subchapter 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.

(b) (1) A school district annually may declare an exemption under this section 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.

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

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

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

(A) Declare an exemption under this section; or

(B) Resume participation after a period of exemption.

(c) (1) (A) 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 this section of not more than three percent (3%) of the school district's three-quarter average daily membership for the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, 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.

(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.

(3) If a student is unable to transfer due to the limits under this subsection, 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 § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

HISTORY: Acts 2013, No. 1227, § 6.

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 Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1907 (2014)

6-18-1907. Rules -- Appeal -- Data collection and reporting.

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

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

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

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

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

(c) (1) The department shall collect data from school districts on the number of applications for student transfers under this section and study the effects of school choice transfers under this subchapter, 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.

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

HISTORY: Acts 2013, No. 1227, § 6.

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Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 19 -- Public School Choice Act of 2013

A.C.A. § 6-18-1908 (2014)

6-18-1908. Effective date.

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

HISTORY: Acts 2013, No. 1227, § 6.

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 A.C.A. § 6-18-1908 



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SCHOOL CHOICE RULES

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2013
September 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.

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:	
<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):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

July 11, 2014

Tony Wood
Commissioner

State Board
of Education

Sam Ledbetter
Little Rock
Chair

Toyce Newton
Crossett
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Alice Mahony
El Dorado

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

Diane Zook
Melbourne

Ms. Latishia Walker
247 Barbershop Trail
Hot Springs, AR 71913

Mr. Steve Anderson, Supt.
Lake Hamilton School District
205 Wolf Street
Pearcy, AR 71964

Mr. Robert Gray, Supt.
Mountain Pine School District
P.O. Box 1
Mountain Pine, AR 71956

**Re: Appeal Under the Arkansas Public School Choice Act of 1989
Walker v. Mountain Pine School District
VIA CERTIFIED AND REGULAR MAIL**

Everyone:

On July 7, 2014, Ms. Latishia Walker filed a petition appealing the decision of the Mountain Pine School District to deny the following application(s) made pursuant to the Arkansas Public School Choice Act of 1989¹:

- J. McIntosh
- M. McIntosh
- J. Walker

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Thursday, August 14, 2014**. The meeting will begin at **10:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

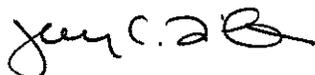
Enclosed with this letter you will find a copy of Ark. Code Ann. § 6-18-206 (repealed) and an excerpt from the School Choice Eligibility Report for Garland County. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 28, 2014.**

¹ The current Garland County desegregation order in the case of *Davis et al., v. Hot Springs School District, et al.*, Case No. 6:89-cv-06088, as clarified by D.E. # 168 on June 10, 2013, requires school choice transfers in Garland County to be conducted in accordance with the provisions of the Arkansas Public School Choice Act of 1989. The State Board of Education remains a party to the *Davis* case and may hear school choice appeals from Garland County pursuant to Ark. Code Ann. § 6-18-206 (repealed).

School Choice Appeal Hearing Notice
July 11, 2014
Page 2 of 2

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

Respectfully,



Jeremy C. Lasiter
General Counsel

Enclosures

cc: Mr. Tony Wood, Commissioner of Education
Ms. Annette Barnes, Asst. Commissioner, Public School Accountability
Ms. Deborah Coffman, Chief of Staff and State Board Liaison

APPEAL

Attn: State Board of Education

6-27-2014

To whom it may concern. I am presently requesting a hearing with the Board of Education. It is concerning my children, the issues I am having with Mountain Pine School District in the handling of their decision based upon the denial of enrollment. A school choice was turned in, and also denied on 6-19-2014 and 6-23-2014. In addition of the two denials my children were denied enrollment before a school of choice was turned in, he has made the statement on several occasion that it's his school and what he say go. They attended Mountain Pine School 2013-2014 school year and now being denied for reenrollment. These denials have taken place without consideration. On 6-26-2014 a school board meeting was held in Mountain Pine. In conclusion of that meeting, their enrollment was denied once again with these acquisitions a resolution to this matter is unresolved grief. I am formally requesting that the board of education convene to help me resolve this issue.

RECEIVED
ATTORNEY'S OFFICE

JUL 07 2014

DEPARTMENT OF EDUCATION
GENERAL DIVISION

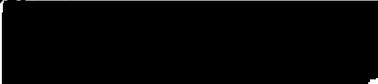
RECEIVED
COMMISSIONER'S OFFICE

JUL 7 - 2014

DEPARTMENT OF EDUCATION

Thank You,

Latishia Walker


Latishia Walker

June 23, 2014

Mr. Gray

MPSD School board members

I am requesting a hearing in writing for a hearing with the school board. I would like to discuss my children being denied school choice for the 2014-2015 school year.

Thank you,

Latishia D. Walker

LaTishia Walker

Board Members

Mark Bless
Mark Jackson
Tom Gould
Clayton Miller
Michael Palmer



MOUNTAIN PINE SCHOOL DISTRICT NO. 46

OFFICE OF THE SUPERINTENDENT
P.O. BOX NO. 1
MOUNTAIN PINE, ARKANSAS 71956

Robert Gray, Superintendent
Doris Singleton, District Treasurer
Phone: 501-767-1540

Dr. Rebecca Morriss, Asst. Superintendent
Tammy Youngblood, Administrative Assistant
Fax: 501-767-1589

http://www.edline.net/pages/mountain_pine_sd

June 19, 2014

Ms. Latisha Walker

Hot Springs, AR 71913

Dear Ms. Walker,

I received your letter and have spoken to Ms. Chmura at the Garland County Assessors Office about the documents you included in your letter. They indicated that you pointed out the location of your home on an aerial photo and they gave you confirmation based upon that information. They did send a representative out to visit your address and found out that they made a mistake and your residence is in the Lake Hamilton district. I will include a copy of the information she sent me regarding your property.

We have areas in our district that cross the district boundaries of Lake Hamilton and Hot Springs. We have buses that run the same roads as our buses. We have neighbors that live across the street from and next door to each other that reside within two different school districts. I do understand your confusion but this is a matter that is not in my hands. I must follow the Garland County property information and the Desegregation order.

You will need to have your children attend in the Lake Hamilton Schools next year. School Choice is not an option for you due to the current Garland County Desegregation order.

If you have any questions, please contact me.

Respectfully,

Robert Gray, Superintendent

Board Members

Mark Blees
Mark Jackson
Tom Gould
Clayton Miller
Michael Palmer



MOUNTAIN PINE SCHOOL DISTRICT NO. 46

OFFICE OF THE SUPERINTENDENT
P.O. BOX NO. 1
MOUNTAIN PINE, ARKANSAS 71956

Robert Gray, Superintendent
Doris Singleton, District Treasurer
Phone: 501-767-1540

Dr. Rebecca Morriss, Asst. Superintendent
Tammy Youngblood, Administrative Assistant
Fax: 501-767-1589

http://www.edline.net/pages/mountain_pine_sd

May 30, 2014

Ms. Latisha Walker
[REDACTED]

Hot Springs, AR 71913

Dear Ms. Walker,

I have tried to contact you by phone without success. It would not allow me to leave a message therefore I am sending this letter in regard to your home school attendance zone.

It has come to my attention that your residence is not within the Mountain Pine School District attendance boundaries. Your home resides in the Lake Hamilton School District.

You will need to have your children attend in the Lake Hamilton Schools next year. School Choice is not an option for you due to the current Garland County Desegregation order.

If you have any questions, please contact me.

Respectfully,

Robert Gray, Superintendent

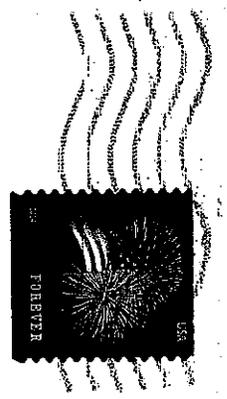
Latishia D. Walker

Hot Springs, AR 71913



LITTLE ROCK AR 722

JUL 18 2014 PM 7:1



RECEIVED
COMMISSIONER'S OFFICE

JUL 7 - 2014

DEPARTMENT OF EDUCATION

Office of the Commissioner

Attn: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

72201101553



Board Members

Mark Blees
Mark Jackson
Tom Gould
Clayton Miller
Michael Palmer



MOUNTAIN PINE SCHOOL DISTRICT NO. 46

OFFICE OF THE SUPERINTENDENT

P.O. BOX NO. 1

MOUNTAIN PINE, ARKANSAS 71956

Robert Gray, Superintendent
Doris Singleton, District Treasurer
Phone: 501-767-1540 Ext. 1

Haley Villines, LEA/Curriculum Supervisor
Tammy Youngblood, Administrative Assistant
Fax: 501-767-1589

http://www.edline.net/pages/mountain_pine_sd

July 2, 2014

Steve Anderson, Supt.
Lake Hamilton School District
205 Wolf St.
Percy, AR 71964

Dear Mr. Anderson:

The Mountain Pine School District has rejected the following student(s) under the School Choice Act, Garland County Desegregation Case.

M [REDACTED] McIntosh – 6th grade
J [REDACTED] McIntosh –
J [REDACTED] Walker – 4th grade

If you should have any questions regarding this matter, please contact me at (501) 767-1540 ext. 1.

Respectfully,

Robert Gray
Superintendent

Received 6-10-14
Mtn Pine School

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

APPLICANT INFORMATION	
Applicant Name <u>J Walker</u>	Date of Birth [REDACTED]
Gender Male <input checked="" type="checkbox"/> Female <input type="checkbox"/>	
GRADE: <u>4</u>	
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ETHNIC ORIGIN (CHECK ONE)	
2 or More Races <input type="checkbox"/>	
African American <input checked="" type="checkbox"/>	Asian <input type="checkbox"/>
Native American/ Native Alaskan <input type="checkbox"/>	Hispanic <input type="checkbox"/>
	Native Hawaiian/ Pacific Islander <input type="checkbox"/>
	White <input type="checkbox"/>
RESIDENT SCHOOL DISTRICT OF APPLICANT	
District Name <u>Lake Hamilton</u>	County Name
Address	
Phone	
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND	
District Name <u>Mtn. Pine School District</u>	County Name <u>Garland County</u>
Address <u>134 Blakely Dam Road, Mtn. Pine AR 71956</u>	
Phone <u>501-767-1540</u>	
PARENT OR GUARDIAN INFORMATION OF APPLICANT	
Name <u>Katishia Walker</u>	Home Phone [REDACTED]
Address [REDACTED]	Work Phone <u>501-620-4765</u>
<u>Hot Springs AR 71913</u>	
Parent/Guardian Signature <u>Katishia Walker</u>	Date <u>6-3-14</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>	
DISTRICT USE ONLY	
Application Accepted <input type="checkbox"/>	Rejected <input checked="" type="checkbox"/> <u>per Garland County Desegregation Case</u>
Date Notification Sent to Parent/Guardian of Applicant <u>7-2-14</u>	
Date Notification Sent to Resident District <u>7-2-14</u>	

Received 6-10-14
Mtn Pine School

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

APPLICANT INFORMATION	
Applicant Name <u>J [REDACTED] MCINTOSH</u>	Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
Date of Birth <u>[REDACTED]</u>	GRADE _____
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ETHNIC ORIGIN (CHECK ONE)	
2 or More Races <input type="checkbox"/>	
African American <input checked="" type="checkbox"/>	Asian <input type="checkbox"/> Hispanic <input type="checkbox"/>
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/> White <input type="checkbox"/>
RESIDENT SCHOOL DISTRICT OF APPLICANT	
District Name <u>Lake Hamilton</u>	County Name _____
Address _____	
Phone _____	
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND	
District Name <u>Mtn. Pine School District</u>	County Name <u>Garland County</u>
Address <u>734 Blakely Dam Rd. Mtn. Pine AR 71956</u>	
Phone <u>501-767-1540</u>	
PARENT OR GUARDIAN INFORMATION OF APPLICANT	
Name <u>Ratishia Walker</u>	Home Phone <u>[REDACTED]</u>
Address <u>[REDACTED]</u>	Work Phone <u>501-620-4765</u>
<u>Hot Springs AR 71913</u>	
Parent/Guardian Signature <u>Ratishia Walker</u>	Date <u>6-3-14</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>	
DISTRICT USE ONLY	
Application Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> <u>per Garland County Desegregation Case</u>	
Date Notification Sent to Parent/Guardian of Applicant <u>7-2-14</u>	
Date Notification Sent to Resident District <u>7-2-14</u>	

Received 6-10-14
Mtn Pine School

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

APPLICANT INFORMATION	
Applicant Name <i>M. McIntosh</i>	Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
Date of Birth [REDACTED]	GRADE <i>6</i>
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ETHNIC ORIGIN (CHECK ONE)	
2 or More Races <input type="checkbox"/>	
African American <input checked="" type="checkbox"/>	Asian <input type="checkbox"/> Hispanic <input type="checkbox"/>
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/> White <input type="checkbox"/>
RESIDENT SCHOOL DISTRICT OF APPLICANT	
District Name <i>Lake Hamilton</i>	County Name
Address	
Phone	
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND	
District Name <i>Mtn. Pine School District</i>	County Name <i>Garland County</i>
Address <i>734 Blakely Dam Rd. Mtn. Pine AR 71956</i>	
Phone <i>501-767-1570</i>	
PARENT OR GUARDIAN INFORMATION OF APPLICANT	
Name <i>Ratishia Walker</i>	Home Phone [REDACTED]
Address [REDACTED]	Work Phone <i>501-620-4765</i>
<i>Hot Springs AR 71913</i>	
Parent/Guardian Signature <i>Ratishia Walker</i>	Date <i>6-3-14</i>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>	
DISTRICT USE ONLY	
Application Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> <i>per Garland County Desegregation Case</i>	
Date Notification Sent to Parent/Guardian of Applicant <i>7-2-14</i>	
Date Notification Sent to Resident District <i>7-2-14</i>	

