

NOTICE LETTER



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

July 22, 2021

Johnny Key
Secretary

Meredith Gordon

Dr. Bruce Bryant, Superintendent
Midland School District
P.O. Box 630
Pleasant Plains, AR 72658

Dr. Ivy Pfeffer
Deputy
Commissioner

[REDACTED]
[REDACTED]
Ms. Melissa Gibson, Superintendent
Bald Knob School District
103 West Park Street
Bald Knob, AR 72010

Stacy Smith
Deputy
Commissioner

State Board of
Education

Re: School Choice Appeal-Naomi Gordon

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 on **Thursday, August 12, 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**. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on Friday, August 6, 2021**.

Ouida Newton
Poyen
Vice Chair

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.

Susan Chambers
Bella Vista

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by the 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.

Dr. Fitz Hill
Little Rock

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. Finally, my last day with the Division is Friday, July 23, 2021, so please follow up with Ms. Lori Freno for any concerns.

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

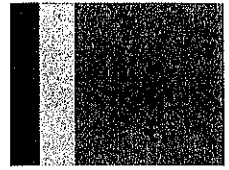
APPEAL

Meredith Gordon

Assistant Professor of Biology/Botany

72012

@asub.edu



07.20.2021

Mr. Dugan,

After our discussion these last two days, we have decided to move forward with an appeal of Midland School District's decision to deny our school choice request to keep our daughter, Naomi, at Bald Knob School District. We, her parents, believe that it is in Naomi's best educational, social, and psychological well-being to keep her at Bald Knob School District. To move her to Midland would be a hardship not only on Naomi but also on the family as a whole. Here are some of reasons for keeping Naomi at Bald Knob:

1. Proximity to work
 - a. Bald Knob is 28 miles from ASU-Beebe where I teach full time. From my office to Midland elementary is 53 miles. My work schedule allows me to pick up Naomi in Bald Knob, but I physically could not make it to Midland in time for school pickup. There also would not be anyone at our house to meet her if she has to use school transportation from Midland.
 - b. Bald Knob (H. L. Lubker Elementary) is 13 miles from my husband's office in Augusta, AR. Midland Elementary is 39 miles from his office. He takes Naomi to school every day and Midland Elementary is in the opposite direction from his work as well as mine.
2. Proximity to sibling daycare/activities
 - a. Our son, John River, goes to preschool in Searcy, AR which is significantly closer to Bald Knob than Floral (Midland elementary). This has allowed me flexibility in pick up for both of my children.
 - b. Naomi attends extracurricular activities in Searcy, AR. These are only possible because I can pick her up in Bald Knob and make it to Searcy in time for these classes and pick up my son.
3. Continuity of education and environment
 - a. Naomi attended kindergarten at Bald Knob (H. L. Lubker) this past year and had a wonderful experience. She excelled academically and formed close friendships with teachers and classmates. She would be distraught to no longer have her closest friends as classmates. We feel that the Bald Knob school district will continue to help her grow academically and socially.

Spending time with my children is the most important thing to me. Keeping her at the Bald Knob School district allows more time together as a family, the continuation of pre-existing schedules/activities, and is the most reasonable option logistically for our family.

Thank you for your consideration,

Meredith Gordon



**OTHER
DOCUMENTS**

Bald Knob Public Schools

Pride, Achievement, Integrity

103 W. Park St.
Bald Knob, AR 72010

July 22, 2021

State Board of Education
Four Capitol Mall
Little Rock, AR 72201

Re: School Choice Appeal

Dear Members:

I am the superintendent of Bald Knob School District. Naomi Gordon attended kindergarten in our district last school year. The student recently moved out of our district and into the boundaries of Midland School District. Naomi's parents applied for school choice within the applicable deadlines. However, the application was denied due to Midland reaching its 3% cap on student transfers.

Bald Knob has the capacity to accept Naomi in the first grade and continue to provide her with an education. The district will honor the decision of the board regarding this appeal.

If my presence at the appeal hearing is necessary, I request to be allowed to be present by Zoom or other electronic means.

Sincerely,



Melissa Gipson, Superintendent

Midland School District

Office of the Superintendent

P.O. Box 630
Pleasant Plains, AR 72568

741 Main Street
(501) 345-8844
(501) 345-2086 - Fax

July 22, 2021

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, Arkansas 72201

Dear Commissioner Key and Members of the State Board of Education:

On July 7, 2021, I received a letter from Bald Knob Superintendent Melissa Gipson notifying me of Naomi Gordon's acceptance as a school choice transfer student. I called Ms. Gipson's office and spoke with Christy Soles because no paperwork related to this student had been submitted to the Midland District prior to May 1, 2021. Ms. Soles informed me that the application was received by Bald Knob on April 21, 2021 and was faxed to us on April 29, 2021. We did not receive a fax from Bald Knob on that day. I am unable to determine whether a fax completed transmission status sheet is available from Bald Knob to show that the fax was actually transmitted. Upon inspection of the application, there is no time/date stamp from the nonresident district that is required by Rule 2-3.02 showing that the application met the deadline of May 1, 2021. There is a written notation.

On July 12, 2021, I received an email from Ms. Soles with the attached application. On that same day, I mailed a letter to the parent, Ms. Meredith Gordon informing her that her application on behalf of her child, Naomi, had been rejected because the District was at its 3% limitation cap for allowable transfers.

On July 15, 2021, I received an email from Ms. Soles containing a Petition for Legal Transfer on behalf of Naomi Gordon. The petition was considered by the Midland Board of Education at its legally held meeting on July 15, 2021. The Board voted to reject the petition. On July 16, 2021, I sent a letter to Ms. Gordon informing her of the decision. On July 19, 2021, I sent an email to Ms. Soles informing her of the decision.

