

# Hearing Notice



# Division of Elementary and Secondary Education

*Transforming Arkansas to lead the nation in student-focused education*

**Jacob Oliva**  
Secretary

June 12, 2023

**Dr. Ivy Pfeffer**  
Deputy  
Commissioner

Zach Lease

Matthew Donaghy, Superintendent  
Bauxite School District  
donaghym@bauxiteminers.org

**Stacy Smith**  
Deputy  
Commissioner

Karen Walters, Superintendent  
Bryant School District  
kwalters@bryantschools.org

## **Re: Appeal Under the Public School Choice Act – Mason Lease**

**State Board of  
Education**

Everyone:

**Ouida Newton**  
*Poyen*  
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 13, 2023**. The action item is set for **9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas 72201**. Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on Friday, July 7, 2023**.

**Dr. Sarah Moore**  
*Stuttgart*  
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.**

**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 Division of Elementary and Secondary Education Rules Governing the Public School Choice Act. You may find copies of these references on the DESE website at <https://dese.ade.arkansas.gov/Offices/legal/school-choice>.

**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) 683-0087 should you require additional information.

**Steve Sutton**  
*Marion*

**Adrienne Woods**  
*Rogers*

Sincerely,

**Randy Henderson**  
*Blytheville*

/s/Shastady Wagner

**Lisa Hunter**  
*White Hall*

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

**Jeff Wood**  
*Little Rock*

# Appeal Packet

RECEIVED  
LEGAL SERVICES

JUN 01 2023

Division of Elementary and Secondary Education  
Attention: Legal Services Unit  
Four Capitol Mall  
Little Rock, AR 72201

DEPARTMENT OF EDUCATION  
CENTRAL ADMINISTRATION

To whom it may concern:

My wife and I timely applied to exercise school choice for our son, Mason Lease, for the 2023-2024 school year. Our resident district is Bryant Public Schools, and we seek a transfer to Bauxite Public Schools. My son will begin the 6<sup>th</sup> grade in the 2023-2024 school year.

On May 15, 2023, my wife received a phone call from the Bauxite School District inquiring if my son was on a 504 plan in his current school. Her response was a mere "yes." Without any additional information or records from Bryant Public Schools, a decision was seemingly made that the "services" my son would need require additional hiring of staff. This decision was memorialized in a letter dated May 19, 2023 and postmarked on May 23, 2023 (attached hereto as Exhibit 1 and Exhibit 2). This letter is alarmingly vague. According to 2-1.04.1 of the AR Department of Education Policy governing School Choice (attached hereto as Exhibit 3), a district can deny a student due to capacity limitations, however, 2-1.04.5 makes it clear that those limitations cannot be based on any academic disability which would include having a 504 plan. That sentiment is also codified in A.C.A. 16-18-1906. Denial of my son's attendance at Bauxite Schools simply because he has a 504 plan is discrimination based on a disability. I find it hard to believe the letter addresses mere capacity as is outlined in 2-3.03.2.2 because it doesn't mention anything about my son having priority until July 1, 2023, or otherwise. It gives no indication that this is related to the maximum authorized student population.

Whether this denial is discriminatory based on a 504 plan in place or is due to lack of capacity, please consider this my formal request in writing for an appeal hearing in front of the Department of Education pursuant to 3-4.00. My wife and I will present evidence proving that a transfer to Bauxite is in the best educational, social, and psychological interest of our child at the said hearing.

Thank you for your time,



Zach Lease

CC: Bauxite School District Superintendent Matt Donaghy

## Shastady Wagner (ADE)

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**From:** Zach Lease [REDACTED]  
**Sent:** Thursday, June 1, 2023 9:46 AM  
**To:** Shastady Wagner (ADE)  
**Subject:** Mason Lease/Bauxite School choice appeal  
**Attachments:** Removal of 504.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from zachlease@yahoo.com. [Learn why this is important](#)

**Caution:** This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Hello Mrs. Wagner--

My name is Zach Lease-- I am the parent of Mason Lease who was denied School Choice for Bauxite next school year. I mailed a letter of appeal last Saturday so you may receive it any day now, if not already received.

I really appreciate you speaking with my friend over the phone yesterday-- she has advised me to email you confirmation concerning the removal of Mason's 504 plan.

The only reason we sought a 504 plan late in the year is because of the size of Bethel Middle School in Bryant and just feeling like it would benefit him in a big school to have some additional tools. It was not at the initial recommendation of his teacher or anything. Once we learned of School Choice and realized he could attend a much smaller school, the need for a 504 plan diminished. This is something we did not have an opportunity to discuss with Bauxite when they asked if he had a 504 plan and then denied us.

504 plans expire at the end of each school year and have to be renewed at the beginning of the following school year. We did not intend to renew once starting at Bauxite, however, in light of all of these things going on, we have since signed the paperwork with Bryant to have his current 504 plan from this year removed. I have a final signed document from the school verifying its removal.

So as it stands right now, Mason does not have a 504 plan in any way and will not start the next school year as a 504 student. If his denial is in any way related to staff hiring due to 504 status, this is now a moot issue. I have attached that documentation in case it helps in your discussions with Bauxite.

I truly appreciate your time and effort with this-- we obviously just want our son to be successful and the smaller school setting that Bauxite offers is a great opportunity for him-- again I thank you.

Please call me if I can provide any additional information or help in any way further.

Zach Lease  
[REDACTED]



HOME OF THE MINERS

# BAUXITE SCHOOL DISTRICT

800 School St. Bauxite, Ar 72011

Office of the Superintendent  
Matt Donaghy, Superintendent  
Office: 501-557-5453  
Fax: 501-557-2235  
www.bauxiteminers.org

May 19, 2023

Jasmin Lease



Ms. Lease,

This letter is to serve as receipt of your request for Mason Lease to attend the Bauxite Public Schools as a non-resident student through the Public School Choice Law beginning the fall term of the 2023-2024 school year.

After a review of the information provided to us regarding your child, the standards of the school choice law, and the policy of the Bauxite School Board, I regret to inform you we are denying the request.

The reason for this denial is the district would be required to hire additional personnel. The services that your student requires has reached 90% capacity.

Thank you for your interest in our district, and we wish your family the best.

Respectfully,

Matt Donaghy  
Superintendent

# District Response



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June 12, 2023

To Whom It May Concern:

On May 15, 2023, contact was made with Mrs. Lease via phone regarding the family's school choice application. Mrs. Lease stated that her son, Mason Lease, is on a 504 plan but they had "started an IEP" for him. The decision to deny this student was not based on his 504 eligibility as the appeal states, but rather that our special education program is at capacity (>90%). Should Mason be placed on an IEP, we would be required to hire additional staff.