

NOTICE LETTER



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

June 28, 2021

Johnny Key
Secretary

Dr. Ivy Pfeffer
Deputy
Commissioner

Stacy Smith
Deputy
Commissioner

Conrad Blevins
950 Woodsmen Trail
Batesville, AR 72501

Dr. Michael Hester, Superintendent
Batesville School District
955 Water Street
Batesville, AR 72501

Dr. Bruce Bryant, Superintendent
Midland School District
P.O. Box 630
Pleasant Plains, AR 72568

**State Board of
Education**

Re: Appeal Under the Public School Choice Act-Lucas Blevins

Everyone:

Charisse Dean
Little Rock
Chair

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 8, 2021**. The action item is set for the **10:00 a.m. agenda in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Ouida Newton
Poyen
Vice Chair

Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on Friday, July 2, 2021.**

Susan Chambers
Bella Vista

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.

Dr. Fitz Hill
Little Rock

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 Arkansas Department of Education Rules Governing the Public School Choice Act. You may find copies of these references on the Arkansas Department of Education Website.

Kathy McFetridge
Springdale

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) 682-4585 should you require additional information.

Dr. Sarah Moore
Stuttgart

Steve Sutton
Marion

Sincerely,

/s/Taylor Dugan

Adrienne Woods
Rogers

Taylor Dugan
Staff Attorney

Dr. Beth Anne Rankin
Magnolia

Division of Elementary and Secondary Education
taylor.dugan@ade.arkansas.gov

APPEAL

APPEAL FOR REJECTION OF SCHOOL CHOICE LUCAS BLEVINS

We, the parents of Lucas Blevins, appeal the rejection of the School Choice application based on the rules of the law.

The reason stated on the application is: BSD will have to add additional SPED Staff.

On the Application of the Public School Choice Act of 2015 it clearly states, under the Frequently Asked Questions, that a district may NOT deny an application for school choice based on an applicant's previous academic achievement or handicapping conditions.

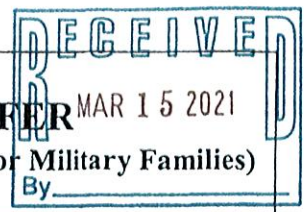
The BSD was told that our son, Lucas Blevins, is handicapped with Autism. Therefore, the reason for rejection is against the legal rules of denial.

We have been told that BSD works well with children in the handicapping condition that our son has, and would really like for him to get the best help we can find for him.

Sincerely,

Conrad Blevins

Josie Blevins



APPLICATION FOR SCHOOL CHOICE TRANSFER

MAR 15 2021

(Deadline for submission is May 1, unless the student is eligible for School Choice for Military Families) **21-22**

TYPE OF SCHOOL CHOICE TRANSFER REQUESTED

Public School Choice Act of 2015 Opportunity School Choice Act

NOTE: Applications for the Public School Choice Act of 2015 must be sent to the resident and nonresident districts. Applications for the Opportunity School Choice Act must be sent to the resident district, the nonresident district, and the Division of Elementary and Secondary Education.

If you are unsure which type of school choice best applies, please review the FAQ following this form for information about the different types of school choice that may be available to your student.

SIBLING INFORMATION

If applying for a transfer under the Public School Choice Act, does the applicant have a sibling or step-sibling already attending the nonresident district listed in this application pursuant to the Public School Choice Act? If so, please list:

Sibling Name:		Sibling Grade:		Sibling Campus:	
Sibling Name:		Sibling Grade:		Sibling Campus:	
Sibling Name:		Sibling Grade:		Sibling Campus:	

APPLICANT INFORMATION

Student Name: Lucas Blevins Grade: K

Student Date of Birth: 02/15/2016 Gender: Male Female

Is the applicant currently expelled? Yes No

MILITARY FAMILY INFORMATION

Does the applicant have a parent or guardian who is an active-duty member of the military who has been transferred to and resides on a military base? If so, please state the date of the parent's or guardian's arrival on the military base:

NOTE: In order to take advantage of school choice options available to military families who have recently transferred to a military base, you must submit military transfer orders and proof of residency on the military base to the resident and nonresident school districts.

RACE OR ETHNIC ORIGIN (CHECK ONE)

This information is collected for data reporting purposes only, pursuant to Ark. Code Ann. §6-18-227(f)(2)(B).