On July 20, 2021, I received an email from Taylor Dugan, ADE Attorney Specialist, informing me of the appeal that causes this response to be written.

First, the Midland District would offer that the application was not appropriately received by the May 1, 2021 deadline.

If, however, the Board determines that it was, the Midland School District continues to plead with the State Board of Education to honor the 3% limitation cap for allow transfers that is

placed in the law to help school districts deal with the loss of students that might be caused by the provisions of the School Choice Act.

It is my understanding that Ms. Gordon has recently built a home in the Midland School District. The District does not understand why a person would choose to build a home in the District and then not want to send their children here. The building of a home is a very important part of life and surely the selection of a school district would play a part in that decision. Additionally, all of the convenience factors laid out by Ms. Gordon in her appeals letter were known facts when she decided to make her residency within the District. In general, parents of students in our District travel in many different directions for their employment and are in similar situations to the appellant, but they choose to place their children in our District.

In Ms. Gordon's first argument, the District would be able to provide bus transportation for Naomi, and if her mother is able to pick her up in Bald Knob at pick up time, then Naomi would be arriving at home about the same time as her mother considering the amount of time she would be on the bus and the additional commuting time from Bald Knob to her home that Ms. Gordon would have to do.

In Ms. Gordon's second argument, the Pre-K which is now located at Pleasant Plains would be closer to her home than the Pre-K in Searcy.

Finally addressing Ms. Gordon's third argument, I find young children to be much more resilient about change than adults. Moving from one school to another is the norm for many children who go on to perform at acceptable levels academically. Friends and teachers constantly change. I'm sure that the Midland District, where the Gordons reside, can provide a more than acceptable environment for Naomi's growth academically and socially.

Respectfully submitted,



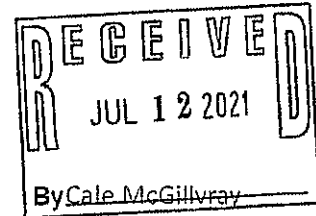
Dr. Bruce Bryant

Attachments/Evidence

Alfred Collins
President
LaDonna Gibson
Vice-President

Bald Knob School District

Melissa Gipson, Superintendent
103 West Park St
Bald Knob, Arkansas 72010
Ph. 501-724-3273 Fax 501-724-6621



Secretary
Bruce Mason
Tyrel Pace

July 07, 2021

Midland School District
P.O. Box 630
Pleasant Plains, AR 72568

RE: School Choice

Administration Office:

The Bald Knob School District has received and accepted school choice transfer requests from the following students who wish to attend our district effective 2021-2022 school year:

Naomi Gordon-KG

Sincerely,

A handwritten signature in black ink that reads "Melissa Gipson".

Melissa Gipson
Superintendent



Bruce Bryant <bbryant@midlandschools.org>


Copy

Naomi Gordon

Christy Soles <christy.soles@baldknobschools.org>
To: bbryant@midlandschools.org

Mon, Jul 12, 2021 at 11:12 AM

Attached you will find the school choice application for Naomi Gordon

 0000.pdf
125K

Copy

APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2015"
(Must Be Submitted to Non-Resident District)

APPLICANT INFORMATION

Student Name: Naomi Lee Gordon

Student Date of Birth: [REDACTED] Gender Male female

Grade: Current - K

Does the applicant require special needs or programs? Yes No

Is applicant currently under expulsion? Yes No

ETHNIC ORIGIN (CHECK ONE)

(For data reporting purposes only)

2 or More Races

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL DISTRICT OF APPLICANT

District Name: Midland School District County Name: Independence

Address: P.O. Box 630, 741 Main St, Pleasant Plains, AR 72568

Phone: 345-2086

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name: Bald Knob School District County Name: White

Address: 103 West Park St, Bald Knob, AR 72010

Phone: 724-3273

Does the applicant already have a sibling or step-sibling in attendance in this district pursuant to the Public School Choice Act of 2013 or the Public School Choice Act of 2015? NO

RECEIVED
JUL 12 2021
By _____

fx to midland SD 501-345-2086
7/12/21

Copy

PARENT OR GUARDIAN INFORMATION

Name: Meredith Gordon

Home Phone: [Redacted]

Address: [Redacted]

Work Phone: [Redacted]

[Redacted], AR 7020

Parent/Guardian Signature: Meredith Gordon

Date: 4/21/21

Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included pursuant to Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district or postmarked no later than May 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives notice of rejection (Consult Ark. Code Ann. § 6-18-1905 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015 for specific procedures on how to file such an appeal).

DISTRICT USE ONLY:

Date and Time Received by Resident District: 04-21-21 CT 1:00

Date and Time Received by Nonresident District: 07/12/2021

Resident District LEA #: 7301

Nonresident District LEA#: 3211

Student's State Identification #:

Application Accepted

Rejected

Reason for Rejection (If Applicable):

at 3% capacity

Date Notification Sent to Parent/Guardian of Applicant: July 12, 2021

Date Notification Sent to Resident District: July 12, 2021

RECEIVED JUL 12 2021 BY [Signature] 11:12 am

Midland School District

Office of the Superintendent

P.O. Box 630
Pleasant Plains, AR 72568

741 Main Street
(501) 345-8844
(501) 345-2086 - Fax

July 12, 2021

Meredith Gordon
Parent of: Naomi Gordon

[REDACTED]
[REDACTED] 72020

Dear Meredith:

The application(s) you submitted for Arkansas Public School Choice for 2021-2022 academic year has/have been rejected because:

- the District has reached the 3% limitation cap for allowable transfers.

Additionally, as the non-resident district, we did not receive your application until July 12, 2021 thus the reason for the late notification of our rejection.

Please refer to your original application to see what rights you may have concerning this notice.

Sincerely,



Dr. Bruce Bryant
Superintendent

Attachments