

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

Appeal under the Arkansas Public School Choice Act

TIMOTHY ROBINSON

PETITIONER

vs.

PULASKI COUNTY SPECIAL SCHOOL DISTRICT

RESPONDENT

RESPONSE TO PETITIONER’S APPEAL
UNDER TO THE ARKANSAS PUBLIC SCHOOL CHOICE ACT

Respondent, Pulaski County Special School District (“District”), by its attorneys, Bequette, Billingsley & Kees, P.A., submits its Response to the Petitioner Timothy Robinson’s Appeal to the Arkansas State Board of Education (“State Board”) under the Arkansas Public School Choice Act of 2015, Ark. Code Ann. § 6-18-1901, *et seq.* (“School Choice Act”). For the reasons set forth in its Response, the District submits that the Petitioner’s Appeal should be denied by the State Board.

I. FACTUAL BACKGROUND

The District received Petitioner’s Application for School Choice Transfer (“Application”) for Jayden Ward (“Ward”) on or about March 28, 2023. A copy of the Application is attached hereto as Exhibit A. Ward will be a tenth grader, or sophomore, during the 2023-2024 school year and wishes to attend Sylvan Hills High School (“SHHS”). On May 18, 2023, the District sent to Petitioner a provisional assignment to SHHS but the District still needed to determine if acceptance of the Application would exceed the District’s grade, program, or building capacity. A copy of the District’s Provisional School Choice Letter is attached hereto as Exhibit B.

When the Registrar notified Petitioner of the provisional school choice notice by telephone, Petitioner informed the Registrar that Ward was on an Individualized Education Program (“IEP”).

SHHS is limited on special education teachers. Based on historical information, the District expects the number of students assigned to the special education teachers at SHHS to exceed 90% of their capacity for the 2023-2024 school year before consideration of any School Choice applicants.

Thus, after a review of the program capacity for special education at SHHS, the District determined there was insufficient capacity for Ward. As a result, the District sent a letter to Petitioner on June 7, 2023, in which the District informed Petitioner that the Application he submitted on behalf of Ward was rejected based on capacity at the grade level requested for the 2023-2024 school year. A copy of the District’s Letter denying Petitioner’s Application is attached hereto as Exhibit C.

Petitioner now appeals the District’s denial to the State Board. None of the reasons provided in Petitioner’s Appeal address the basis for the District’s denial of Petitioner’s Application.¹ SHHS does not have capacity for Ward. Moreover, Petitioner is requesting Ward attend a specific high school within the District—SHHS—but the School Choice Act does not allow Petitioner to select a specific school, only a nonresident school district. As a result and as more fully addressed below, Petitioner’s Appeal should be denied.

II. ARGUMENT

A. PETITIONER CANNOT SELECT A SPECIFIC SCHOOL UNDER THE ARKANSAS PUBLIC SCHOOL CHOICE ACT.

The School Choice Act established a program “to enable a student in kindergarten through grade twelve (K-12) to attend a school in a **nonresident district**” subject to limitations for districts

¹ Notably, one of Petitioner’s reasons for seeking attendance at SHHS is the class schedule. According to Petitioner, Ward’s resident district, Jacksonville High School, splits classes into two days, an A Day and a B Day. Petitioner claims Ward struggles with this schedule and performs better when he takes all his class in the same day. SHHS, however, is implementing a similar schedule for the 2023-2024 school year with classes split into three days, an A Day, a B Day, and a C Day. As a result, the class schedule at SHHS will not benefit Ward.

subject to desegregation orders or plans. Ark. Code Ann. § 6-18-1903(a) (emphasis added). A nonresident district “means **a school district** other than a student’s resident district.” Ark. Code Ann. § 6-18-1902(1) (emphasis added). The School Choice Act, therefore, only allows for placement in a nonresident district generally and does not enable placement in a specific school within a nonresident district.

In this case, Petitioner can only request placement for Ward at the District. While the District considers a student’s preference, if available, the School Choice Act does not allow for Petitioner to select SHHS specifically. SHHS does not have capacity for Ward; neither does Joe T. Robinson High School, another school in the District. The District is currently checking to determine whether there is capacity at either of the other two District high schools—Maumelle High School or Mills University Studies High School. If so, the District would be able to accept Ward at one of those two high schools. Nonetheless, Petitioner cannot use the School Choice Act to obtain entry into SHHS. As a result, Petitioner’s Appeal should be denied.