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

APPLICANT INFORMATION			
Applicant Name	[REDACTED] Walker		
Date of Birth	[REDACTED]	Gender	Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
GRADE			
Does the applicant require special needs or programs?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is applicant currently under expulsion?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
ETHNIC ORIGIN (CHECK ONE)			
2 or More Races <input type="checkbox"/>			
African American	<input checked="" type="checkbox"/>	Asian	<input type="checkbox"/>
Native American/ Native Alaskan	<input type="checkbox"/>	Native Hawaiian/ Pacific Islander	<input type="checkbox"/>
Hispanic	<input type="checkbox"/>	White	<input type="checkbox"/>
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name	Lake Hamilton School District		County Name
Address			Garland County
205 Wolf Street, Pearcy, AR 71964			
Phone: 501-767-2306			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name	Mountain Pine School District		County Name
Address			Garland County
P.O. Box 1, Mountain Pine, Arkansas 71956			
Phone: 501-767-1540			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name	Latishia Walker		Home Phone
Address			Work Phone
[REDACTED]			501-620-4765
Hot Springs, AR, 71913			
Parent/Guardian Signature	Latishia Walker		Date
			June 23, 2014
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>			
DISTRICT USE ONLY			
Application	Accepted <input type="checkbox"/>	Rejected	<input checked="" type="checkbox"/>
Date Notification Sent to Parent/Guardian of Applicant			
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>M. McIntosh</u>			
Date of Birth [REDACTED]		Gender Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>	
GRADE			
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <u>Speech/O.T. Therapy</u>			
Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input type="checkbox"/>			
ETHNIC ORIGIN (CHECK ONE)			
2 or More Races <input type="checkbox"/>			
African American <input checked="" type="checkbox"/>		Asian <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>		Hispanic <input type="checkbox"/>	
		Native Hawaiian/ Pacific Islander <input type="checkbox"/>	
		White <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Lake Hamilton School District</u>		County Name <u>Garland County</u>	
Address <u>205 Wolf Street, Pearcy, AR 71964</u>			
Phone <u>501-767-2306</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Mountain Pine School District</u>		County Name <u>Garland County</u>	
Address <u>P.O. Box 1, Mountain Pine, Arkansas 71956</u>			
Phone <u>501-767-1540</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Latisha Walker</u>		Home Phone [REDACTED]	
Address [REDACTED]		Work Phone <u>501-620-4765</u>	
Parent/Guardian Signature <u>Latisha Walker</u>			Date <u>June 23, 2014</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>			
DISTRICT USE ONLY			
Application Accepted <input type="checkbox"/>		Rejected <input checked="" type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
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	[REDACTED] McIntosh		
Date of Birth	[REDACTED]	Gender	Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>
GRADE			
Does the applicant require special needs or programs? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Is applicant currently under expulsion? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
ETHNIC ORIGIN (CHECK ONE)			
2 or More Races <input type="checkbox"/>			
African American <input checked="" type="checkbox"/>	Asian <input type="checkbox"/>	Hispanic <input type="checkbox"/>	
Native American/ Native Alaskan <input type="checkbox"/>	Native Hawaiian/ Pacific Islander <input type="checkbox"/>	White <input type="checkbox"/>	
RESIDENT SCHOOL DISTRICT OF APPLICANT			
District Name <u>Lake Hamilton School District</u>		County Name <u>Garland County</u>	
Address <u>205 Wolf Street, Pearcy AR 71964</u>			
Phone <u>501-767-2306</u>			
NON-RESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND			
District Name <u>Mountain Pine School District</u>		County Name <u>Garland County</u>	
Address <u>P.O. Box 1, Mountain Pine, Arkansas 71956</u>			
Phone <u>501-767-1540</u>			
PARENT OR GUARDIAN INFORMATION OF APPLICANT			
Name <u>Latishia Walker</u>		Home Phone [REDACTED]	
Address [REDACTED]		Work Phone <u>501-620-4765</u>	
Parent/Guardian Signature <u>Latishia Walker</u>			Date <u>June 23, 2014</u>
<p>Pursuant to standards adopted by a non-resident school board a non-resident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a non-resident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a non-resident district's standards shall not include an applicant's previous academic achievement, athletic or other extra curricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. §6-18-510. Priority will be given to applicants with siblings attending the district. The non-resident district shall accept credits toward graduation that were awarded by another district and award a diploma to a non-resident applicant if the applicant meets the non-resident district's graduation requirements. This application must be filed in the non-resident district or postmarked no later than July 1 of the year in which the applicant would begin the fall semester at the non-resident district.</p>			
DISTRICT USE ONLY			
Application Accepted <input type="checkbox"/>		Rejected <input checked="" type="checkbox"/>	
Date Notification Sent to Parent/Guardian of Applicant			
Date Notification Sent to Resident District			

Walker v Mountain Pine School District

July 17, 2014

On May 30, 2014 I received a letter from Mr. Robert Gray. It informed me that "school choice was not an option for me for the 2014-2015 school year". Until that date I had no idea I did not reside in Mountain Pine School District. My children attended Mountain Pine School for the year of 2013-2014 and I did not have to fill out a school choice form. Until that date I had not received any form of notice that my children did not reside in Mountain Pine School District. When I asked how they were able to attend school for the whole year without a notice I was told they "slipped in".

On June 3, 2014 I talked to Celeste Chmura, the mapping supervisor at the clerks office. She informed me that my address [REDACTED] was in fact in Mountain Pine School District. She signed a letter saying it would be corrected in the computer on that date. However, on June 19, 2014 I received a letter from Mr. Robert Gray that Ms. Chmura, made a mistake and 247 Barbershop Trail is in Lake Hamilton School District. After doing research on the property it appears that some of my property is in Mountain Pine School District and some of it is in Lake Hamilton School district. The bus stop for Mountain Pine School District is right in front of my property that is on the Mountain Pine School District side. I have never seen a Lake Hamilton bus on my road so I do not know where the bus stop for Lake Hamilton stops.

Mr. Gray has interfered with my daughter's speech and occupational therapy for the summer. At the end of the school year we made arrangements for M [REDACTED] to ride a bus to therapy at Mountain Pine School. Mr. Gray informed me that she was not in the school district and no bus was there to pick her up. She was able to go to speech if a slot became open but her occupational therapy could not be done at the school. She did not have a set schedule for therapy and I would receive a phone call 10 or 20 minutes before they wanted her there. I am a single parent that work outside of the home. Most days they called I could not leave work and drive back to Mountain Pine to pick her up and drop her off then go back to pick her up and bounce back and forth with my job. I have missed several days trying to clear up the school zone issue and other issues with Mr. Gray and Mrs. Kissire at Mountain Pine School concerning my son J [REDACTED] getting bullied

by a 12th grader and J [REDACTED] getting punished for it. It is my belief that this is when the "school zone issue" became a problem. It was never brought to my attention that I was in Lake Hamilton School District until this happened. My kids rode on a Mountain Pine School District bus every morning and every afternoon. The bus picked them up in front of my house. I have lived here since February 2013 and I have never seen a Lake Hamilton bus on this road. My parents have lived here since 2008 and they have never seen a Lake Hamilton bus.

I have asked for a hearing with Mr. Gray and the school board to ask questions and Mr. Gray refused. I was informed by the school board members that Mr. Gray is the only one that can put me on the agenda. When asked if it was just MY African American children that could not attend Mountain Pine under the new law, Tammy Youngblood said "its up to Mr. Gray". From the information Mr. Gray and Mr. Anderson sent to me it was ANY African American but I guess the rules are different with each African American child.

It is my belief that because I did not agree with the punishment of my child for being bullied by a older child that my kids are being punished. The incident with my child being bullied by a "special needs" child happened on May 8, 2014 and to this day I have not received a write up slip or a report on the incident. I asked for it several times. I did not agree with the punishment Mrs. Kissire was giving J [REDACTED] and all communications stopped with her. Mr. Gray, being her supervisor, did not make any attempts to remedy the situation. When I talked to him about J [REDACTED] having to clean the buses on the afternoon that I had to make his 2nd trip to the doctor for a bacterial eye infection caused when the "special needs" child spit in his face, Mr. Gray was confused and did not understand why J [REDACTED] was punished. It was his understanding the "incident" was over. Mrs. Kissire made J [REDACTED] clean 8 buses on a day when it was 84 degrees with a eye infection. Mrs. Kissire and one of the other teachers praised J [REDACTED] for how well he cleaned the buses like it was a joke. It was my understanding that they had janitors that was supposed to clean the bus. When I complained to Mr. Gray about J [REDACTED] cleaning buses I started getting school choice denial letters. I received my first school choice denial letter BEFORE I even applied for school choice.

Thank you for taking the time to consider my case.

Latishia D. Walker



Garland County

Rebecca Dodd-Talbert

Tax Collector

200 Woodbine Room 108

Hot Springs, AR 71901

Telephone: (501) 622-3710

TAXES DUE MARCH 1st-DELINQUENT OCT. 15th
PENALTY IF POSTMARKED AFTER OCT. 15th

2013 TAX STATEMENT

Must include self-addressed stamped envelope for receipt.

WALKER, LATISHIA

HOT SPRINGS, AR 71913

PIN: [REDACTED]

Parcel	Land/Imp/Total Value	Description	Amount	Total
Owner Name	Millage			
Property Address	School			
	Subdivision			
	Acres			
Legal				
P160708	3640	DELINQUENT PERSONAL	136.67	
WALKER, LATISHIA	0.0415	CURRENT PERSONAL TAX	151.06	
	460			287.73

GRAND TOTAL: \$287.73

ENTITY BREAKDOWN			Entity		
Entity	Millage	Tax Amount	Entity	Millage	Tax Amount
COUNTY LIBRARY	0.0016	5.82	COUNTY ROAD FUND	0.0012	4.37
GARLAND COUNTY COMMU	0.0008	2.91	MOUNTAIN PINE SCHOOL	0.0379	137.96
DELINQUENT TAXES		136.67			

*** PLEASE DETACH SLIP BELOW AND SEND IN WITH PAYMENT ***

PIN #: 160708 WALKER, LATISHIA
TOTAL AMOUNT: 287.73 [REDACTED]
HOT SPRINGS, AR 71913

PLEASE PROVIDE CONTACT NUMBER AND EMAIL ADDRESS TO THE RIGHT IN CASE THERE IS A QUESTION ABOUT YOUR PAYMENT.

Petition to

Petition summary and background	I am petitioning the Arkansas State Board of Education to allow my children to attend Mountain Pine School District. I have property on the Mountain Pine School District and the Lake Hamilton School District side. I would prefer my children attend Mountain Pine School District.
Action petitioned for	We, the undersigned, are concerned citizens who urge the Arkansas State Board of Education to allow Ms. Walker's children to attend Mountain Pine School District.

Printed Name	Signature	Address	P.O. Box	Date
1. Virgil Mitchell	Virgil Mitchell			7-22-14
2. Leamia Oliver	Leamia Oliver			7-22-14
3. HOWTON	M. Howton			7-22-14
4. Lera Delaney	Lera Delaney			7-22-14
5. Ricky McElroy	Ricky McElroy			7-22-14
6. Joni Berg	Joni Berg			7-22-14
7. Lloyd D. Dancy	Lloyd D. Dancy			7-22-14
8. Berntha Duncanson	Berntha Duncanson			7-22-14
9. Lonnie Haymond	Lonnie Haymond			7-22-14
10. CHRISTINE BALTZ	Christine Baltz			7-22-14
11. Pearl Hannon	Pearl Hannon			7-22-14
12. Linda Thompson	Linda Thompson			7-22-14
13. Derrick Walker	Derrick Walker			7-22-14
14. Alea Socaci	Alea Socaci			7-22-14
15. Corey Stricklin	Corey Stricklin			7-22-14
16. Melinda Smith	Melinda Smith			7-22-14
17. Lucille Smith	Lucille Smith			7-22-14
18. Angela Browning	Angela Browning			7-22-14
19. George Browning	George Browning			7-22-14
20. Virginia LaFord	Virginia LaFord			7-22-14
21. Albert Jack Clayton	Albert Jack Clayton			7-22-14
22. Michelle Berg	Michelle Berg			7-22-14
23. Louise Blevins	Louise Blevins			7-22-14
24. Edwenna Honey	Edwenna Honey			7-22-14
25. Tyrell Honey	Tyrell Honey			7-22-14
26. LUCERENE BURRIS	Lucerene Burris			7-22-14
27. Willie McDaniel	Willie McDaniel			7-23-14
28. W. McDaniel	W. McDaniel			7-23-14

Petition to

Petition summary and background	I am petitioning the Arkansas State Board of Education to allow my children to attend Mountain Pine School District . I have property on the Mountain Pine School District and the Lake Hamilton School District side. I would prefer my children attend Mountain Pine School District.
Action petitioned for	We, the undersigned, are concerned citizens who urge the Arkansas State Board of Education to allow Ms. Walker's children to attend Mountain Pine School District.

	Printed Name	Signature	Address	P.O. Box	Date
29.	Ryan Herron	<i>Ryan Herron</i>	[REDACTED]		7/22/2014
30.	Kristy Stewart	<i>Kristy Stewart</i>	[REDACTED]		7/22/14
31.	Narellia Allen	<i>Narellia Allen</i>	[REDACTED]		7-22-2014
32.	Terresa Allen	<i>Terresa Allen</i>	[REDACTED]		7/22/2014
33.	Phil Smith	<i>Phil Smith</i>	[REDACTED]		7-22-2014
34.	Jennifer Walker	<i>Jennifer Walker</i>	[REDACTED]		7-22-2014
35.	Chris Isom	<i>Chris Isom</i>	[REDACTED]		7-22-2014
36.	Mom's John	<i>Mom's John</i>	[REDACTED]		7-22-14
37.	Jo Godwin	<i>Jo Godwin</i>	[REDACTED]		7-22-14
38.	Lance Godwin	<i>Lance Godwin</i>	[REDACTED]		7-22-14
39.	Barbara Baker	<i>Barbara Baker</i>	[REDACTED]		7-22-14
40.	Kayla S. Smith	<i>Kayla S. Smith</i>	[REDACTED]		7/22/14
41.	Devonia Walker	<i>Devonia Walker</i>	[REDACTED]		7/22/14
42.	Ryan Walker	<i>Ryan Walker</i>	[REDACTED]		7-22-14
43.	Stacey M. Deaton	<i>Stacey Deaton</i>	[REDACTED]		7-22-14
44.	MICHAEL SAAGENT	<i>Michael Saagent</i>	[REDACTED]		7-22-14
45.	Ray M. Mattick Jr	<i>Ray Mattick</i>	[REDACTED]		7-24-14
46.	Candy Bryant	<i>Candy Bryant</i>	[REDACTED]		7-24-14
47.	Ray Mattick	<i>Ray Mattick</i>	[REDACTED]		7-24-14
48.	Barthi Middleton	<i>Barthi Middleton</i>	[REDACTED]		7-24-14
49.	Christina	<i>Christina</i>	[REDACTED]		7-24-14
50.	Christina	<i>Christina</i>	[REDACTED]		7-24-14
51.	Christina	<i>Christina</i>	[REDACTED]		7/24/14
52.	B. Gardner	<i>B. Gardner</i>	[REDACTED]		7-24-14
53.					
54.					
55.					
56.					

