



ARKANSAS
DEPARTMENT
OF EDUCATION

AGENDA

STATE BOARD OF EDUCATION

August 21, 2014

Arkansas Department of Education

ADE Auditorium

9:00 AM

Back Print

Consent Agenda

C-1 Consideration for Recommendation of Appointment to the Distance Learning Coordinating Council

The Distance Learning Coordinating Council meets quarterly to evaluate distance learning activities for kindergarten through grade twelve (K-12) education across the State of Arkansas and to determine whether distance learning activities are being fully utilized through a collaborative process that maximizes the utilization of the state's technical and educational resources. Members shall serve three-year terms and are eligible for reappointment. The education service cooperative representative's term expires September 1, 2014. Pursuant to Ark. Ann. Code § 6-47-305 the State Board of Education shall submit three names of education service cooperative employees to the Governor. The Governor shall appoint one (1) member who is an employee of an education service cooperative to the Distance Learning Coordinating Council. The education service cooperatives request the Board approve the three employees recommended for review.

Presenter: Michelle Griffin

Action Agenda

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

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Annette and Curtis Zaage filed an appeal of the decision of the Bentonville School District to deny the school choice application of S. Zaage.

Presenter: Jeremy Lasiter

A-2 Consideration of Appeal from Denial of School Choice Application-Ballard and Lewis

Pursuant to Ark. Code Ann. § 6-18-1907 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013, Crystal Ballard and Jason Lewis filed an appeal of the decision of the Bentonville School District to deny the school choice applications of K. Ballard, A. Ballard, G. Lewis, and A. Lewis.

Presenter: Jeremy Lasiter

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

August 18, 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. Annette and Curtis Zaage

Lowell, AR 72745

Mr. Michael A. Poore, Superintendent
Bentonville School District
500 Tiger Blvd.
Bentonville, AR 72712

Dr. Jim Rollins, Superintendent
Springdale School District
P.O. Box 8
Springdale, AR 72765-008

**Re: Appeal Under the Public School Choice Act of 2013
Zaage v. Bentonville School District
VIA ELECTRONIC MAIL**

Everyone:

On or about August 5, 2014, Mr. and Mrs. Zaage filed a petition appealing the decision of the Bentonville School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- S. Zaage

This letter is to notify you that the Arkansas State Board of Education is scheduled to hear the above-referenced appeal(s) during a special meeting on **Thursday, August 21, 2014**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. If you cannot attend the meeting in person, you may call in to the meeting at the following number:

Conference Call Number: 1-559-546-1700
Access Code: 337878

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 4:30 p.m. on Tuesday, August 19, 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.

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

School Choice Appeal Hearing Notice
August 18, 2014
Page 2 of 2

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

APPEAL

Annette and Curtis Zaage

Lowell AR 72745

**RECEIVED
COMMISSIONER'S OFFICE**

AUG 05 2014

DEPARTMENT OF EDUCATION

July 31, 2014

Arkansas Education
Doug Bradberry
and Tony Wood
4 Capital Mall
Little Rock AR 72201

**RECEIVED
ATTORNEY'S OFFICE**

AUG 05 2014

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

Dear: Mr Wood and Mr Bradberry

I am writing you today to appeal the rejection of our application to continue at Bentonville Public Schools. Since [redacted] Zaage has been in attendance at Bentonville High School since 9th grade and is currently enrolled.

If you need any additional information, please contact us as soon as possible.

Thank you for your consideration

Annette Zaage



7-18-14 Emily Jeff

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: S [REDACTED] ZARGE
Student Date of Birth: [REDACTED] Gender Male Female

Grade: 11th

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)
Two or More Races Asian African-American
Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander
White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: SPRINGDALE 50 County Name: BENTON
Address: 804 W JOHNSON AVE SPRINGDALE 72765
Phone: (479) 750-8800

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: BENTONVILLE CBV6 County Name: BENTON
Address: 500 TIGER BLVD BENTONVILLE AR 72712
Phone: 479 254-5000

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

ARENT OR GUARDIAN INFORMATION

Name: **ANNETTE ZAAGE**

Home Phone: [REDACTED]

Address: [REDACTED]
CITY: **ARRRRENT**

Work Phone: **479-248 1155**

BELLA VISTA AR 72715 MOVING TO **LOWELL AR 72745**

Parent/Guardian Signature

Annette Zaage

Date:

4-1-14

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:

4/3/14 @ 11:25

Date and Time Received by Nonresident District:

9:29am ETC

RECEIVED
APR 03 2014

Resident District LEA #: **72-07**

Nonresident District LEA#:

0401

BENTONVILLE SCHOOLS

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:

Save Copy to Susan in Springdale 4-3-14



Bentonville Public Schools
500 Tiger Blvd. • Bentonville, Arkansas • 72712

July 28, 2014

Annette Zaage
[REDACTED]

Lowell, AR 72745

Dear Ms. Zaage,

This letter is to inform you of the decision regarding the application you submitted for S [REDACTED] Zaage to enter the Bentonville Public School District. The Bentonville Public Schools Board of Education has rejected your application 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.

X As of the date of your application, a condition exists in the Bentonville Public Schools in regards to the correct placement of your student, based on the School Choice Capacity Resolution passed by the Bentonville Public Schools Board of Directors on May 20, 2013, that will not allow your application to be accepted.

The specific reason for rejection is that acceptance would cause the district to:

- Exceed capacity in a program, class, grade level, or school building in the District.

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,

Tanya Sharp
Executive Director of Student Services
Bentonville Public Schools

TS:ec



BENTONVILLE HIGH SCHOOL

1801 Southeast J Street
Bentonville, Arkansas 72712

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

IB World School

July 21, 2014

Dear Parent/Guardian,

Welcome to the 2014-2015 school year at Bentonville High School. We are excited about you and your child being part of one of the top 1000 high schools in the nation according to *Newsweek* and *U.S. News and World Report*. Our standardized test and Advanced Placement (AP) scores have arrived and our students have again performed with excellence! The partnership between our parents, community, and school has created an excellent learning environment in academics, the arts, and athletics, and we are going to continue to focus our work to provide the best learning experiences for all students.

Important dates:

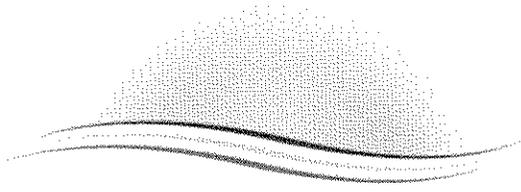
- **August 7th & 8th** –All students pickup their course schedule and student information packet anytime between 9:00 a.m.- 4:00 p.m. Students will/may also take care of the following:
 - Will go to the E-library and complete the re-set of their tech account login and password
 - May go to the south office to get their BHS 2014-15 student ID
 - May go to the south commons to request a locker
 - May go to the south commons serving area to make a deposit into their student lunch account
 - May go to the South nurses station to address student medication and/or health needs
 - May complete a schedule change request, if needed, and turn into either main or counseling office
 - May walk the building to become familiar with their class locations
 - May visit the Tiger Prints store (located in the North Building lobby). See details below.
- **August 12th** - New Student/Parent Orientation for students and parents new to our district from 6:00-7:00 p.m. in the Arend Arts Center.
- **August 14th** – Tiger Camp for 9th graders (students only). Parents do not attend. 9th grade parents will soon receive a letter in the mail with more information (e.g. bus transportation, activities, other details)
- **August 18th** – First day of school for all 9th-12th graders. All students will get a new course schedule on this day: 9th grade-South Commons; 10th grade-Gym lobby; 11th grade-Arend Arts Center lobby; 12th grade-North Commons.
- **August 28 & 29**- These will replace our traditional Back to School days as they will allow parents to attend all classes with their student. On these days busses will **not** pickup BHS students.

August 28 (9th graders do not come to school). 10th-12th graders and parents with student last name's A-K will follow their class schedule from 8-11:30 a.m.; student last name's L-Z will follow their class schedule from 1:00-4:30 p.m.

August 29 (10th, 11th & 12th graders do not come to school). 9th graders and parents with student last name's A-K will follow their class schedule from 8-11:30 a.m.; student last name's L-Z will follow their class schedule from 1:00-4:30 p.m.

- **October 13** – Fall Parent/Teacher Conferences 4:30-7:30 p.m. in Commons areas. Spring P/T conferences are tentatively set for March 2, 2015.

RESPONSE



BENTONVILLE PUBLIC SCHOOLS
500 TIGER BLVD. BENTONVILLE, AR 72712
TEL: 479 254 5000 | FAX: 479 271 1159
FIND US ONLINE: [HTTP://BENTONVILLEK12.ORG/WEB/](http://BENTONVILLEK12.ORG/WEB/)

July 19, 2014

Mr. Jeremy C. Lasiter
General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

Mr. Lasiter,

Please find the attached documents which support the decision made by the Bentonville Public Schools Board of Education on July 21, 2014. Due to growth of our district and our lack of capacity, we were unable to approve School Choice requests for S. Zaage, A. Lewis, G. Lewis, K. Ballard, and A. Ballard.

The attached documents are as follows:

- Board of Education Policy S.2.6 regarding School Choice: The highlighted section indicates the "lack of capacity" as 80% or more of the seats at the grade level.
- Board of Education minutes for July 21, 2014 with highlighted motion showing our Board of Education denied the motion to allow students to transfer in to the district
- eSchool enrollment numbers by grade level for July 21, 2014

Please do not hesitate to contact me should you need further documentation regarding this matter.

Sincerely,

Tanya Sharp
Executive Director of Student Services
Bentonville Public Schools

Code:	S.2.6
Date Issued:	01-19-04
Date Revised:	05-20-13

School Choice

I. Standard School Choice

By March 31 of each year, the Board shall determine if the District is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. A District that determines it is subject to such an order or mandate may declare an exemption from the provisions of the School Choice Act of 2013 (the Act) codified at A.C.A. § 6-18-1901 et seq. If the District determines it is eligible for exemption, it will notify the Arkansas Department of Education (ADE) by April 1 whether or not it will declare an exemption from the Act. If the District has previously declared an exemption from the Act and chooses to no longer exercise its exemption option, it shall notify the ADE by April 1 of the District's decision to participate in the school choice provisions of the Act. If the District chooses to exercise its exemption option, it should notify the superintendents of each of its geographically contiguous school districts of its decision. Each decision regarding exemption is binding for one-year from the date the District notifies the ADE of the declaration of exemption.

