

Nos. 19-1340, 19-1342, 19-1348, 19-1349
IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

United States of America		Plaintiff-Appellee
v.	No. 19-1340	
Arkansas Department of Educ., et al		Intervenors-Appellants
Junction City School District, et al		Defendants-Appellees
Rosie L. Davis		Plaintiff-Appellee
v.	No. 19-1342	
Arkansas Department of Educ., et al		Intervenors-Appellants
William Dale Franks		Defendants-Appellees
Mary Turner, et al		Plaintiffs-Appellees
v.	No. 19-1348	
Arkansas Department of Educ., et al		Intervenors-Appellants
Lafayette County School District, et al		Defendants-Appellees
Larry Milton, et al		Plaintiffs-Appellees
v.	No. 19-1349	
Arkansas State Board of Educ., et al		Intervenors-Appellants
Camden Fairview School District, et al		Defendants-Appellees

APPELLEES'
ADDENDUM

On Appeal from the United States District Court
for the Western District of Arkansas
The Honorable SUSAN O. HICKEY, Chief District Judge

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Whitney F. Moore (AR2009193)
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Counsel for the Appellee School Districts Counsel for the Plaintiffs-Appellees

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CAMDEN FAIRVIEW PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT

625 Clifton

Camden, Arkansas 71701

June 24, 2019

Dustin and Lindsey Autrey

[REDACTED]
Stephens, AR 71764

Dear Mr. and Mrs. Autrey:

The Camden Fairview School District School Board ("CFSD" or "Board") met in regular session on June 18, 2019, and considered your petition for the legal transfer of your three children from CFSD to Nevada County School District (Nevada). The board approved your legal transfer request for compassionate reasons because your children reside in the former Stephens school district and this board has previously authorized legal transfers for students who live in Stephens and did not opt to transfer to Nevada when Stephens School District was consolidated with CFSD, Nevada, and Magnolia School District in 2014.

Enclosed are the signed and completed petition, transfer of students affidavit, and consent of resident district. By copy of this letter and its enclosures, I am notifying Nevada Superintendent Rick McAfee of CFSD's approval of your petition for legal transfer.

Thank you.

Sincerely,



Mark Keith

cc: Rick McAfee (regular mail and email)

CAMDEN FAIRVIEW PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT
625 Clifton
Camden, Arkansas 71701

May 13, 2019

Superintendent John Gross
Smackover School District
112 East 8th Street
Smackover, AR 71762

Re: School Choice

Dear Superintendent Gross:

On April 17, 2019, Camden Fairview School District (CFSD) received correspondence from the Arkansas Department of Education (ADE) confirming that CFSD is not required to participate in school choice under the Public School Choice Act of 2015 during the 2019-2020 school year. The purpose of this letter is to request that you comply with the directives of the ADE by denying school choice applications for students who reside in CFSD.

Regarding the school choice application of Logan Landry, it is my understanding from the application that Logan is a sibling of Brooklyn Landry. Because Brooklyn is attending via a school choice transfer application accepted by Smackover for the 2018-19 school year and approved by Judge Hickey in her January 17, 2019 order, CFSD does not object to Logan's enrollment pursuant to Ark. Code Ann. § 6-18-1904(c)(2), assuming Smackover has the capacity to accept Logan "without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law."

I ask that you continue to notify CFSD of any school choice applications you receive from CFSD residents. Thank you very much for your attention to this matter.

Sincerely,



Mark Keith
Superintendent

An Equal Opportunity Employer


PETITION FOR TRANSFER OF STUDENTS
(please write legibly)

STATE OF ARKANSAS

COUNTY OF Pike


TO THE BOARD OF DIRECTORS OF THE South Pike County
(Resident School District)

I, MARCIA Gentry, petition that my children or wards, as listed below, now residing in the South Pike County School District in Pike County, Arkansas, be transferred to the Hope School District in Hempstead County, Arkansas, for educational purposes under the provisions of Ark. Code Ann. § 6-18-316 authorizing such a transfer, effective the 01 day of June, 20 19.

NAME	AGE	GRADE
<u>Kendrien Piggee</u>		<u>8th</u>

MARCIA Gentry
(Printed Name of Petitioner)

Marcia Gentry
(Signature of Petitioner)


(Petitioner's Phone Number)


(Petitioner's Address)

Delight 71940
(Petitioner's City and Zip Code)

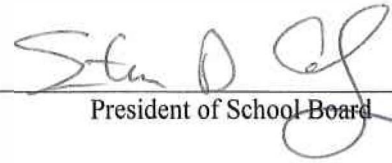
CONSENT OF RESIDENT DISTRICT

Revised 01/2018

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

05-14-2019

Date Board Authorized Transfer


President of School Board

CONSENT OF RECEIVING DISTRICT

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

Date Board Authorized Transfer

President of School Board

After the petition has been approved by the Board of Directors of the resident district and the Board of Directors of the receiving district, copies of approved transfers shall be filed by the receiving district with: (1) the office of the county clerk, (2) the administrative offices of the receiving district, (3) the administrative offices of the resident district, and (4) the Arkansas Department of Education State LEA Funding, Four Capitol Mall, Room 202-A, Little Rock, Arkansas 72201. If the receiving district covers areas in more than one county, copies should be filed with both county clerks.