Parcel: 700702004011
 Prev. Parcel: 700702004011
 As of: 7/10/2014 ID: 109092



Garland County Report

Property Owner

Property Information

Name: THOMPSON, JAMES R & EVELYN L % BLEVINS, KENNETH R

Physical Address: [REDACTED]

Mailing Address: PO BOX 644 MOUNTAIN PINE, AR 71956

Subdivision: 29-2S-20

Type: (R1) - Res. Improv.

Block / Lot: -- / --

Tax Dist: (050) - LAKE HAMILTON OUTSIDE

S-T-R: 29-02S-20W

Millage Rate: 44.20

Size (in Acres): 5.180

Legal: MH LEASE CARD 109962 PT NE NE, SEC 29, T2S, R20W OF THE FOLLOWING DESCRIPTION PT NE NE, SEC 29 & PT SE SE, SEC 20, ALL IN T2S, R20W BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT THE NE CORNER OF THE NE NE OF SAID SEC 29; THENCE S00 DEG 52' 04" W 65.50 FT TO A FOUND REBAR; THENCE N 89 DEG 38' 04" W 147.45 FT TO A SET 1/2" REBAR W/CAP AND THE POB; THENCE S 00 DEG 08' 33" W 333.38 FT TO A SET 1/2" REBAR W/CAP; THENCE S 63 DEG 45' 18" W 352.07 FT TO AN 18" HACKBERRY TREE; THENCE N 38 DEG 34' 27" W 349.04 FT TO A 20" OAK TREE; THENCE N 22 DEG 20' 41" W 540.81 FT TO A FENCE POST; THENCE N 58 DEG 46' 02" E 380.38 FT TO A FOUND REBAR; THENCE S 00 DEG 54' 42" W 477.62 FT TO A FENCE POST; THENCE S 89 DEG 27' 30" E 321.97 FT TO A FENCE POST; THENCE S 89 DEG 38' 04" E 100.24 FT TO THE POB.

Market and Assessed Values:

	Estimated Market Value	Full Assessed (20% Market Value)	Taxable Value
Land	\$47,550	\$9,510	\$9,510
Building	\$60,350	\$12,070	\$12,070
Total	\$107,900	\$21,580	\$21,580

Homestead Credit: 350.00 **Status:** (OP) - OwnPrim **Note:** Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land:

Land Use Size Units
 3.180 Acres
 2 MHLS 2.000 Acres

Deed Transfers:

Date	Book Page	Deed Type	Stamps	Est. Sale	Grantee	Code Type
------	-----------	-----------	--------	-----------	---------	-----------

[Return To Results Page](#)

Layers

Basemaps

Blank

Hybrid

Roadmap

Selection Transparency:

Latitude / Longitude
34.539148, -93.156177

(Latitude) (Longitude)

[Find Coordinates](#)



<https://www.actdatascout.com/CountyHome/MapDetails?countyId=5051&mpid=109092>

7/25/2014

Land:

Land Use	Size	Units
	2.240	Acres

Parcel: 700737008044

Garland County Report

ID: 109091

B

Property Owner

Property Information

Name: THOMPSON, JAMES R & EVELYN L **Physical Address:** [REDACTED]
% BLEVINS, KENNETH R

Mailing Address: PO BOX 644
MOUNTAIN PINE, AR 71956

Subdivision: 20-2S-20 *

Block / Lot:

Type: (RV) - Res Vacant

S-T-R: 20-02S-20W *

Tax Dist: (460) - MOUNTAIN PINE OUTSIDE

Size (In Acres): 2.240

Millage Rate: 41.50

Extended Legal: PT SE SE, SEC 20, T2S, R20W OF THE FOLLOWING DESCRIPTION PT SE SE, SEC 20 & PT NE NE, SEC 29 ALL IN T2S, R20W, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCE AT THE NE CORNER OF THE NE NE OF SAID SEC 29; THENCE S 00 DEG 52' 04" W 65.50 FT TO A FOUND REBAR; THENCE N 89 DEG 38' 04" W 174.45 FT TO A SET 1/2" REBAR W/CAP AND THE POB; THENCE S 00 DEG 08' 33" W 333.38 FT TO A SET 1/2" REBAR W/CAP; THENCE S 63 DEG 45' 18" W 352.07 FT TO AN 18" HACKBERRY TREE; THENCE N 38 DEG 34' 27" W 349.04 FT TO A 20" OAK TREE; THENCE N 22 DEG 20' 41" W 540.81 FT TO A FENCE POST; THENCE N 58 DEG 46' 02" E 380.38 FT TO A FOUND REBAR; THENCE S 00 DEG 54' 42" W 477.62 FT TO A FENCE POST; THENCE S 89 DEG 27' 30" E 321.97 FT TO A FENCE POST; THENCE S 89 DEG 38' 04" E 100.24 FT TO THE POINT OF BEGINNING.

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$5,050	\$1,010	\$1,010
Building:	\$0	\$0	\$0
Total:	\$5,050	\$1,010	\$1,010

Homestead Credit: \$0.00

Status: (OA) - OwnAssoc

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land:

Land Use	Size	Units
	2.240	Acres

Map

B

[Return To Results Page](#)

Layers

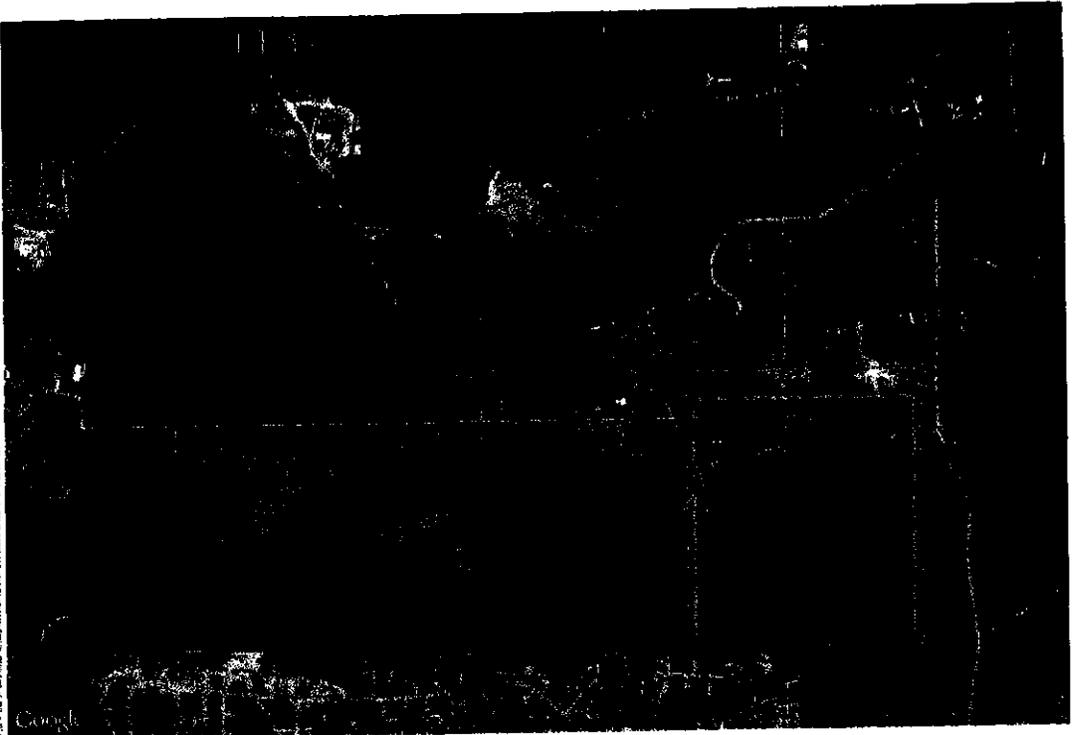
- Basemap
- Blank
- Hybrid
- Roadmap

Selection Transparency:

Latitude / Longitude
 34.544212, -93.150265

(Latitude) (Longitude)

[Find Coordinates](#)



RESPONSE

Jeremy Lasiter (ADE)

From: Anderson, Steve <steve.anderson@lhwolves.net>
Sent: Thursday, July 10, 2014 11:43 AM
To: Jeremy Lasiter (ADE)
Cc: Robert Gray; Vivian Aitken
Subject: Re: School Choice Appeal - Walker Family

Categories: Red Category

Mr. Lasiter,

I am happy to share with you what I know about this situation. Both my administrative assistant, Mrs. Vivian Aitken, and I have spoken to Ms. Walker about her situation. I have also followed up with Mountain Pine Superintendent, Mr. Bobby Gray, on the matter and I believe that both the Lake Hamilton and Mountain Pine School Districts have handled this situation appropriately and according to the Garland County Desegregation Agreement that we are bound to operate under the Federal Court.

It is my understanding that the MPSD became aware that Ms. Walker's home is actually in the Lake Hamilton School District and that her children have been attending Mountain Pine illegally. As is customary in Garland County when this type of situation becomes known by the school district, Ms. Walker was told that her children would have to attend their legal school district in the 2014 -2015 School Year. In this case, that is the Lake Hamilton School District.

After several communications with Ms. Walker with Mrs. Aitken and other LHSD personnel about the situation, I spoke with Ms. Walker on the telephone in late June 2014. My recollection of this conversation was as follows:

- 1. Ms. Walker asserted that her residence had been in the Mountain Pine School District, but that Mr. Gray was upset with her and in retaliation, convinced the Garland County Assessor's Office to change her school district at that address to the Lake Hamilton School District. I expressed to her that this would be highly unusual and that Mr. Gray must have much more influence with the Assessor's Office than I do, because I have never known them to change anything for a superintendent.***
- 2. Ms. Walker was aware that because her children were African-American, they were not eligible for School Choice Transfer from Lake Hamilton to the Mountain Pine School District according to the Federal Court Garland County Desegregation Agreement. Therefore, she wanted to know if the LHSD would release them on a Legal Transfer. I explained to her that this would violate the Desegregation Agreement and that the school districts in Garland County had agreed not to do Legal Transfers for this type of situation.***
- 3. I did explain to Ms. Walker that while I understood her wish to keep her children in the school that they had been attending, we would take good care of them at Lake Hamilton if they enrolled here.***
- 4. I explained to Ms. Walker that the only legal way that her children could continue to attend Mountain Pine, was for them to move into that district. Ms. Walker thanked me offering to take good care of her children at Lake Hamilton, but that they would not be coming here. In her words, "I'm just going to move to a new house in the Mountain Pine District."***

This is what I remember about our conversation. As is common practice, I did call Superintendent Gray at Mountain Pine about the contact and explained to him what I had told Ms. Walker and what she had told me.

I am not sure if Ms. Walker ever filled out School Choice Papers or not, those would be filled out with Mountain Pine. I do know that according to the Garland County Desegregation Agreement and the current racial ratios from the schools involved, Mountain Pine cannot accept African-American students from Lake Hamilton. According to the racial/ethnic data released by the Arkansas Department of Education, Lake Hamilton has 2.04% Black and Mountain Pine has 10.19% Black. Under the Desegregation Agreement Guidelines, students from a home district with a lower percentage cannot transfer to a district with a higher racial percentage. The only exception is if neither school has 10% in any minority or if both schools percentage falls within the Acceptable Range Category. In this case, neither of those things apply, therefore, Ms. Walker's African-American children that live in the Lake Hamilton School District cannot transfer to the Mountain Pine School District.

My personal assessment of the situation is simple. Both school districts are following the law and have acted in good faith with Ms. Walker. However, Ms. Walker does not like the answer she has been given. While we strive to find Win-Win Situations with our patrons, I cannot and will not put the district in jeopardy by violating the law or the Federal Desegregation Agreement. If you have any further questions, please feel free to contact me.

Sincerely,

Steve Anderson



Garland County School Choice 2014 - 2015

On Wed, Jul 9, 2014 at 11:09 AM, Jeremy Lasiter (ADE) <Jeremy.Lasiter@arkansas.gov> wrote:

Superintendent Gray and Superintendent Anderson:

Please find attached what purports to be a school choice appeal filed with the ADE by the Walker family. The Walker family appeals the apparent denial of its school choice application by the Mountain Pine School District. It is difficult to determine whether the parent filed a school choice application at all, or if the parent wants to appeal the decision of the Mountain Pine School District to return the Walker children to their district of residence, the Lake Hamilton School District. I would appreciate any clarification that you can offer. If there were, in fact, school choice applications submitted, please scan and email copies of the application to me at this address.

If this is a school choice appeal, since both of your school districts are located in Garland County, the old school choice law and rules will govern the appeal. In addition to the appeal, I have attached copies of the former

school choice law and rules. If you or your representatives could provide me with any responses you might have to this purported appeal, I would appreciate it. If this is a school choice appeal, it is likely that the appeal will be heard at the August 14, 2014 State Board meeting in Little Rock. I will send you both a formal hearing notice when the date for the hearing has been determined. Thank you both for your assistance.