B. THE APPEAL SHOULD BE DENIED PURSUANT TO THE ARKANSAS PUBLIC SCHOOL CHOICE ACT.

Even if Petitioner could request SHHS under the School Choice Act, which he cannot do, the District’s denial of Petitioner’s Application was correctly based on the following provision of the School Choice Act:

This subchapter does not require a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law.

Ark. Code Ann. § 6-18-1903(c). Under District Policy, “[t]he school is not obligated to add any teachers, other staff, or classrooms to accommodate choice applications. The District may only deny a Standard School Choice application if the District has a lack of capacity by the District having reached ninety percent (90%) of the maximum student population in a program, class, grade

level, or school building authorized by the Standards or other State/Federal law.” A copy of District Policy 4.5 is attached hereto as Exhibit D. This Policy is consistent with Rule 2-1.04.2 of the DESE Rules Governing School Choice.

With regard to special education, SHHS is at capacity for co-taught English classes for sophomores. *See* SHHS Special Education Numbers for 2023-2024, attached hereto as Exhibit E. The capacity for each class is eight (8) so all available “English 2 CT” classes are full. Ex. E. SHHS is close to capacity for inclusive and resource English classes for sophomores. The capacity for both classes is eight (8) students per class. Ex. E. All “Eng 2 Inc” classes have six (6) or seven (7) students, and all “Res English” classes have six (6) students. Ex. E. Similarly, as a sophomore, Ward will take either Algebra I or Geometry, both of which have a capacity of eight (8) students per class. All “Algebra I Inc” and “Geometry CT” classes have six (6) or seven (7) students. Based on historical information, all available spots in these English, Algebra, and Geometry classes will be needed for students that move into the attendance zone for SHHS before or during the 2023-2024 school year. Accepting students from nonresident districts would, therefore, require SHHS to add special education teachers. The District is not required to do this under the School Choice Act. Accordingly, Petitioner’s Appeal should be denied.

III. CONCLUSION.

Based upon the foregoing argument and authority, the Respondent, Pulaski County Special School District, respectfully submits that the State Board should deny the Petitioner’s Appeal to the State Board under the Arkansas Public School Choice Act.

Respectfully submitted,

BEQUETTE, BILLINGSLEY & KEES, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, AR 72201-3469
Phone: (501) 374-1107
Fax: (501) 374-5092
Email: jbequette@bbpalaw.com
Email: pbrick@bbpalaw.com

By: /s/ Phillip M. Brick, Jr.
Jay Bequette, #87012
Phillip M. Brick, Jr., #2009116

Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Phillip M. Brick, Jr., do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid, to the following on this 7th day of July, 2023:

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

Mr. Timothy Robinson



Dr. Jeremy Owoh, Superintendent
Jacksonville North Pulaski School District
jowoh@jnpsd.org

/s/ Phillip M. Brick, Jr.
Phillip M. Brick, Jr.

APPLICATION FOR SCHOOL CHOICE TRANSFER

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

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:

No

APPLICANT INFORMATION

Student Name:
Jayden Ward

Grade: 8-10th

Student Date of Birth:

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:

No

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

Asian

African-American

Hispanic

Native American/
Native Alaskan

Native Hawaiian/
Pacific Islander

White

RESIDENT SCHOOL AND SCHOOL DISTRICT OF APPLICANT

District and School Name: Jacksonville High School / Jacksonville North Pulaski School District
County Name: Pulaski

Address: 1301 West Main St., Jacksonville, AR 72076

Phone: (501) 982-2128

NONRESIDENT SCHOOL/SCHOOL DISTRICT / APPLICANT WISHES TO ATTEND

District and School Name: Sylvan Hills High School / Pulaski County Special School District
County Name: Pulaski

Address: 484 Bear Paw Rd. Building 12, Sherwood, AR 72120

Phone: (501) 833-1100

PARENT OR GUARDIAN INFORMATION

Name: Timothy D. Robinson
Home Phone: [Redacted]

Address: [Redacted]
Work Phone: [Redacted]

Parent/Guardian Signature: [Signature]
Date: March 25, 2023

DISTRICT USE ONLY

Date and Time Received by Nonresident District: [Redacted] RECEIVED 11:03

Date and Time Received by Resident District: MAR 28 2023

Resident District LEA #: Equity & Pupil Services

Nonresident District LEA#:

Student's State Identification #:

Application: [Signature] Accepted Rejected
5-17-23

Reason for Rejection (If Applicable):

Date Notification Sent to Resident District and Parent/Guardian of Applicant:



PULASKI COUNTY SPECIAL SCHOOL DISTRICT

925 East Dixon Road, Little Rock, AR 72206 • 501.234.2000 • Website: pcssd.org

May 18, 2023

Timothy Robinson



Dear Parent/Guardian:

This letter is to notify you that your application for "Arkansas Public School Choice" has been **provisionally** accepted for the 2023-2024 school year.

Jayden Ward, from the **Jacksonville School District**, has been provisionally assigned to **Sylvan Hills High - 10th Grade**. **Based on the school's enrollment, we will determine if acceptance of this application exceeds the district's grade, program or building capacity. The school Registrar will contact you in a few days to verify some information and a final decision will be mailed to you by July 1, 2023.** Transportation is **not** provided on a School Choice transfer.

Registration is **not** complete until the parent/guardian has completed the Power School Registration Portal located on our District website, pcssd.org, and submitted all required documents. However, failure to enroll **Jayden Ward** by July 28, 2023 will render this offer of acceptance null and void.

Should you need further information please do not hesitate to call 501-234-2021.

Sincerely,

Janice Warren, Ed. D

Assistant Superintendent for Equity and Pupil Services

EXHIBIT B

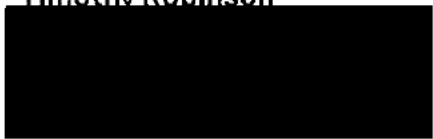


PULASKI COUNTY SPECIAL SCHOOL DISTRICT

925 East Dixon Road, Little Rock, AR 72206 • 501.234.2000 • Website: pcssd.org

June 7th, 2023

Timothy Robinson



Parent/Guardian:

Pulaski County Special School District (PCSSD) is in receipt of the Application for Transfer to a Nonresident District "Arkansas Public School Choice Act of 2015" that you submitted.

We regret to inform you that the application you submitted for **Jayden Ward** **Sylvan Hills High- 10th Grade**, has been **rejected** based on capacity at the grade level requested for the 2023-2024 school year.

Thank you for taking the time to submit your application.

Respectfully,

A handwritten signature in cursive script that reads "Janice Warren".

Janice Warren, Ed. D
Assistant Superintendent for Equity and Pupil Services



Pulaski County Special School District

☰ MENU

🌐 TRANSLATE 🔍

SCHOOLS ▼

PULASKI COUNTY SPECIAL SCHOOL DISTRICT // LEADERSHIP

// BOARD OF EDUCATION // BOARD POLICIES // SECTION 4: STUDENT

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BOARD POLICIES

Section 4: Students

4.1 Residence Requirements

4.2 Entrance Requirements

4.3 Compulsory Attendance Requirements

4.3F Application for Special Student Status

4.4 Student Transfers

SECTION 4: STUDENTS

Section 4 of the ASBA classification system contains policies, regulations, and exhibits on students - admissions, attendance, rights and responsibilities, conduct, discipline, health and welfare, and school-related activities.

4.1 RESIDENCE REQUIREMENTS

Definitions:

“In loco parentis” means relating to the responsibility to undertake the care and control of another person in the absence of:

1. Supervision by the person's parent or legal guardian; and
2. Formal legal approval.

EXHIBIT D

student or student's parents to provide transportation to or from the District, or both.

Per Arkansas Code A.C.A. § 6-18-317, a school district under a desegregation-related court order is prohibited from granting legal transfers.

Cross Reference: 4.6 Home-Schooling

Legal References:

- A.C.A. § 6-15-504
- A.C.A. § 6-18-316
- A.C.A. § 6-18-317
- A.C.A. § 6-18-510
- A.C.A. § 9-28-113(b)(4)
- A.C.A. § 9-28-205

Date Adopted: 10/10/72

Revised:

- 8/16/18
- 7/9/19

Last Revised: 9/13/22

4.5 SCHOOL CHOICE

Standard School Choice

Exemption

The District is under an enforceable desegregation court order/court-approved desegregation plan that explicitly limits the transfer of students between school districts and has submitted the appropriate documentation to the Division of Elementary and Secondary Education (DESE). As of 2017, the Pulaski County Special School District Board of Education no longer claims the exemption from participating in the DESE Rules Governing The Public School Choice Act.

