

# Hearing Notice



# Division of Elementary and Secondary Education

*Transforming Arkansas to lead the nation in student-focused education*

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*Little Rock*

June 14, 2023

Mary Ann Maxwell Jones



Donnie Boothe, Superintendent  
Hazen School District  
dboothe@hazen.k12.ar.us

Marc Sherrell, Superintendent  
Des Arc School District  
sherrellm@desarcschools.org

## **Re: Appeal Under the Public School Choice Act – Lee Jones Jr.**

Everyone:

This letter is to notify you that the Arkansas State Board of Education is scheduled to hear the above-referenced appeal(s) on **Thursday, July 13, 2023**. The action item is set for **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas 72201**. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on Friday, July 7, 2023**.

**The Arkansas State Board of Education has requested the parent, the non-resident district, and the resident district attend this meeting and be available for questions.**

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by the Public School Choice Act and the Division of Elementary and Secondary Education Rules Governing the Public School Choice Act. You may find copies of these references on the DESE website at <https://dese.ade.arkansas.gov/Offices/legal/school-choice>.

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact the Arkansas Department of Education's Legal Services Division at (501) 683-0087 should you require additional information.

Sincerely,

/s/Shastady Wagner

Shastady Wagner  
Attorney Supervisor  
Division of Elementary and Secondary Education  
shastady.wagner@ade.arkansas.gov

# Appeal Packet



Dear Arkansas State Board of Education

I thought we as the parents have the right to pick a good school for our child. My son has autism spectrum disorder. My son has special needs. Why I wanted my son to go to Des Arc Elementary School is because I wanted them to recommend my child to go to Seary Arkansas. ~~Phillip~~ Sunshine School I think Sunshine School is the best school for son. My son has a speech-language therapy, Occupational therapy, ~~and~~ developmental therapy. He has severe receptive and expressive language skills. That's why I disagree with Des Arc Elementary School.

RECEIVED  
LEGAL SERVICES

JUN 02 2023

DEPARTMENT OF EDUCATION  
CENTRAL ADMINISTRATION

Sincerely Concern  
Parents

Mr. Mrs. Jones



SCHOOL BOARD

Jordan Smith  
President

Charlie Brown  
Vice President

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Secretary

Johnny Reidhar  
Billy Hinson  
Drew Widener  
TJ English

# Des Arc Public Schools

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Marc Sherrell: SUPERINTENDENT  
600 Main Street  
Des Arc, Arkansas 72040  
PHONE: 870-256-4164  
FAX: 870-256-3701

Billy Paschal Jr.  
High School Principal  
Phone: 870-256-4166

Cheryl Holland  
Elementary Principal  
Phone: 870-256-4776

May 15, 2023

Dear Mrs. Jones,

I am sorry, but the application you submitted for Lee Jones Jr. has been rejected by the Des Arc School District for the following reason(s).

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

Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on insert date.

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

Staff

Teachers

classroom(s)

the insert the name of the program, class, grade level, or school building's capacity

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

Respectfully,

Dr. Marc Sherrell  
Superintendent  
Des Arc Schools

*Attention: Shastay Wagner  
I disagree with Des Arc Elementary School*

# District Response

## Shastady Wagner (ADE)

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**From:** Marc Sherrell <sherrellm@desarcschools.org>  
**Sent:** Wednesday, June 14, 2023 3:32 PM  
**To:** Shastady Wagner (ADE)  
**Subject:** Re: School Choice Appeal - Jones Family

**Caution:** This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

We are basing our School Choice denial for Lee Jones Jr. based on the following rule regarding school choice:

2-1.03 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.

If we accepted this student, as stated in their appeal, they want us to send them to the Sunshine school in Searcy. This is an expense to our school of \$24,000 a year per student. The Sunshine school is not even part of our district. The family is basically asking us to accept the student because their home school does not send students to the Sunshine school. If the student did not go to Sunshine, we would still have the expense of hiring a personal aid for the student. This has all originated from the fact that Hazen will not send students to the Sunshine school because of the expense. At Des Arc, we will send up to four or five but we have already reached that number. At this point, we do not feel that we can afford the cost associated with accepting this student.