The superintendent will consider all applications for School Choice postmarked not later than the June 1 preceding the fall semester the applicant would begin school in the District. The superintendent shall notify the parent or guardian and the student's resident district, in writing, of the decision to accept or reject the application by August 1. The approved choice student will have until the first day of school to enroll in the receiving district. If the choice student fails to enroll by the first day of school, their acceptance into that district shall be null and void.

The District shall advertise in appropriate print and broadcast media to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedure for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April first.

When considering applications, priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the District through school choice.

The District may reject a nonresident's application for admission if its acceptance would necessitate the addition of staff or classrooms, exceed the capacity of a program, class, grade level, or school building, or cause the District to provide educational services not currently provided in the affected school. The District shall reject applications that would cause it to be out of compliance with applicable laws and regulations regarding desegregation. Letters of rejection shall state the reason(s) for the rejection. A student whose application was rejected may request a hearing before the State Board of Education to reconsider the application which must be done, in writing to the State Board within 10 days of receiving the rejection letter from the District.

For the purposes of this section of policy, a "lack of capacity" is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for school choice, eighty percent (80%) or more of the seats at the grade level at the

nonresident school are filled.

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. As such, any District approval of a choice application prior to August 1 is provisional pending a determination that the resident's district's 3% cap has not been reached. Any applications for transfer out of the District which are denied due to the 3% limitation cap shall be given priority for a choice transfer the following year in the order in which the District received the original application.

The Board of Directors reserves the right, after a hearing before the board, not to allow any person who is currently under expulsion from another district to enroll in a District school.

The transfer student or their parents are responsible for all transportation to and from the nonresident school district.

Students admitted under this policy shall be entitled to continued enrollment until they graduate or are no longer eligible for enrollment in the District's schools. Any student admitted to this district under the provisions of this policy who chooses to return to his/her resident district during the school year voids the transfer and must reapply for a school choice admission if desiring to return to this district in the future.

Academic or Fiscal Distress Choice Applications

There are a few exceptions from the provisions of the rest of this policy that govern choice transfers triggered by academic or fiscal distress. Any student attending a school district that has been identified as being in academic distress or facilities distress may transfer under the provisions of this policy, but with the three following differences.

- The transfer is only available for the duration of the time the student's resident district remains in distress;
- The student is not required to meet the June 1 application deadline; and
- The student's resident district is responsible for the cost of transporting the student to this District's school.

Opportunity School Choice

Unless there is a lack of capacity at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is eligible for transfer from a school identified as a category level 1 school for two (2) consecutive years under A.C.A. § 6-15-2103(c)(1) may enroll in the District's school closest to the student's legal residence that has a performance category level 3 or higher as defined by A.C.A. § 6-15-2103(a) provided the student's parent or guardian, or the student if over the age of eighteen (18), has successfully completed the necessary application process by July 30 preceding the year of desired enrollment or by June 1, if applying under the provisions of A.C.A. § 6-18-1901 et seq.

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.

For the purposes of this section of policy, a "lack of capacity" is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for opportunity school choice, ninety-five percent (95%) or more of the seats at the grade level

at the nonresident school are filled.

A student's enrollment under the opportunity school choice provision is irrevocable for the duration of the school year and is renewable until the student completes high school or is beyond the legal age of enrollment.

The District may provide transportation to and from the transferring district.

If a District school has been identified as a category 1 school under A.C.A. § 6-15-2103(c)(1), the District shall request public service 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.

Legal References: A.C.A. § 6-1-106
 A.C.A. § 6-15-430(b)
 A.C.A. § 6-15-2103
 A.C.A. § 6-18-227
 A.C.A. § 6-18-510
 A.C.A § 6-18-1901 et seq.
 A.C.A. § 6-21-812
 ADE Rules Governing the Guidelines, Procedures and Enforcement of the
 Arkansas Opportunity Public School Choice Act

**Bentonville Board of Education
Minutes
July 21, 2014**

BOARD:

Wendi Cheatham
Lisa Clark
Brent Leas
Grant Lightle
Willie Cowgur

BOARD ABSENT:

Rebecca Powers
Matt Burgess

ADMINISTRATION:

Mike Poore
Andy Mayes
Sterling Ming
Judy Marquess
Tamara Gibson
Deb Kee
Sharon Lewis
Marilyn Gilchrist
Stephanie Lane
Cindy Dewey

PRESS:

Dave Perozek

Admin Con't"

Dena Ross

GUESTS:

Suzie Poindexter, Ron Shelby, Patrick Horath, Kathy Breed, Wes Burgess

CALL TO ORDER:

President Cheatham called the meeting to order, reminded everyone of the protocol of the meeting, read the Bentonville Public Schools mission statement, and led the Pledge of Allegiance. Secretary Powers called roll; Matt Burgess was absent. There was a quorum.

APPROVE OR MODIFY AGENDA:

Motion by Willie Cowgur, seconded by Brent Leas, to approve the agenda. The motion carried 5-0. Rebecca Powers and Matt Burgess were absent.

COMMENTS FROM THE PUBLIC:

There were no public comments.

CONSENT AGENDA:

Motion by Brent Leas, seconded by Grant Lightle, to approve the consent agenda:

Minutes of the June 23 and 26, 2014, special meetings

Energy Management Report

Enrollment Report

Adopt the Individuals named below as approved signatures on contracts, bank depositor account agreements, legal documents and other legal bank records, and as approved electronic facsimile signatures on District Checks:

Wendi Cheatham, President

Michael Poore, Superintendent

Sterling W. Ming, Executive Director Finance/Treasure

Approve Electronically Transfer of Funds for 2014-15

The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion to adjust the June 23, 2014, minutes concerning the Arvest bank loan; the vote was 5-0 since Mr. Leas left the room during the vote.

CALENDAR:

Annual Board of Education Calendar review

July 21 - 23 – Non-Traditional New Teacher Orientation

August 1 – Non-Traditional Classes Begin

August 6-8 – New Teacher Orientation

August 11 – Pre-agenda Board of Education meeting, 5:30 pm
August 15 – Back to School Celebration – Arend Art Center
August 18 - Board of Education meeting, 5:30 pm
August 18 – Traditional Classes Begin
September 1 – Labor Day – No School
September 2 – Pre-agenda Board of Education meeting, 5:30 pm
(2nd Tuesday due to Labor Day)
September 15 - Board of Education meeting, 5:30 pm
September 16 – Annual School Election, Polls open 7:30 am – 7:30 pm

REPORTS:**ANNUAL SCHOOL ELECTION:**

Superintendent Poore gave an overview of the September 16 annual school election. There are contested elections in zones 1 and 2; current board members Willie Cowgur and Lisa Clark are both running.

GRANT APPROVAL:

Early Childhood – Deb Kee, Child Care Services;

Ms. Kee presented information concerning an Endeavor grant, which would provide more early childhood instruction for children. Room modifications required with the grant would come from Early Childhood's regular budget. Some students would be displaced, but she will provide information to assist those families in securing other day care options.

Motion by Willie Cowgur, seconded by Brent Leas, to approve the Endeavor Foundation grant. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- The district will have 16 children, mostly our pre-k students, that will be affected if this is approved.
- If passed, parents will be informed as soon as possible so they can start looking for other day care options.

Motion by Lisa Clark, seconded by Willie Cowgur, to accept the Endeavor Foundation grant for Tennie Russell Primary School. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

FACILITIES MANAGEMENT REPORT:

Flintco and Hight-Jackson gave updates on work at Bentonville West HS, which is going very well. The project has several required approvals before it can move forward to sending this out for bid.

PERSONNEL:

Ms. Ross presented the request for an additional classified employee to help with the student services. After the re-organization, the need for support for the student services department was realized. This will help us better serve our families and students.

Motion by Willie Cowgur, seconded by Brent Leas to approve a new position for student services administrative assistant. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- With the cost savings in realigning directors, this will still be basically cost neutral.
- We still do not have the Prismatic study back.
- A change in the reorganization is to move the federal program under the student services umbrella

BUDGET AND FINANCE:

Motion by Lisa Clark, seconded by Brent Leas, to accept the financial report. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- Why were we over budget? If the district receives grants, the expenditures will go up, ie funds will be spent that weren't budgeted. There are revenues coming in to cover the difference, but it still shows up as "over budget." Rentals could also affect this.
- Substitute's costs were higher; this is an estimated amount. We also had other additional costs in maintenance and technology.

BOARD STRATEGIC PLANNING / REVIEW SUPERINTENDENT GOALS:

The Board has a placeholder to have a meeting in August to not only review the Superintendent's goals, but work on their strategic plan. There was discussion:

- Have a facilitator come in to lead the discussion and assure everyone is heard and able to participate; they would lead the process, not develop the product
- Use this meeting to develop team building skills within the Board
- Develop goals for the Board, then move forward to set a strategic plan
- Get continuing education credit

STUDENT TRANSFER:

Student Transfer OUT:

Hunter Wood to Gravette

Student Transfer IN:

From Gravette:

Justin Jones
Gavin McGrew Arnold-Nowlin
Kenneth Logan Granaham
Merrick Pifer
Kinley Elizabeth Russell
Hale F. Stamps

From Decatur:

Kenzie Ballard
Allie Ballard
Gauge Lewis
Audrey Lewis
Aubrey Elizabeth Roach

From Rogers:

Austin Smith
Delaney L. Willcutt

From Springdale:

Kayla Thomas
Skyler Zaage

Motion by Grant Lightle, seconded by Willie Cowgur, to approve the recommendation to deny the transfer out. Mr. Lightle amended his motion to approve the requested transfer out, seconded by Wendi Cheatham. The motion to approve the amended motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

Motion by Grant Lightle, seconded by Willie Cowgur, to approve the student transfer request out to Gravette by Hunter Wood. The motion passed 4-1. Brent Leas voted no. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- If a student wants to leave, the district should let them go.

- The practice has been to not allow students to leave, partially due to financial reasons.
- There was discussion about whether districts do or don't approve students request to leave during open choice.
- A yes vote means the students stays; a no vote means he goes. Mr. Lightle amended the motion to approve the transfer out. Yes he goes and no he stays.
- Ms. Clark asked if there was a policy to direct Board action on student transfers out, but the Board was advised that denial was a matter of practice, but there was no policy.