Definition

"Sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

Transfers into the District

Capacity Determination and Public Pronouncement

The Board of Directors will annually adopt a resolution containing the capacity standards for the District. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The school is not obligated to add any teachers, other staff, or classrooms to accommodate choice applications. The District may only deny a Standard School Choice application if the District has a lack of capacity by the District having reached ninety percent (90%) of the maximum student population in a program, class, grade level, or school building authorized by the Standards or other State/Federal law.

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedures for participation in the program; and include contact information for the primary point of contact at the District for school choice questions. Such pronouncements shall be made no later than January 1.

Application Process

The student's parent shall submit a school choice application on a form approved by DESE to this District and the student's resident district. Except for students who have 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, the transfer application must be postmarked, emailed, or hand-delivered between January 1 and May 1 of the year

preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications the District receives as both the resident and nonresident district as they are received in the District's central office. Except for applications from students who have 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, applications postmarked, emailed, or hand-delivered on or after May 2 will not be accepted. Statutorily, preference is required to be given to siblings of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

Students who have 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 may submit an application and transfer at any time if the student's application:

1. Is filed with the nonresident school district within fifteen (15) days of the parent's or guardian's arrival on the military base;
2. Includes the parent's or guardian's military transfer orders; and
3. Includes the parent's or guardian's proof of residency on the military base.

The approval of any application for a choice transfer into the District is potentially limited by the applicant's resident district's statutory limitation of losing no more than three percent (3%) of its past year's student enrollment due to Standard School Choice. As such, any District approval of a choice application prior to July 1 is provisional pending a determination that the resident district's three percent (3%) cap has not been reached. The superintendent shall contact a student's resident district to determine if the resident district's three percent (3%) cap has been met.

No earlier than January 1 of each year, the Superintendent will consider all properly submitted applications for School Choice. By July 1, the Superintendent shall notify the parent and the student's resident district, in writing, of the decision to accept or reject the application.

Accepted Applications

Applications that fit within the District's stated capacity standards shall be provisionally accepted, in writing, with the notification letter stating a reasonable timeline by which the student shall enroll in the District by taking the steps detailed in the letter, including submission of all required documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the District's stated capacity standards, the acceptance shall be null and void.

A student, whose application has been accepted and who has enrolled in the District, is eligible to continue enrollment until completing his/her secondary education. Continued enrollment is conditioned upon the student meeting applicable statutory and District policy requirements. Any student who has been accepted under choice and who either fails to initially enroll under the timelines and provisions provided in this policy; who chooses to return to his/her resident district; or who enrolls in a home school or private school voids the transfer and must reapply if, in the future, the student seeks another school choice transfer. A subsequent transfer application will be subject to the capacity standards applicable to the year in which the application is considered by the District.

A present or future sibling of a student who continues enrollment in this District may enroll in the District by submitting a Standard School Choice application. Applications of siblings of presently enrolled choice students are subject to the provisions of this policy including the capacity standards applicable to the year in which the sibling's application is considered by the District. A sibling

who enrolls in the District through Standard School Choice is eligible to remain in the District until completing his/her secondary education.

Students whose applications have been accepted and who have enrolled in the district shall not be discriminated against on the basis of gender, national origin, race, ethnicity, religion, or disability.

Rejected Applications

The District may reject an application for a transfer into the District under Standard School Choice due to a lack of capacity. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion.

An application may be provisionally rejected if it is for an opening that was included in the District's capacity resolution but was provisionally filled by an earlier applicant. If the provisionally approved applicant subsequently does not enroll in the District, the provisionally rejected applicant could be provisionally approved and would have to meet the acceptance requirements to be eligible to enroll in the District.

An application may be provisionally rejected if the student's application was beyond the student's resident district's three percent (3%) cap. The student's resident district is responsible for notifying this District that it is no longer at its three percent (3%) cap. If a student's application was provisionally rejected due to the student's resident district having reached its three percent (3%) cap and the student's resident district notifies this District that it has dropped below its three percent (3%) cap prior to July 1, then the provisional rejection may be changed to a provisional acceptance and the student would have to meet the acceptance requirements to be eligible to enroll in the District.