Respectfully,

Jeremy C. Lasiter, General Counsel

Arkansas Department of Education

Four Capitol Mall, Room 404-A

Little Rock, AR 72201

(501) 682-4227

jeremy.lasiter@arkansas.gov

--

Steve Anderson, Superintendent

Lake Hamilton School District

205 Wolf Street

Pearcy, Arkansas 71964

501-767-2306

501-767-5573 (Fax)

GARLAND COUNTY

LEA	District	Participa nt	Eligibility Codes	2 or More Races	Asian	Black	Hispanic	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
2601000	CUTTER-MORNING STAR SCHOOL DISTRICT	Y	1	4.55%	0.16%	4.38%	8.93%	Native American/ Native Alaskan 1.14%	Native Hawaiian/ Pacific Islander 0.32%	80.52%	
2602000	FOUNTAIN LAKE SCHOOL DISTRICT	Y	1	5.01%	0.31%	1.08%	5.71%	0.93%	0.23%	86.74%	
2603000	HOT SPRINGS SCHOOL DISTRICT	Y	1	4.56%	0.86%	37.76%	14.69%	0.46%	0.27%	41.40%	
2604000	JESSIEVILLE SCHOOL DISTRICT	Y	1	0.11%	1.24%	2.48%	10.25%	0.68%	0.34%	84.91%	
2605000	LAKE HAMILTON SCHOOL DISTRICT	Y	1	6.75%	0.50%	2.04%	9.02%	0.18%	0.07%	81.44%	
2606000	LAKE SIDE SCHOOL DISTRICT	Y	2	2.89%	1.96%	8.09%	7.44%	0.84%	0.34%	78.44%	
2607000	MOUNTAIN PINE SCHOOL DISTRICT	Y	1	0.88%	1.02%	10.19%	5.26%	0%	0%	82.85%	
County Percentages Acceptable Ranges				4.46% - 3.91%	0.94% - 0.83%	12.73% - 11.14%	9.73% - 8.51%	0.52% - 0.46%	0.22% - 0.19%	71.38% - 62.46%	
GRANT COUNTY LEA District				2 or More Races 0%	Asian 0.36%	Black 0.36%	Hispanic 2.18%	Native American/ Native Alaskan 0.18%	Native Hawaiian/ Pacific Islander 0.36%	White 96.55%	
2703000	POYEN SCHOOL DISTRICT	Y	2	0%	0.36%	0.36%	2.18%	Native American/ Native Alaskan 0.18%	Native Hawaiian/ Pacific Islander 0.36%	96.55%	
2705000	SHERIDAN SCHOOL DISTRICT	Y	1	0.33%	1.35%	2.66%	2.92%	0.45%	0%	92.28%	
County Percentages Acceptable Ranges				0.29% - 0.26%	1.24% - 1.08%	2.39% - 2.1%	2.84% - 2.48%	0.42% - 0.37%	0.04% - 0.04%	92.77% - 81.18%	

GREENE COUNTY

LEA	District	Participa nt	Eligibility Codes	2 or More Races	Asian	Black	Hispanic	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
2807000	GREENE COUNTY TECH SCHOOL DISTRICT	Y	1	0.08%	0.37%	0.99%	3.11%	Native American/ Native Alaskan 0.14%	Native Hawaiian/ Pacific Islander 0.11%	95.19%	
2803000	MARMADUKE SCHOOL DISTRICT	Y	1	0.95%	0%	0.82%	2.32%	0%	0%	95.91%	
2808000	PARAGOULD SCHOOL DISTRICT	Y	1	2.43%	0.41%	1.71%	5.21%	0.24%	0.10%	89.89%	
County Percentages Acceptable Ranges				1.13% - 0.99%	0.35% - 0.3%	1.27% - 1.11%	3.88% - 3.4%	0.17% - 0.15%	0.10% - 0.09%	93.11% - 81.47%	

HEMPSTEAD COUNTY

LEA	District	Participa nt	Eligibility Codes	2 or More Races	Asian	Black	Hispanic	% K-12 Students	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White
2901000	BLEVINS SCHOOL DISTRICT	Y	1	1.59%	0.80%	22.07%	11.53%	0.80%	0%	63.22%	
2903000	HOPE SCHOOL DISTRICT	Y	1	0.36%	0.6%	46.73%	29.17%	0.12%	0.08%	23.38%	
2920000	SOUTHWEST ARK CO-OP	N	1	0%	0%	3%	0%	0%	0%	0%	
2906000	SPRING HILL SCHOOL DISTRICT	Y	1	5.34%	0.69%	3.34%	4.48%	0.86%	0.17%	88.12%	
County Percentages Acceptable Ranges				1.34% - 1.18%	0.34% - 0.29%	35.71% - 31.25%	22.67% - 19.84%	0.34% - 0.29%	0.08% - 0.07%	39.52% - 34.58%	

STATUTE

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** August 1, 2012. ***

Title 6 Education
Subtitle 2. Elementary And Secondary Education Generally
Chapter 18 Students
Subchapter 2 -- Attendance

A.C.A. § 6-18-206 (2012)

6-18-206. Public school choice.

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

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

(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The nonresident district shall award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.

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

student has transferred.

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

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

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

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

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

(b) In establishing the acceptable range of variance for school choice, the department is directed to use the remedial guideline of allowing an overrepresentation or underrepresentation of minority or majority students of one-fourth (1/4) or twenty-five percent (25%) of the county's racial balance;

(3) A transfer is exempt from the restriction set forth in subdivision (f)(1) of this section if each school district affected by the transfer does not have a critical mass of minority percentage in the student's race of more than ten percent (10%) of any single race;

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

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

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

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

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

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

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

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

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

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

(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty-sixth General Assembly.

HISTORY: Acts 1989, No. 609, §§ 1-13; 1991, No. 214, § 1; 1991, No. 284, §§ 1-3; 1993, No. 655, § 1; 1995, No. 109, § 1; 1997, No. 112, § 10; 1999, No. 391, § 10; 1999, No. 1241, § 1; 2001, No. 1788, § 1; 2003, No. 1272, § 1; 2003 (2nd Ex. Sess.), No. 110, § 1; 2005, No. 2148, § 1; 2007, No. 552, § 1.

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**GARLAND COUNTY
SCHOOL CHOICE
ELIGIBILITY DATA**

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Approved Memos: Garland County School Choice

**ARKANSAS
DEPARTMENT
OF EDUCATION**

Version History

Title	Garland County School Choice
Memo Number	COM-14-071
Memo Date	4/21/2014
Attention	Co-op Directors; Elementary Principals; Middle School Principals; High School Principals; Superintendents
Memo Type	Regulatory
Response Required	No
Section	Public School Accountability
Regulatory Authority	Ark. Code Ann. § 6-18-206 (Repealed)
Contact Person	Oliver Dillingham
Phone Number	501-682-4213
E-Mail	Oliver.Dillingham@arkansas.gov
Memo Text	<p>The following memo applies to school choice eligibility for school districts located in Garland County.</p> <p>In lieu of the Public School Choice Act of 2013 (Ark. Code Ann. § 6-18-1901, et seq.), Garland County school districts will continue to adhere to the previous Arkansas Public School Choice Act of 1989, Ark. Code Ann. § 6-18-206 (repealed).</p> <p>The Arkansas Department of Education continues to calculate and provide necessary data to enable Garland County school districts to participate in school choice under the former school choice law.</p> <p>Attached are the Garland County School Choice Application, Garland County School District Eligibility Chart, and Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act of 1989.</p>
Attachments	<p>ADE Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Public School Choice Act.pdf School Choice Application.pdf School Choice Eligibility Chart SY 2014-2015.pdf</p>

Version: 33.0

Created at 4/18/2014 9:25 AM by Michala Acklin (ADE)

Last modified at 4/22/2014 7:49 AM by Deborah Coffman (ADE)

GARLAND COUNTY

LEA	District	Participa nt	Eligibility Codes	% K-12 Students									
				2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White			
2601000	CUTTER-MORNING STAR SCHOOL DISTRICT	Y	1	4.55%	0.16%	4.38%	8.93%	1.14%	0.32%	80.52%			
2602000	FOUNTAIN LAKE SCHOOL DISTRICT	Y	1	5.01%	0.31%	1.08%	5.71%	0.93%	0.23%	86.74%			
2603000	HOT SPRINGS SCHOOL DISTRICT	Y	1	4.56%	0.86%	37.76%	14.69%	0.46%	0.27%	41.40%			
2604000	JESSEVILLE SCHOOL DISTRICT	Y	1	0.11%	1.24%	2.48%	10.25%	0.68%	0.34%	84.91%			
2605000	LAKE HAMILTON SCHOOL DISTRICT	Y	1	6.75%	0.50%	2.04%	9.02%	0.18%	0.07%	81.44%			
2606000	LAKEVIEW SCHOOL DIST(GARLAND)	Y	1	2.89%	1.96%	8.09%	7.44%	0.84%	0.34%	78.44%			
2607000	MOUNTAIN PINE SCHOOL DISTRICT	Y	1	0.68%	1.02%	10.19%	5.26%	0%	0%	82.85%			
County Percentages Acceptable Ranges				4.46%	0.94%	12.73%	9.73%	0.52%	0.22%	71.38%			
				3.91% - 5.02%	0.83% - 1.06%	11.14% - 14.33%	8.51% - 10.95%	0.46% - 0.59%	0.19% - 0.24%	62.46% - 80.31%			

GRANT COUNTY

LEA	District	Participa nt	Eligibility Codes	% K-12 Students									
				2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White			
2703000	POYEN SCHOOL DISTRICT	Y	1	0%	0.36%	0.36%	2.18%	0.18%	0.36%	96.55%			
2705000	SHERIDAN SCHOOL DISTRICT	Y	1	0.33%	1.35%	2.66%	2.92%	0.45%	0%	92.28%			
County Percentages Acceptable Ranges				0.29%	1.24%	2.39%	2.84%	0.42%	0.04%	92.77%			
				0.26% - 0.33%	1.08% - 1.39%	2.1% - 2.69%	2.48% - 3.19%	0.37% - 0.47%	0.04% - 0.05%	81.18% - 104.37%			

GREENE COUNTY

LEA	District	Participa nt	Eligibility Codes	% K-12 Students									
				2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White			
2807000	GREENE COUNTY TECH SCHOOL DISTRICT	Y	1	0.08%	0.37%	0.99%	3.11%	0.14%	0.11%	95.19%			
2803000	MARMADUKE SCHOOL DISTRICT	Y	1	0.95%	0%	0.82%	2.32%	0%	0%	95.91%			
2808000	PARAGOULD SCHOOL DISTRICT	Y	1	2.43%	0.41%	1.71%	5.21%	0.24%	0.10%	89.89%			
County Percentages Acceptable Ranges				1.13%	0.35%	1.27%	3.88%	0.17%	0.10%	93.11%			
				0.99% - 1.27%	0.3% - 0.39%	1.11% - 1.43%	3.4% - 4.37%	0.15% - 0.19%	0.09% - 0.11%	81.47% - 104.75%			

HEMPSTEAD COUNTY

LEA	District	Participa nt	Eligibility Codes	% K-12 Students									
				2 or More Races	Asian	Black	Hispanic	Native American/ Native Alaskan	Native Hawaiian/ Pacific Islander	White			
2901000	BLEVINS SCHOOL DISTRICT	Y	1	1.59%	0.80%	22.07%	11.53%	0.80%	0%	63.22%			
2903000	HOPE SCHOOL DISTRICT	Y	1	0.36%	0.16%	46.73%	29.17%	0.12%	0.08%	23.38%			
2920000	SOUTHWEST ARK CO-OP	N	1	0%	0%	0%	0%	0%	0%	0%			
2906000	SPRING HILL SCHOOL DISTRICT	Y	1	5.34%	0.69%	0.34%	4.48%	0.86%	0.17%	88.12%			
County Percentages Acceptable Ranges				1.34%	0.34%	35.71%	22.67%	0.34%	0.08%	39.52%			
				1.18% - 1.51%	0.29% - 0.38%	31.25% - 40.18%	19.84% - 25.5%	0.29% - 0.38%	0.07% - 0.09%	34.58% - 44.46%			

**GARLAND COUNTY
ORDER – JUNE 10, 2013**

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

W.T. DAVIS, Individually;
AARON GORDON and CARLTON R. BERRY
on Behalf of a Class of Taxpayers
of Garland County, Arkansas,
similarly situated; and THE GARLAND
COUNTY CHAPTER OF THE N.A.A.C.P.

PLAINTIFFS

v.

Civil No. 89-6088

HOT SPRINGS SCHOOL DISTRICT;
STATE OF ARKANSAS; ARKANSAS STATE
BOARD OF EDUCATION; THE COMMISSIONER
OF THE STATE BOARD OF EDUCATION;
CUTTER MORNING STAR SCHOOL DISTRICT;
FOUNTAIN LAKE SCHOOL DISTRICT;
JESSIEVILLE SCHOOL DISTRICT;
LAKE HAMILTON SCHOOL DISTRICT;
LAKESIDE SCHOOL DISTRICT; and
MOUNTAIN PINE SCHOOL DISTRICT

DEFENDANTS

O R D E R

Now on this 10th day of June 2013, comes on for consideration the **Petition for Declaratory Relief** (document #161), brought by Cutter Morning Star School District, Fountain Lake School District, Jessieville School District, Lake Hamilton School District, Lakeside School District, and Mountain Pine School District (collectively, the "petitioning districts"). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. This action was originally filed on August 18, 1989, seeking to remedy the effects of racial segregation in Garland County public schools.

2. On November 25, 1991, the parties entered into the Garland County School Desegregation Case Comprehensive Settlement Agreement ("Settlement Agreement"), in which they agreed -- among other things -- to implement the provisions of the **School Choice Act of 1989, Ark. Code Ann. § 6-18-206 (repealed 2013)**, with regard to the transfer of students between resident and non-resident districts.

3. Following a fairness hearing held on March 30, 1992, the Court approved the Settlement Agreement, finding it to be "fair and reasonable, [and] that it affords appropriate relief to the plaintiff class." (Order and Memorandum, p. 2, document #82). Noting that the Eighth Circuit Court of Appeals has favored such agreements in desegregation cases, the Court further concluded that "[n]othing has been presented to this court to vitiate [the] presumption of constitutionality and appropriateness" of the Settlement Agreement. (Order and Memorandum, p. 3, document #82).

4. On May 22, 2013, the petitioning districts filed the present Petition for Declaratory Relief, seeking the Court's approval to continue operating under the Settlement Agreement despite recent changes in the law.

Specifically, the petitioning districts point to the Court's 2012 decision in Teague, et al. v. Arkansas Board of Education, et al., Case No. 6:10-cv-6098-RTD, in which it found the School Choice Act of 1989 to be unconstitutional because it contained

race-based restrictions.

Moreover, in its most recent session, the Arkansas General Assembly repealed the 1989 Act by passing the **Public School Choice Act of 2013, Ark. Code Ann. §§ 1901-1909**, which contains no race-based restrictions.

5. Pursuant to the Public School Choice Act of 2013,

If the provisions of [the Act] conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern.

Ark. Code Ann. § 6-18-1906(a).

The petitioning districts contend that the Settlement Agreement in this case is a court-approved desegregation plan and, thus, it is unaffected by the new law. They seek to maintain the status quo.

6. In response to the Petition, the plaintiffs and the remaining defendants agree that judicial clarification is warranted, and they ask the Court to grant the declaratory relief requested by the petitioning districts.

7. Upon review of the record, the Court first notes that some of the original parties are no longer necessary to this action and should be formally dismissed. While the Arkansas State Board of Education remains an essential party, its individual members -- who were made parties solely due to their membership -- are no longer members of that entity and, therefore, should be

dismissed.

Likewise, the Garland County Board of Education and its individual members should be dismissed as parties, as all county boards of education were abolished by Act 2190 of 2005, codified at Ark. Code Ann. § 6-12-317.