2 or More Races: <input checked="" type="checkbox"/>	Asian: <input type="checkbox"/>	African-American: <input type="checkbox"/>
Hispanic: <input type="checkbox"/>	Native American/ Native Alaskan: <input type="checkbox"/>	Native Hawaiian/ Pacific Islander: <input type="checkbox"/>
White: <input type="checkbox"/>		

RESIDENT SCHOOL AND SCHOOL DISTRICT OF APPLICANT	
District and School Name: MIDLAND	County Name: INDEPENDENCE
Other District Not Listed Above:	
Address: MID - POB 630, PLEASANT PLAINS 725	Address Not Listed In Dropdown Box:
Phone: MID - 501-345-8844	Phone Not Listed In Dropdown Box:
NONRESIDENT SCHOOL/SCHOOL DISTRICT APPLICANT WISHES TO ATTEND	
District and School Name: <i>Batesville School District</i>	County Name: <i>Independence</i>
Address: <i>955 Water Street, Suite C. - Batesville, AR 72501</i>	
Phone: <i>870-793-6831 x 1003</i>	
PARENT OR GUARDIAN INFORMATION	
Name: Conrad Blevins	Home Phone: <u>870-834-0013</u>
Address: <u>950 Woodsman Trail, Batesville, AR 72501</u>	Work Phone: N/A
Valid Email Address: <u>Woodsman4cb@hotmail.com</u>	
Parent/Guardian Signature <i>Conrad Blevins</i>	Date: 03/05/2021
DISTRICT USE ONLY	
Date and Time Received by Nonresident District:	MAR 10 2021 15:00
Date and Time Received by Resident District:	
Resident District LEA #: 3211	
Nonresident District LEA#: 3201	
Student's State Identification #: 7646548827	
Application:	Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/>
Reason for Rejection (If Applicable): <i>BSD will have to add additional SPED staff.</i>	
Date Notification Sent to Resident District and Parent/Guardian of Applicant: <i>RD 3/12/21</i> <i>Mailed</i>	

OTHER DOCUMENTS



March 23, 2021

Taylor Dugan and Dr. Bruce Bryant:

The Batesville School District No. 1 respectfully submits the following information and attachments regarding the Lucas Blevins school choice request.

1. Kristi Cox, LEA Supervisor and Special Programs Director spoke with Mr. and Mrs. Blevins via telephone at approximately 11:00 AM on March 5, 2021
 - a. Mr. And Mrs. Blevins provided Ms. Cox with abundant information regarding Lucas including the diagnosis of autism, current therapy regimen, and personal care needs
 - b. Mr. and Mrs. Blevins notified Ms. Cox after their description of Lucas' needs that he would need specialized services in the self-contained classroom or 1:1 paraprofessional support
 - c. Ms. Cox thanked Mr. and Mrs. Blevins for their interest in the the BSD and expressed pride that the Blevins were willing to entrust their son, Lucas, to the BSD for his educational endeavors
 - d. Ms. Cox notified Mr. and Mrs. Blevins during the phone call that in the past, the Board of Directors of the Batesville School District has denied school choice applications when students required staff to be hired in order for them to attend the BSD
 - i. Mr. and Ms. Blevins stated in their school choice appeal that the BSD stated the school choice application would be denied due to Lucas' autism diagnosis
 - e. Ms. Cox also notified Mr. and Mrs. Blevins that the self-contained classroom was near or at capacity for the 2021-22 school year
2. At the end of the phone conversation, Ms. Cox urged Mr. and Mrs. Blevins to complete the School Choice Application and notified them at that time that the Batesville School District Board of Directors would make the decision regarding all school choice applications at the May 2021 School Board Meeting.
 - a. Ms. Cox forwarded the school choice application to Mr. and Mrs. Blevins via email and then forwarded the completed school choice application back the BSD Curriculum Office secretary

Per Batesville School District Policy 4.5F School Choice Capacity Resolution which was adopted on 03/15/2021 (and annually prior to this date):

Policy 4.5F states:

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.

As stated per the phone conversation with Mr. and Mrs. Blevins based on the statements they made, Lucas would need the educational support provided in a self-contained special education classroom or he would need paraprofessional support. Mr. and Mrs. Blevins specifically requested Eagle Mountain Elementary per their email communication and per the Kindergarten Pre-registration Online Form.