Motion Lisa Clark, seconded by Grant Lightle, to allow the requests from students seeking transfers in. The motion failed 0-5. Rebecca Powers and Matt Burgess were absent.

After the motion there was discussion:

- District policy denies students transferring in if enrollment is above 80%.
- This is something that may want to be adjusted in the future.

PRESIDENT'S COMMENTS:

The Bentonville Community Center topping out ceremony was very nice.

BOARD MEMBER COMMENTS:

Ms. Clark attended a choral camp and several BPS students were recognized. "Stuff the Bus" is going on this week. The district had 4 alumni graduate from West Point. The new turf is down and looks good. The Booster club has donated \$60,000 for a new sound system.

EXECUTIVE SESSION:

The board retired to Executive Session at 7:27 pm.

The board returned to Open Session at 8:03 pm.

Motion by Willie Cowgur seconded by Grant Lightle to approve the Personnel Packet as presented. The motion passed 5-0. Rebecca and matt were absent.

ADJOURN:

The meeting was adjourned at 8:05 pm.

Respectfully submitted by

Rebecca Powers
Board Secretary

Transcribed by:
Vicki Lunsford
Administrative Assistant

PERSONNEL PRESENTED TO BENTONVILLE SCHOOL BOARD OF EDUCATION

RESIGNATIONS/TERMINATIONS

LICENSED:

NAME	LOCATION	POSITION	REASON	RESIGNATION DATE
Bearfield, Paul	RBMS	Social Studies	New Job	6/30/2014
Butcher, Audra	CES	3rd Grade	New Job	6/23/2014
Coffman, Julia	AAMS	Counselor	Personal	6/30/2014
Ervin, Kameron	MJES	1st Grade	New Job	6/30/2014
Hanner, Leann	CGES	Remediation-NSLA	Retiring	6/30/2014
Horath, Lindsey	CES	3rd Grade	Not Ret Fr LOA	6/25/2014

Minick, Laura	CES	SPED Autism	New Job	6/20/2014
Reagan, Amanda	LJHS	Math	New Job	6/18/2014
Rowlan, Tiffany	CGES	Kindergarten	Moving	6/20/2014
Sone, Sarah	BHS	Drama/Cost/Makeup	New Job	7/31/2014
Smith, Sharon	WES	Literacy Coach	Retiring	6/30/2014
Sparks, Mikel	BHS	SPED Civics/Econ/Gov	New Job	6/30/2014
Terrell, Emily	CGES	3rd Grade	New Job	6/23/2014
Tyler, Syntara	MJES	PE	Moving	6/30/2014
Walton, Kahlynn	WES	Art	Moving	6/20/2014
Watts, Cassandra	TJES	Speech Pathologist	New Job	6/30/2014

CLASSIFIED:

NAME	LOCATION	POSITION	REASON	RESIGNATION DATE
Boyett, Micheal	TECH	Tech Bldg Supp Staff	Moving	6/25/2014
Eaton, Monica	RBMS	Office Asst/Registrar	New Job	6/19/2014
Frail, Jessica	CPES	Instr Aide	New Job	6/16/2014
Fydrych, Judith	Trnsp	Bus Aide	Personal	6/27/2014
Gallo, Lopez Monica	CPES	Instr Aide/Spanish	New Job	6/16/2014
Hartley, Rachel	OHMS	Instr Aide BLdg Sup	New Job	6/30/2014
Ley, Mary	DISTRICT	Exec Dir. Comm/PR	New Job	6/30/2014
Mercado, Pedro	TRPS	Off. Asst./SPED Health	New Job	6/17/2014
Schneringer, Rebecca	REBES	Nurse	New Job	6/23/2014

EMPLOYMENT**LICENSED:**

NAME	LOCATION	POSITION	REPLACED	EMPLOYMENT
Cornell, Jane M	REBES	Counselor	James Herndon	7/28/2014
Cremonte, Sandra	BHS	Math	Brian Ross	8/11/2014
Dean, Heather	CGES	Kindergarten	Tiffany Rowlan	8/11/2014
Dutton, Brian	BHS	SPED-Math	New Position	7/23/2014
Eichler, Michelle	ETES/REB	Split Counselor	Ammie Burrow	7/1/2014
Gibbons, James	AAMS	SPED Autism	New Position	8/6/2014
Greenway, Rebecca	WJHS	Oral Comm/Drama/Foren	Erin Valentine	7/1/2014
Maize, Lindsay	BHS	SPED-Res Soc St.	Michelle Broliar	8/11/2014
Morain, Casee	MMJ	2nd Grade	Christina Hamilton	8/11/2014
Myrick, Carolyn	REBES	Lit Coach	Carol Fry	7/23/2014
Newton, Jody	WJHS	SPED Eng & Math	Kathy Gorges	8/11/2014
Ohl, Lynn	TJES	SPED AU	Marsha Holder	8/6/2014
Pekel, Hannah	MMJ	3rd Grad	Ashley Campbell	8/11/2014
Rupert, Christin	RBMS	5th Lit/Soc St	Lindsay Barnes	8/11/2014
Schube, Melissa	ETES	3rd Grade	Lori Knight	7/28/2014
Turpin, Cheryl	Central Office	ESL	New Position	8/11/2014
Whitlow, Leah	ETES	2nd Grade	Shasta Neisler	7/28/2014

CLASSIFIED:

NAME	LOCATION	POSITION	REPLACED	EMPLOYMENT
Baumhover, Sandy	BHS	SPED Office	Sandra Brown	8/4/2014
Cousar, Martha	LJHS	Nurse-RN 1 year	Diana Davitt-LOA	8/5/2014
Gaston, Jamie	MMJ	Nurse-RN	Zoe Morton	8/5/2014
Poteat, Melanie	LJHS	1-1 Nurse	New Position	8/14/2014
Robinson, Megan	MMJ	Office Asst/Bookkeeper	Angie Williams	7/16/2014
Seay, Deborah	CES	Spanish	Lid Ryan	7/1/2014
Smith, Lacey	RBMS	Instr Aide-SPED SSP	Gwyn Olson	8/11/2014
Smith, Zabrina	BHS	SPED Instr Aide	Cindy Breece	8/11/2014
Spradlin, April	WES	SPED AU-Instr Aide	New Position	8/11/2014
Snarr, Teresa	TJES	Instr Aide	Kristina Packard	8/11/2014

Watson, Eric TECH Software Supp Spec. Cheryl Cox 7/7/2014

TRANSFERSLICENSED:

NAME	TR FR	POSITION	TR TO	POSITION	REPLACED	DATE
Abbott, Todd	BHS	1.0 PE/Cch Tch	LJHS	.5 BHS Cch/.5 Sci	.5 Jacqui Lovejoy	7/1/2014
Chapman, David	BHS	5 SS/.5 IB Coor	BHS	FT SS	Derek Miller	7/1/2014
Chapman, Kristi	LJHS	SPED Math	LJHS	Math	Amanda Reagan	7/1/2014
Dean, Stephanie	REBES	1st Grade	CES	2nd Grade	Angie Tweedy	7/1/2014
Downing, Lance	BHS	.5 SS/Coach	BHS	.5 PE/Coach	Todd Abbott	8/11/2014
Fry, Carol	REBES	Lit Coach	CES	4th Grade	Claudy Egalite	7/1/2014
Furstenberg, Jennifer	BHS	1.0 Science	Dist./BHS	.5 9-12 Sci Instr. Spec	.5 Jeremy Yates	7/1/2014
				.5 ScienceTeacher	BHS	
Gibson, Tamara	Dist.	Dir of Instr	Dist.	Exe Dir. Of Instr	Dena Ross	7/1/2014
Gober, Kaitlen	BHS	.5 English	BHS	1.0 English	Travis Salsman	8/11/2014
Heffington, Amy	BFMS	.5 Interventionist	AAMS	.5 Counselor	Julia Coffman	8/11/2014
Herndon, James	REBES	FT Cnsl	TJES/SCES	.5 Counselor	Tamara White	8/5/2014
				New Position at TJES		
Knight, Lori	ETES	Kindergarten	CGES	Kindergarten	Emily Terrell	8/1/2014
Lovejoy, Jacqui	LJHS	1.0 Science	Dist/LJHS	.5 5-8 Sc Instr. Spec.	.5 Jeremy Yates	7/1/2014
				.5 Science Teacher	LJHS	
Marquess, Judy	Dist.	Dir of Instr	Dist.	Exec Dir. Of Instr	Dena Ross	7/1/2014
Miller, Derek	BHS	FT SS	BHS	.5 SS/.5 IB Coor	David Chapman	7/1/2014
Moe, Kathleen	WES/CPE Art	CPE&WES	WES	Full time Art	Kahlynn Walton	7/1/2014
Musick, Amanda	Dist.	ESL Prog Coor	Dist	Dir of Special Prog.	New Position	7/1/2014
Neisler, Shasta Walker	ETES	2nd Grade	MJES	PE Syntara	Tyler	8/14/2014
Ross, Dena	Dist	Exec Dir of Curr	Dist	Exec Dir of HR	Galen Havner	7/1/2014
Sharp, Tanya	Dist.	Dir of SPED	Dist	Exec Dir St Serv's	D. Ross/B.Reed	7/1/2014
Tweedy, Angie	CES	2nd Grade	CES	3rd Grade	Audra Butcher	7/1/2014

CLASSIFIED:

NAME	TR FROM	POSITION	TR TO	POSITION	REPLACED	DATE
Bunch, Lynn	TRPS	Hrly Afterschool	TRPS	TA	Karen Land	7/1/2014
Dodge, Amanda	REBES	Instr Aid	REBES	1st Grade	Stephenie Dean	7/28/2014
Goseland, Deeann	RBMS	Recep/SPED/Health	RBMS	Registrar	Monica Eaton	7/15/2014
Julien, Anna	CES	AU TA	RBMS	SSP TA	Angie Bryant	8/20/2014
Olson, Gwen	BFMS	Autism, EA	AAMS	Autism EA	New Position	8/11/2014
Nance, Peyton	TRPS	Hrly Afterschool	TRPS	Contracted Pos	Alica Billis	8/11/2014
Packnett, Lynn	RBMS	Keyboarding	RBMS	Off Asst/SPED /Health	D. Goseland	8/11/2014
Ward, Jodie	SCE	SPED Aide	CGE	Library AIDE	Jamie Kinsey	8/1/2014
Wright, Amanda	CESS	Inf. Yr round	BHS	1 on 1 SPED Para	New Position	8/14/2014

