

# **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

Shareena Ross



M. Mary Ann Spears, Superintendent  
Lincoln School District  
107 E School Street  
Lincoln, AR 72744

Dr. John Colbert, Superintendent  
Fayetteville School District  
1000 West Bulldog Blvd.  
Fayetteville, AR, 72701

**State Board of  
Education**

**Re: Appeal Under the Public School Choice Act-Wyatt Ross**

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,

**Adrienne Woods**  
*Rogers*

/s/Taylor Dugan

**Dr. Beth Anne Rankin**  
*Magnolia*

Taylor Dugan  
Staff Attorney  
Division of Elementary and Secondary Education  
taylor.dugan@ade.arkansas.gov

APPEAL

## Taylor Dugan (ADE)

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**From:** Taylor Dugan (ADE)  
**Sent:** Thursday, May 27, 2021 8:53 AM  
**To:** Taylor Dugan (ADE)  
**Subject:** FW: School choice appeal

**From:** [REDACTED] >  
**Sent:** Wednesday, May 26, 2021 8:28 PM  
**To:** Johnny Key (ADE) <[Johnny.Key@ade.arkansas.gov](mailto:Johnny.Key@ade.arkansas.gov)>  
**Subject:** School choice appeal

To whom it may concern,

My name is Shareena Ross. My son's name is Wyatt Ross who is currently attending Fayetteville school district at Ramay Junior High. We have recently moved to a new school district (Lincoln). We applied for the school choice for Wyatt to continue in Fayetteville school district for the remainder of his time in high school (9th-12th). We received the denial letter on May 15th. Wyatt has attended Fayetteville schools since pre K. We were denied for "capacity of program". There are few things that we are genuinely concerned about. One being that Wyatt will not advance in his studies like he has with being in Fayetteville schools. Secondly, He is a very shy timid kid and we are worried he won't meet or make any friends with being shy and transferring to a new school in the 9th grade.

We are aware that we are responsible for getting Wyatt to and from school daily (which we already do.) I work at Career Academy of hair design in Fayetteville and Wyatt's 4yr old sister attends cadence Academy child care in Fayetteville as well.

With our concerns in mind we are asking that you reconsider your decision in denying Wyatt to go to Fayetteville and graduate with classmates that he has been with since preK.

I have attached a copy of the denial letter we received.

# OTHER DOCUMENTS



**FAYETTEVILLE  
PUBLIC SCHOOLS**  
Since 1871

May 12, 2021

To the Parent/Guardian of:  
Wyatt Ross



Dear Parent/Guardian,

Regretfully, the School Choice application you submitted for has been denied 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.

☒ Your child does not meet the openings identified for the coming school-year identified in the Board of Directors School Choice Capacity Resolution adopted on January 25, 2018. The specific reason for rejection is that acceptance would cause the district to have to add:

☐ Staff  
☐ Teachers  
☐ Classroom(s)  
☒ Capacity of Program

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

Respectfully,

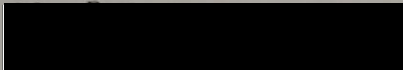
Chad A. Scott, Ed.D.  
Executive Director of Administrative Student Services



PUBLIC S  
Since 1871

May 12, 2021

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Dear Parent/Guardian,

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- ☐ 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.
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- ☐ Staff
- ☐ Teachers
- ☐ Classroom(s)
- ☒ Capacity of Program

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

Respectfully,

Chad A. Scott, Ed.D.  
Executive Director of Administrative Student Services

1000 West Bulldog Boulevard • Fayetteville, Arkansas 72701  
479.444.3000 • fayar.net  

## Taylor Dugan (ADE)

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**From:** Chad Scott <chad.scott@g.fayar.net>  
**Sent:** Wednesday, June 2, 2021 2:52 PM  
**To:** Taylor Dugan (ADE)  
**Cc:** Shareena Ross; mspears@lincoln.k12.ar.us  
**Subject:** Re: School Choice Appeal

Ms. Ross,

I am pleased to inform you Fayetteville Public Schools has provisionally accepted your School Choice application for Wyatt Ross. Today I will be forwarding you a formal provisional acceptance letter for your records that includes important information regarding the pre-registration process. Please let me know if you have any questions regarding this decision or the contents of the letter. If you have any questions regarding the pre-registration process please contact our Central Registration office at 479-445-1665. I have copied the other individuals involved in this matter so they know it has been resolved. Thank you and have a good afternoon.