Thank you,  
Dr. Sherrell

On Mon, Jun 12, 2023 at 11:15 AM Shastady Wagner (ADE) <[Shastady.Wagner@ade.arkansas.gov](mailto:Shastady.Wagner@ade.arkansas.gov)> wrote:

Superintendent Sherrell,

Please find attached a school choice appeal filed with the Division of Elementary and Secondary Education by the Jones family. The family appeals the decision of the Des Arc School District. The DESE Rules Governing Public School Choice state that the nonresident and resident districts may file any response to an appeal within ten (10) days, not including weekends or legal holidays, of receipt of the appeal. I have attached a copy of the rules for your review. You may send responses directly to me. I am unable to contact the parent and cannot determine from the appeal packet who the resident district is. I wanted to ensure you were made aware of this appeal in plenty of time, but if you could tell me who the resident district is I would appreciate it.

All parties will receive a formal hearing notice detailing the date, time, and location of the hearing before the State Board of Education, but this appeal will be heard at the July State Board meeting. Thank you for your attention to this matter.



This amount would be per student

1st Year Aide

\$16,020.00

Salary

993.24

SSA

If we had to hire two aides  
it would cost the district \$45,996.90

232.29

Med

2,403.00

TR

3,300.00

Insur

49.92

FICA

\$22,998.45

Sunshine School

\$12,000 / kid

per semester

If we sent two students to Sunshine School  
it would cost the school \$48,000

\$24,000 - annually



Des Arc School District Non-Certified Personnel Salary Schedule 2023-2024

Step	Years of Experience	Classified Personnel 12 Months	220 Day Custodial Worker	Aides-Yearly	Bus Driver	183 Day Food Service Manager	183 Day Cafeteria Service Worker	Nurse-LPN	Nurse - RN	Tech Aide	Facilities/Transportation Director
1	0	24,308.00	21,120.00	16,020.00	11,000.00	19,032.00	14,274.00	23,212.00	31,328.00	20,449.00	\$36,922.00
2	1	24,691.00	21,204.00	16,345.00	11,250.00	19,106.00	14,333.00	23,646.00	31,578.00	20,938.00	\$37,422.00
3	2	25,094.00	21,415.00	16,670.00	11,500.00	19,281.00	14,476.00	24,082.00	31,828.00	21,428.00	\$41,922.00
4	3	25,494.00	21,609.00	17,037.00	11,750.00	19,442.00	14,607.00	24,516.00	32,078.00	21,918.00	\$42,422.00
5	4	25,860.00	21,803.00	17,641.00	12,000.00	19,603.00	14,738.00	24,952.00	32,328.00	22,407.00	\$42,922.00
6	5	26,263.00	22,014.00	18,203.00	12,250.00	19,779.00	14,881.00	25,386.00	32,578.00	22,896.00	\$43,422.00
7	6	26,680.00	22,190.00	18,781.00	12,500.00	19,926.00	15,000.00	25,821.00	32,828.00	23,385.00	\$43,922.00
8	7	27,046.00	22,524.00	19,363.00	12,750.00	20,204.00	15,226.00	26,256.00	33,078.00	23,875.00	\$44,422.00
9	8	27,448.00	22,753.00	19,945.00	13,000.00	20,394.00	15,380.00	26,691.00	33,328.00	24,364.00	\$44,922.00
10	9	27,814.00	23,052.00	20,532.00	13,250.00	20,643.00	15,582.00	27,126.00	33,578.00	24,853.00	\$45,422.00
11	10	28,214.00	23,246.00	21,114.00	13,500.00	20,804.00	15,713.00	27,561.00	33,828.00	25,342.00	\$45,922.00
12	11	29,001.00	23,545.00	21,697.00	13,750.00	21,053.00	15,916.00	27,995.00	34,078.00	25,832.00	\$46,422.00
13	12	29,402.00	23,862.00	22,280.00	14,000.00	21,316.00	16,130.00	28,431.00	34,328.00	26,321.00	\$46,922.00
14	13	29,804.00	24,073.00	22,864.00	14,250.00	21,492.00	16,272.00	28,865.00	34,578.00	26,810.00	\$47,422.00
15	14	30,206.00	24,355.00	23,446.00	14,500.00	21,726.00	16,463.00	29,301.00	34,828.00	27,299.00	\$47,922.00
16	15	30,608.00	24,654.00	23,881.00	14,750.00	21,975.00	16,665.00	29,735.00	35,078.00	27,788.00	\$48,422.00
17	16	31,091.00	24,971.00	24,315.00							
18	17	31,573.00	25,252.00	24,751.00							
19	18	32,057.00	25,552.00	25,185.00							
20	19	32,539.00	25,851.00	25,621.00							
21	20	33,022.00	26,167.00	26,055.00							
22	21	33,505.00	26,431.00	26,491.00							
23	22	33,988.00	26,731.00	26,925.00							
24	23	34,471.00	27,048.00	27,360.00							
25	24	34,952.00	27,329.00	27,795.00							
26	25	35,436.00	27,628.00	28,230.00							
27	26	35,919.00	27,928.00	28,665.00							
28	27	36,402.00	28,227.00	29,100.00							
29	28	36,884.00	28,526.00	29,535.00							
30	29	37,367.00	28,825.00	29,969.00							