Rejection of applications shall be in writing and shall state the reason(s) for the rejection. Unless the student's application was rejected due to the application not being timely received by both the resident and nonresident districts, a student whose application was rejected may request a hearing before the State Board of Education to reconsider the application. The request for a hearing must be submitted in writing to the State Board within ten (10) days of receiving the rejection letter from the District.

Any applications that are denied due to the student's resident district reaching the three percent (3%) limitation cap shall be given priority for a choice transfer the following year in the order that the District received the original applications.

Transfers Out of the District

All Standard School Choice applications shall be granted unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than three percent (3%) of the average daily membership on October 15 of the immediately preceding year. By December 15 of each year, ADESE shall determine and notify the District of the net number of allowable choice transfers. Students are not counted for the purpose of determining the three percent (3%) cap if the student transfers:

- Through Opportunity School Choice due to the school receiving a rating of "F" or a district classified as in need of Level 5 Intensive Support under A.C.A. § 6-18-227;
- Due to the district's identification of Facilities Distress under A.C.A. § 6-21-812; or
- Through the Foster Child School Choice under A.C.A. § 6-18-233.

If prior to July 1, the District receives sufficient copies of requests from other districts for its students to transfer to other districts to trigger the three percent (3%) cap, it shall notify each district the District received Standard School Choice applications from that it has tentatively reached the

limitation cap. The District will use confirmations of approved choice applications from receiving districts to make a final determination of which applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect. The District shall immediately notify all receiving districts if it should drop back below its three percent (3%) cap prior to July 1.

When the last successful application requesting to transfer out of the District before the District's three percent (3%) cap was triggered belonged to an individual who was a member of a group of siblings who applied to transfer out of the District, the District shall allow all members of the individual's sibling group to transfer out of the District even though these applications are beyond the District's transfer cap.

Facilities Distress School Choice Applications

There are a few exceptions from the provisions of the rest of this policy that govern choice transfers triggered by facilities distress. Any student attending a school district that has been identified as being in facilities distress may transfer under the provisions of this policy, but with the following four (4) differences.

- The receiving district cannot be in facilities distress;
- The transfer is only available for the duration of the time the student's resident district remains in facilities distress;
- The student is not required to meet the May 1 application deadline; and
- The student's resident district is responsible for the cost of transporting the student to this District's school.

Opportunity School Choice

Transfers Into or Within the District

For the purposes of this section of the policy, a "lack of capacity" is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal

or state law, the ADESE Rules for the Standards for Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity at the District's school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student may transfer from the student's assigned school to another school in the District¹⁰ or from the student's resident district into the District if:

- Either:
 - The student's resident district has been classified by the state board as in need of Level 5 – intensive support; or
 - The student's assigned school has a rating of "F"; and
- The student's parent, guardian, or the student if the student is over eighteen (18) years of age has submitted an application of the student's request to transfer by no earlier than January 1 and no later than May 1 of the school year before the school year the student intends to transfer to both the sending and receiving school districts.:

A student is not required to meet the May 1 application deadline if the student 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. The student may transfer at any time if the student's application:

- a. Is filed with the nonresident school district within fifteen (15) days of the parent's or guardian's arrival on the military base;
- b. Includes the parent's or guardian's military transfer orders; and
- c. Includes the parent's or guardian's proof of residency on the military base.

Except for those students who are applying to transfer within the time permitted due to the student's parent or guardians' military service or seeking to transfer within the District, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age and the student's resident district whether the Opportunity School Choice application has been accepted or rejected by no later than July 1 of the school year the student is seeking to enroll. If the student is seeking a transfer due to the student's parent or guardian's military service or seeking a transfer within the District, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity School Choice application has been accepted or rejected within fifteen (15) days from receipt of the student's application. The notification shall be sent via First-Class Mail to the address on the application.

If the application is accepted, the notification letter shall state the deadline by which the student must enroll in the receiving school or the transfer will be null and void.

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.¹³ A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal the District's decision to deny the application to the State Board of Education. The appeal must be in writing to the State Board of Education via hand delivery or certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the notice of rejection was received from the District.