1. The Batesville School District would have to open a new self-contained classroom at Eagle Mountain Elementary
 - a. Eagle Mountain Elementary has a 6:1 Self Contained Classroom (6 students to one teacher).
 - b. This classroom is anticipated to have 6 students on the first day of the 2021-22 school year and would be at capacity without Lucas' enrollment
2. **OR** Lucas would need 1:1 paraprofessional support which would have to to be hired as there is not an existing paraprofessional available

Either scenario 1 or 2 above would require the BSD to hire additional staff.

Per DESE Final Rules Governing Public School Choice January 2020

2-1.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any to exceed the requirements and standards established by existing law.

Sincerely,



Michael Hester, EdD
Batesville School District No. 1
955 Water Street, Suite C
Batesville, AR 72501

Cc: Jennifer Douglas, EdS, Assistant Superintendent
Kristi Cox, EdS, Special Programs Director
Conrad and Josie Blevins

Attachments: BSD School Choice Policy dated March 15, 2021
Lucas Blevins Appeal
DESE Final Rules Governing Public School Choice dated January 2020



955 Water St, Suite C, Batesville, AR 72501

Phone: 870-793-6831 Fax: 870-793-6760

Dr. Michael Hester, Superintendent

Mr. Taylor Dugan:

The Batesville School District No. 1 and its Board of Directors respectfully submits the following information for the July 2021 State School Board Meeting as the basis for denial of School Choice for the minor child whose parents are Mr Conrad Blevins and Mrs. Josie Blevins:

Per Batesville School District Policy 4.5F School Choice Capacity Resolution which was adopted on 03/15/2021 (and annually prior to this date):

Policy 4.5F states:

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.

Per DESE Final Rules Governing Public School Choice January 2020

2-1.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any to exceed the requirements and standards established by existing law.

1. The Batesville School District No. 1 received four school choice applications for students whose need would require that additional staff (paraprofessionals) or teachers be hired, and/or new classrooms be opened:
 - a. These four were denied
 - i. Kindergarten student: Cedar Ridge School District
 - ii. Kindergarten student: Midland School District
 - iii. Kindergarten student: Newport School District
 - iv. Fourth grade student: Melbourne School District
2. The Batesville School District No. 1 has three elementary campuses:
 - a. Eagle Mountain Elementary
 - i. No room for expansion of any grade level, classroom, or program beyond purchasing/leasing modular classrooms
 - b. Sulphur Rock Elementary
 - i. Limited room for expansion of any grade level, classroom, or program beyond purchasing/leasing modular classrooms
 - c. West Elementary
 - i. No room for expansion of any grade level, classroom, or program beyond purchasing/leasing modular classrooms



955 Water St, Suite C, Batesville, AR 72501
 Phone: 870-793-6831 Fax: 870-793-6760
 Dr. Michael Hester, Superintendent

3. Classroom limitations for the 2021-22 School Year based on current and anticipated enrollment:

Campus	Caseload	Description
Eagle Mountain Elementary Self-contained	7	This is a 1:6 self contained classroom. The classroom will be over capacity by 1. The caseload can be increased 10% from 6 to 7 students per DESE rules with a waiver. Cannot house more than 7. No space in the building to add a classroom.
West Elementary Self-contained	11	This is a 1:10 self contained classroom. The classroom will be over capacity by 1. The caseload can be increased by 10% from 10 to 11 students per DESE rules with a waiver. Cannot house more than 11. No space in the building to add a classroom
Sulphur Rock Self-contained	7	This is a 1:6 self contained classroom. The classroom will be over capacity by 1. The caseload can be increased 10% from 6 to 7 students per DESE rules with a waiver. Cannot house more than 7. Limited space in the building to add a classroom.

4. The Batesville School District No. 1 was within two months of presenting a bond issue to the people for a vote when the COVID Pandemic struck:
- a. The District opted to remove the bond issue from the ballot due to the financial hardship on its constituents during such an unprecedented time
 - b. Components of the bond issue are directly related to the lack of physical space in the Batesville School District:
 - i. New constructed or renovated 102 classrooms district wide
 - 1. Would have planned for current need and prepared for 10 years of growth

Sincerely,

Dr. Michael Hester
 Superintendent
 Batesville School District No. 1

4.5F SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

The Board of Directors of the Batesville School District has approved by a vote of the Board, the following capacity resolution for school choice applicants for the 2021-2022 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 with a final decision to be made by 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:

- o 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;
- o Are to a student's resident district that has declared itself exempt due to an existing desegregation order; or
- o 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 2021-2022.

