

NOTICE LETTER



Division of Elementary and Secondary Education

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June 16, 2022

Jamie Golden
[REDACTED]
[REDACTED]

Mr. Larry Newsom, Superintendent
Ouchita School District
166 Schoolhouse Rd.
Donaldson, AR 71941

Dr. Karla Neathery, Superintendent
Arkadelphia School District
700 Clinton Street, Dawson Building #3
Arkadelphia, AR 71923

Re: Appeal Under the Public School Choice Act- [REDACTED]

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 14, 2022**. The action item is set for **10:00 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 8, 2022**.

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) 682-1958 should you require additional information.

Sincerely,

/s/Shastady Wagner

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

APPEAL

RECEIVED
LEGAL SERVICES

May 25, 2022

JUN 02 2022

DEPARTMENT OF EDUCATION
CENTRAL ADMINISTRATION
Dear Members of the Arkansas State Board of Education,

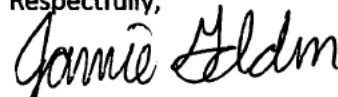
I am writing to appeal the decision of Ouachita Public School District to reject my child's application for school choice for the 2022-2023 school year. This is my formal request to a hearing before the Arkansas State Board of Education to reconsider the application of school choice for [REDACTED]

I have a child who will be starting his fifth year this upcoming school year in the Ouachita School District under school choice. Having a child who has attended this school district for multiple years and has excelled in all aspects, I want my other two children who will be starting Kindergarten to attend the same district with the same opportunities. My twins, [REDACTED] school choice applications were received in a timely manner with required information given. [REDACTED] school choice application was accepted but her twin brother's application was denied. I would like for all my children to attend the same school district as they each live in the same home.

Even though a child's disability or special needs status is not required or legally allowed to be a factor in a school choice application, it was disclosed to the district of [REDACTED] medical background and needs before the application was submitted. This was done to allow the district and special education program ample time to get ready for a child with [REDACTED] needs. I do believe that if a meeting did not occur before his school choice application was sent in, he would be accepted along with his twin sister to attend the same school district as their older sibling. As per the rules governing public school choice, "A school district receiving transfers under Public School Choice Act of 2015 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability."

It is my wish that the State Board of Education overturns [REDACTED] school choice rejection for him to attend the same school district as his siblings and receive what I believe is the best fit for him for him to excel and have the same opportunities as his siblings and any other child.

Respectfully,



Jamie Golden

OUACHITA SCHOOL DISTRICT No. 25

Where Excellence is Expected!

OFFICE OF THE SUPERINTENDENT
166 SCHOOLHOUSE ROAD
DONALDSON, AR 71941

Board Members

Ronnie Ledbetter, Pres.
Eli Maynard, V.P.
Kathy Boyette, Sec.
Jared Kyzer
Pee Wee Strother

Larry Newsom, Ed.S., Superintendent
Lisa Kissire, Ed.D. Director of Curriculum & Instruction
Tristan Knoedl, M.S.E., High School Principal

Lyn McDade, M.S.E., Elementary School Principal
Linda Wells, Administrative Assistant
Jill Williams, District Treasurer

Phone: 501-384-2318 /Fax: 501-384-5615
<http://www.ouachitasd.org>



SCHOOL CHOICE REJECTION LETTER

Dear Mr. Golden,

I am sorry, but the application you submitted for [REDACTED] has been rejected 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's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

 X Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on April 12, 2021.

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

- X Staff
- Teachers
- classroom(s)
- 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,

Larry Newsom
Ouachita School District Superintendent

OTHER DOCUMENTS

Subject: Re: School Choice Appeal Golden Family

Date: Thursday, June 2, 2022 at 3:15:29 PM Central Daylight Time

From: Larry Newsom

To: Shastady Wagner (ADE)

CC: karla.neathery@arkadelphiaschools.org

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](#).

Good afternoon, In response to the appeal concerning the school choice application for [REDACTED]. While Ouachita School District gladly accepts all qualified school choice applicants this application was denied based on the fact that it will require the district to hire additional staff. According to school choice policy (ASBA 4.5 and ASBA form 4.5F4) it is my understanding that the non-district is not required to accept applications that will require the district to add additional staff. Please advise if I have interpreted this incorrectly.