A student's transfer under Opportunity School choice is effective at the beginning of the next school year and the student's enrollment is irrevocable for the duration of the school year and is renewable until the student completes high school or is beyond the legal age of enrollment. This provision for continuing eligibility under Opportunity School Choice does not negate the student's right to apply for transfer to a district other than the student's assigned school or resident

district under the Standard School Choice provisions of this policy.

The District may, but is not obligated to provide transportation to and from the transferring district.

Transfers out of, or within, the District

If a District school receives a rating of "F" or the District has been classified by the State Board as in need of Level 5 Intensive Support, the District shall timely notify parents, guardians, or students, if over eighteen (18) years of age, as soon as practicable after the school or district designation is made of all options available under Opportunity School Choice. The District shall offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to submit an application to enroll the student in

1. A school district that has not been classified by the State Board as in need of Level 5 Intensive Support; or
2. If there is more than one school within the District covering the grade level of the student seeking to transfer that does not have a rating of "F", a public school within the District that is nearest to the student's legal residence that does not have a rating of "F"; or
3. If there is not more than one school within the District covering the grade level of the student seeking to transfer that does not have a rating of "F", a public school that does not have a rating of "F" within a School district that has not been classified by the State Board as in need of Level 5 Intensive Support.

Additionally, the District shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

Unsafe School Choice Program

Any student that becomes the victim of a violent criminal offense while in or on the grounds of a District school or who is attending a school classified by DESE as a persistently dangerous public school shall be allowed to attend a safe public school within the District.

Legal References:

- A.C.A. § 6-1-106
- A.C.A. § 6-13-113
- A.C.A. § 6-15-2915
- A.C.A. § 6-18-227
- A.C.A. § 6-18-233
- A.C.A. § 6-18-320
- A.C.A. § 6-18-510
- A.C.A. § 6-18-1901 et seq.
- A.C.A. § 6-21-812
- DESE Rules Governing The Public School Choice Act

Date Adopted: 10/10/72**Revised:**

- 3/11/14
- 8/11/15
- 10/16/17
- 4/4/18
- 7/9/19
- 2/12/2020
- 6/8/2021
- 2/8/22

Last Revised: 9/13/22

4.6 HOME SCHOOLING

Enrollment in HomeSchool

Parents or legal guardians desiring to provide a home school for their children shall give written notice to the

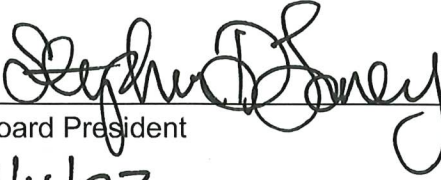
4.5F School Choice Capacity Resolution

Whereas:

- The Board of Directors of the Pulaski County Special School District has approved by a vote of the Board the following capacity resolution for school choice applicants for the 2023 - 2024 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 received, electronically timestamped, or postmarked before January 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, electronically timestamped, or postmarked within the fifteen (15) day period and accompanied by relevant documentation;
 - o Are received, electronically timestamped, or postmarked after May 1, unless the application is postmarked before May 1 or 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, electronically timestamped, or postmarked 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.

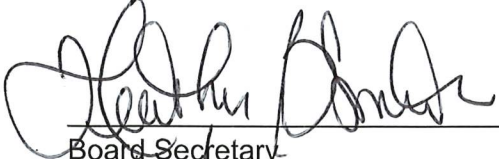
- The district reserves to itself the ability to decline to accept under school choice any student whose acceptance would require the district to add additional staff to exceed the District's current grade, program, or building capacity.

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 2023 - 2024:



Board President
4/11/23

Date



Board Secretary
4/11/23

Date

Sylvan Hills High School
Special Education Numbers for 2023-2024

Cook

Algebra 1 Inc - 7
Algebra 1 Inc - 7
Algebra 1 Inc - 6
Geometry CT - 7
Geometry CT - 7
Geometry CT - 6
Total = 40

Crick

LL English - 9
LL English - 9
LL Soc St - 8
LL Soc St - 8
Soc Skills - 8
Trans & Car - 11
Total = 53

Nolan

Alg 2 CT - 6
Alg 2 CT - 6
Alg 2 CT - 6
Alg 3 CT - 2
Trans & Car - 11
Study Center - XXX
Total = 31

Phillips

English 2 CT - 8
English 2 CT - 8
English 2 CT - 8
Soc Skills - 8
Soc Skills - 8
Study Center - XXX
Total = 40