8. Regarding the merits of the Petition, the Court finds that the Settlement Agreement constitutes a court-approved desegregation plan that should remain in effect despite recent changes to the law on which the Settlement Agreement was partly based.

The provisions of the Settlement Agreement consist of more than the mere implementation of the 1989 Act. It is a contract that also addresses the districts' staff development, curricula, testing and assessments, special education and gifted-and-talented programs, student-teacher interactions, and other services designed to enhance and improve public education in Garland County.

The Settlement Agreement was approved by the Court after an appropriately noticed fairness hearing and reasonable opportunity for the filing and consideration of any objections to the plan. The 1992 Order and Memorandum reflects that the Court considered the Settlement Agreement in its entirety, as well as the presentations of the parties and the response from the community, before finding that it afforded the parties appropriate relief and

was reasonable in all aspects.

As such, the Settlement Agreement will remain in effect, and the parties will remain bound to enforce and comply with its terms.

IT IS THEREFORE ORDERED that the Garland County Board of Education, its individual members, and the individually named members of the Arkansas State Board of Education are hereby **dismissed as parties** to this action.

IT IS FURTHER ORDERED that the **Petition for Declaratory Relief** (document #161) is **granted**, and the Court hereby declares that:

* The import of the Garland County School Desegregation Case Comprehensive Settlement Agreement and the Court's approval thereof was not simply a declaration that the parties would obey Arkansas law as it might from time to time be set forth in the School Choice Act of 1989;

* Rather, the import of those actions was to incorporate by reference the language, terms, and provisions of the 1989 Act as a consent desegregation plan of the Court applicable to all public school districts within Garland County, Arkansas, for the purpose of remedying the vestiges of prior de jure racial segregation within the public education system of that county;

* Accordingly, neither the judicial decision declaring the 1989 Act to be unconstitutional, nor the repeal of the 1989 Act,

have any impact per se on the efficacy of the Settlement Agreement; and

* The Court retains supervisory jurisdiction over the enforcement of the Settlement Agreement subject only to subsequent modifications or termination thereof by the Court.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL RATING SYSTEM ON ANNUAL SCHOOL REPORT CARDS
(EMERGENCY RULE) -- Effective August 15, 2014**

1.00 REGULATORY AUTHORITY

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing The Public School Rating System On Annual School Report Cards (“Rules”).

1.02 The Rules are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 6-15-2105, 6-15-2106, and 25-15-201 *et seq.*

2.00 PURPOSE

The purpose of these Rules is to set forth the process and procedures for calculating a letter grade for each public school in accordance with Act 696 of 2013.

3.00 DEFINITIONS

3.01 Department means Arkansas Department of Education.

3.02 Four-Year Adjusted Cohort Graduation Rate has the same definition as set forth in 34 C.F.R. § 200.19(b)(1)(i)-(iv).

3.03 Non-mobile student means a student continuously enrolled at a school from October 1 of the school year through and including the initial date of testing.

3.04 “TAGG” (Targeted Achievement Gap Group) includes students with membership in any or all of the following ESEA subgroups: Economically Disadvantaged, English Learners (EL), or Students with Disabilities (SWD).

4.00 SCHOOL RATING SYSTEM

4.01 Effective with the 2014-2015 school year, each school will receive a letter grade score of “A,” “B,” “C,” “D,” or “F.”

4.02 Each school’s score will be calculated by the Department using the model set forth in Appendix “A.”

4.03 Each school’s score shall be published annually by the Department and by the school district, and shall be available on the Department’s and school districts’ websites.

Emergency Clause

Whereas, Ark. Code Ann. § 6-15-2105 provides that effective with the 2014-2015 school year, each school will receive a letter grade score of “A” through “F.”

Whereas, Ark. Code Ann. § 6-15-2106 authorizes the Arkansas State Board of Education to adopt rules to establish the method for determining the letter grade for each school that takes into consideration levels of performance and improvement, and the State Board has done so in these rules.

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public schools and students will result without the immediate promulgation of these rules.

Mark-UP

APPENDIX “A”

Model for Calculation of Overall School Scores for Determination of School Letter Grades

This model consists of up to four components: *Weighted Performance Score*, *Improvement Score* with ESEA Options, and *Four-Year Adjusted Cohort Graduation Rate* (where applicable)¹ and *Gap Adjustments* (where applicable). The document is organized as follows.

Weighted Performance Score.....	2
Improvement Score with ESEA Options.....	2
<i>Determination of Meeting Test Score Targets</i>	3
<i>Determination of Meeting Graduation Rate Targets</i>	3
Four-Year Adjusted Cohort Graduation Rate.....	4
Adjustments for Achievement Gaps and Graduation Gaps	4
<i>Achievement Gap Adjustment</i>	4
<i>Graduation Rate Gap Adjustment</i>	5
Overall Score Calculation	5
Applying Cut Scores to the Overall Score to Determine Letter Grades	6

¹ Throughout this document, the term “graduation rate” refers to schools’ Four-Year Adjusted Cohort Graduation Rate as calculated by the Arkansas Department of Education.

Weighted Performance Score

Schools earn points toward the performance portion of their overall score through the *Weighted Performance Score*. In Weighted Performance a school earns partial credit for students scoring Basic, full credit for a student scoring Proficient, and bonus credit for students scoring Advanced.

Schools earn a *Weighted Performance Score* based on the percentage of *nonmobile tested students* in a school scoring at each of the four performance levels defined on state tests. State tests include the Augmented Benchmark Exam in grades 3 through 8 as well as the End-of-Course Exams in Algebra and Geometry, and the Grade 11 Literacy Exam. Only tests in Literacy and Math are counted this Model.

Schools earn a weight of zero for students scoring Below Basic, a weight of 0.25 for students scoring Basic, a weight of 1.0 for students scoring Proficient, and a weight of 1.25 for students scoring Advanced. The additional weight earned for students scoring Advanced is considered a bonus, allowing schools to receive up to 25 bonus points beyond 100. A comparison of points earned in a simple proficiency score versus *Weighted Performance Score* is provided below.

Proficiency Model	Below Basic	Basic	Proficient	Advanced
Simple Proficiency	0	0	1	1
Weighted Performance	0	<u>0.25</u>	1	<u>1.25</u>

At the school level, the *Weighted Performance Score* is calculated as follows:

Weighted Performance Score

$$= \frac{(0 * \text{Below Basic } N) + (0.25 * \text{Basic } N) + (1 * \text{Proficient } N) + (1.25 * \text{Advanced } N)}{\text{NonMobile Student Test Scores in Math and Literacy } N} * 100$$

The numerator and denominator include both math and literacy tests. Note that schools do not get credit for Below Basic students because of the 0 multiplier. Below Basic N is included to illustrate the zero weight for students in this performance level.

Improvement Score with ESEA Options

Schools earn points toward an *Improvement Score* by meeting annual targets for school improvement. Schools have from two to six possible improvement targets to meet depending on whether they have graduation rates, and whether the school meets the minimum N of 25 TAGG students in math, literacy and/or graduation rate. All schools earn points for the *Improvement Score* for the All Students group in math and literacy. If the All Students group for math or literacy is below 25 then the three-year composite must be used to determine the number of points earned by the school for the *Improvement Score* in math and literacy.

Has Graduation Rate	Possible Targets
Yes	Math—All and/or TAGG, Lit – All and/or TAGG, Grad Rate – All and/or TAGG
No	Math – All and/or TAGG, Lit – All and/or TAGG

Schools must meet the minimum N of 25 students in math, literacy, or graduation rate in order for a target to count toward their *Improvement Score*. A school's N for math and literacy is the number of nonmobile students tested within the subject and group. A school's N for graduation rate is the number of expected graduates as determined by the ADE. This threshold applies to targets for both All Students and TAGG Students.

A school's *Improvement Score* ranges between a 55 and a 95 depending on the number of targets met, as shown below:

Number of Possible Targets	Met 0 Targets	Met 1 Target	Met 2 Targets	Met 3 Targets	Met 4 Targets	Met 5 Targets	Met 6 Targets
6	55	62	68	75	82	88	95
5	55	63	71	79	87	95	
4	55	65	75	85	95		
3	55	68	81	95			
2	55	75	95				

A school earns 55 points if it fails to meet any of its targets, and it earns 95 points if it meets all of the targets for which it is accountable. The number of points earned is proportional to the percentage of possible targets met by the school. The table above reflects these principles.

Schools with fewer than 25 tested students in math or literacy in the most recent year earn points for improvement based on three-year composites in those subjects rather than one-year. This ensures that no school, however small, has fewer than two possible targets.

Targets are based on schools' Annual Measurable Objectives (AMOs) as set in accordance with ESEA Flexibility. AMOs are individualized to each school. Growth-to-standard targets, in addition to being individualized to schools (i.e. schools have targets for the percentage of students meeting growth-to-standard), are based on student-level expectations for test score growth.

Determination of Meeting Test Score Targets

Each of the possible improvement targets can be met through any of four school-level *measures* on the applicable subject and student population: one-year proficiency, three-year weighted average proficiency, one-year growth-to-standard (henceforth GTS), or three-year weighted average growth-to-standard (GTS).² If a school meets or exceeds its individualized AMO in any of these four measures, then it meets the target for which the measure is used. Schools that fall short of their individualized AMO within a measure earn credit for meeting their AMO or target if they achieve at or above the percent of students proficient (or percent of students meeting GTS) at the 90th percentile rank of all schools in the state on that measure as per the ESEA Flexibility amendment. The value at the 90th percentile rank was set based on 2012 literacy and math performance.

Possible Targets	Possible Measures for Meeting Targets	Applicable Target Within Measure
Literacy – All	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Literacy – TAGG	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Math – All	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Math – TAGG	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile

Determination of Meeting Graduation Rate Targets

If a school has 25 or more expected graduates for All Students and/or TAGG then the group is counted in the total number of possible targets.

² Schools without growth-to-standard (GTS) measures necessarily have only two measures available for meeting a target: one-year proficiency or three-year proficiency. Schools without GTS typically lack consecutive tested grades in math and/or literacy. Because consecutive testing occurs only in grades 3-8, such schools tend to serve either very young students (grade 3 and lower) or else are high schools (grade 8 and higher). High schools serving grade 7 and higher have GTS measures since grades 7 and 8 are consecutive tested grades in math and literacy.

A school can meet graduation rate targets through either the most recently available graduation rate (the rate usually lags one year behind the year of available test scores), or through a weighted average of the three most recently available graduation rates. In both cases, the four-year adjusted cohort graduation rate(s) is/are used.

If a school meets or exceeds its individualized AMO in either of these measures, then it meets the target for which the measure is used. Schools that fall short of their individualized graduation rate AMO within a measure earn credit for meeting their AMO if they achieve at or above the graduation rate at the 90th percentile rank of all schools in the state on that measure as per the ESEA Flexibility amendment. The 90th percentile rank value was set based on 2011 graduation rates.

Possible Targets	Possible Measures for Meeting Target	Applicable Target Within Measure
Grad Rate – All	Graduation Rate 1-Year or Graduation Rate 3-Year	AMO or 90 th percentile
Grad Rate – TAGG	Graduation Rate 1-Year or Graduation Rate 3-Year	AMO or 90 th percentile

Four-Year Adjusted Cohort Graduation Rate

Schools with at least 25 expected graduates may earn points for their graduation rate. The All Students four-year adjusted cohort graduation rate is added to the Overall School Score for schools with at least 25 expected graduates. These rates are calculated by the ADE. The graduation rate used in accountability determinations usually lags one year behind the year of the test scores used in the accountability determinations.

Adjustments for Achievement Gaps and Graduation Gaps

A school’s numeric scores in Weighted Performance and Graduation Rate are adjusted for the size of a school’s proficiency and/or graduation rate gap between TAGG and non-TAGG subgroups within each school. This adjustment can result in schools earning a bonus if the gap is relatively small, a penalty if the gap is relatively large, or no change if the gap is average.

Note: Schools that do not have a TAGG or non-TAGG group of 25 or more students (i.e., do not have a within-school achievement gap) are given a zero for Gap Adjustment.

- A school’s achievement gap is defined as the percentage point difference between proficiency rates for TAGG and non-TAGG students in math plus literacy (i.e., the numbers of Proficient and Advanced scores in math and literacy for nonmobile students in 2013 were summed and divided by the sum of valid test scores for math and literacy for nonmobile students in 2013).
- A school’s graduation rate gap is defined as the percentage point difference between TAGG and non-TAGG graduation rates.

Achievement Gap Adjustment

The achievement gap is measured at the school level using proficiency rates rather than Weighted Performance. The gap is determined as follows:

$$Achievement\ gap = NonTAGG\ Proficiency\ \% - TAGG\ Proficiency\ \%$$

All schools with at least 25 tested students in each category (non-TAGG and TAGG) are then ordered on the size of each school’s gap, from those with the largest percentage point gap to those with the smallest. Schools with the largest gaps earn a penalty. Schools with the smallest gaps earn a bonus. Schools with typical gap sizes receive a zero or no adjustment.

Gap Adjustments are determined by dividing the ordered list of all schools with achievement gaps into five groups or quintiles with equal numbers of schools in each group. Based on this classification, *Gap Adjustments* for achievement are assigned. The table below provides the gap sizes and gap adjustments.

	Largest Gap	Larger Gap	Average Gap	Smaller Gap	Smallest Gap
Gap Adjustment	-6	-3	0	+3	+6
Achievement Gap Range	24% or greater	20-23%	16-19%	12-15%	Less than 12%

Graduation Rate Gap Adjustment

The graduation rate gap is measured at the school level using the difference in graduation rates between a school’s non-TAGG and TAGG student populations.

$$\text{Graduation Rate Gap} = \text{NonTAGG Graduation Rate} - \text{TAGG Graduation Rate}$$

All schools with at least 25 expected graduates in each category (non-TAGG and TAGG) are then ordered on the size of each school’s gap, from those with the largest percentage point gap to those with the smallest. Schools with the largest gaps earn a penalty. Schools with the smallest gaps earn a bonus. Schools with typical gap sizes receive a zero or no adjustment.

Schools with graduation rates but with too few non-TAGG or TAGG students (< 25) to be eligible for a penalty or bonus are given a score of 0. *Gap Adjustments* for graduation rate are determined by dividing the ordered list of all schools with graduation rate gaps into five groups or quintiles with equal numbers of schools in each group. Based on this classification, *Gap Adjustments for graduation rate* are assigned. The table below provides the gap sizes and gap adjustments.

