

NOTICE LETTER



ARKANSAS DEPARTMENT OF EDUCATION

June 18, 2013

Dr. Tom W. Kimbrell
Commissioner

**State Board
of Education**

Jim Cooper
Melbourne
Chair

Brenda Gullett
Fayetteville
Vice Chair

Dr. Jay Barth
Little Rock

Joe Black
Newport

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Toyce Newton
Crossett

Mireya Reith
Fayetteville

Vicki Saviers
Little Rock

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

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

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

Mr. George Rozzell
Attorney at Law
217 E. Dickson Street, Suite 106
Fayetteville, AR 72701

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

Everyone:

On June 7, 2013, Mr. George Rozzell filed a petition on behalf of Ms. Erika Goodall appealing the decision of the Palestine-Wheatley School District to deny the following applications made pursuant to the Public School Choice Act of 2013:

- A. Goodall (5)
- E. Goodall (8)
- A. Goodall (9)
- A. Goodall (11)

This letter is to notify you that the Arkansas State Board of Education is tentatively scheduled to hear the above-referenced appeal(s) on **Monday, July 8, 2013**. The meeting will begin at **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Enclosed with this letter you will find a copy of Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on July 3, 2013.**

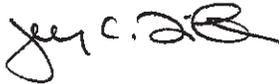
The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013.

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

School Choice Appeal Hearing Notice
June 18, 2013
Page 2 of 2

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

Respectfully,



Jeremy C. Lasiter
General Counsel

Enclosures

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

APPEAL

**RECEIVED
ATTORNEYS OFFICE**

george rozzell
attorney

JUN 07 2013

**DEPARTMENT OF EDUCATION
GENERAL DIVISION**

George M. Rozzell IV PA

217 E. Dickson St. Suite 106
Fayetteville, AR 72701
P: 479.442.1404
F: 479.442.2005
george@rozzellpa.com

June 7, 2013

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

Re: Palestine-Wheatley School Choice Rejection Letters
A. Goodall, 5; E. Goodall, 8; A. Goodall, 9; A. Goodall, 11

Dear Commissioner,

Please accept this letter to satisfy the notice of appeal requirement under Rule 8.00 *et seq.* of the Arkansas Department of Education Emergency Rules Governing The Public School Choice Act of 2013 as adopted on May 13, 2013. This single letter shall serve as notice for each of the above students. It is brought by each of them individually through his or her parent and next friend, Erika Goodall, due to each child's minor status.

An application for each child to attend the Palestine-Wheatley School District for the upcoming 2013-2014 school year was made for each student. These applications were completed timely prior to the June 1st deadline under the Public School Choice Act of 2013, Ark. Code Ann. § 6-18-1901 *et seq.* ("School Choice Act") enacted on April 16, 2013 by way of an emergency clause. As evidenced by the applications and responding rejection letters enclosed herein, Palestine-Wheatley School District denied these applications upon the sole premise that the Forrest City School District is exempt from the School Choice Act due to it being under a desegregation order.

Erika Goodall, on behalf of all of her children, appeals this arbitrary and unlawful declaration on two separate grounds. Pursuant to the School Choice Act, a non-resident school district may annually declare itself exempt for the upcoming school year because it is under a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. It must notify the department of its intent to do so by April 1 prior to the upcoming school year. Ark. Code Ann. § 6-18-1906(b)(3). While the Arkansas Department of Education has written a memo recognizing the factual impossibility to comply with the exemption provisions of School Choice Act for the upcoming school year, it does not have the authority, nor the ability to alter or amend the application of the law as it is written.

Forrest City School District claimed this exemption on May 14, 2013 for the 2013-2014 school year. (See the enclosed resolution adopting the same.) It is unknown what date it notified the Department of Education of its intent to claim this exemption. The exemption claimed by the Forrest City School District was untimely and is void as a matter of law. Additionally, Forrest City School District does not meet the requirements of the School Choice Act in

that it is not under an order of desegregation or a mandate of a federal court or agency remedying the effects of past racial segregation.

The children who bring this appeal, save for the youngest child entering kindergarten, have only attended the Palestine-Wheatley School District. In 2012, their mother moved to Forrest City, but upon passing of the School Choice Act, Erika Goodall was elated at the possibility that her children would be able to stay in the only educational environment each has known. Given the familiarity and comfort the family has with the school district, it is clearly in the best interest of the children bringing this appeal that they be able to utilize the benefits of the School Choice Act to their advantage. The arbitrary untimely declaration of the Forrest City School District is preventing them from doing so, and is subjecting them to irreparable harm.

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

Sincerely,

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

George Rozzell
Attorney at Law

cc: Erika Goodall, Palestine-Wheatley School District

Enclosure(s)

Fax Transmission

Date: 6/6/13

To: MR. GEORGE

Fax Number: 1-800-559-9690

From: Erika Goodall

Our Phone: (870) 633-2857

Our Fax: (870) 630-2383



No. of pages including cover page:

Message:

Please call if you experience transmission problems.