On Wed, Jun 2, 2021 at 8:17 AM Taylor Dugan (ADE) <[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)> wrote:

Thank you so much!

Taylor

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**From:** Shareena Ross <[REDACTED]>  
**Sent:** Tuesday, June 1, 2021 8:32 PM  
**To:** [mspears@lincoln.k12.ar.us](mailto:mspears@lincoln.k12.ar.us); [johnl.colbert@fayar.net](mailto:johnl.colbert@fayar.net); Taylor Dugan (ADE) <[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)>  
**Cc:** [chad.scott@fayar.net](mailto:chad.scott@fayar.net)  
**Subject:** Re: School Choice Appeal

Here is a copy of the application for school choice and a scanned copy of the denial letter For Wyatt Ross. Let me know if there is anything else that I need to submit.

Thank you

Shareena Ross

On Tuesday, June 1, 2021, 01:44:45 PM CDT, Taylor Dugan (ADE) <[taylor.dugan@ade.arkansas.gov](mailto:taylor.dugan@ade.arkansas.gov)> wrote:



Good afternoon everyone!

At this moment the district's may file a response to the appeal. I do have a picture of the denial letter but a scanned copy would be great. Also, if someone could provide me with a copy of the application that would be helpful for the Board when they review the file.

Taylor

**From:** [REDACTED]  
**Sent:** Tuesday, June 1, 2021 1:40 PM  
**To:** Taylor Dugan (ADE) <[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)>; Taylor Dugan (ADE) <[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)>; [mspears@lincoln.k12.ar.us](mailto:mspears@lincoln.k12.ar.us); [johnl.colbert@fayar.net](mailto:johnl.colbert@fayar.net)  
**Cc:** [chad.scott@fayar.net](mailto:chad.scott@fayar.net)  
**Subject:** RE: School Choice Appeal

Is there anything else I need to submit?  
Thanks

[Sent from Yahoo Mail on Android](#)

On Tue, Jun 1, 2021 at 9:48 AM, Taylor Dugan (ADE)

<[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)> wrote:

Good morning everyone,

I hope everyone had a good Memorial Day weekend! Thank you for the clarification Ms. Ross. Again, these hearings are typically held at the July board meeting or depending on the volume a special meeting in July.

Please do not hesitate to contact me,

Taylor

**From:** [REDACTED] >  
**Sent:** Friday, May 28, 2021 6:41 PM  
**To:** Taylor Dugan (ADE) <[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)>; Taylor Dugan (ADE)

<[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)>; [mspears@lincoln.k12.ar.us](mailto:mspears@lincoln.k12.ar.us); [johnl.colbert@fayar.net](mailto:johnl.colbert@fayar.net)

Cc: [chad.scott@fayar.net](mailto:chad.scott@fayar.net)

Subject: Re: School Choice Appeal

Good evening, I just want to clarify that we live in Lincoln school district but want to stay in Fayetteville school district.

Thank you

Shareena Ross

[Sent from Yahoo Mail on Android](#)

On Thu, May 27, 2021 at 8:58 AM, Taylor Dugan (ADE)

<[Taylor.Dugan@ade.arkansas.gov](mailto:Taylor.Dugan@ade.arkansas.gov)> wrote:

Superintendents Spears and Colbert:

Please find attached a school choice appeal filed with the ADE by the Ross family. The family appeals the decision of the Fayetteville School District to deny school choice transfers to the Lincoln School District. The applicable ADE rules state that a nonresident and resident district may file any response to the appeal within ten (10) days of receipt of the appeal. You may send any response to the following address:

Office of the Commissioner

ATTN: Arkansas Public School Choice Act Appeals

Four Capitol Mall

Little Rock, Arkansas 72201

You can also email the response directly to me. I have enclosed a copy of the current ADE rules for your review. ADE staff will send all parties a formal notification letter once any response is received (or if the ten-day time period passes without a response). Thank you for your attention to this matter. We typically hold these hearings at the July Board Meeting or if there is a special July Board Meeting.