Thank you,

On Thu, Jun 2, 2022 at 12:27 PM Shastady Wagner (ADE) <Shastady.Wagner@ade.arkansas.gov> wrote:

Good Afternoon Superintendents,

Please find attached a school choice appeal filed with the Division of Elementary and Secondary Education by the Golden family. The family appeals the decision of the Ouachita School District. The DESE rules governing public school choice state that the nonresident and resident district may file any response to the 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 or you may send any response to the following address:

Division of Elementary and Secondary Education

Attn: Legal Services Unit

Four Capitol Mall

Little Rock, AR 72201

Once the response deadline has passed, all parties will receive a formal notification letter detailing the date, time, and location of the hearing before the State Board of Education. Thank you for your attention to this matter. We typically hold these hearings at the July State Board of Education Meeting.

Respectfully,

Subject: Re: School Choice Appeal Hearing Notice - Golden
Date: Monday, June 20, 2022 at 7:58:00 AM Central Daylight Time
From: Larry Newsom
To: Shastady Wagner (ADE)
Attachments: School Choise Resolution.pdf

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](#).

Good morning, I received the hearing notification and plan to attend. I am attaching the current ASBA school choice resolution signed by the school board for your records. Again, I would like it to be noted that Ouachita School District gladly accepts all school choice applications except in instances that will require us to add additional staff.

Thank you,

On Thu, Jun 16, 2022 at 12:27 PM Shastady Wagner (ADE) <Shastady.Wagner@ade.arkansas.gov> wrote:

Good Morning Everyone,

Please find attached a hearing notice for the school choice appeal filed with the Division of Elementary and Secondary Education by the Golden family.

Please acknowledge receipt of this notice at your earliest convenience.

Thank you,

Shastady R. Wagner

Attorney

Arkansas Department of Education

Four Capitol Mall, Room 302-A

(501)682-1958

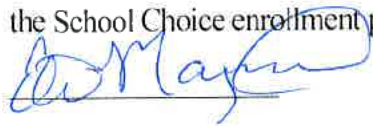
shastady.wagner@ade.arkansas.gov

4.5F-SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

- The Board of Directors of the Ouachita School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the 2022-2023 school-year under the provisions of policy 4.5-SCHOOL CHOICE and applicable Arkansas law.
- Applicants, whose applications meet the provisions of policy 4.5-SCHOOL CHOICE, will be sent a provisional acceptance notification letter which will give instructions on the necessary steps and timelines to enroll in the District. Provisional acceptance shall be determined prior to July 1 based on the district's available capacity for each academic program, class, grade level, and individual school.
- Applications will not be accepted if the applications:
 - Are not received or postmarked on or before May 1, unless the application is from a student who has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base and the application is received within the fifteen (15) day period and accompanied by relevant documentation;
 - Are to a student's resident district that has declared itself exempt due to an existing desegregation order; or
 - Would exceed the applicant's resident district's statutory limitation on student transfers out of its district, unless the application is part of a sibling pair and the other sibling's application was the application that reached the district's statutory limit.
- The district reserves to itself the ability to determine, based on an examination of student records obtained from the prior district, and other information, whether any student would require a different class, course or courses, program of instruction, or special services than originally applied for. If such an examination determines that capacity has been reached in the appropriate class, course or program of instruction, or that additional staff would have to be hired for the applicant, the District shall rescind the original provisional acceptance letter and deny the Choice transfer for that student.
- The district reserves to itself the ability to decline to accept under school choice any student whose acceptance would require the district to add additional staff, for any reason.

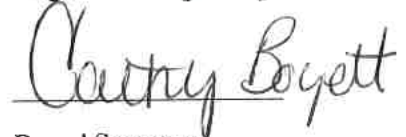
THEREFORE, let it be resolved that these shall constitute the School Choice openings at the beginning of the School Choice enrollment period for the school-year 2022-2023.



Board President

5-16-22

Date



Board Secretary

5-16-22

Date