**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 B _____ Gender Male Female

Grade: _____

Does the applicant _____ 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: Forrest City County Name: _____

Address: _____

Phone: _____

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Palestine - Wheatley County Name: St. Francis

Address: _____

Phone: _____

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

PARENT OR GUARDIAN INFORMATION

Name: Erika Goodall Home Phone: _____
 Address: _____ Work Phone: _____

Parent/Guardian Signature: Erika Goodall Date: 4-3-2013

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

Date and Time Received by Resident District: _____ Date and Time Received by Nonresident District: 5-3-13
9:28 AM
 Resident District LEA #: _____ Nonresident District LEA#: _____

Student's State Identification #: _____

Application	Accepted	Rejected
		<input checked="" type="checkbox"/>

Reason for Rejection (If Applicable): See attached letter

Date Notification Sent to Parent/Guardian of Applicant: 6-4-13

Date Notification Sent to Resident District : _____

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

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

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

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

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

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

Respectfully,



Superintendent
Palestine-Wheatley School District

**APPLICATION FOR TRANSFER TO A 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: Forrest City County Name: _____

Address: _____

Phone: _____

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Palestine - Wheatley County Name: St. Francis

Address: _____

Phone: _____

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

PARENT OR GUARDIAN INFORMATION

Name: <u>Erika Goodall</u>	Home Phone: _____
Address: _____	Work Phone: _____
Parent/Guardian: <u>Erika Goodall</u>	Date: <u>4-3-2013</u>

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).

Date and Time Received by Resident District: _____	Date and Time Received by Nonresident District: <u>5/3/13 9:28 AM</u>
Resident District LEA #: _____	Nonresident District LEA#: _____

Student's State Identification #: _____

Application	Accepted	Rejected
		<input checked="" type="checkbox"/>

Reason for Rejection (If Applicable): See attached letter

Date Notification Sent to Parent/Guardian of Applicant: 6-4-13

Date Notification Sent to Resident District: _____

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

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

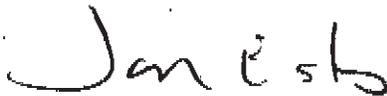
Your child's resident district has declared itself exempt from the provisions of the
School Choice Law due to it being under a desegregation order.

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

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

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

Respectfully,



Superintendent
Palestine-Wheatley School District

**APPLICATION FOR TRANSFER TO A 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:

5th

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:

Forrest City

County Name:

St. Francis

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

Palmer - Wheatley
~~Forrest City~~

County Name:

St. Francis

Address:

Phone:

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

yes

PARENT OR GUARDIAN INFORMATION

Name: Erika Goodall

Home Phone: _____

Address: _____

Work Phone: _____

Parent/Guardian Signature 7

5

Date:

4-3-13

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

Date and Time Received by Resident District:

Date and Time Received by Nonresident District:

5/03/13 9:28 AM

Resident District LEA #:

Nonresident District LEA#:

Student's State Identification #:

Application	Accepted	Rejected
		<input checked="" type="checkbox"/>

Reason for Rejection (If Applicable):

See attached letter

Date Notification Sent to Parent/Guardian of Applicant:

6-4-13

Date Notification Sent to Resident District:

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

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

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

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

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

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

Respectfully,



Superintendent
Palestine-Wheatley School District

**APPLICATION FOR TRANSFER TO A 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: 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: Ferrest City County Name: _____

Address: _____

Phone: _____

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Palestin - Wheatley County Name: St. Francis

Address: _____

Phone: _____

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

PARENT OR GUARDIAN INFORMATION

Name: Erika Goodall Home Phone: _____

Address: _____ Work Phone: _____

Parent/Guardian Signature: Erika Goodall Date: 4-3-2013

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

Date and Time Received by Resident District: _____ Date and Time Received by Nonresident District: 5/3/13 9:28 AM

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

Student's State Identification #: _____

Application Accepted Rejected

Reason for Rejection (If Applicable): See attached letter

Date Notification Sent to Parent/Guardian of Applicant: 6/4/13

Date Notification Sent to Resident District: _____

Palestine-Wheatley School District No. 23

P.O. Box 790
Palestine, Arkansas 72372

Dear Parent:

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

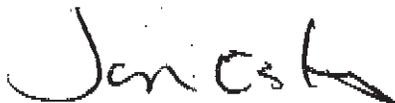
Your child's resident district has declared itself exempt from the provisions of the
School Choice Law due to it being under a desegregation order.