REQUEST FOR LEAVE OF ABSENCELICENSED:

NAME	LOCATION	POSITION	DATE OF LEAVE	REASON
Storey, Esther	BHS	SPED	2014-2015	Health Reasons

CLASSIFIED:

NAME	LOCATION	POSITION	DATE OF LEAVE	REASON
Breece, Cynthia	BHS	SPED Self Contained	07/01/14-12/31/14	Health Reasons
Helm, Terry L	CPES	Bookkeeper	07/16/14-12/30/14	Personal

ATTACHMENTS

ADVENTURE CLUB/BUILDING PERSONNEL CHANGES FOR 06/16/2014 thru 7/21/2014

From: smayhall@bentonvillek12.org [mailto:smayhall@bentonvillek12.org]

Sent: Monday, July 21, 2014 6:00 AM

To: Etheredge, Lana; Colston, Emily J.; Dudley, Rebecca; Sharp, Tanya; Ross, Dena; Mayhall, Stephanie (M

Subject: Report: Current Student Enrollment by Building and Grade

Current Stude

	Apple Glen Elementary School	Ardis Ann Middle School	Bentonville High School	Bentonville High School ALE	Bright Field Middle School	Centerton Gamble Elementary School	Central Park Elementary School	Cooper Elementary School
1	98					117	200	143
2	98					124	184	135
3	100					136	200	131
4	124					124	179	132
5		303			325			
6		329			341			
7					1			
8								
9			1,197					
10			1,178	5				
11			1,005	22				
12			915	35				
KF	73					134	169	128
SS			7	1				
Total	493	632	4,302	63	667	635	932	669

21-Jul-14 1 6:00:25 AM

Missy)

nt Enrollment by Building and Grade

Elm Tree Elementary School	Fulbright Junior High School	Lincoln Junior High School	Mary Jones Elementary School	Old High Middle School	R E Baker Elementary School	Ruth Barker Middle School	Sugar Creek Elementary School	Thomas Jefferson Elementary School
121			145		119		94	82
125			138		110		95	86
114			123		104		106	84
124			117		110		97	91
				293		277		
				313		276		
	410	414						
	363	410						
120			114		119		74	77
604	773	824	637	606	562	553	466	420

Washington Junior High School	Willowbrook Elementary School	Total
	167	1,286
	184	1,279
	155	1,253
	166	1,264
		1,198
		1,259
358		1,183
385		1,158
		1,197
		1,183
		1,027
		950
	159	1,167
		8
743	831	15,412

SCHOOL CHOICE STATUTES

FOCUS™ Terms Search Within

Advanced...

View Tutorial

View

1 of 1

[Return to Results](#) | [Book Browse](#)**A.C.A. § 6-18-1901** (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1901

Arkansas Code of 1987 Annotated Official Edition

© 1987-2014 by the State of Arkansas

All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1901 (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

1 of 1

[Return to Results](#) | [Book Browse](#)**A.C.A. § 6-18-1901** (Copy w/ Cite)

Pages: 2

View ▾[↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1902

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1902 (2014)

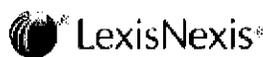
6-18-1902. Definitions.

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)

Pages: 2



About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View ▾[↩ A.C.A. § 6-18-1903 ↪](#)
Return to Search Results**A.C.A. § 6-18-1903** (Copy w/ Cite)Pages: **3**

*A.C.A. § 6-18-1903*Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1903 (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.

View 

 [A.C.A. § 6-18-1903](#) 

[Return to Search Results](#)



A.C.A. § 6-18-1903 (Copy w/ Cite)

Pages: 3



LexisNexis®

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)

Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View [← A.C.A. § 6-18-1904 →](#)
Return to Search Results**A.C.A. § 6-18-1904** (Copy w/ Cite)

Pages: 2

*A.C.A. § 6-18-1904*Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1904 (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.

View 

 [A.C.A. § 6-18-1904](#) 

[Return to Search Results](#)



A.C.A. § 6-18-1904 (Copy w/ Cite)

Pages: 2

 **LexisNexis**® [About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View ▾[↩ A.C.A. § 6-18-1905 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1905** (Copy w/ Cite)Pages: **2***A.C.A. § 6-18-1905*

Arkansas Code of 1987 Annotated Official Edition
 © 1987-2014 by the State of Arkansas
 All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
 *** 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. § 6-18-1905 (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.

View ▾[↩ A.C.A. § 6-18-1905 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1905** (Copy w/ Cite)Pages: **2**

View ▾

⏪ A.C.A. § 6-18-1906 ⏩

⏪

Return to Search Results

A.C.A. § 6-18-1906 (Copy w/ Cite)Pages: **3**

A.C.A. § 6-18-1906

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1906 (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 



[Return to Search Results](#)

A.C.A. § 6-18-1906 (Copy w/ Cite)

Pages: 3

 LexisNexis® [About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

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*

Arkansas Code of 1987 Annotated Official Edition
 © 1987-2014 by the State of Arkansas
 All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
 *** 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 



[Return to Search Results](#)

A.C.A. § 6-18-1908 (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1908

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1908 (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 



[Return to Search Results](#)

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.

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

August 18, 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. Crystal Ballard

Gravette, AR 72736

Mr. Michael A. Poore, Superintendent
Bentonville School District
500 Tiger Blvd.
Bentonville, AR 72712

Mr. Jeff Gravette, Superintendent
Decatur School District
1498 Stadium Drive
Decatur, AR 72722

**Re: Appeal Under the Public School Choice Act of 2013
Ballard v. Bentonville School District
VIA ELECTRONIC MAIL**

Everyone:

On or about August 11, 2014, Ms. Ballard filed a petition appealing the decision of the Bentonville School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- K. Ballard
- A. Ballard

This letter is to notify you that the Arkansas State Board of Education is scheduled to hear the above-referenced appeal(s) during a special meeting on **Thursday, August 21, 2014**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. If you cannot attend the meeting in person, you may call in to the meeting at the following number:

Conference Call Number: 1-559-546-1700
Access Code: 337878

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 4:30 p.m. on Tuesday, August 19, 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.

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

School Choice Appeal Hearing Notice
August 18, 2014
Page 2 of 2

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



ARKANSAS DEPARTMENT OF EDUCATION

August 18, 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. Jason Lewis
[REDACTED]
Gravette, AR 72736

Mr. Jeff Gravette, Superintendent
Decatur School District
1498 Stadium Drive
Decatur, AR 72722

Mr. Michael A. Poore, Superintendent
Bentonville School District
500 Tiger Blvd.
Bentonville, AR 72712

**Re: Appeal Under the Public School Choice Act of 2013
Leiws v. Bentonville School District
VIA ELECTRONIC MAIL**

Everyone:

On or about August 11, 2014, Ms. Lewis filed a petition appealing the decision of the Bentonville School District to deny the following application made pursuant to the Public School Choice Act of 2013:

- G. Lewis
- A. Lewis

This letter is to notify you that the Arkansas State Board of Education is scheduled to hear the above-referenced appeal(s) during a special meeting on **Thursday, August 21, 2014**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas**. If you cannot attend the meeting in person, you may call in to the meeting at the following number:

Conference Call Number: 1-559-546-1700
Access Code: 337878

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 4:30 p.m. on Tuesday, August 19, 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.

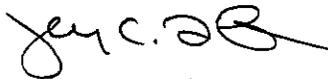
Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.org

School Choice Appeal Hearing Notice
August 18, 2014
Page 2 of 2

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

APPEAL

RECEIVED
ATTORNEY'S OFFICE

AUG 11 2014

RECEIVED
COMMISSIONER'S OFFICE

AUG 11 2014

August 5, 2014

DEPARTMENT OF EDUCATION
GENERAL DIVISION

DEPARTMENT OF EDUCATION

To State Board of Education:

This is an appeal to the decision of denial of admission into the Bentonville School District to our four children, A [REDACTED] Lewis, C [REDACTED] Lewis, A [REDACTED] Ballard and K [REDACTED] Ballard. We submitted the original application to the Bentonville Administration office on April, 10, 2014. (See attached copies) At that time I asked about the change being accepted and was told it would be discussed at the Board Meeting July 11, 2014 and that a letter would be sent with the decision. I was not notified, so I called the Bentonville Administration office and then was informed there was not time at that meeting and the school choice applications would be discussed at the next meeting, July 21, 2014. I didn't realize it would take all summer. I received the rejection letter on July 29, 2014, allowing a very minimal time frame to do all I could before school starts on August 18, 2014.

Jason Lewis, the father of Audrey and Gauge Lewis, had called a couple of schools in the district to confirm that capacity had been already met. He then found other schools that still had room for students in the grades we needed. One example, on August 5, 2014 he spoke to head of registration, Terri Wesson, at R.E. Baker Elementary. She stated that enrollment for both the 1st and 4th grade would not be a problem at that time. On the original application to Transfer a specific school was required to be listed to transfer the children to. If that particular school has already met capacity for the school year we are open to other Elementary schools within the Bentonville School District. This appeal will shorten the time before school starts even more. However, fighting for the opportunity for our children to get their education from Bentonville ISD vs. Decatur is that important.

The academic standards at Decatur ISD are less than acceptable. One example is the fact that our oldest child, A [REDACTED] Lewis, was consistently failing or near failing until the last quarter - then she miraculously made the A/B honor roll! I believe this is due to the lack of work that was being done during the last quarter of school. After the Benchmark test was administered in April she no longer had homework coming home and it was brought to my attention that they watched movies daily that did not pertain to a subject being studied. It's not hard to make good grades when all you do is watch movies like Frozen, have many parties, and nothing related to academics. We don't consider this an education and would really like more for our children.

An important part of a successful educational experience includes resolving issues that hinder that process. That requires the teacher, counselor and parents working together. As parents we can tell you that can be achieved when communication is efficient and beneficial. That is not how we would describe communication at Decatur School. If you want further details just ask. We don't feel that Decatur even cares about our children other than as a number.

Not only are Bentonville Schools closer and more convenient as we both work in Bentonville, but more importantly we feel that Bentonville is much better academically and that the future of our children will be as important to them as it is to us. As important as academics is for a child's future, character building is just as important. The fact that they offer various extra-curricular activities, unlike Decatur, shows that they also value each student becoming a well-rounded individual with the tools necessary for future success.