Respectfully,

Taylor

Taylor Dugan(he/him/his)

Attorney Specialist

Arkansas Department of Education

Four Capitol Mall, 301-A

Little Rock, AR 72201

(501) 682-1958

**Please note my new email address: [taylor.dugan@ade.arkansas.gov](mailto:taylor.dugan@ade.arkansas.gov)**

**From:** [REDACTED]

**Sent:** Wednesday, May 26, 2021 8:28 PM

**To:** Johnny Key (ADE) <[Johnny.Key@ade.arkansas.gov](mailto:Johnny.Key@ade.arkansas.gov)>

**Subject:** School choice appeal

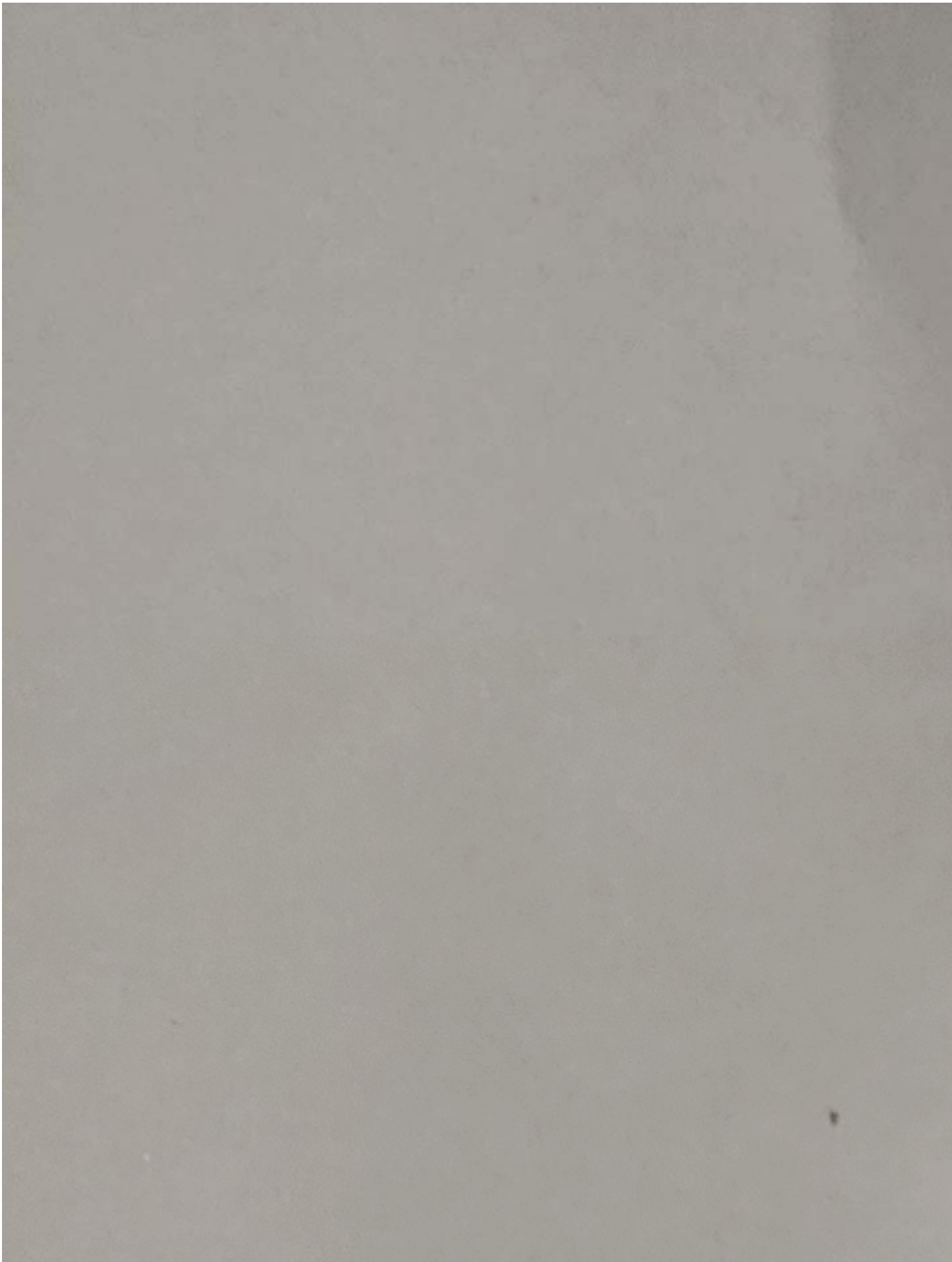
To whom it may concern,

My name is Shareena Ross. My son's name is Wyatt Ross who is currently attending Fayetteville school district at Ramay Junior High. We have recently moved to a new school district (Lincoln). We applied for the school choice for Wyatt to continue in Fayetteville school district for the remainder of his time in high school (9th-12th).we recieved the denial letter on May 15th. Wyatt has attended Fayetteville schools since pre K. We were denied for "capacity of program". There are few things that we are genuinely concerned about. One being that Wyatt will not advance in his studies like he has with being in Fayetteville schools. Secondly, He is a very shy timed kid and we are worried he wont meet or make any friends with being shy and transfering to a new school in the 9th grade.