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

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

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

Respectfully,



Superintendent
Palestine-Wheatley School District

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

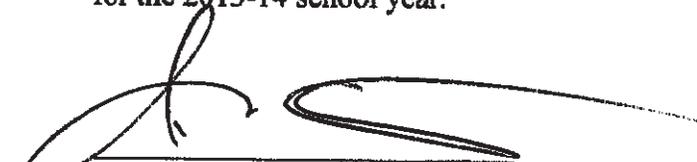
WHEREAS, the Board understands that this exemption is irrevocable for one year from the date the Department of Education is notified of the declaration of exemption.

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

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

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

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



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

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



Glenn Shepherd - Board Secretary

5-14-2013

Date



**UNITED STATES
COMMISSION ON
CIVIL RIGHTS**

Central Regional Office
Gateway Tower II
400 State Avenue, Suite 908
Kansas City, KS 66101-2406
(913) 551-1400
(913) 551-1413 FAX

October 30, 2006

Mr. Oliver Dillingham
Program Manager
Equity Center
Arkansas Department of Education
#4 Capitol Mall
Little Rock, AR 72201

Dear Mr. Dillingham:

The U.S. Commission on Civil Rights is a federal agency charged with the responsibility to study and appraise legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin. State Advisory Committees are established in each state to inform the Commission on civil rights issues in their states.

This office on behalf of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights is examining the desegregation status of school districts in Arkansas as well as other states in the South. Information we have indicates that there was an initial Court action with respect to some school districts in Arkansas. Our information suggests that the following school districts in Arkansas remain under a court order with respect to desegregation, i.e., has not been granted "Unitary Status" by the Court:

- United States v. England School District No. 2
- United States v. Watson Chapel School District No. 24
- United States v. Crawfordville School District No. 2
- United States v. Bradley School District No. 20
- United States v. Thornton School District No. 26
- United States v. Hermitage School District No. 12
- United States v. Junction City School District No. 75
- United States v. Lovett (Warren School District No. 1)

In addition, it is my understanding that the Little Rock School District, the North Little Rock School District and the Pulaski County School District also remain under a Court Order with respect to desegregation.

RECEIVED
NOV 02 2006

EQUITY ASSISTANCE
CENTER

EQUITY ASSISTANCE
CENTER

NOV 02 2006
RECEIVED

deadline(s) has/have the Court imposed upon the school district to perform required actions or submit information.

If possible, a reply to this request by Tuesday, November 14, 2006, would be appreciated. Should you have any questions about this request, please feel free to call me at (913) 551-1400. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Farella E. Robinson".

FARELLA E. ROBINSON, Civil Rights Analyst
Central Regional Office
U.S. Commission on Civil Rights

RESPONSE

LAW OFFICES
SHARPE, BEAVERS, CLINE & WRIGHT
P.O. BOX 924
FORREST CITY, ARKANSAS 72336-0924

Harold Sharpe (1916-2000)

Brad J. Beavers
R. Alan Cline
Marshall Wright

407 Cleveland

Telephones:
870-633-3141
Fax: 870-633-3594

June 20, 2013

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

Via email & certified mail

From: The Forrest City School District

Re: Appeals brought by the Goodalls and by the Jacksons

Ladies and Gentlemen:

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

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

Let us please comment upon certain of the arguments made on behalf of the Goodalls in Mr. Rozzell's letter of June 7, 2013.

First, the April 1 deadline does not take effect until the 2014-2015 school year. This is apparent from the structure of the Act itself.

In examining Section 6-18-1906, it is clear that under Section B 1 a school district annually may declare an exemption if the district is subject to a desegregation order or agency mandate. B 2 then explains the exemption is irrevocable for one year. 2 b provides that after each year of exemption the school board can change its mind. Under 3, the legislature wrote that a school district shall notify the department by April 1 *if in the next school year* the school district intends

to declare an exemption or resume participation after a period of exemption. If a district intends to change what it did during 2013-2014, it must notify the Department by April 1, 2014. Since the act just took effect, there is no "previous year" to 2013-2014. Thus, the April 1 deadline comes into effect during the 2014-2015 school year.

This interpretation of the Act is fortified by the overall structure of the Act. It is clear that it is to exist and operate for at least two years. An argument that a district's right to claim an exemption does not apply to the 2013-2014 school year would totally frustrate the intent of the authors of the legislation. The exemption is clearly an integral part of the legislation as set forth in A.C.A. 6-18-1901 (b) (3).

The only logical and literal interpretations of the statute are that for the first year, i.e. 2013-2014 the district must simply declare the exemption. The Act provides no date for that declaration. However, under its rule making authority, the department has supplied a deadline of May 17 which the Forrest City School District met.

For the 2014-2015 school year, the Forrest City School District, and others similarly situated, will indeed have to make its decision and advise the department by April 1, 2014 if it is going to again declare an exemption or decide to participate.