All this said, we are asking, no, imploring you to reconsider your decision and allow our children to transfer to Bentonville ISD for the 2014-15 school year. Thank you for your time and consideration and we hope to hear from you soon.

Sincerely,

Jason Lewis

Crystal Ballard

Bentonville Public Schools
500 Tiger Blvd. • Bentonville, Arkansas • 72712

July 28, 2014

Crystal Ballard

Gravette, AR 72736

Dear Ms. Ballard,

This letter is to inform you of the decision regarding the applications you submitted for K [REDACTED] Ballard and A [REDACTED] Ballard to enter the Bentonville Public School District. The Bentonville Public Schools Board of Education has rejected your application 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.

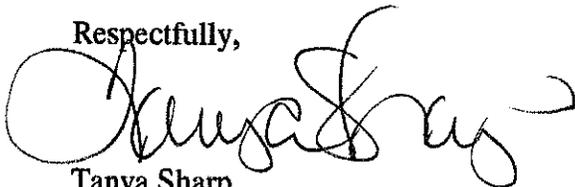
 X As of the date of your application, a condition exists in the Bentonville Public Schools in regards to the correct placement of your student, based on the School Choice Capacity Resolution passed by the Bentonville Public Schools Board of Directors on May 20, 2013, that will not allow your application to be accepted.

The specific reason for rejection is that acceptance would cause the district to:

- Exceed capacity in a program, class, grade level, or school building in the District.

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Tanya Sharp
Executive Director of Student Services
Bentonville Public Schools

TS:ec



Bentonville Public Schools
500 Tiger Blvd. • Bentonville, Arkansas • 72712

July 28, 2014

Jason Lewis
[REDACTED]

Gravette, AR 72736

Dear Mr. Lewis,

This letter is to inform you of the decision regarding the applications you submitted for G [REDACTED] Lewis and A [REDACTED] Lewis to enter the Bentonville Public School District. The Bentonville Public Schools Board of Education has rejected your application 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.

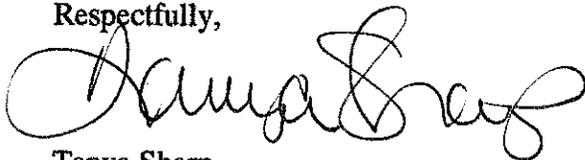
X As of the date of your application, a condition exists in the Bentonville Public Schools in regards to the correct placement of your student, based on the School Choice Capacity Resolution passed by the Bentonville Public Schools Board of Directors on May 20, 2013, that will not allow your application to be accepted.

The specific reason for rejection is that acceptance would cause the district to:

- Exceed capacity in a program, class, grade level, or school building in the District.

As noted in your original application, you have 10 days from receipt of this notice in which to appeal this decision to the State Board of Education.

Respectfully,



Tanya Sharp
Executive Director of Student Services
Bentonville Public Schools

TS:ec

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:

A [REDACTED] Ballard

Student Date of Birth:

[REDACTED]

Gender Male

Female

Grade:

1st

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:

Decatur Northside Elementary

County Name:

Benton

Address:

1498 Stadium Ave., Decatur, AR 72722

Phone:

479-752-3986

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

Bentonville District

District Name:

Sugar Creek Elementary

County Name:

Benton

Address:

1102 Bella Vista Rd., Bentonville, AR 72712

Phone:

479-254-5790

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

No

PARENT OR GUARDIAN INFORMATION

Name: Crystal Ballard

Home Phone: [REDACTED]

Address: [REDACTED]

Work Phone:

Gravette, AR 72736

Parent/Guardian Signature

Crystal Ballard

Date:

4/8/14

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:
4-8-14 3:15pm Diana Williams

Date and Time Received by Nonresident District: **RECEIVED**
04/10/14 10:52am ejc **APR 10 2014**

Resident District LEA #: 0402000

Nonresident District LEA#: 0401 **B'VILLE PUB SCH**

Student's State Identification #:

Application	Accepted	Rejected
-------------	----------	----------

Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:

Date Notification Sent to Resident District :

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

APPLICANT INFORMATION

Student Name:

[REDACTED] Ballard

Student Date of Birth:

[REDACTED]

Gender Male

Female

Grade:

Pre-K

Does the applicant require special needs or programs? Yes

No

Is applicant currently under expulsion? Yes

No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name:

Decatur Northside Elementary

County Name:

Benton

Address:

1498 Stadium Ave, Decatur, AR 71222

Phone:

479-752-3986

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

Bentonville District

District Name:

Tennie Russell Primary

County Name:

Benton

Address:

1110 Bella Vista Rd, Bentonville, AR 72712

Phone:

479-696-3775

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

PARENT OR GUARDIAN INFORMATION

Name: Crystal Ballard Home Phone: [REDACTED]
 Address: [REDACTED] Work Phone: [REDACTED]

Gravette, AR 72736

Parent/Guardian Signature: Crystal Ballard Date: 4/8/14

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

RECEIVED

Date and Time Received by Resident District:	Date and Time Received by Nonresident District:
	<u>04/10/14 10:57am EJC</u> APR 10 2014
Resident District LEA #:	Nonresident District LEA#: <u>0401</u> B'VILLE PUB SCH

Student's State Identification #:

Application	Accepted	Rejected
-------------	----------	----------

Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:

Date Notification Sent to Resident District :

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

APPLICANT INFORMATION

Student Name: A [redacted] Lewis

Student Date of Birth: [redacted] Gender Male Female

Grade: 4th

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE) (For data reporting purposes only)
2 or More Races Asian African-American
Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander
White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: Decatur Northside Elementary County Name: Benton

Address: 1498 Stadium Ave, Decatur, AL 32722

Phone: 479-752-3986

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

Bentonville District

District Name: Sugar Creek Elementary County Name: Benton

Address: 1102 Bella Vista Rd., Bentonville, AR 72712

Phone: 479-254-5790

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

PARENT OR GUARDIAN INFORMATION

Name: Jason Lewis Home Phone: [REDACTED]
 Address: [REDACTED] Work Phone: [REDACTED]

Gravette, AR. 72736
 Parent/Guardian Signature: Jason Lewis Date: 4/8/14

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: 4-8-14 3:15 pm Wanda Wilkins Date and Time Received by Nonresident District: 4/10/14 10:57 am RECEIVED
APR 10 2014

Resident District LEA #: 0402000 Nonresident District LEA#: 0401 BVILLE PUB SCH

Student's State Identification #:

Application	Accepted	Rejected
-------------	----------	----------

Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:

Date Notification Sent to Resident District :

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

APPLICANT INFORMATION

Student Name:

G [REDACTED] Lewis

Student Date of Birth

[REDACTED]

Gender

Male

Female

Grade:

1st

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:

Decatur Northside Elementary

County Name:

Benton

Address:

1498 Stadium Ave., Decatur, AR 72722

Phone:

479-752-3986

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

Bentonville District

District Name:

Sugar Creek Elementary

County Name:

Benton

Address:

1102 Bella Vista Rd., Bentonville, AR 72712

Phone:

479-254-5790

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

No

PARENT OR GUARDIAN INFORMATION

Name: Jason Lewis Home Phone: [REDACTED]
 Address: [REDACTED] Work Phone:

Gravette, AR 72736

Parent/Guardian Signature: Jason Lewis Date: 4/8/14

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: <u>4-8-14 3:15pm Anna Williams</u>	Date and Time Received by Nonresident District: <u>04/10/14 10:57am zjc</u>	RECEIVED APR 10 2014 B'VILLE PUB SCH
Resident District LEA #: <u>0402000</u>	Nonresident District LEA #: <u>0401</u>	

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 :

ADVERTISEMENT

K12.COM



Online **PUBLIC** School
INDIVIDUALIZED AND FREE

SEE YOUR
OPTIONS

School Officials Join Sign In Like 58k

GREAT!SCHOOLS

Search for school, district, or city

Find a School Review Your School Back-to-school Preschool Elementary School Middle School High School

Hot Topics Worksheets & Activities Homework Help Parenting Dilemmas Learning Difficulties Health & Behavior Common Core

School and District Boundaries Map

Researching schools in your neighborhood is a snap with our interactive map tool. Enter an address to see school attendance and district boundary lines. Go ahead and give it a spin.

Enter an address to see available schools

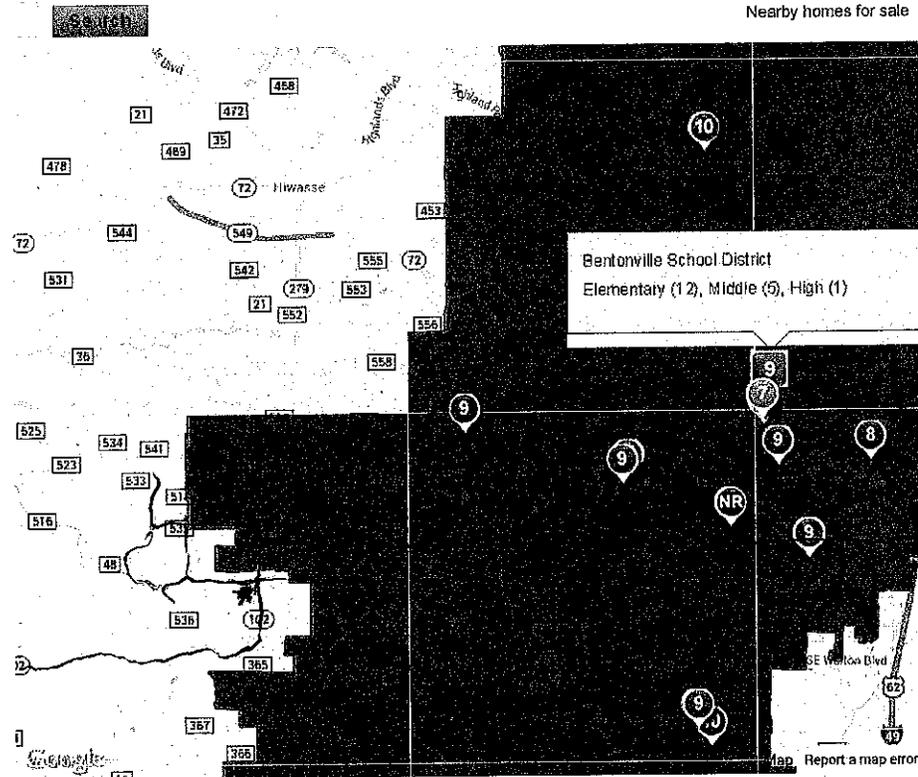
Nearby homes for sale

9 Bentonville School District

District name
Bentonville School District

Grade level
 Elementary Middle High

- Schools in District
- Central Park At Morning Star
 - Cooper Elementary School
 - Elm Tree Elementary School
 - Ardis Ann Middle School
 - Centerton Gamble Elementary
 - May-Mae Jones Elementary School
 - R.E. Baker Elementary School
 - Willowbrook Elementary School



