

# 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

Larissa Robinson

Ginni McDonald, Superintendent  
Russellville School District  
ginni.mcdonald@rsdk12.net

**Stacy Smith**  
Deputy  
Commissioner

Larry Dugger, Superintendent  
Pottsville School District  
larry.dugger@pottsvilleschools.org

## **Re: Appeal Under the Public School Choice Act – Braden Robinson**

**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

Denial for Special Needs Child

RECEIVED  
LEGAL SERVICES

JUN 06 2023

DEPARTMENT OF EDUCATION  
CENTRAL ADMINISTRATION

To Whom It May Concern,

My name is Larissa Robinson. I am the mother of Braden Robinson, age 5. I live in the Russellville School District and filled out a school choice form for my son to be accepted into Pottsville School District for the 2023-2024 school year. He is special needs because he has a diagnosis of level 3 autism. In early May, I received a letter that Braden was accepted by the superintendent to Pottsville School District. We had our kindergarten screening May 24<sup>th</sup> at the school. The following day after his screen, I received another letter from the superintendent that they were DENYING him because they were at capacity. I called their office to see what had changed since our acceptance letter and they advised me that they had too many special needs children and cannot take on another one. We have already cancelled all of our meetings and further evaluations through the Russellville School District due to receiving an acceptance letter from Pottsville School District. I do not feel my son is being treated fairly due to him having special needs. I am writing this letter in hopes that this decision can be appealed where my son can attend this wonderful school, regardless of his needs. Braden also has a 7 year old sister that could possibly be attending this year due to living in the district, and I would love for them to get to grow up and go to school together. I have attached both letters with this one. If anyone has any questions, feel free to contact me at [REDACTED] or my email is [REDACTED]. Thank you for your time and attention on this matter.

Respectfully,

Larissa Robinson

# Pottsville School District



976 Pine Ridge Road  
Pottsville, Arkansas 72858

Larry Dugger, Superintendent

Phone  
479-968-8101

Fax  
479-968-6339

May 23, 2023

Dear Larissa Robinson,

I am sorry, but the application you submitted for Braden Robinson has to be rejected for the following reason: After evaluating the numbers, Pottsville has reached the 90% capacity, and therefore cannot accept his application for the 2023-2024 School Year.

Respectfully,

A handwritten signature in black ink that reads "Larry Dugger". The signature is written in a cursive style with a large initial "L".

Larry Dugger  
Superintendent

# Pottsville School District



976 Pine Ridge Road  
Pottsville, Arkansas 72858  
Larry Dugger, Superintendent

Date: May 12, 2023


Larissa Robinson:

I am pleased to inform you that the School Choice application you submitted for **Braden Robinson** has been accepted pending enrollment by August 1, 2023. However, failure to enroll will render this offer of acceptance null and void. Please contact the school your student will attend and make plans to pick up enrollment papers.

Once your student has enrolled in school with us this coming school-year, they will be eligible to continue enrollment in the district until completing high school or is beyond the legal age of enrollment provided the student meets the applicable statutory and district policy requirements all other District students must meet.

Any District approval of a choice application prior to July 1 is provisional pending that the choice district's 90% has not been reached.

Respectfully,

  
Larry Dugger  
Superintendent of Schools

# District Response

# Pottsville School District



976 Pine Ridge Road  
Pottsville, Arkansas 72858

Larry Dugger, Superintendent

Phone: 479-968-8101

Fax: 479-968-6339

June 14, 2023

Arkansas State Board of Education:


This letter is in response to the appeal filed by Larissa Robinson regarding the denial of her child through the Public-School Choice Act to attend Pottsville School District. The denial was based on two factors:

1. Pottsville Board of Directors passed a school choice resolution that limits capacity to 90% when determining eligibility through school choice into Pottsville School District. After determining the needs of Braden Robinson, it was determined he would be placed in a self-contained classroom. By state standards that classroom is allowed to have 15 students. It currently has 14 of the 15 spots filled (93% capacity). This leaves one spot for any student in grades KG-6<sup>th</sup> who might be a legal resident in Pottsville School District.
2. It was also determined that Braden Robinson would require a 1:1 aide while attending school. Rule 2-1.03 of Public-School Choice Act states: These rules do 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.

In regards to denial, Pottsville School District has denied students requesting school choice in grades 1,3,4,5,6,7,8,9 and 10 due to capacity. A total of 21 students were denied acceptance to Pottsville School District through the Public-School Choice Act for the 2023/24 school year.

Thank you for your understanding on this matter. If I can be of any further assistance, please let me know.

Sincerely,



Larry Dugger, Superintendent

Pottsville School District.



POTTSVILLE SCHOOL DISTRICT  
23-24 SCHOOL CHOICE CAPACITY RESOLUTION

Whereas:

The Board of Directors of Pottsville School District has approved by a vote of the board, the following capacity resolution for school choice applicants for the 2023-24 school-year under the provisions of Policy 4.5 – School Choice and applicable Arkansas Law.

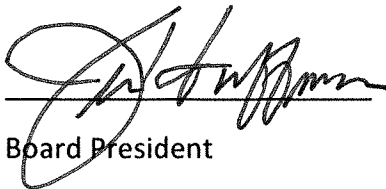
Applicants, whose applications meet the provisions of policy 4.5, will be sent a provisional acceptance notification letter which will give them instructions on the necessary steps and timelines to enroll in the District. Provisional acceptance shall be determined prior to July 1 with a final decision to be made by July 15 based on the district's available capacity (90%) for each academic program, class, grade level, and individual school.

Applications that are not received on or before May 1, or from a student whose resident district that declared itself exempt due to an existing desegregation order, or, the acceptance of which would exceed the applicant's resident district's statutory limitation on student transfers out of its district will not be accepted.

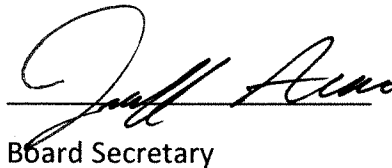
The district reserves to itself the ability to determine, based on examination of student records obtained from the prior district, and other information, whether any student would require a different class, course or courses, program of instruction, or special services than originally applied for. If such an examination determines that capacity (90%) 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, for any reason.

THEREFORE, let it be resolved that these shall constitute the School Choice openings at the beginning of the School Choice enrollment period for the 2023-24 school-year.



Board President



Board Secretary

4-20-23  
Date