Presley

Res Sci - 5
Res Sci - 5
LL Sci - 8
LL Sci - 8
Eng 2 Inc - 7
Eng 2 Inc - 6
Total = 39

Scallon

Eng 4 Inv - 1
Eng 4 CT - 6
Eng 4 CT - 6
Study Center - XXX
SPED Dept Chair
Total = 13

Shaw

Res English - 6
Res English - 6
Res English - 6
Res English - 6
Eng 3 CT - 5
Eng 3 CT - 5
Total = 34

Underwood

Life Skills - 13
Life Skills - 13
Life Skills - 10
Life Skills - 9
Life Skills - 12
Life Skills - 14
Total = 71

Dunlap

Life Skills - 7
Life Skills - 5
Life Skills - 2
Life Skills - 7
Life Skills - 7
Social Skills - 11
Total = 39

****We are the only school in the district with (2) Life Skills classes. These students have profound mental disabilities and learn essential life skills and community-based instruction in this program of study. We can take (15) students per class for this program. We can add students to this program. We are at 70% capacity.**

****CT = Co-taught; Inc = Inclusion - these classes mix special education students with the general student population in traditional classrooms. By law, a classroom cannot have more than 1/3 CT or Inc students in these classes. The average class size is 25, so as a district, we utilize a maximum of (8) students in a CT or Inc classroom. We are at 100% capacity for Co-taught and Inclusion at the sophomore level.**

**Res = Resource classes - we can have a maximum of (8) students in a resource class. We are at 90% capacity in our resource classes.

LL = Learning Lab - we can have a maximum of (15) students in a Learning Lab classroom. **We can add students to our Learning Lab classroom. We are at 70% capacity in Learning Lab.

Sylvan Hills High School's special education department is at or near capacity in its inclusion, co-taught, and resource classes. There is room for additional students in Life Skills and Learning Lab, but not in the other classes that we offer.

This student is a sophomore and would need English 2 if he is an inclusion or co-taught student. We have the maximum number of students enrolled in these classes now. If he's a resource student, we are nearing the maximum and need the remaining seats for any student that moves into our attendance zone that needs this class according to his/her IEP. If this student is a Learning Lab or Life Skills student, we would have room for additional enrollment.

In Timothy Robinson's letter, the first difference that he lists between his home district (Jacksonville), and Sylvan Hills is the schedule. He stated that the A/B schedule with longer classes was not conducive for his son. For the upcoming school year, Sylvan Hills will be on an A/B/C schedule. Our schedule is a modified block schedule in which some classes will meet every day and others will meet three days/week. We will run a C-Day schedule on Monday and students will meet for all (8) class periods for a length of (38) minutes. We will run an A-Day schedule on Tuesday and Thursday. The first and eighth periods will be an average of (44) minutes in length and the second, third, and fourth periods will be (89) minutes in length. We will run a B-Day schedule on Wednesday and Friday. The first and eighth periods will be an average of (44) minutes in length and the fifth, sixth, and seventh periods will be (89) minutes in length.

I will include a copy of our schedule.

SYLVAN HILLS HIGH SCHOOL

2023-2024 BELL SCHEDULE

A Day T/Th	B Day W/F	First Bell 8:28
1st Period		8:35 - 9:20 (45)
2nd Period	5th Period	9:25 - 10:54 (89)
3rd Period	6th Period	10:59 - 12:28 (89)
First Lunch		12:28 - 12:58
Advisory 2		1:03 - 1:33 (30)
Advisory 1		12:33 - 1:03 (30)
Second Lunch		1:03 - 1:33
4th Period	7th Period	1:38 - 3:07 (89)
8th Period		3:12-3:55 (43)

C Day Main Monday	First Bell 8:28
1st Period	8:35 - 9:15 (40)
2nd Period	9:20 - 9:58 (38)
Club Time	9:58 - 10:32 (34)
3rd Period	10:37 - 11:15 (38)
5th Period	11:20 - 11:58 (38)
6th Period	12:03 - 12:41(38)
First Lunch	12:41 - 1:11
Advisory 2	1:16 - 1:46 (30)
Advisory 1	12:46 - 1:16 (30)
Second Lunch	1:16 - 1:46
4th Period	1:51 - 2:29 (38)
7th Period	2:34 - 3:12 (38)
8th Period	3:17 - 3:55 (38)