

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING PUBLIC SCHOOL CHOICE
PUBLIC COMMENTS**

Commenter Name and Organization (if applicable): Don K. Berry, Military Officer
Association of America – Arkansas Council

Comments:

Subpart 4. School Choice for Uniformed Service Members

6 CAR § 30-401. School choice for students of uniformed service members.

...

(f)(1) For each application received under this subpart, the district shall notify the applicant in writing as to whether the student’s application has been accepted or rejected within fifteen (15) calendar days of the district’s receipt of the application.

(2) The notification shall be sent ~~via first class mail to the address~~ by the means identified for this purpose on the application.

Justification: A transferring military family will more likely make a school choice application ahead of leaving their prior duty station. While in transit families are unable to receive first class mail service until they establish a new address. Email is more reliable to timely communicate with military families than first class mail. The application should ask by what means the family requests to be notified in writing.

DoD recognizes Arkansas leadership of their ‘Open Enrollment Flexibility’ priority.

DoD’s Best Practices document places Arkansas first on its list:

<https://download.militaryonesource.mil/StatePolicy/pdfs/2025/best-practices-open-enrollment-flexibility.pdf>

Division Response: Comment considered, a non-substantive change was made consistent with the comment. The added language directs the school to utilize an email address that is provided in addition to the physical address currently required by the rule.

Commenter Name and Organization (if applicable): Tina Seidel, CPS Admin Assistant – Student Services

Comments: I am writing in opposition to the additional wording that would include inter-district school to school transfers in the School Choice Law that currently applies to district to district transfers.

I am the Admin Assistant for Student Services in Cabot School District and as part of my duties I help oversee the School Choice process for district-to-district transfers and our parent request process for in-district school-to-school transfers.

Over my years in this position, our district has worked diligently on our inter-district transfer requests to get our process where it is today. I would invite any officials considering this change to the law to first visit with us and see our process first hand.

After years of fine-tuning our process, we currently fulfill nearly all the requirements that the new wording requests. We have an automated system for a parent to submit a google form in order to be added to our parent request list. For the last two years we have allowed students who are attending a school on an approved waiver to remain in that school and to simply roll up with their peers. We have prioritized siblings and approved them to attend the schools that their elder sibling is currently attending. We have continually had a placement success rate of 90 – 95%.

The use of the school choice form would negatively impact our current process. It would increase our workload from the very beginning of the process. The school choice application would not self-populate our request spreadsheets as our current system does. The specific wording in the revision that the district cannot “discriminate based on an applicant’s residential address” would mean that we could no longer use our parent waiver requests to help balance our building numbers over the summer. Currently when a school fills up in a grade level we can refer to our parent requests and use them to move students around to make space for incoming families. If we cannot make moves based on residential addresses, we would not be able to prioritize moves that help with overall numbers.

Also, under this wording no priority could be given to families that live and pay property taxes to the district over families that are coming to us from outside of our district. This situation in itself would cause more friction with our in-district parents. While school choice families are welcome to the district, we do currently prioritize in-district parent requests where slots are limited.

Currently school choice for out-of-district families opens in January. This is before families in the district are thinking about new student enrollments which typically starts in March. If no priority can be given based on residential address, then based on the timing alone, out-of-district families would end up with an advantage.

Finally, while we do allow for parent waivers and have a process in place, the expectation is that students will usually attend their zoned school. Typically, parents reach out that have an issue with attending their zoned school due to daycare etc. and are directed to the parent waiver request process that is linked to our main web page. The process is not heavily advertised, as

would be required by the school choice wording. We found in prior years before we allowed students to remain in their approved school for subsequent years, that the number of parent waiver requests had risen from the initial 30-40 requests to process over the summer to over 150 and increasing each year. The amount of time and effort to process these requests was fast becoming unattainable. As we now allow students to remain in their approved building for subsequent years, we anticipate that the number of requests this year will remain similar to last summer which was in the 60-70 range. If this process were to be advertised, as required in the new wording, we anticipate it would encourage parents to submit requests for reasons that were not a necessity. If the number of requests again reached into the hundreds it could again become more than could be reasonably maintained by district staff.

Again, we as a district are currently achieving the intent behind the proposed wording for school to school transfers. Our parents are for the most part happy with the process and we have a very high success rate for placements. I ask again that you visit with a district that is successfully working the issues and consider that your proposed changes would significantly impact our current process and would result in more manhours, less efficiency and potentially more unhappy parents.

Division Response: Comment Considered, no changes made. This comment raises policy concerns which are governed by the controlling statute and are outside the scope of rulemaking.

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 4, Section (c)(2)(B)(i), Line 3: Add the words “in which the student would be assigned” after the word “grade level”.

Division Response: Comment considered, a non-substantive change was made consistent with the comment which added clarity to the provision of the rule.

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 4 : Add “Each school district shall determine for each school within the school district the capacity of each school and grade level” after Section (c)(2)(B)(i).

Division Response: Comment considered, no changes made.

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 5, Section (d)(2)(B): Insert the letter “a” between “include” and “provision”.

Division Response: Comment considered, a non-substantive change was made consistent with the comment.

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 14, Section (a)(1)(B): Add “and state board rules” after “6-15-2106”.

Division Response: Comment considered, no changes made. This change was not made on the basis that the rules are created and referenced by the code which is referenced in the rule.

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 15, Section (b)(2): Keep the stricken language in (A) and (B); it is the language in the statute.

Division Response: Comment considered, no changes made. Prior to the 2025 session, this statutory language established an exception to the general rule which prohibited intra-district transfer. Because the general prohibition to intra-district transfers has been removed, the language establishing the exception is enveloped by the general authority to transfer to any school with capacity. The deviation in language made by the rule clarifies the implications of A.C.A. 6-18-227(b)(1)(A)(iii).

Commenter Name and Organization (if applicable): Tripp Walter, Arkansas Public School Resource Center

Comments:

Page 15, Section (c): Keep the stricken language in (1) and (2); it is the language in the statute.

Division Response: Comment considered, no changes made. Prior to the 2025 session, this statutory language established an exception to the general rule which prohibited intra-district transfer. Because the general prohibition to intra-district transfers has been removed, the language establishing the exception is enveloped by the general authority to transfer to any school with capacity. The deviation in language made by the rule clarifies the implications of A.C.A. 6-18-227(b)(1)(A)(iii).