We are aware that we are responsible for getting Wyatt to and from school daily ( which we already do.) I work at Career Academy of hair design in Fayetteville and Wyatt's 4yr old sister attends cadence Academy child care in Fayetteville as well.

With our concerns in mind we are asking that you reconsider your decision in denying Wyatt to go to Fayetteville and graduate with classmates that he has been with since preK.

I have attached a copy of the denial letter we recieved.



Thank you for time

Shareena Ross

[Sent from Yahoo Mail on Android](#)

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Dr. Chad A. Scott  
Executive Director of Administrative Student Services  
Office: 479-973-8649

*Fayetteville Public Schools  
Administration Annex  
300 S. Ray Ave.  
Fayetteville, AR 72701*

# FAYETTEVILLE PUBLIC SCHOOLS

## APPLICATION FOR SCHOOL CHOICE TRANSFER

TYPE OF SCHOOL CHOICE TRANSFER REQUESTED Please choose only one	
<input type="checkbox"/> Public School Choice Act of 2015	<input checked="" type="checkbox"/> Opportunity School Choice Act
<b>NOTE:</b> Applications for the Public School Choice Act of 2015 must be sent to the Resident and Non-Resident District. Applications for the Opportunity School Choice Act must be sent to the Resident District, the Non-Resident district, and the Division of Elementary and Secondary Education.	
<u>Important:</u> The submission deadline for this form is May 1 preceding the school year the student wishes to attend the Non-Resident School District.	
Print APPLICANT or Student Full Name: <u>Wyatt Lee Ross</u>	
Student Date of Birth: <u>02/20/2007</u>	<input checked="" type="radio"/> Male <input type="radio"/> Female
Grade Level for Next School Year <u>9</u>	If Kindergarten, list previous early childhood programs:
Does the student have *special needs or require *special programs: <u>[REDACTED]</u>	
*Documentation may be requested by the Non-Resident District.	
Is applicant interested in athletics eligibility for grades 9th-12th? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Is applicant currently under expulsion? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, district name: _____	
Ethnic Origin (Check ONE - for data reporting purposes only) <input type="radio"/> 2 or more races <input checked="" type="radio"/> White <input type="radio"/> African-American <input type="radio"/> Asian <input type="radio"/> Hispanic <input type="radio"/> Native American/Native Alaskan <input type="radio"/> Native Hawaiian/Pacific Islander	
RESIDENT SCHOOL DISTRICT OF APPLICANT	
District Name: <u>Lincoln School District</u> Phone #: <u>479-824-7450</u>	School Name: <u>Lincoln High School</u> City: <u>Lincoln</u>
<b>NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND</b> District Name: FAYETTEVILLE SCHOOL DISTRICT FAYETTEVILLE, AR	

# FAYETTEVILLE PUBLIC SCHOOLS

## APPLICATION FOR SCHOOL CHOICE TRANSFER

Does the applicant currently attend Fayetteville Schools? <input checked="" type="radio"/> Yes <input type="radio"/> No	
If yes, circle the grades in which the student has attended Fayetteville Schools:	
(K) (1) (2) (3) (4) (5) (6) (7) (8) 9 10 11	
List first name, last name & grade level of siblings OR step-siblings currently enrolled in Fayetteville Schools pursuant to the Public School Choice Act of 2013 or the Public School Choice Act of 2015:	
Sophia Ross JR Pre K AT Cadence Academy in Fayetteville, AR	
PARENT OR GUARDIAN INFORMATION	
Print Parent Name:	Parent Phone:
Shareena Ross	[REDACTED]
Mailing Address:	
[REDACTED]	
Parent/Guardian Signature:	Today's Date:
[Signature]	4-12-21
DISTRICT USE ONLY	
Resident District LEA#:	Date & Time Received by Resident District:
Nonresident District LEA#: 7203	Date & Time Received by Nonresident District:
Student's State Identification#:	
Application Accepted: <input type="radio"/> Yes <input type="radio"/> No	Application Rejected: <input type="radio"/> Yes <input type="radio"/> No
Reason for Rejection if applicable:	
Date Notification Sent to Parent/Guardian of Applicant:	
Date Notification Sent to Non-Resident District:	