	Largest Gap	Larger Gap	Average Gap	Smaller Gap	Smallest Gap
Gap Adjustment	-6	-3	0	+3	+6
Graduation Gap Range	16% or greater	10-15%	7-9%	2-6%	Less than 2%

Overall Score Calculation

A school’s overall score is calculated by applying the gap adjustment to Weighted Performance and/or Graduation Rate and summing over all the components as indicated below. Schools without graduation rates receive a multiplier to put all schools’ overall scores on a scale of 300 possible points.

Schools with graduation rate:

$$\text{Overall school score} = (\text{Weighted Perf.} + \text{Gap Adj.}) + (\text{Improvement}) + (\text{Grad Rate} + \text{Gap Adj.})$$

Schools without graduation rate:

$$\text{Overall school score} = (1.5)(\text{Weighted Perf.} + \text{Gap Adj.}) + (1.5)(\text{Improvement})$$

For schools without a graduation rate, both components of the overall score will be multiplied by 1.5 which puts the Overall School Score for these schools on the same possible points scale as schools with a graduation rate.

Applying Cut Scores to the Overall Score to Determine Letter Grades

Schools' final scores are calculated by summing its scores on each component. The sum of these scores is capped at 300 possible points. Letter grades will be assigned as follows.

A = 270 – 300 points

B = 240 – 269 points

C = 210 – 239 points

D = 180 – 209 points

F = Less Than 180 points

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL RATING SYSTEM ON ANNUAL SCHOOL REPORT CARDS
2014**

1.00 REGULATORY AUTHORITY

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing The Public School Rating System On Annual School Report Cards (“Rules”).

1.02 The Rules are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 6-15-2105, 6-15-2106, and 25-15-201 *et seq.*

2.00 PURPOSE

The purpose of these Rules is to set forth the process and procedures for calculating a letter grade for each public school in accordance with Act 696 of 2013.

3.00 DEFINITIONS

3.01 Department means Arkansas Department of Education.

3.02 Four-Year Adjusted Cohort Graduation Rate has the same definition as set forth in 34 C.F.R. § 200.19(b)(1)(i)-(iv).

3.03 Non-mobile student means a student continuously enrolled at a school from October 1 of the school year through and including the initial date of testing.

3.04 “TAGG” (Targeted Achievement Gap Group) includes students with membership in any or all of the following ESEA subgroups: Economically Disadvantaged, English Learners (EL), or Students with Disabilities (SWD).

4.00 SCHOOL RATING SYSTEM

4.01 Effective with the 2014-2015 school year, each school will receive a letter grade score of “A,” “B,” “C,” “D,” or “F.”

4.02 Each school’s score will be calculated by the Department using the model set forth in Appendix “A.”

4.03 Each school’s score shall be published annually by the Department and by the school district, and shall be available on the Department’s and school districts’ websites.

APPENDIX “A”

Model for Calculation of Overall School Scores for Determination of School Letter Grades

This model consists of up to four components: *Weighted Performance Score*, *Improvement Score* with ESEA Options, and *Four-Year Adjusted Cohort Graduation Rate* (where applicable)¹ and *Gap Adjustments* (where applicable). The document is organized as follows.

Weighted Performance Score.....	2
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Four-Year Adjusted Cohort Graduation Rate.....	4
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Applying Cut Scores to the Overall Score to Determine Letter Grades	6

¹ Throughout this document, the term “graduation rate” refers to schools’ Four-Year Adjusted Cohort Graduation Rate as calculated by the Arkansas Department of Education.

Weighted Performance Score

Schools earn points toward the performance portion of their overall score through the *Weighted Performance Score*. In Weighted Performance a school earns partial credit for students scoring Basic, full credit for a student scoring Proficient, and bonus credit for students scoring Advanced.

Schools earn a *Weighted Performance Score* based on the percentage of *nonmobile tested students* in a school scoring at each of the four performance levels defined on state tests. State tests include the Augmented Benchmark Exam in grades 3 through 8 as well as the End-of-Course Exams in Algebra and Geometry, and the Grade 11 Literacy Exam. Only tests in Literacy and Math are counted this Model.

Schools earn a weight of zero for students scoring Below Basic, a weight of 0.25 for students scoring Basic, a weight of 1.0 for students scoring Proficient, and a weight of 1.25 for students scoring Advanced. The additional weight earned for students scoring Advanced is considered a bonus, allowing schools to receive up to 25 bonus points beyond 100. A comparison of points earned in a simple proficiency score versus *Weighted Performance Score* is provided below.

Proficiency Model	Below Basic	Basic	Proficient	Advanced
Simple Proficiency	0	0	1	1
Weighted Performance	0	<u>0.25</u>	1	<u>1.25</u>

At the school level, the *Weighted Performance Score* is calculated as follows:

Weighted Performance Score

$$= \frac{(0 * \text{Below Basic } N) + (0.25 * \text{Basic } N) + (1 * \text{Proficient } N) + (1.25 * \text{Advanced } N)}{\text{NonMobile Student Test Scores in Math and Literacy } N} * 100$$

The numerator and denominator include both math and literacy tests. Note that schools do not get credit for Below Basic students because of the 0 multiplier. Below Basic N is included to illustrate the zero weight for students in this performance level.

Improvement Score with ESEA Options

Schools earn points toward an *Improvement Score* by meeting annual targets for school improvement. Schools have from two to six possible improvement targets to meet depending on whether they have graduation rates, and whether the school meets the minimum N of 25 TAGG students in math, literacy and/or graduation rate. All schools earn points for the *Improvement Score* for the All Students group in math and literacy. If the All Students group for math or literacy is below 25 then the three-year composite must be used to determine the number of points earned by the school for the *Improvement Score* in math and literacy.

Has Graduation Rate	Possible Targets
Yes	Math—All and/or TAGG, Lit – All and/or TAGG, Grad Rate – All and/or TAGG
No	Math – All and/or TAGG, Lit – All and/or TAGG

Schools must meet the minimum N of 25 students in math, literacy, or graduation rate in order for a target to count toward their *Improvement Score*. A school's N for math and literacy is the number of nonmobile students tested within the subject and group. A school's N for graduation rate is the number of expected graduates as determined by the ADE. This threshold applies to targets for both All Students and TAGG Students.

A school's *Improvement Score* ranges between a 55 and a 95 depending on the number of targets met, as shown below:

Number of Possible Targets	Met 0 Targets	Met 1 Target	Met 2 Targets	Met 3 Targets	Met 4 Targets	Met 5 Targets	Met 6 Targets
6	55	62	68	75	82	88	95
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4	55	65	75	85	95		
3	55	68	81	95			
2	55	75	95				

A school earns 55 points if it fails to meet any of its targets, and it earns 95 points if it meets all of the targets for which it is accountable. The number of points earned is proportional to the percentage of possible targets met by the school. The table above reflects these principles.

Schools with fewer than 25 tested students in math or literacy in the most recent year earn points for improvement based on three-year composites in those subjects rather than one-year. This ensures that no school, however small, has fewer than two possible targets.

Targets are based on schools' Annual Measurable Objectives (AMOs) as set in accordance with ESEA Flexibility. AMOs are individualized to each school. Growth-to-standard targets, in addition to being individualized to schools (i.e. schools have targets for the percentage of students meeting growth-to-standard), are based on student-level expectations for test score growth.

Determination of Meeting Test Score Targets

Each of the possible improvement targets can be met through any of four school-level *measures* on the applicable subject and student population: one-year proficiency, three-year weighted average proficiency, one-year growth-to-standard (henceforth GTS), or three-year weighted average growth-to-standard (GTS).² If a school meets or exceeds its individualized AMO in any of these four measures, then it meets the target for which the measure is used. Schools that fall short of their individualized AMO within a measure earn credit for meeting their AMO or target if they achieve at or above the percent of students proficient (or percent of students meeting GTS) at the 90th percentile rank of all schools in the state on that measure as per the ESEA Flexibility amendment. The value at the 90th percentile rank was set based on 2012 literacy and math performance.

Possible Targets	Possible Measures for Meeting Targets	Applicable Target Within Measure
Literacy – All	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Literacy – TAGG	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Math – All	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile
Math – TAGG	Proficiency 1-Year or Proficiency 3-Year or GTS 1-Year or GTS 3-Year	AMO or 90 th percentile

Determination of Meeting Graduation Rate Targets

If a school has 25 or more expected graduates for All Students and/or TAGG then the group is counted in the total number of possible targets.

² Schools without growth-to-standard (GTS) measures necessarily have only two measures available for meeting a target: one-year proficiency or three-year proficiency. Schools without GTS typically lack consecutive tested grades in math and/or literacy. Because consecutive testing occurs only in grades 3-8, such schools tend to serve either very young students (grade 3 and lower) or else are high schools (grade 8 and higher). High schools serving grade 7 and higher have GTS measures since grades 7 and 8 are consecutive tested grades in math and literacy.

A school can meet graduation rate targets through either the most recently available graduation rate (the rate usually lags one year behind the year of available test scores), or through a weighted average of the three most recently available graduation rates. In both cases, the four-year adjusted cohort graduation rate(s) is/are used.

If a school meets or exceeds its individualized AMO in either of these measures, then it meets the target for which the measure is used. Schools that fall short of their individualized graduation rate AMO within a measure earn credit for meeting their AMO if they achieve at or above the graduation rate at the 90th percentile rank of all schools in the state on that measure as per the ESEA Flexibility amendment. The 90th percentile rank value was set based on 2011 graduation rates.

Possible Targets	Possible Measures for Meeting Target	Applicable Target Within Measure
Grad Rate – All	Graduation Rate 1-Year or Graduation Rate 3-Year	AMO or 90 th percentile
Grad Rate – TAGG	Graduation Rate 1-Year or Graduation Rate 3-Year	AMO or 90 th percentile

Four-Year Adjusted Cohort Graduation Rate

Schools with at least 25 expected graduates may earn points for their graduation rate. The All Students four-year adjusted cohort graduation rate is added to the Overall School Score for schools with at least 25 expected graduates. These rates are calculated by the ADE. The graduation rate used in accountability determinations usually lags one year behind the year of the test scores used in the accountability determinations.

Adjustments for Achievement Gaps and Graduation Gaps

A school’s numeric scores in Weighted Performance and Graduation Rate are adjusted for the size of a school’s proficiency and/or graduation rate gap between TAGG and non-TAGG subgroups within each school. This adjustment can result in schools earning a bonus if the gap is relatively small, a penalty if the gap is relatively large, or no change if the gap is average.

Note: Schools that do not have a TAGG or non-TAGG group of 25 or more students (i.e., do not have a within-school achievement gap) are given a zero for Gap Adjustment.

- A school’s achievement gap is defined as the percentage point difference between proficiency rates for TAGG and non-TAGG students in math plus literacy (i.e., the numbers of Proficient and Advanced scores in math and literacy for nonmobile students in 2013 were summed and divided by the sum of valid test scores for math and literacy for nonmobile students in 2013).
- A school’s graduation rate gap is defined as the percentage point difference between TAGG and non-TAGG graduation rates.

Achievement Gap Adjustment

The achievement gap is measured at the school level using proficiency rates rather than Weighted Performance. The gap is determined as follows:

$$Achievement\ gap = NonTAGG\ Proficiency\ \% - TAGG\ Proficiency\ \%$$

All schools with at least 25 tested students in each category (non-TAGG and TAGG) are then ordered on the size of each school’s gap, from those with the largest percentage point gap to those with the smallest. Schools with the largest gaps earn a penalty. Schools with the smallest gaps earn a bonus. Schools with typical gap sizes receive a zero or no adjustment.

Gap Adjustments are determined by dividing the ordered list of all schools with achievement gaps into five groups or quintiles with equal numbers of schools in each group. Based on this classification, *Gap Adjustments* for achievement are assigned. The table below provides the gap sizes and gap adjustments.

	Largest Gap	Larger Gap	Average Gap	Smaller Gap	Smallest Gap
Gap Adjustment	-6	-3	0	+3	+6
Achievement Gap Range	24% or greater	20-23%	16-19%	12-15%	Less than 12%

Graduation Rate Gap Adjustment

The graduation rate gap is measured at the school level using the difference in graduation rates between a school’s non-TAGG and TAGG student populations.

$$\text{Graduation Rate Gap} = \text{NonTAGG Graduation Rate} - \text{TAGG Graduation Rate}$$

All schools with at least 25 expected graduates in each category (non-TAGG and TAGG) are then ordered on the size of each school’s gap, from those with the largest percentage point gap to those with the smallest. Schools with the largest gaps earn a penalty. Schools with the smallest gaps earn a bonus. Schools with typical gap sizes receive a zero or no adjustment.

Schools with graduation rates but with too few non-TAGG or TAGG students (< 25) to be eligible for a penalty or bonus are given a score of 0. *Gap Adjustments* for graduation rate are determined by dividing the ordered list of all schools with graduation rate gaps into five groups or quintiles with equal numbers of schools in each group. Based on this classification, *Gap Adjustments for graduation rate* are assigned. The table below provides the gap sizes and gap adjustments.

	Largest Gap	Larger Gap	Average Gap	Smaller Gap	Smallest Gap
Gap Adjustment	-6	-3	0	+3	+6
Graduation Gap Range	16% or greater	10-15%	7-9%	2-6%	Less than 2%

Overall Score Calculation

A school’s overall score is calculated by applying the gap adjustment to Weighted Performance and/or Graduation Rate and summing over all the components as indicated below. Schools without graduation rates receive a multiplier to put all schools’ overall scores on a scale of 300 possible points.

Schools with graduation rate:

$$\text{Overall school score} = (\text{Weighted Perf.} + \text{Gap Adj.}) + (\text{Improvement}) + (\text{Grad Rate} + \text{Gap Adj.})$$

Schools without graduation rate:

$$\text{Overall school score} = (1.5)(\text{Weighted Perf.} + \text{Gap Adj.}) + (1.5)(\text{Improvement})$$

For schools without a graduation rate, both components of the overall score will be multiplied by 1.5 which puts the Overall School Score for these schools on the same possible points scale as schools with a graduation rate.

Applying Cut Scores to the Overall Score to Determine Letter Grades

Schools' final scores are calculated by summing its scores on each component. The sum of these scores is capped at 300 possible points. Letter grades will be assigned as follows.