**TRANSFER OF STUDENTS
AFFIDAVIT**

According to Ark. Code Ann. § 6-18-317:

Revised 01/2018

Boards of Directors of local school districts are prohibited from granting legal transfers under § 6-18-316 when:

- (1) Either the resident or the receiving district is under a desegregation-related court order; and
- (2) The transfer in question would violate the court order.

Whereas, the Board of Directors of South Pike County School District, in Pike County (resident district), and the Board of Directors of Hope School District, in Hempstead County (receiving district), have agreed to have the student (s) listed below transferred June 1, 2019, and in granting this transfer have in no way violated Ark. Code Ann. §6-18-317.

NAME	AGE	GRADE
Kendrien Piggee	[REDACTED]	8

RESIDENT DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES	RECEIVING DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES
Joe Hume	
Jeremy Humphrey	
Lynn	
Angie Fabian	
Larnia Minton	



JUNCTION CITY PUBLIC SCHOOLS

100 WEST HOLLY - PO BOX 790
JUNCTION CITY, ARKANSAS 71749
PHONE (870) 924.4575 FAX (870) 924.4565

ROBBY LOWE
SUPERINTENDENT

JOY T. MASON
HIGH SCHOOL PRINCIPAL

TERESA J. MATOCHIK
ELEMENTARY PRINCIPAL

REBEKAH L. WEST
DIRECTOR OF SPECIAL PROGRAMS

Request for Legal Board to Board Transfer

The Junction City School District (JCSD) and the Board of Directors believes that JCSD offers students a quality education. The JCSD prides itself on meeting the individual needs of all students and providing educational opportunities above and beyond what is required for compliance with Arkansas Standards for Accountability.

However, the Board recognizes that at times extenuating circumstances arise and a legal transfer is in the best interest of all parties. The Board is charged with deciding transfer requests based on compassionate or academic reasons. If a resident of the JCSD provides a rational, logical reason for a transfer, the board will consider the request.

You may request a closed executive session hearing of the request if the purpose of the request is for personal or private reasons. If your request is based on conflict with school district personnel, the request will be heard in closed executive session and the school personnel in question will be present.

As per policy of this Board, requests for transfers will be heard only at the July and December regularly scheduled meetings unless an emergency situation arises and hearing must be conducted more timely.

This form must be submitted by 12:00 pm Wednesday prior to the meeting. The JCSD regular board meetings are the second Tuesday of each month at 6:30 pm in the Special Programs Meeting Room unless a change has been announced.

*Denied
4/9/19*

*3rd
April 9*

Are there programs or academic opportunities at the nonresident school that JCSD does not offer?

Is there an emotional or medical condition that exists that makes the nonresident school a better educational environment than JCSD?

The children will be a 30 minute drive from both our places of employment should an emergency arise. We have No Family or Support near the J.C. school.

Do you have other concerns or matters the Board needs to consider when deciding the transfer of your child(ren)?

ON BACK →

Name Jesse Livingston

Date of Request April 3, 2019

Signature Jesse Livingston

JCSD Office Documentation:
Personnel Receiving Request <u>[Signature]</u>
Date and Time of Receipt <u>4/3/19 @ 11:50 Am</u>
Notations _____

To: Junction City School Board:

We have been looking to buy a house for 2 years near or in the PC school district. In October of 2018, we found what we believed to be our dream home and location for our small family. We closed and purchased a house on Dec. 17, 2018 for \$175,000 only 1 mile outside of the PC district. We did our research before signing on the house and was assured JC was "school of choice". We couldn't have been more thrilled! Our dream as a family was to always have our young children attend PC. The house was in the perfect location; 10 minutes from the PC school on our way to work. Both parents work in El Dorado, ~~near~~ near enough from our work places, that should an emergency with the children occurred, we as parents could be at the PC school in 10 minutes. We filed our application to PC as the first week of January for school of choice transfer from JC to PC. We did everything we were told to do in a very timely manner. We have no support system as to family or friends in the JC district.

Now as of Feb. 25th, we find out that JC doesn't have to participate in "school of choice" and we as a family are devastated. We followed the rules, did ~~our~~ our research only to find out that without this transfer all our dreams and plans ~~will~~ will be crushed. We would not have purchased a \$175,000 life time home had we thought that our children could not attend PC school. I have to heat work in El Dorado at 6:00 AM, my wife at 8:00 AM. If my wife drove the children to school ~~that~~ she couldn't make that 8:00 AM clock-in. If they rode the bus they would be on a bus for a lengthy time every morning. These children are ages 7 & 5 and we as

parents know that that is not in the best interest of our young children as well feel they will be fatigued.

We beg the mercy of the school board to allow this transfer for compassionate reasons, as this is entirely in the best interest of our young children. We pray for complete understanding and consideration in the decision. This is weighing so heavily on our hearts. The extra commute time and travel is not in our budget and would definitely be a burden that we cannot afford.