Taylor Dugan (ADE)

From: Dr. Bryant <bbryant@midlandschools.org>
Sent: Monday, May 24, 2021 2:48 PM
To: Kristi Cox
Cc: Taylor Dugan (ADE); Rad 4CB; Michael Hester; Jennifer Douglas
Subject: Re: BSD Letter of Appeal re: Blevins School Choice

The Midland School District informed the Batesville School District that Lucas Blevins' application was accepted and was included in the number of students contributing to our 3% limit. He was, therefore, released to attend if his application had been accepted by the Batesville District.

On Mon, May 24, 2021 at 2:06 PM Kristi Cox <kcox@gobsd1.org> wrote:

Good afternoon Mr. Dugan.

On behalf of Dr. Michael Hester, I am notifying you that the Batesville School District Board of Directors met on Monday, May 17, 2021 at which time they acted on school choice applications. Based on the information I received, the BSD Board of Directors did deny the school choice application for the Blevins'.

On Mon, May 24, 2021 at 8:14 AM Taylor Dugan (ADE) <Taylor.Dugan@ade.arkansas.gov> wrote:

Good morning Everyone,

I was following up on this case and what the Board decided if they have had their May meeting. I am trying to start a list of all the appeals for the State Board of Education.

Taylor

From: Taylor Dugan (ADE) <Taylor.Dugan@ade.arkansas.gov>
Sent: Monday, March 29, 2021 9:40 AM
To: Kristi Cox <kcox@gobsd1.org>

Cc: Michael Hester <mhester@gobsd1.org>; Jennifer Douglas <jdouglas@gobsd1.org>; bbryant@midlandschools.org <bbryant@midlandschools.org>; Rad 4CB <woodsman4cb@hotmail.com>

Subject: RE: BSD Letter of Appeal re: Blevins School Choice

Ms. Cox,

Good morning! I hope you got to have a little break last week! Thank you so much for the update. Since there has not been an official denial then we will wait until there is one. If there is an official denial please send a copy over here so we can put it in the file.

Mr. and Mrs. Blevins,

Please keep me updated on whether there is an official denial in May so if y'all are still wanting to appeal I can get the State Board hearing scheduled.

I appreciate everyone,

Taylor

From: Kristi Cox <kcox@gobsd1.org>

Sent: Monday, March 29, 2021 9:13 AM

To: Taylor Dugan (ADE) <Taylor.Dugan@ade.arkansas.gov>

Cc: Michael Hester <mhester@gobsd1.org>; Jennifer Douglas <jdouglas@gobsd1.org>; bbryant@midlandschools.org; Rad 4CB <woodsman4cb@hotmail.com>

Subject: BSD Letter of Appeal re: Blevins School Choice

Good morning Mr. Dugan, Dr. Bryant and Mr. & Mrs. Blevins.

On behalf of Dr. Michael Hester, the Batesville School District respectfully submits the following attached letter of appeal regarding the Lucas Blevins school choice application.

It is noted that the Batesville School District Board of Directors has not voted on School Choice applications and will not do so until the May 2021 Board Meeting. We are required to notify the resident district (in this case Midland) within 10 days of the parental School Choice submission as to

the recommendation we will make to the BSD Board of Directors. The BSD will officially notify Mr. and Mrs. Blevins in writing after the Board of Directors vote in May 2021 as to their decision.

Please notify me if you have difficulty opening any of the attachments.

Sincerely,

--

Kristi Cox, EdS
Special Programs Director



Privacy/Security Notice: This email may contain confidential information that is intended for the individual or entity above. If you are not the intended recipient, any use of this communication, including distribution or copying, is strictly prohibited. Please be aware that all emails sent to/from the Batesville School District are subject to the Public Records Law of Arkansas.

--

Kristi Cox, EdS
Special Programs Director



Privacy/Security Notice: This email may contain confidential information that is intended for the individual or entity above. If you are not the intended recipient, any use of this communication, including distribution or copying, is strictly prohibited. Please be aware that all emails sent to/from the Batesville School District are subject to the Public Records Law of Arkansas.

--

Dr. Bruce Bryant

Superintendent



Midland School District

P.O. Box 630

741 Main Street
Pleasant Plains, AR
501-345-8844