A = 270 – 300 points

B = 240 – 269 points

C = 210 – 239 points

D = 180 – 209 points

F = Less Than 180 points

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE TEACHER EXCELLENCE AND SUPPORT SYSTEM
November 1, 2014

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1.0 PURPOSE

- 1.01 Under Ark. Code Ann. § 6-17-2801 et seq., each public school shall implement the Teacher Excellence and Support System for all teachers employed at the public school under rules established by the State Board of Education. The purpose of these rules is to establish the requirements and procedures concerning the Teacher Excellence and Support System.
- 1.02 Building- or district-level leaders are referred to the current ADE Rules Governing the Leader Excellence and Development System for the Department's building- and district-level leader evaluation system.

2.0 REGULATORY AUTHORITY

- 2.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Teacher Excellence and Support System.
- 2.02 These rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-11-105, 6-13-1305, 6-15-1004, 6-15-1402, 6-17-704, 6-17-705, 6-17-1504, 6-17-2801 through 6-17-2809, 6-20-2305, 25-15-201 et seq. and Act 709 of 2013.

3.0 LEGISLATIVE INTENT AND PURPOSE

- 3.01 The State Board of Education notes that, with regard to the Teacher Excellence and Support System, it is the intent of the Arkansas General Assembly to:
- 3.01.1 Provide a program affording public school districts and public charter schools a transparent and consistent teacher evaluation system that ensures effective teaching and promotes professional learning;
 - 3.01.2 Provide an evaluation, feedback, and support system that will encourage teachers to improve their knowledge and instructional skills in order to improve student learning;
 - 3.01.3 Provide a basis for making teacher employment decisions;
 - 3.01.4 Provide an integrated system that links evaluation procedures with curricular standards, professional development activities, targeted support, and human capital decisions;
 - 3.01.5 Encourage highly effective teachers to undertake challenging assignments;
 - 3.01.6 Support teachers' roles in improving students' educational achievements;
 - 3.01.7 Inform policymakers regarding the benefits of a consistent evaluation and support system in regard to improving student achievement across the state; and
 - 3.01.8 Increase the awareness of parents and guardians of public school students concerning the effectiveness of public school teachers.
- 3.02 The purposes of these rules are, without limitation, to:
- 3.02.1 Recognize that student learning is the foundation of teacher effectiveness and many factors impact student learning, not all of which are under the control of the teacher or the school, and that evidence of student learning includes trend data and is not limited to a single assessment;
 - 3.02.2 Provide that the goals of the Teacher Excellence and Support System are quality assurance and teacher growth;
 - 3.02.3 Reflect evidence-based or proven practices that improve student learning. Nothing in these rules should be construed to prohibit teachers from using innovative approaches in the classroom;

- 3.02.4 Utilize clear, concise, evidentiary data for teacher professional growth and development to improve student achievement;
- 3.02.5 Recognize that evidence of student growth is a significant part of the Teacher Excellence and Support System;
- 3.02.6 Ensure that student growth is analyzed at every phase of the evaluation system to illustrate teacher effectiveness. The purpose of requirement is to ensure that student growth is taken into account during all phases of the teacher evaluation system;
- 3.02.7 Require annual evidence of student growth from artifacts and external assessment measures;
- 3.02.8 Include clearly defined teacher evaluation domains, performance ratings, and evaluation rubric components for the evaluation framework;
- 3.02.9 Include procedures for implementing each component of the Teacher Excellence and Support System; and
- 3.02.10 Include the professional development requirements for all superintendents, administrators, evaluators, and teachers to obtain the training necessary to be able to understand and successfully implement the Teacher Excellence and Support System.

Source: Ark. Code Ann. § 6-17-2802 and § 6-17-2804

4.0 DEFINITIONS

- 4.01 “Annual overall rating” means the annual rating based on professional practice (performance rating) and student growth.
- 4.02 “Artifact” means a documented piece of evidence chosen by the teacher being evaluated, the evaluator, or both, that:
 - 4.02.1 Relates to the evaluation rubric; and
 - 4.02.2 Represents output from one (1) or more of the following, without limitation:
 - 4.02.2.1 Lesson plans or pacing guides aligned with the state standards;
 - 4.02.2.2 Self-directed or collaborative research approved by an evaluator;
 - 4.02.2.3 Participation in professional development;
 - 4.02.2.4 Contributions to parent, community, or professional meetings;

- 4.02.2.5 Classroom assessments including:
 - 4.02.2.5.1 Unit tests;
 - 4.02.2.5.2 Samples of student work, portfolios, writing, and projects;
 - 4.02.2.5.3 Pre-assessments and post-assessments; and
 - 4.02.2.5.4 Classroom-based formative assessments;
 - 4.02.2.6 District-level assessments including:
 - 4.02.2.6.1 Formative assessments;
 - 4.02.2.6.2 Grade or subject level assessments;
 - 4.02.2.6.3 Department-level assessments; and
 - 4.02.2.6.4 Common assessments;
 - 4.02.2.7 State-level assessments including:
 - 4.02.2.7.1 End-of-course assessments;
 - 4.02.2.7.2 Statewide assessments of student achievement; and
 - 4.02.2.7.3 Career and technical assessments;
 - 4.02.2.8 National assessments including:
 - 4.02.2.8.1 Advanced placement assessments;
 - 4.02.2.8.2 Norm-referenced assessments; and
 - 4.02.2.8.3 Career and technical assessments; and
 - 4.02.2.9 Evidence of student growth other than the SOAR value attributed to a teacher under Section 6.03 of these rules.
- 4.03 “Contributing professional” means an individual who has been assigned the responsibility to provide additional services that support and increase a student’s learning and/or access to learning.
- 4.03.1 “Contributing professional” includes a:
- 4.03.1.2 Classroom teacher, other than the teacher of record, who is engaged directly in instruction with students in a classroom setting;
 - 4.03.1.2 Guidance counselor;
 - 4.03.1.3 Library media specialist;
 - 4.03.1.4 Instructional facilitator or instructional coach; and
 - 4.03.1.5 Teacher employed by an education service cooperative who instructs public school students.

- 4.03.1.6 Speech language pathologist;
 - 4.03.1.7 Gifted and talented coordinator;
 - 4.03.1.8 School psychologist;
 - 4.03.1.9 English language learner instructor; or
 - 4.03.1.10 Person in another position identified by the Department.
- 4.04 “Evaluation” means the process under these rules used to:
- 4.04.1 Assess with evidence what a teacher should know and be able to do as measured by the domains and performance ratings of an evaluation framework; and
 - 4.04.2 Promote teacher growth through professional learning.
 - 4.04.3 “Evaluation” does not include a teacher’s performance relating to competitive athletics and competitive extracurricular activities.
- 4.05 “Evaluation framework” means a standardized set of teacher evaluation domains that provide the overall basis for an evaluation.
- 4.06 “Evaluation rubric” means a set of performance components for each teacher evaluation domain in the evaluation framework.
- 4.07 “Evaluator” means a person licensed by the State Board of Education as an administrator who is designated as the person responsible for evaluating teachers and who is an employee of the school district or open enrollment public charter school in which the evaluations are performed.
- 4.07.1 “Evaluator” also includes public charter school administrators who are designated by their public charter schools as evaluators, even if the public charter school administrators do not hold an administrator’s license. While these rules allow for other school personnel to guide the interim teacher appraisal process, the designated evaluator remains responsible for conducting summative evaluations of teachers and assigning the annual overall ratings.
 - 4.07.2 Before conducting summative evaluations of teachers and before assigning annual overall ratings pursuant to these rules, a designated evaluator must successfully complete all training and certification requirements for evaluators as set forth by the Arkansas Department of Education. Prior to conducting summative evaluations of teachers pursuant to these rules, public charter school administrators who are designated evaluators must also successfully complete all training and certification requirements for evaluators as set forth by the Arkansas Department of Education, even if the public charter school administrators do not hold an administrator’s

license. Public charter schools are nevertheless encouraged to employ or contract with licensed administrators who serve as evaluators under the Teacher Excellence and Support System.

- 4.08 “External assessment measure” means a measure of student achievement or growth that is administered, developed, and scored by a person or entity other than the teacher being evaluated, except that the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator. For public charter schools, the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator or, if no licensed individuals are employed by the public charter school, a degreed teacher employed by the public charter school and designated by the evaluator.
- 4.09 “Formal classroom observation” means an announced visit to a classroom by an evaluator that:
- 4.09.1 Is preceded by a pre-observation conference to discuss the lesson plan and objectives;
 - 4.09.2 Is conducted by an evaluator for at least seventy-five percent (75%) of the class period either by observing the teacher in the classroom or through the use of three-hundred-sixty-degree video technology. The length of time for a formal classroom observation of a teacher teaching in a block schedule or in a class period lasting longer than sixty (60) minutes may be adjusted to allow for an observation for forty-five (45) minutes or more of the teacher’s class period;
 - 4.09.3 Facilitates a professional dialogue for the teacher and evaluator; and
 - 4.09.4 Provides essential evidence of the teacher’s classroom practices.
- 4.10 “Formative assessment” means an evaluation of a student’s learning that is given before the student completes a course of instruction to foster the student’s development and improvement on a specific strand within the course of instruction.
- 4.11 “Informal classroom observation” means an observation conducted by an evaluator for the same purpose as a formal classroom observation but may be:
- 4.11.1 Unannounced; or
 - 4.11.2 For a shorter period of time than a formal classroom observation.

- 4.12 “Intensive support status” means the employment status administered under this subchapter that is assigned to a teacher under Ark. Code Ann. § 6-17-2807 and Section 11.0 of these rules.
- 4.13 “Interim appraisal” means a form of evaluation, other than a summative evaluation, that:
- 4.13.1 Provides support for teaching practices; and
 - 4.13.2 Uses standards for teacher growth and performance that are consistent with the evaluation rubrics for the teacher evaluation domains of a summative evaluation that are identified in the teacher’s professional growth plan.
- 4.14 “Novice teacher” means a teacher having less than one (1) school year of public school classroom teaching experience.
- 4.15 “Post-observation conference” means a conference between the teacher and evaluator following a formal classroom observation to discuss:
- 4.15.1 The evaluator’s observations; and
 - 4.15.2 Artifacts presented by the teacher after the formal classroom observation.
- 4.16 “Pre-observation conference” means a conference between the teacher and evaluator to discuss goals and planned outcomes for a classroom lesson before a formal classroom observation.
- 4.17 “Probationary teacher” means the same as probationary teacher under Ark. Code Ann. § 6-17-1502.
- 4.18 “Statewide assessment of student achievement” means a statewide benchmark exam, end-of-course assessment, or a summative assessment of student achievement administered through:
- 4.18.1 A program of Common Core assessments administered under rules of the State Board of Education; or
 - 4.18.2 If a Common Core assessment is not available, the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq.
- 4.19 “Student-Ordered Assessment Rank (SOAR)” is the method used to calculate a percentile value of student growth between the immediately preceding school year and the current school year, and that compares students only to other students of the same prior achievement level.

- 4.20 “Summative assessment” means an evaluation of student achievement given at the completion of a course of instruction that cumulatively measures whether the student met long-term learning goals for the course.
- 4.21 “Summative evaluation” means an evaluation of a teacher’s performance that evaluates all domains and components of the evaluation framework that supports:
- 4.21.1 Improvement in the teacher’s teaching practices and student achievement;
and
- 4.21.2 A school district’s employment decision concerning the teacher.
- 4.22 “Teacher” means a person who is:
- 4.22.1 Required to hold and holds a teaching license from the State Board of Education as a condition of employment; and
- 4.22.2 Employed as a:
- 4.22.2.1 Teacher of record in a public school;
- 4.22.2.2 Contributing professional;
- 4.22.2.3 One of the following teachers who instruct public school students:
- 4.22.2.3.1 Distance learning teacher;
- 4.22.2.3.2 Virtual charter school teacher;
- 4.22.2.3.3 Teacher at the Arkansas School for the Blind;
- 4.22.2.3.4 Teacher at the Arkansas School for the Deaf; or
- 4.22.2.3.5 Teacher at the Arkansas Correctional School.
- 4.22.3 “Teacher” also includes a nonlicensed classroom teacher or contributing professional employed at a public charter school under a waiver of teacher licensure requirements granted by the State Board of Education in the charter.
- 4.22.4 “Teacher” does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator.
- 4.23 “Teacher of record” is an individual or individuals in a teaching or co-teaching assignment who is/are assigned the lead responsibility for student learning in a subject or course with aligned curriculum standards. A teacher of record plans instruction, delivers instruction, assesses student learning, and assigns grades.

- 4.24 “Teacher Excellence and Support System” means a statewide teacher evaluation system that provides support, collaboration, feedback and targeted professional development opportunities aimed at ensuring effective teaching and improving student learning.
- 4.25 “Tested content area” means a teaching content area that is tested under a statewide assessment of student achievement.

Source: Ark. Code Ann. § 6-17-2803 as modified

5.0 GENERAL REQUIREMENTS AND IMPLEMENTATION

- 5.01 Each teacher employed by the board of directors of a school district shall be evaluated in writing under the Teacher Excellence and Support System.
- 5.02 A teacher shall:
- 5.02.1 Participate in the Teacher Excellence and Support System, including without limitation in:
 - 5.02.1.1 Classroom observations; and
 - 5.02.1.2 Pre-observation and post-observation conferences; and
 - 5.02.2 Collaborate in good faith with the evaluator to develop the teacher’s professional growth plan under Ark. Code Ann. § 6-17-2806(a) and Section 10.0 of these rules. If a teacher and evaluator cannot agree on the professional growth plan, the evaluator’s decision shall be final.
- 5.03 A failure to comply with Section 5.02 of these rules may be reflected in the teacher’s evaluation.
- 5.04 At a time other than an evaluation conducted under the Teacher Excellence and Support System, if a superintendent or other school administrator charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the superintendent or other school administrator shall:
- 5.04.1 Bring in writing the problems or difficulties to the attention of the teacher involved; and
 - 5.04.2 Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.

- 5.05 A public school is deemed to have met the requirements of Section 1.01 of these rules if the school obtained permission from the Department to continue to use a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System and that the school district used in the 2012-2013 and 2013-2014 school years. The Department granted permission to certain school districts that qualified by providing evidence to the Department of Education, Assistant Commissioner for Human Resources and Licensure by December 31, 2012, of:
- 5.05.1 The name of the alternate, nationally recognized system of teacher evaluation and support; and
- 5.05.2 A brief description of the alternate, nationally recognized system of teacher evaluation and support, including an explanation of how it is substantially similar to the Teacher Excellence and Support System.
- 5.06 If the Arkansas Department of Education Assistant Commissioner for Human Resources and Licensure denied the application of a school district for the continued use of the alternate, nationally recognized system of teacher evaluation and support beyond the 2013-2014 school year, the school district shall use the Teacher Excellence and Support System as prescribed by these rules.
- 5.07 Schools shall use the electronic platform provided by the Department for conducting evaluations and assigning ratings as required under these rules.