Please Grant ~~us~~ This Transfer
God Bless

Jesse Singleton
Megan Singleton
4-3-19


PETITION FOR TRANSFER OF STUDENTS
(please write legibly)

STATE OF ARKANSAS

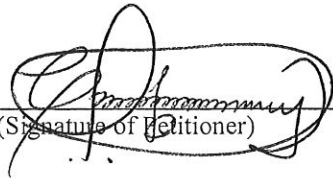
COUNTY OF Union

TO THE BOARD OF DIRECTORS OF THE Junction City School
(Resident School District)

I, Claudia Conti, petition that my children or wards, as listed below, now residing in the Junction City School District in Union County, Arkansas, be transferred to the El Dorado School District in Union County, Arkansas, for educational purposes under the provisions of Ark. Code Ann. § 6-18-316 authorizing such a transfer, effective the _____ day of _____, 20_____.

NAME	AGE	GRADE
<u>Angelica Conti</u>		<u>8th</u>

Claudia Conti
(Printed Name of Petitioner)


(Signature of Petitioner)


(Petitioner's Phone Number)

 El Dorado, AR 7173
(Petitioner's Address)

(Petitioner's City and Zip Code)

*mailed to
El Do School
&
Ms. Conti
6/25/19*

CONSENT OF RESIDENT DISTRICT

Revised 01/2018

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

6/11/2019
Date Board Authorized Transfer


President of School Board

CONSENT OF RECEIVING DISTRICT

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

Date Board Authorized Transfer

President of School Board

After the petition has been approved by the Board of Directors of the resident district and the Board of Directors of the receiving district, copies of approved transfers shall be filed by the receiving district with: (1) the office of the county clerk, (2) the administrative offices of the receiving district, (3) the administrative offices of the resident district, and (4) the Arkansas Department of Education State LEA Funding, Four Capitol Mall, Room 202-A, Little Rock, Arkansas 72201. If the receiving district covers areas in more than one county, copies should be filed with both county clerks.

**TRANSFER OF STUDENTS
AFFIDAVIT**

According to Ark. Code Ann. § 6-18-317:

Revised 01/2018

Boards of Directors of local school districts are prohibited from granting legal transfers under § 6-18-316 when:

- (1) Either the resident or the receiving district is under a desegregation-related court order; and
- (2) The transfer in question would violate the court order.

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

NAME	AGE	GRADE
Angelica Conti	[REDACTED]	8 th

RESIDENT DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES	RECEIVING DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES
<i>Bruce J. Smith</i>	
<i>Paul K. Kelly</i>	
<i>Bobby E. Bryan</i>	
<i>Dan R. [Signature]</i>	
<i>[Signature]</i>	

Revised 01/2018

PETITION FOR TRANSFER OF STUDENTS
(please write legibly)

STATE OF ARKANSAS
COUNTY OF LAFAYETTE

TO THE BOARD OF DIRECTORS OF THE _____ LAFAYETTE COUNTY SCHOOL DISTRICT _____
(Resident School District)

I, _____ MEGAN PIERSON _____, petition that my children or wards, as listed below, now residing in the
_____ LAFAYETTE COUNTY _____ School District in Lafayette County, Arkansas, be transferred to the
_____ SPRING HILL _____ School District in Hempstead County, Arkansas, for educational purposes under the provisions
of Ark. Code Ann. § 6-18-316 authorizing such a transfer, effective the 24th day of June, 2019.

NAME	AGE	GRADE
Kelsey Pierson	[REDACTED]	1st

Megan Pierson
(Printed Name of Petitioner)

Megan Pierson
(Signature of Petitioner)

[REDACTED]
(Petitioner's Phone Number)

[REDACTED]
(Petitioner's Address)

Lewisville, AR 71845
(Petitioner's City and Zip Code)

CONSENT OF RESIDENT DISTRICT

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

6/25/2019

Date Board Authorized Transfer

[Handwritten Signature]
President of School Board

CONSENT OF RECEIVING DISTRICT

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

Date Board Authorized Transfer

President of School Board

After the petition has been approved by the Board of Directors of the resident district and the Board of Directors of the receiving district, copies of approved transfers shall be filed by the receiving district with: (1) the office of the county clerk, (2) the administrative offices of the receiving district, (3) the administrative offices of the resident district, and (4) the Arkansas Department of Education State LEA Funding, Four Capitol Mall, Room 202-A, Little Rock, Arkansas 72201. If the receiving district covers areas in more than one county, copies should be filed with both county clerks.

**TRANSFER OF STUDENTS
AFFIDAVIT**

According to Ark. Code Ann. § 6-18-317:

Boards of Directors of local school districts are prohibited from granting legal transfers under § 6-18-316 when:

- (1) Either the resident or the receiving district is under a desegregation-related court order; and
- (2) The transfer in question would violate the court order.

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

NAME	AGE	GRADE
Kelsey Pierson	█	1st

RESIDENT DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES	RECEIVING DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES
<i>Johnny D Brown</i>	
<i>Celric Jackson</i>	
<i>Tanya Clark</i>	
<i>Linda Nutt</i>	