★ [Redacted]

Gravette Ar. 72736
rural resident less than
1500 feet from Highway 102

School Boundaries © Maponics 2012. Duplication is strictly prohibited.
Show schools that are not part of a district: Charter Private

District Private Public/Charter No GreatSchools rating School Enrollment District Boundary

Introducing the new & improved GreatSchools Rating
Above average (8-10) Average (4-7) Below average (1-3)

In some cities, the GreatSchools Rating is now based on a combination of academic performance and school climate factors, such as safety, cleanliness, and parent involvement. Learn more about our new ratings »

Disclaimer: Map data on this page for school attendance zones is compiled from multiple sources and is subject to change. We've done our best to get broad coverage (up to 70% of the country's schools). In some cases data for your address may not be available. We always recommend double-checking with the district or school about enrollment and attendance rules and to determine legal eligibility. Boundaries are not available for preschools.

Gravelle AK 72736

U.S. POSTAGE
PAID
CENTERTON, AR
72719
AUG 06, 14
AMOUNT
\$0.70
00013255-11



72201



1000

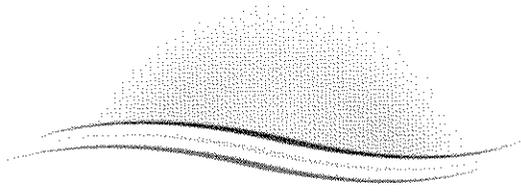
Office of the Commissioner
Four Capital Mall
Little Rock, AR 72201

RECEIVED'S OFFICE
COMMISSIONER'S OFFICE
AUG 11 2014
DEPARTMENT OF EDUCATION



7220131019

RESPONSE



BENTONVILLE PUBLIC SCHOOLS
500 TIGER BLVD. BENTONVILLE, AR 72712
TEL: 479 254 5000 | FAX: 479 271 1159
FIND US ONLINE: [HTTP://BENTONVILLEK12.ORG/WEB/](http://BENTONVILLEK12.ORG/WEB/)

July 19, 2014

Mr. Jeremy C. Lasiter
General Counsel
Arkansas Department of Education
Four Capitol Mall
Little Rock, AR 72201-1019

Mr. Lasiter,

Please find the attached documents which support the decision made by the Bentonville Public Schools Board of Education on July 21, 2014. Due to growth of our district and our lack of capacity, we were unable to approve School Choice requests for S. Zaage, A. Lewis, G. Lewis, K. Ballard, and A. Ballard.

The attached documents are as follows:

- Board of Education Policy S.2.6 regarding School Choice: The highlighted section indicates the "lack of capacity" as 80% or more of the seats at the grade level.
- Board of Education minutes for July 21, 2014 with highlighted motion showing our Board of Education denied the motion to allow students to transfer in to the district
- eSchool enrollment numbers by grade level for July 21, 2014

Please do not hesitate to contact me should you need further documentation regarding this matter.

Sincerely,

Tanya Sharp
Executive Director of Student Services
Bentonville Public Schools

Code:	S.2.6
Date Issued:	01-19-04
Date Revised:	05-20-13

School Choice

I. Standard School Choice

By March 31 of each year, the Board shall determine if the District is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. A District that determines it is subject to such an order or mandate may declare an exemption from the provisions of the School Choice Act of 2013 (the Act) codified at A.C.A. § 6-18-1901 et seq. If the District determines it is eligible for exemption, it will notify the Arkansas Department of Education (ADE) by April 1 whether or not it will declare an exemption from the Act. If the District has previously declared an exemption from the Act and chooses to no longer exercise its exemption option, it shall notify the ADE by April 1 of the District's decision to participate in the school choice provisions of the Act. If the District chooses to exercise its exemption option, it should notify the superintendents of each of its geographically contiguous school districts of its decision. Each decision regarding exemption is binding for one-year from the date the District notifies the ADE of the declaration of exemption.

The superintendent will consider all applications for School Choice postmarked not later than the June 1 preceding the fall semester the applicant would begin school in the District. The superintendent shall notify the parent or guardian and the student's resident district, in writing, of the decision to accept or reject the application by August 1. The approved choice student will have until the first day of school to enroll in the receiving district. If the choice student fails to enroll by the first day of school, their acceptance into that district shall be null and void.

The District shall advertise in appropriate print and broadcast media to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedure for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April first.

When considering applications, priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the District through school choice.

The District may reject a nonresident's application for admission if its acceptance would necessitate the addition of staff or classrooms, exceed the capacity of a program, class, grade level, or school building, or cause the District to provide educational services not currently provided in the affected school. The District shall reject applications that would cause it to be out of compliance with applicable laws and regulations regarding desegregation. Letters of rejection shall state the reason(s) for the rejection. A student whose application was rejected may request a hearing before the State Board of Education to reconsider the application which must be done, in writing to the State Board within 10 days of receiving the rejection letter from the District.

For the purposes of this section of policy, a "lack of capacity" is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for school choice, eighty percent (80%) or more of the seats at the grade level at the

nonresident school are filled.

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. As such, any District approval of a choice application prior to August 1 is provisional pending a determination that the resident's district's 3% cap has not been reached. Any applications for transfer out of the District which are denied due to the 3% limitation cap shall be given priority for a choice transfer the following year in the order in which the District received the original application.

The Board of Directors reserves the right, after a hearing before the board, not to allow any person who is currently under expulsion from another district to enroll in a District school.

The transfer student or their parents are responsible for all transportation to and from the nonresident school district.

Students admitted under this policy shall be entitled to continued enrollment until they graduate or are no longer eligible for enrollment in the District's schools. Any student admitted to this district under the provisions of this policy who chooses to return to his/her resident district during the school year voids the transfer and must reapply for a school choice admission if desiring to return to this district in the future.

Academic or Fiscal Distress Choice Applications

There are a few exceptions from the provisions of the rest of this policy that govern choice transfers triggered by academic or fiscal distress. Any student attending a school district that has been identified as being in academic distress or facilities distress may transfer under the provisions of this policy, but with the three following differences.

- The transfer is only available for the duration of the time the student's resident district remains in distress;
- The student is not required to meet the June 1 application deadline; and
- The student's resident district is responsible for the cost of transporting the student to this District's school.

Opportunity School Choice

Unless there is a lack of capacity at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is eligible for transfer from a school identified as a category level 1 school for two (2) consecutive years under A.C.A. § 6-15-2103(c)(1) may enroll in the District's school closest to the student's legal residence that has a performance category level 3 or higher as defined by A.C.A. § 6-15-2103(a) provided the student's parent or guardian, or the student if over the age of eighteen (18), has successfully completed the necessary application process by July 30 preceding the year of desired enrollment or by June 1, if applying under the provisions of A.C.A. § 6-18-1901 et seq.

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.

For the purposes of this section of policy, a "lack of capacity" is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for opportunity school choice, ninety-five percent (95%) or more of the seats at the grade level

at the nonresident school are filled.

A student's enrollment under the opportunity school choice provision is irrevocable for the duration of the school year and is renewable until the student completes high school or is beyond the legal age of enrollment.

The District may provide transportation to and from the transferring district.

If a District school has been identified as a category 1 school under A.C.A. § 6-15-2103(c)(1), the District shall request public service 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.

Legal References: A.C.A. § 6-1-106
 A.C.A. § 6-15-430(b)
 A.C.A. § 6-15-2103
 A.C.A. § 6-18-227
 A.C.A. § 6-18-510
 A.C.A § 6-18-1901 et seq.
 A.C.A. § 6-21-812
 ADE Rules Governing the Guidelines, Procedures and Enforcement of the
 Arkansas Opportunity Public School Choice Act

**Bentonville Board of Education
Minutes
July 21, 2014**

BOARD:

Wendi Cheatham
Lisa Clark
Brent Leas
Grant Lightle
Willie Cowgur

BOARD ABSENT:

Rebecca Powers
Matt Burgess

ADMINISTRATION:

Mike Poore
Andy Mayes
Sterling Ming
Judy Marquess
Tamara Gibson
Deb Kee
Sharon Lewis
Marilyn Gilchrist
Stephanie Lane
Cindy Dewey

PRESS:

Dave Perozek

Admin Con't"

Dena Ross

GUESTS:

Suzie Poindexter, Ron Shelby, Patrick Horath, Kathy Breed, Wes Burgess

CALL TO ORDER:

President Cheatham called the meeting to order, reminded everyone of the protocol of the meeting, read the Bentonville Public Schools mission statement, and led the Pledge of Allegiance. Secretary Powers called roll; Matt Burgess was absent. There was a quorum.

APPROVE OR MODIFY AGENDA:

Motion by Willie Cowgur, seconded by Brent Leas, to approve the agenda. The motion carried 5-0. Rebecca Powers and Matt Burgess were absent.

COMMENTS FROM THE PUBLIC:

There were no public comments.

CONSENT AGENDA:

Motion by Brent Leas, seconded by Grant Lightle, to approve the consent agenda:

Minutes of the June 23 and 26, 2014, special meetings

Energy Management Report

Enrollment Report

Adopt the Individuals named below as approved signatures on contracts, bank depositor account agreements, legal documents and other legal bank records, and as approved electronic facsimile signatures on District Checks:

Wendi Cheatham, President

Michael Poore, Superintendent

Sterling W. Ming, Executive Director Finance/Treasure

Approve Electronically Transfer of Funds for 2014-15

The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion to adjust the June 23, 2014, minutes concerning the Arvest bank loan; the vote was 5-0 since Mr. Leas left the room during the vote.