HIPPY Parapro \$11.00 Hourly  
 Hourly Worker/Substitute/Cafeteria Clerk \$11.00 Hourly  
 Bus Driver-Extra Trip \$15.00 Hourly

Code    Description    Multiplier  
 Dollar

002 Cafeteria Supervisor/Maintenance Director/ 1.4230  
 Supt. Secretary/Bookkeeper/Network Administrator 1.4490  
 004 Facilities-Transportation Director 1.8000  
 006 District Treasurer

Eschool Coordinator \$2,000/year

\*The above pay stipend has the option of receiving half of their pay at the end of the first semester and half at the end of the second semester OR all at the end of the second semester.

Hourly classified workers above \$11.00 per hour during 2022-2023 school year will receive \$1/hour raise on next step of the 2022-2023 schedule for the 2023-2024 school year (1 employee).

Adopted 04/24/2023

President's Signature \_\_\_\_\_

Date \_\_\_\_\_

(File tuition agreement in quadruplicate)

**TUITION AGREEMENT**

The DES ARC SCHOOL DISTRICT (Resident District ) of WHITE County hereby agrees to pay to The Sunshine School, Inc. (Servicing District) of White County tuition in the amount of: **\$13,400.00** (transported) or **\$12,000.00 (non-transported)** per pupil for providing educational services to its students in K-12 (grades) during 2022-2023.

**CONDITIONS:**

Sunshine School shall bill the district each semester including a district student list. Sunshine School shall provide monthly attendance to the district. Sunshine School shall notify the district when students exit the program.

\*The specifics of the agreement should be given here i.e., whether payment is per enrollment, ADA or ADM, for the current or previous year; how payment is to made (annually, semi-annually, monthly, etc.); who pays transportation and /or another costs; are attendance records to furnished; and other pertinent information.

**RESIDENT DISTRICT**

**SERVICING DISTRICT**

*[Signature]*  
(Signature, President of Board)

*[Signature]*  
(Signature, President of Board)

*[Signature]*  
(Signature, Superintendent)

*[Signature]*  
(Signature, Superintendent)

**ADDRESS**

**ADDRESS**

600 Main Street  
Des Arc, AR 72040

P.O. Box 831  
Searcy, Arkansas 72145

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Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Public School District or approved Special Education School. "District" may include "Educational Cooperatives" established pursuant to Ark. Code Ann. 6-13-902