Source: Ark. Code Ann. § 6-17-1504 and § 6-17-2808

6.0 ANNUAL OVERALL RATING

- 6.01 To determine a teacher's annual overall rating, a school district shall use both the teacher's performance rating and student growth measure.
- 6.02 Performance rating -
- 6.02.1 In a summative evaluation year, a Domain Average is derived from the average of all component scores in each domain of the evaluation framework. Each Domain Average is 25% of the Overall Weighted Score. Based on the Overall Weighted Score, the teacher is assigned a performance rating.
- 6.02.2 In an interim appraisal year, the performance rating used in the annual overall rating is derived only from the average of the components that align to the educator's professional growth plan. There is no Overall Weighted Score associated with an interim appraisal.

6.03 Student growth measure –

- 6.03.1 Annually, a Student-Ordered Assessment Rank (SOAR) value that reflects whether the teacher's summary growth statistics meet or exceed a threshold of student growth among all teachers in the state.
- 6.03.1.1 The applicable growth thresholds used for all growth determinations necessary for compliance with these rules and the Teacher Excellence and Support System will be based upon a Student Growth Percentile Model with the threshold percentile determined by the Department annually with input from the Teacher Evaluation Advisory Committee and published on the Department's website.
- 6.03.1.2 For teachers teaching grades 4 through 11, the 2014-2015 school year PARCC assessments will provide baseline data. Beginning with the 2015-2016 school year, PARCC assessments will be used as the external assessment measure required by these rules and the Teacher Excellence and Support System.
- 6.03.1.3 For teachers teaching kindergarten through grade 3, special education teachers, and teachers who only teach seniors, during the 2014-2015 school year, the Department will conduct a study to determine the appropriate assessments to be used to measure student growth. The 2015-2016 school year will provide baseline data using the assessments. Beginning with the 2016-2017 school year, the assessments will be used as the external assessment measure required by these rules and the Teacher Excellence and Support System.
- 6.03.1.4 The SOAR value for a contributing professional is the school's SOAR value.
- 6.03.2 A teacher's SOAR value will be applied to the performance rating to determine the annual overall rating.
- 6.03.2.1 Schools shall use the roster verification system developed by the Department to ensure that the student growth measure is accurately calculated and attributed to the teacher.
- 6.03.2.2 A teacher may have multiple SOAR values.
- 6.03.2.3 If the teacher meets or exceeds the student growth threshold, the annual overall rating is the same as the performance rating under Section 7.04.2 of these rules.

6.03.2.4 A teacher will not be designated as Distinguished unless that teacher's summary growth statistics meet or exceed the student growth threshold.

6.03.2.4.1 If the teacher has multiple SOAR values, all SOAR values must meet or exceed the student growth threshold before the teacher may be designated as Distinguished.

6.03.2.5 If a teacher's summary growth statistics do not meet the applicable threshold of growth for two (2) consecutive years the teacher's summative performance rating or annual overall rating based on an interim appraisal shall be lowered by one performance rating level.

7.0 SUMMATIVE EVALUATIONS

7.01 Annually during a school year, a public school shall conduct a summative evaluation for every teacher employed in the public school who is a:

7.01.1 Novice teacher;

7.01.2 Probationary teacher; or

7.01.3 Teacher who successfully completed intensive support status within the current or immediately preceding school year.

7.02 At least one (1) time every three (3) school years, a public school shall conduct a summative evaluation for a teacher who is not in a status under Section 7.01 of these rules.

7.03 Nothing in this rule shall be construed to prevent a public school from conducting a summative evaluation of a teacher more often than one (1) time every three (3) school years.

7.04 The evaluation framework for a summative evaluation for a classroom teacher shall include:

7.04.1 The following teacher evaluation domains:

7.04.1.1 Planning and preparation;

7.04.1.2 Classroom environment;

7.04.1.3 Instruction; and

7.04.1.4 Professional responsibilities; and

- 7.04.2 An evaluation rubric using nationally accepted components that consists of the following four (4) performance ratings:
 - 7.04.2.1 Distinguished;
 - 7.04.2.2 Proficient;
 - 7.04.2.3 Basic; and
 - 7.04.2.4 Unsatisfactory.

- 7.05 A summative evaluation shall result in a written:
 - 7.05.1 Evaluation determination for the teacher's performance rating on each teacher evaluation domain; and
 - 7.05.2 Summative evaluation determination of the teacher's performance rating on all teacher evaluation domains as a whole.

- 7.06 A summative evaluation shall use an evaluation framework, evaluation rubric, and external assessment measures that are appropriate for a teacher who is not a classroom teacher, including without limitation:
 - 7.06.1 A guidance counselor;
 - 7.06.2 A library media specialist;
 - 7.06.3 A special education teacher; or
 - 7.06.4 The following teachers:
 - 7.06.4.1 Distance learning teachers;
 - 7.06.4.2 Virtual charter school teachers;
 - 7.06.4.3 Teachers at the Arkansas School for the Blind;
 - 7.06.4.4 Teachers at the Arkansas School for the Deaf;
 - 7.06.4.5 Teachers at the Arkansas Correctional School;
 - 7.06.4.6 Instructional facilitators and instructional coaches; and
 - 7.06.4.7 Teachers employed by education service cooperatives who instruct public school students.
 - 7.07 The external assessment measure required to be considered by law for a summative evaluation is the student growth measure under Section 6.03 of these rules.
 - 7.08 The artifacts considered by the teacher and evaluator in a summative evaluation for the performance rating shall consist of evidence related to each teacher evaluation domain and the respective components and may include:

- 7.08.1 External assessment measures that are not the student growth measure under Section 6.03 of these rules;
 - 7.08.2 Knowledge measures, including without limitation, pre-tests, post-tests, or other written tests;
 - 7.08.3 Performance measures used to evaluate student improvement in a particular subject matter during a semester or school year;
 - 7.08.4 Attitude/behavior measures used to evaluate student improvement during a semester or school year as reflected in parental and/or student surveys;
 - 7.08.5 Student performance in group projects or project-based learning activities; and
 - 7.08.6 Schoolwide measures, including without limitation:
 - 7.08.6.1 Attendance rate;
 - 7.08.6.2 Graduation rate; and
 - 7.08.6.3 Literacy scores.
- 7.09 A summative evaluation process shall include:
- 7.09.1 A pre-observation conference and post-observation conference;
 - 7.09.2 A formal classroom observation and informal classroom observation;
 - 7.09.3 Presentations of artifacts chosen by the teacher, the evaluator, or both;
 - 7.09.4 An opportunity for the evaluator and teacher to discuss the review of external assessment measures used in the evaluation;
 - 7.09.5 A written evaluation determination for each teacher evaluation domain and a written summative evaluation determination.
 - 7.09.6 Feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning; and
 - 7.09.7 Feedback from the teacher concerning the evaluation process and evaluator.
- 7.10 In a school year in which a summative evaluation is not required under these rules, the teacher:

7.10.1 Shall focus on elements of the teacher's professional growth plan as approved by the evaluator that are designed to help the teacher improve his or her teaching practices; and

7.10.2 With the evaluator's approval may:

7.10.2.1 Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level; or

7.10.2.2 Conduct self-directed research related to the teacher's professional growth plan under Ark. Code Ann. § 6-17-2806 and Section 10.0 of these rules.

Source: Ark. Code Ann. § 6-17-2805

8.0 INTERIM APPRAISALS

8.01 Interim appraisals shall be used to:

8.01.1 Support teachers on an ongoing basis throughout the school year;

8.01.2 Provide a teacher with immediate feedback about the teacher's teaching practices;

8.01.3 Engage the teacher in a collaborative, supportive learning process;

8.01.4 Help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments; and

8.01.5 Provide a performance rating that is included in the annual overall rating.

8.02 The interim appraisal process may be guided in whole or in part by an evaluator or by one (1) or more of the following persons designated by the evaluator:

8.02.1 A teacher designated by an administrator as a leader for the teaching content area of a teacher who is being evaluated;

8.02.2 An instructional facilitator;

8.02.3 A curriculum specialist; or

8.02.4 An academic coach for the teacher's content area.

- 8.03 While other school personnel may guide the interim teacher appraisal process, the designated evaluator remains responsible for conducting summative evaluations and assigning annual overall ratings of teachers.

Source: Ark. Code Ann. § 6-17-2806

9.0 MENTORING AND INDUCTION

- 9.01 The Teacher Excellence and Support System also shall include novice teacher mentoring and induction for each novice teacher employed at the public school that:

9.01.1 Provides training, support, and follow-up to novice teachers to increase teacher retention;

9.01.2 Establishes norms of professionalism; and

9.01.3 Leads to improved student achievement by increasing effective teacher performance.

- 9.02 Novice teachers shall undergo mentoring and induction as otherwise set forth by Arkansas law and the ADE Rules Governing Educator Licensure.

Source: Ark. Code Ann. § 6-17-2806

10.0 PROFESSIONAL GROWTH PLAN

- 10.01 Except as provided in Section 10.03 of these rules, a teacher being evaluated and the evaluator, working together, shall develop a professional growth plan for the teacher that:

10.01.1 Identifies professional learning outcomes to advance the teacher's professional skills; and

10.01.2 Clearly links professional development activities and the teacher's individual professional learning needs identified through the Teacher Excellence and Support System.

- 10.02 The professional growth plan for a teacher shall require that at least one-half (1/2) of the professional development hours required by law or rule for teacher licensure are directly related to one (1) or more of:

10.02.1 The teacher's content area;

- 10.02.2 Instructional strategies applicable to the teacher's content area; or
- 10.02.3 The teacher's identified needs.
- 10.03 If a teacher and evaluator cannot agree on a professional growth plan, the evaluator's decision shall be final.
- 10.04 For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional growth plan.
- 10.05 Until the teacher is removed from intensive support status, all professional development identified in the professional growth plan, except professional development that is required by law or by the public school where the teacher is employed, shall be directly related to the individual teacher's needs.

Source: Ark. Code Ann. § 6-17-2806

11.0 INTENSIVE SUPPORT STATUS

- 11.01 An evaluator shall place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" in any one (1) entire teacher evaluation domain of the evaluation framework.
- 11.02 An evaluator may place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of components in a teacher evaluation domain.
- 11.03 If a teacher is placed in intensive support status, the evaluator shall:
 - 11.03.1 Establish the time period for the intensive support status; and
 - 11.03.2 Provide a written notice to the teacher that the teacher is placed in intensive support status. The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.
- 11.04 The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the tasks assigned in the intensive support status.

- 11.05 Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed and the evaluator elects to extend the intensive support status for up to two (2) additional consecutive semesters.
- 11.06 The evaluator shall work with the teacher to:
- 11.06.1 Develop a clear set of goals and tasks that correlate to:
 - 11.06.1.1 The professional growth plan; and
 - 11.06.1.2 Evidence-based research concerning the evaluation domain that forms the basis for the intensive support status; and
 - 11.06.2 Ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and complete the tasks assigned while the teacher is in intensive support status.
- 11.07 If the intensive support status is related to student performance, the teacher shall use formative assessments to gauge student progress throughout the period of intensive support status. The teacher shall be offered the support necessary to use formative assessments under these rules during the intensive support status.
- 11.08 At the end of the specified period of time for intensive support status, the evaluator shall:
- 11.08.1 Evaluate whether the teacher has met the goals developed and completed the tasks assigned for the intensive support status; and
 - 11.08.2 Provide written notice to the teacher that the teacher either:
 - 11.08.2.1 Is removed from intensive support status; or
 - 11.08.2.2 Has failed to meet the goals and complete the tasks of the intensive support status.
- 11.09 If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the superintendent of the school district where the teacher is employed and provide the superintendent with documentation of the intensive support status.
- 11.10 Upon review and approval of the documentation, the superintendent shall recommend termination or nonrenewal of the teacher's contract.

- 11.10.1 A recommendation for termination or nonrenewal of a teacher's contract under these rules shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 11.10.2 When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under Section 11.10 of these rules, the public school:
- 11.10.2.1 Shall provide the notice required under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq., but is exempt from the provisions of Ark. Code Ann. § 6-17-1504(b); and
- 11.10.2.2 If the public school has substantially complied with the requirements of Section 11.10 of these rules, is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq. The presumption may be rebutted by the teacher during an appeal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.
- 11.11 These rules do not preclude a public school superintendent from:
- 11.11.1 Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. § 6-17-1501 et seq.; or
- 11.11.2 Including in a recommendation for termination or nonrenewal of a teacher's contract under this section any other lawful reason for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, Ark. Code Ann. Ark. Code Ann. § 6-17-1501 et seq.

Source: Ark. Code Ann. § 6-17-2807

12.0 INCORPORATION INTO SCHOOL DISTRICT CONTRACTS AND POLICIES

- 12.01 Pursuant to Ark. Code Ann. § 6-13-1305, the policy adopted by local school district boards of directors to implement site-based decision making shall address teacher evaluations, professional growth plans, and teacher support under the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 et seq.

- 12.02 Every teacher contract renewed or entered into after July 27, 2011 is subject to and shall reference Title 6, Chapter 17, Subchapter 28 of the Arkansas Code.

Source: Ark. Code Ann. § 6-13-1305 and § 6-17-2808

13.0 SCHOOL PERFORMANCE REPORT

Beginning with the 2017-2018 school year, for the school year covered by a school performance report pursuant to Ark. Code Ann. § 6-15-1402, the school performance report shall include:

- 13.01 The total number of teachers who are employed in the public school; and
- 13.02 Of that total, the number who meet each of the following criteria:
- 13.02.1 Highly qualified teacher;
 - 13.02.2 Identified as proficient or above under the Teacher Excellence and Support System for the school; and
 - 13.02.3 Certified by the National Board for Professional Teaching Standards.

Source: Ark. Code Ann. § 6-15-1402

Public Comment Matrix – Proposed Rules Governing Teacher Excellence and Support System (T.E.S.S.) Public Comment Period
 Ending: 5/31/14

Date	Respondent	Comment	ADE Response
5/20/14	Ron Harder, ARSBA	6.02.1 I think “score” in the second line should be plural. 7.05.2 shouldn’t “categories” be “domains”?	Corrections made.