CALENDAR:

Annual Board of Education Calendar review

July 21 - 23 – Non-Traditional New Teacher Orientation

August 1 – Non-Traditional Classes Begin

August 6-8 – New Teacher Orientation

August 11 – Pre-agenda Board of Education meeting, 5:30 pm
August 15 – Back to School Celebration – Arend Art Center
August 18 - Board of Education meeting, 5:30 pm
August 18 – Traditional Classes Begin
September 1 – Labor Day – No School
September 2 – Pre-agenda Board of Education meeting, 5:30 pm
(2nd Tuesday due to Labor Day)
September 15 - Board of Education meeting, 5:30 pm
September 16 – Annual School Election, Polls open 7:30 am – 7:30 pm

REPORTS:**ANNUAL SCHOOL ELECTION:**

Superintendent Poore gave an overview of the September 16 annual school election. There are contested elections in zones 1 and 2; current board members Willie Cowgur and Lisa Clark are both running.

GRANT APPROVAL:

Early Childhood – Deb Kee, Child Care Services;

Ms. Kee presented information concerning an Endeavor grant, which would provide more early childhood instruction for children. Room modifications required with the grant would come from Early Childhood's regular budget. Some students would be displaced, but she will provide information to assist those families in securing other day care options.

Motion by Willie Cowgur, seconded by Brent Leas, to approve the Endeavor Foundation grant. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- The district will have 16 children, mostly our pre-k students, that will be affected if this is approved.
- If passed, parents will be informed as soon as possible so they can start looking for other day care options.

Motion by Lisa Clark, seconded by Willie Cowgur, to accept the Endeavor Foundation grant for Tennie Russell Primary School. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

FACILITIES MANAGEMENT REPORT:

Flintco and Hight-Jackson gave updates on work at Bentonville West HS, which is going very well. The project has several required approvals before it can move forward to sending this out for bid.

PERSONNEL:

Ms. Ross presented the request for an additional classified employee to help with the student services. After the re-organization, the need for support for the student services department was realized. This will help us better serve our families and students.

Motion by Willie Cowgur, seconded by Brent Leas to approve a new position for student services administrative assistant. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- With the cost savings in realigning directors, this will still be basically cost neutral.
- We still do not have the Prismatic study back.
- A change in the reorganization is to move the federal program under the student services umbrella

BUDGET AND FINANCE:

Motion by Lisa Clark, seconded by Brent Leas, to accept the financial report. The motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- Why were we over budget? If the district receives grants, the expenditures will go up, ie funds will be spent that weren't budgeted. There are revenues coming in to cover the difference, but it still shows up as "over budget." Rentals could also affect this.
- Substitute's costs were higher; this is an estimated amount. We also had other additional costs in maintenance and technology.

BOARD STRATEGIC PLANNING / REVIEW SUPERINTENDENT GOALS:

The Board has a placeholder to have a meeting in August to not only review the Superintendent's goals, but work on their strategic plan. There was discussion:

- Have a facilitator come in to lead the discussion and assure everyone is heard and able to participate; they would lead the process, not develop the product
- Use this meeting to develop team building skills within the Board
- Develop goals for the Board, then move forward to set a strategic plan
- Get continuing education credit

STUDENT TRANSFER:

Student Transfer OUT:

Hunter Wood to Gravette

Student Transfer IN:

From Gravette:

Justin Jones
Gavin McGrew Arnold-Nowlin
Kenneth Logan Granaham
Merrick Pifer
Kinley Elizabeth Russell
Hale F. Stamps

From Decatur:

Kenzie Ballard
Allie Ballard
Gauge Lewis
Audrey Lewis
Aubrey Elizabeth Roach

From Rogers:

Austin Smith
Delaney L. Willcutt

From Springdale:

Kayla Thomas
Skyler Zaage

Motion by Grant Lightle, seconded by Willie Cowgur, to approve the recommendation to deny the transfer out. Mr. Lightle amended his motion to approve the requested transfer out, seconded by Wendi Cheatham. The motion to approve the amended motion passed 5-0. Rebecca Powers and Matt Burgess were absent.

Motion by Grant Lightle, seconded by Willie Cowgur, to approve the student transfer request out to Gravette by Hunter Wood. The motion passed 4-1. Brent Leas voted no. Rebecca Powers and Matt Burgess were absent.

After the motion, there was discussion:

- If a student wants to leave, the district should let them go.

- The practice has been to not allow students to leave, partially due to financial reasons.
- There was discussion about whether districts do or don't approve students request to leave during open choice.
- A yes vote means the students stays; a no vote means he goes. Mr. Lightle amended the motion to approve the transfer out. Yes he goes and no he stays.
- Ms. Clark asked if there was a policy to direct Board action on student transfers out, but the Board was advised that denial was a matter of practice, but there was no policy.

Motion Lisa Clark, seconded by Grant Lightle, to allow the requests from students seeking transfers in. The motion failed 0-5. Rebecca Powers and Matt Burgess were absent.

After the motion there was discussion:

- District policy denies students transferring in if enrollment is above 80%.
- This is something that may want to be adjusted in the future.

PRESIDENT'S COMMENTS:

The Bentonville Community Center topping out ceremony was very nice.

BOARD MEMBER COMMENTS:

Ms. Clark attended a choral camp and several BPS students were recognized. "Stuff the Bus" is going on this week. The district had 4 alumni graduate from West Point. The new turf is down and looks good. The Booster club has donated \$60,000 for a new sound system.

EXECUTIVE SESSION:

The board retired to Executive Session at 7:27 pm.

The board returned to Open Session at 8:03 pm.

Motion by Willie Cowgur seconded by Grant Lightle to approve the Personnel Packet as presented. The motion passed 5-0. Rebecca and matt were absent.

ADJOURN:

The meeting was adjourned at 8:05 pm.

Respectfully submitted by

Rebecca Powers
Board Secretary

Transcribed by:
Vicki Lunsford
Administrative Assistant

PERSONNEL PRESENTED TO BENTONVILLE SCHOOL BOARD OF EDUCATION

RESIGNATIONS/TERMINATIONS

LICENSED:

NAME	LOCATION	POSITION	REASON	RESIGNATION DATE
Bearfield, Paul	RBMS	Social Studies	New Job	6/30/2014
Butcher, Audra	CES	3rd Grade	New Job	6/23/2014
Coffman, Julia	AAMS	Counselor	Personal	6/30/2014
Ervin, Kameron	MJES	1st Grade	New Job	6/30/2014
Hanner, Leann	CGES	Remediation-NSLA	Retiring	6/30/2014
Horath, Lindsey	CES	3rd Grade	Not Ret Fr LOA	6/25/2014

Minick, Laura	CES	SPED Autism	New Job	6/20/2014
Reagan, Amanda	LJHS	Math	New Job	6/18/2014
Rowlan, Tiffany	CGES	Kindergarten	Moving	6/20/2014
Sone, Sarah	BHS	Drama/Cost/Makeup	New Job	7/31/2014
Smith, Sharon	WES	Literacy Coach	Retiring	6/30/2014
Sparks, Mikel	BHS	SPED Civics/Econ/Gov	New Job	6/30/2014
Terrell, Emily	CGES	3rd Grade	New Job	6/23/2014
Tyler, Syntara	MJES	PE	Moving	6/30/2014
Walton, Kahlynn	WES	Art	Moving	6/20/2014
Watts, Cassandra	TJES	Speech Pathologist	New Job	6/30/2014

CLASSIFIED:

NAME	LOCATION	POSITION	REASON	RESIGNATION DATE
Boyett, Micheal	TECH	Tech Bldg Supp Staff	Moving	6/25/2014
Eaton, Monica	RBMS	Office Asst/Registrar	New Job	6/19/2014
Frail, Jessica	CPES	Instr Aide	New Job	6/16/2014
Fydrych, Judith	Trnsp	Bus Aide	Personal	6/27/2014
Gallo, Lopez Monica	CPES	Instr Aide/Spanish	New Job	6/16/2014
Hartley, Rachel	OHMS	Instr Aide BLdg Sup	New Job	6/30/2014
Ley, Mary	DISTRICT	Exec Dir. Comm/PR	New Job	6/30/2014
Mercado, Pedro	TRPS	Off. Asst./SPED Health	New Job	6/17/2014
Schneringer, Rebecca	REBES	Nurse	New Job	6/23/2014

EMPLOYMENT**LICENSED:**

NAME	LOCATION	POSITION	REPLACED	EMPLOYMENT
Cornell, Jane M	REBES	Counselor	James Herndon	7/28/2014
Cremonte, Sandra	BHS	Math	Brian Ross	8/11/2014
Dean, Heather	CGES	Kindergarten	Tiffany Rowlan	8/11/2014
Dutton, Brian	BHS	SPED-Math	New Position	7/23/2014
Eichler, Michelle	ETES/REB	Split Counselor	Ammie Burrow	7/1/2014
Gibbons, James	AAMS	SPED Autism	New Position	8/6/2014
Greenway, Rebecca	WJHS	Oral Comm/Drama/Foren	Erin Valentine	7/1/2014
Maize, Lindsay	BHS	SPED-Res Soc St.	Michelle Broliar	8/11/2014
Morain, Casee	MMJ	2nd Grade	Christina Hamilton	8/11/2014
Myrick, Carolyn	REBES	Lit Coach	Carol Fry	7/23/2014
Newton, Jody	WJHS	SPED Eng & Math	Kathy Gorges	8/11/2014
Ohl, Lynn	TJES	SPED AU	Marsha Holder	8/6/2014
Pekel, Hannah	MMJ	3rd Grad	Ashley Campbell	8/11/2014
Rupert, Christin	RBMS	5th Lit/Soc St	Lindsay Barnes	8/11/2014
Schube, Melissa	ETES	3rd Grade	Lori Knight	7/28/2014
Turpin, Cheryl	Central Office	ESL	New Position	8/11/2014
Whitlow, Leah	ETES	2nd Grade	Shasta Neisler	7/28/2014

CLASSIFIED:

NAME	LOCATION	POSITION	REPLACED	EMPLOYMENT
Baumhover, Sandy	BHS	SPED Office	Sandra Brown	8/4/2014
Cousar, Martha	LJHS	Nurse-RN 1 year	Diana Davitt-LOA	8/5/2014
Gaston, Jamie	MMJ	Nurse-RN	Zoe Morton	8/5/2014
Poteat, Melanie	LJHS	1-1 Nurse	New Position	8/14/2014
Robinson, Megan	MMJ	Office Asst/Bookkeeper	Angie Williams	7/16/2014
Seay, Deborah	CES	Spanish	Lid Ryan	7/1/2014
Smith, Lacey	RBMS	Instr Aide-SPED SSP	Gwyn Olson	8/11/2014
Smith, Zabrina	BHS	SPED Instr Aide	Cindy Breece	8/11/2014
Spradlin, April	WES	SPED AU-Instr Aide	New Position	8/11/2014
Snarr, Teresa	TJES	Instr Aide	Kristina Packard	8/11/2014

Watson, Eric TECH Software Supp Spec. Cheryl Cox 7/7/2014

TRANSFERSLICENSED:

NAME	TR FR	POSITION	TR TO	POSITION	REPLACED	DATE
Abbott, Todd	BHS	1.0 PE/Cch Tch	LJHS	.5 BHS Cch/.5 Sci	.5 Jacqui Lovejoy	7/1/2014
Chapman, David	BHS	5 SS/.5 IB Coor	BHS	FT SS	Derek Miller	7/1/2014
Chapman, Kristi	LJHS	SPED Math	LJHS	Math	Amanda Reagan	7/1/2014
Dean, Stephanie	REBES	1st Grade	CES	2nd Grade	Angie Tweedy	7/1/2014
Downing, Lance	BHS	.5 SS/Coach	BHS	.5 PE/Coach	Todd Abbott	8/11/2014
Fry, Carol	REBES	Lit Coach	CES	4th Grade	Claudy Egalite	7/1/2014
Furstenberg, Jennifer	BHS	1.0 Science	Dist./BHS	.5 9-12 Sci Instr. Spec	.5 Jeremy Yates	7/1/2014
				.5 ScienceTeacher	BHS	
Gibson, Tamara	Dist.	Dir of Instr	Dist.	Exe Dir. Of Instr	Dena Ross	7/1/2014
Gober, Kaitlen	BHS	.5 English	BHS	1.0 English	Travis Salsman	8/11/2014
Heffington, Amy	BFMS	.5 Interventionist	AAMS	.5 Counselor	Julia Coffman	8/11/2014
Herndon, James	REBES	FT Cnsl	TJES/SCES	.5 Counselor	Tamara White	8/5/2014
				New Position at TJES		
Knight, Lori	ETES	Kindergarten	CGES	Kindergarten	Emily Terrell	8/1/2014
Lovejoy, Jacqui	LJHS	1.0 Science	Dist/LJHS	.5 5-8 Sc Instr. Spec.	.5 Jeremy Yates	7/1/2014
				.5 Science Teacher	LJHS	
Marquess, Judy	Dist.	Dir of Instr	Dist.	Exec Dir. Of Instr	Dena Ross	7/1/2014
Miller, Derek	BHS	FT SS	BHS	.5 SS/.5 IB Coor	David Chapman	7/1/2014
Moe, Kathleen	WES/CPE Art	CPE&WES	WES	Full time Art	Kahlynn Walton	7/1/2014
Musick, Amanda	Dist.	ESL Prog Coor	Dist	Dir of Special Prog.	New Position	7/1/2014
Neisler, Shasta Walker	ETES	2nd Grade	MJES	PE Syntara	Tyler	8/14/2014
Ross, Dena	Dist	Exec Dir of Curr	Dist	Exec Dir of HR	Galen Havner	7/1/2014
Sharp, Tanya	Dist.	Dir of SPED	Dist	Exec Dir St Serv's	D. Ross/B.Reed	7/1/2014
Tweedy, Angie	CES	2nd Grade	CES	3rd Grade	Audra Butcher	7/1/2014

CLASSIFIED:

NAME	TR FROM	POSITION	TR TO	POSITION	REPLACED	DATE
Bunch, Lynn	TRPS	Hrly Afterschool	TRPS	TA	Karen Land	7/1/2014
Dodge, Amanda	REBES	Instr Aid	REBES	1st Grade	Stephenie Dean	7/28/2014
Goseland, Deeann	RBMS	Recep/SPED/Health	RBMS	Registrar	Monica Eaton	7/15/2014
Julien, Anna	CES	AU TA	RBMS	SSP TA	Angie Bryant	8/20/2014
Olson, Gwen	BFMS	Autism, EA	AAMS	Autism EA	New Position	8/11/2014
Nance, Peyton	TRPS	Hrly Afterschool	TRPS	Contracted Pos	Alica Billis	8/11/2014
Packnett, Lynn	RBMS	Keyboarding	RBMS	Off Asst/SPED /Health	D. Goseland	8/11/2014
Ward, Jodie	SCE	SPED Aide	CGE	Library AIDE	Jamie Kinsey	8/1/2014
Wright, Amanda	CESS	Inf. Yr round	BHS	1 on 1 SPED Para	New Position	8/14/2014

REQUEST FOR LEAVE OF ABSENCELICENSED:

NAME	LOCATION	POSITION	DATE OF LEAVE	REASON
Storey, Esther	BHS	SPED	2014-2015	Health Reasons

CLASSIFIED:

NAME	LOCATION	POSITION	DATE OF LEAVE	REASON
Breece, Cynthia	BHS	SPED Self Contained	07/01/14-12/31/14	Health Reasons
Helm, Terry L	CPES	Bookkeeper	07/16/14-12/30/14	Personal

ATTACHMENTS

ADVENTURE CLUB/BUILDING PERSONNEL CHANGES FOR 06/16/2014 thru 7/21/2014

From: smayhall@bentonvillek12.org [mailto:smayhall@bentonvillek12.org]

Sent: Monday, July 21, 2014 6:00 AM

To: Etheredge, Lana; Colston, Emily J.; Dudley, Rebecca; Sharp, Tanya; Ross, Dena; Mayhall, Stephanie (M

Subject: Report: Current Student Enrollment by Building and Grade

Current Stude

	Apple Glen Elementary School	Ardis Ann Middle School	Bentonville High School	Bentonville High School ALE	Bright Field Middle School	Centerton Gamble Elementary School	Central Park Elementary School	Cooper Elementary School
1	98					117	200	143
2	98					124	184	135
3	100					136	200	131
4	124					124	179	132
5		303			325			
6		329			341			
7					1			
8								
9			1,197					
10			1,178	5				
11			1,005	22				
12			915	35				
KF	73					134	169	128
SS			7	1				
Total	493	632	4,302	63	667	635	932	669

21-Jul-14 1 6:00:25 AM

Missy)

nt Enrollment by Building and Grade

Elm Tree Elementary School	Fulbright Junior High School	Lincoln Junior High School	Mary Jones Elementary School	Old High Middle School	R E Baker Elementary School	Ruth Barker Middle School	Sugar Creek Elementary School	Thomas Jefferson Elementary School
121			145		119		94	82
125			138		110		95	86
114			123		104		106	84
124			117		110		97	91
				293		277		
				313		276		
	410	414						
	363	410						
120			114		119		74	77
604	773	824	637	606	562	553	466	420

Washington Junior High School	Willowbrook Elementary School	Total
	167	1,286
	184	1,279
	155	1,253
	166	1,264
		1,198
		1,259
358		1,183
385		1,158
		1,197
		1,183
		1,027
		950
	159	1,167
		8
743	831	15,412

SCHOOL CHOICE STATUTES

FOCUS™ Terms Search Within

Advanced...

[View Tutorial](#)

View

1 of 1



[Return to Results](#) | [Book Browse](#)

A.C.A. § 6-18-1901 (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1901

Arkansas Code of 1987 Annotated Official Edition

© 1987-2014 by the State of Arkansas

All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
 *** 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. § 6-18-1901 (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

1 of 1



[Return to Results](#) | [Book Browse](#)

A.C.A. § 6-18-1901 (Copy w/ Cite)

Pages: 2

View [↩ A.C.A. § 6-18-1902 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1902** (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1902

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1902 (2014)

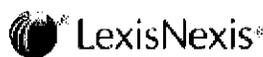
6-18-1902. Definitions.

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)

Pages: 2



About LexisNexis | Privacy Policy | Terms & Conditions | Contact Us
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View ▾[↩ A.C.A. § 6-18-1903 ↪](#)
Return to Search Results**A.C.A. § 6-18-1903** (Copy w/ Cite)Pages: **3**

*A.C.A. § 6-18-1903*Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1903 (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.

View 

 [A.C.A. § 6-18-1903](#) 

[Return to Search Results](#)



A.C.A. § 6-18-1903 (Copy w/ Cite)

Pages: 3



LexisNexis®

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View [← A.C.A. § 6-18-1904 →](#)
Return to Search Results**A.C.A. § 6-18-1904** (Copy w/ Cite)

Pages: 2

*A.C.A. § 6-18-1904*Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1904 (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.

View 

 [A.C.A. § 6-18-1904](#) 

[Return to Search Results](#)



A.C.A. § 6-18-1904 (Copy w/ Cite)

Pages: 2

 **LexisNexis**® [About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

View ▾[↩ A.C.A. § 6-18-1905 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1905** (Copy w/ Cite)Pages: **2***A.C.A. § 6-18-1905*

Arkansas Code of 1987 Annotated Official Edition
 © 1987-2014 by the State of Arkansas
 All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
 *** 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. § 6-18-1905 (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.

View ▾[↩ A.C.A. § 6-18-1905 ⇨](#)[Return to Search Results](#)**A.C.A. § 6-18-1905** (Copy w/ Cite)Pages: **2**

View ▾

⏪ A.C.A. § 6-18-1906 ⏩

⏪

Return to Search Results

A.C.A. § 6-18-1906 (Copy w/ Cite)Pages: **3**

A.C.A. § 6-18-1906

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1906 (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 



[Return to Search Results](#)

A.C.A. § 6-18-1906 (Copy w/ Cite)

Pages: 3



LexisNexis® [About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)
Copyright © 2014 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

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*

Arkansas Code of 1987 Annotated Official Edition
 © 1987-2014 by the State of Arkansas
 All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
 *** 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 



[Return to Search Results](#)

A.C.A. § 6-18-1908 (Copy w/ Cite)

Pages: 2

A.C.A. § 6-18-1908

Arkansas Code of 1987 Annotated Official Edition
© 1987-2014 by the State of Arkansas
All rights reserved.

*** Legislation is current through the 2013 Regular Session and updates ***
*** 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. § 6-18-1908 (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 



[Return to Search Results](#)

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 :		