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

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

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

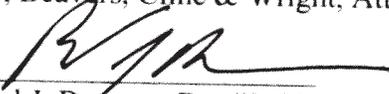
Further, the entire structure of the Act also strongly suggests that the issue of the exemption is not appealable because there is no provision in either the Act or the emergency rules that the resident district do anything when the non-resident district declines the application. This logically should mean that appeals are limited to issues such as enrollment caps and organization and staff issues. These would be matters that the board could presumably evaluate based upon mathematical calculations or empirical evidence.

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

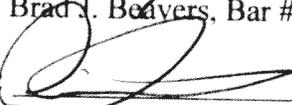
Respectfully submitted,

Sharpe, Beavers, Cline & Wright, Attorneys

By:


Brad J. Beavers, Bar #81012

By:


R. Alan Cline, Bar # 87035

cc: Mr. George M. Rozzell, IV PA
Attorney at Law
217 Dickson St., Suite 106
Fayetteville, AR 72701

Cody and Cory Jackson
635 Calvert Rd.
Forrest City, AR 72335

RESOLUTION OF FORREST CITY SCHOOL DISTRICT
BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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

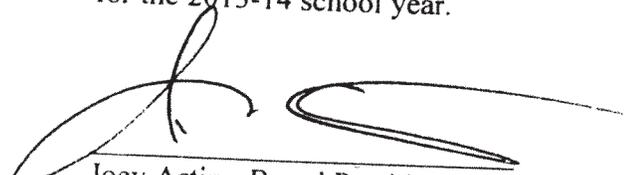
Exhibit A

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

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

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

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



Joey Astin - Board President

5-14-2013

Date

CERTIFICATION

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



Glenn Shepherd - Board Secretary

5-14-2013

Date

STATUTE

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

3 89th General Assembly
4 Regular Session, 2013

A Bill

SENATE BILL 65

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

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

1 ~~school year.~~

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

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

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

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

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

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

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

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

1 ~~graduation requirements.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) The General Assembly finds that:

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

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

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

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

9
10 6-18-1902. Definitions.

11 As used in this subchapter:

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

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

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

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

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

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

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

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

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

34 (2) The standards:

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

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

3 (i) Resides in the same household; and

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

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

7 (i) Academic achievement;

8 (ii) Athletic or other extracurricular ability;

9 (iii) English proficiency level; or

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

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

15 (e) A nonresident district shall:

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

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

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

24 (1) Availability of the program;

25 (2) Application deadline; and

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

28
29 6-18-1904. General provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 rejected.

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

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

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

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

12
13 6-18-1906. Limitations.

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

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

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

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

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

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

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

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

1 membership for the immediately preceding school year.

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

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

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

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

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

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

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

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

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

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

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

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

7
8 6-18-1909. Effective date.

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

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

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

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

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

30
31 /s/J. Key
32

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

RULES

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

1.00 PURPOSE

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

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

2.00 AUTHORITY

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

3.00 DEFINITIONS

As used in these rules:

3.01 “Nonresident District” means a school district other than a student’s resident district;

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

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

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

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

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

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

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

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

4.06.1 Availability of the program;

4.06.2 Application deadline; and

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

5.00 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

6.00 APPLICATION FOR TRANSFER

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

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

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

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

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

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

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

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

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

7.00 LIMITATIONS

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

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

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

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

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

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

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

7.02.3.2 Resume participation after a period of exemption.

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

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

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

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

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

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

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

8.00 APPEAL, DATA COLLECTION AND REPORTING

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

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

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

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

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

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

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

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

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

Little Rock, AR 72201

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

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

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

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

9.00 EFFECTIVE DATE

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

10.00 STATE BOARD HEARING PROCEDURES

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

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

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

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

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

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

10.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.

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

10.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, numeric order (1,2,3).

10.08 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).

10.09 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.

10.10 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

10.11 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

11.00 EMERGENCY CLAUSE

11.01 WHEREAS, Act 1227 of 2013 contained an emergency clause and became effective on April 16, 2013; and

11.02 WHEREAS, Act 1227 of 2013 authorizes the State Board of Education to promulgate rules to implement the Act; and

11.03 WHEREAS, these rules are immediately necessary to achieve the purposes of Act 1227 of 2013 to resolve uncertainty in the law before the 2013-2014 school year and preserve existing student transfers;

11.04 THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that imminent peril to the welfare of Arkansas public school students, parents and school districts will result without the immediate promulgation of these rules.

PARENT OR GUARDIAN INFORMATION

Name:	Home Phone:
Address:	Work Phone:

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

DISTRICT USE ONLY

Date and Time Received by Resident District:	Date and Time Received by Nonresident District:
Resident District LEA #:	Nonresident District LEA#:

Student's State Identification #:

Application	Accepted		Rejected	
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Reason for Rejection (If Applicable):

Date Notification Sent to Parent/Guardian of Applicant:

Date Notification Sent to Resident District :