

George J. Bequette, Jr.  
Keith I. Billingsley  
W. Cody Kees

Phillip M. Brick, Jr.  
Jacquelyn Harrison



Simmons Bank Tower  
425 West Capitol Avenue, Suite 3200  
Little Rock, Arkansas 72201-3469  
www.bbpalaw.com  
(T) (501) 374-1107  
(F) (501) 374-5092

June 1, 2023

**VIA EMAIL**

Deborah Coffman, Assistant Commissioner of Public School Accountability  
Division of Elementary and Secondary Education  
Arkansas Department of Education  
Four Capitol Mall, Room 405-B  
Little Rock, AR 72201  
Email: [Deborah.Coffman@ade.arkansas.gov](mailto:Deborah.Coffman@ade.arkansas.gov)

Re: Cutter Morning Star School District  
Update On Student Attendance Investigation

Ms. Coffman:

I represent the Cutter Morning Star School District (“CMSSD” or “District”) and Dr. Nancy Anderson. The District is preparing a response and appeal to your letter of May 17, 2023, which will be provided under separate cover. The purpose of this letter is to respond to your request for an investigation by Dr. Anderson into student attendance issues in the District’s Alternative Learning Education (“ALE”) program. The District’s ALE program is a partnership between All Children’s Academy (“ACA”) and New Hope Therapy (“New Hope”). This partnership included certified teachers provided by ACA and licensed therapist by New Hope.

Attendance was taken at ACA/New Hope and was supposed to be given to CMS to enter into eSchool. Dr. Anderson was not aware until the DESE visit on April 12, 2023 that the attendance was not being entered into eSchool, although attendance was being taken. The District has since entered the attendance data into eSchool for our students at ACA/New Hope. These attendance records are attached hereto to this letter.

After an investigation by Dr. Anderson, it was determined that attendance was not entered into eSchool due to a change in leadership at both ACA/New Hope and the District elementary school, although attendance records were maintained. The District ALE Director is responsible for attendance in the ALE program and this matter is being handled by the District as a personnel matter. The District is confident that moving forward all ALE program attendance records will not only be maintained, but will be promptly entered into eSchool.

In your letter, you reference Ark. Code Ann. § 6-17-410(d)(1)(A)(viii), which states that the basis for case for the state board to revoke, suspend, or place a license on probation includes “knowingly submitting or providing false or misleading information or knowingly failing to

Deborah Coffman, ADE

June 1, 2023

Page 2

---

submit or provide information requested or required by law to the Division of Elementary and Secondary Education, state board, or Arkansas Legislative Audit.” As to Dr. Anderson, when she became aware that attendance records were not properly recorded in eSchool, the issue was immediately resolved and the requested attendance records are herein provided to you.

In your letter, you reference Ark. Code Ann. § 6-17-407(b)(1)(A) which states, “The superintendent of schools shall be responsible for investigating and documenting allegations of criminal misconduct as delineated in §§ 6-17-410 and 6-17-414 by a school district employee and involving a student or students.” Presumably you are referring to the student attendance issue and the suggestion that criminal misconduct was involved. As explained in detail in this letter, Dr. Anderson has not discovered any criminal misconduct, but only an oversight by the District ALE Director in not updating attendance records in eSchool, which has been resolved. This error was largely because of a change in leadership at the ACA/New Hope ALE and a change in an elementary principal at the District in 2022-2023. This issue is at best an understandable oversight that has been resolved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody Kees', with a stylized flourish at the end.

Cody Kees

WCK/jfd

Enclosure: Student Attendance Records

cc: Courtney Salas-Ford (via email)