



# Division of Elementary and Secondary Education

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

**Jacob Oliva**  
Secretary

October 30, 2023

**Stacy Smith**  
Deputy  
Commissioner

Andrew Hensley  
ahensley@cswwater.org

Brandi Wallace, Superintendent  
West Side School District  
brandi.wallace@westsideeagles.org

**State Board of  
Education**

Aaron Wiggins, Superintendent  
Shirley School District  
aaron.wiggins@shirley.k12.ar.us

**Re: Appeal Under Arkansas Code § 6-18-316 –**

**Dr. Sarah Moore**  
Stuttgart  
Chair

Everyone:

**Kathy Rollins**  
Springdale  
Vice-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, November 9, 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, November 3, 2023**.

**Steve Sutton**  
Marion

**The Arkansas State Board of Education has requested the parent, the receiving district, and the resident district attend this meeting and be available for questions.**

**Adrienne Woods**  
Rogers

The above-referenced appeal(s) will be conducted pursuant to the legal authority and jurisdiction vested in the State Board by Arkansas Code § 6-18-316. Each party will be under oath and may take up to 20 minutes to present its case.

**Randy Henderson**  
Blytheville

Thank you in advance for your cooperation in this matter. Please do not hesitate to contact me via email or by phone at (501) 682-4899 should you require additional information.

**Lisa Hunter**  
White Hall

**Jeff Wood**  
Little Rock

Sincerely,

/s/Stephen M. Reynolds

**Ken Bragg**  
Sheridan

Stephen M. Reynolds  
Attorney Specialist  
Arkansas Department of Education  
stephen.reynolds@ade.arkansas.gov

**Leigh Keener**  
Little Rock

**TRANSFER OF STUDENTS  
AFFIDAVIT**

According to Ark. Code Ann. §6-18-317:

(a) Boards of Directors of the local school district are prohibited from granting legal transfers in the following situations:

- (1) Where either the resident or the receiving district is under a desegregation-related court order or has ever been under such a court order; and
- (2) The transfer in question would negatively affect the racial balance of that district which is or has been under such a court order.

Whereas, the Board of Directors of \_\_\_\_\_ School District, in \_\_\_\_\_ County  
 (resident district), and the Board of Directors of \_\_\_\_\_ School District, in \_\_\_\_\_ County  
 (receiving district), have agreed to have the student (s) listed below transferred \_\_\_\_\_, 20\_\_\_\_, and  
 in granting this transfer have in no way violated Ark. Code Ann. §6-18-317.

NAME	AGE	NAME	AGE
[REDACTED]	10		

RESIDENT DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES	RECEIVING DISTRICT SCHOOL BOARD MEMBERS' SIGNATURES

**PETITION FOR TRANSFER OF STUDENTS**

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

TO THE BOARD OF DIRECTORS OF THE \_\_\_\_\_  
(Resident School District)

I, Andrew Hensley, petition that my children or wards, as listed below, now residing in the \_\_\_\_\_  
Shirley School District in Van Buren County, Arkansas, be transferred to the West side School District in Cleborne County, Arkansas, for educational purposes under the provisions of Ark. Code Ann. § 6-18-316 authorizing such a transfer, effective the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

NAME	AGE	NAME	AGE
	10		

\_\_\_\_\_  
(Signature of Petitioner)

**CONSENT OF RESIDENT DISTRICT**

The Board of Directors of \_\_\_\_\_ School District of \_\_\_\_\_  
County, consents to have the student (s) listed above transferred from said school district.

\_\_\_\_\_  
Date Board Authorized Transfer

\_\_\_\_\_  
President of School Board

**CONSENT OF RECEIVING DISTRICT**

The Board of Directors of \_\_\_\_\_ School District of \_\_\_\_\_  
County, consents to have the student (s) listed above transferred to said school district.

\_\_\_\_\_  
Date Board Authorized Transfer

\_\_\_\_\_  
President of School Board

File approved copies with: (1) resident district, (2) servicing district, (3) county clerk and (4) Arkansas Department of Education, State LEA Funding, Four Capitol Mall, Room 105-C, Little Rock, Arkansas 72201. If the school districts are in different counties, copies should be filled with both county clerks.



Aaron Wiggins - Superintendent

Rick Ward - Elementary Principal

Ann Clark- High School Principal

Monday, September 18, 2023

To: Shirley School Board members

Andy Hensley, parent of [REDACTED]

RE: Board to Board Transfer recommendation

According to ACT 731 of the 2023 Arkansas State Legislative Session, a parent may request a transfer from the school district in which they reside to another school district, in which they do not reside. It also states that if the district receives the request at least 5 days prior to the next regular school board meeting or a specially called meeting, the district must include it on the agenda of that meeting. Mr. Hensley did meet that timeline to have the request on the September 25th regular meeting agenda. ACT 731 also states that the superintendent will notify the board members of the transfer request, as well as the superintendent's recommendation of the request. It is my recommendation that the district deny the transfer request. Being said, the new law requires that along with a recommendation to deny the request, the superintendent shall provide the board and the parent(s) with a written explanation of the reason(s) of the recommendation.

When Mr. Hensley spoke to me on the phone about this request, he gave two reasons for the request. The first reason given was due to a safety issue between [REDACTED] and another student. With safety as a top priority for our students and staff, I looked further into this year's incident. According to a statement by [REDACTED], the other student pushed [REDACTED] tray and the lunch duty teacher handled it. Even after this incident, the two students have sat across from and next to each other at lunch on occasion. There was an incident in the 2022-23 school year in which the cup that [REDACTED] was drinking from got hit, whether intentionally or unintentionally, causing a chipping of a tooth. Our Dean of Students at that time handled the situation, without further incidents. The second reason given for the transfer request dealt with [REDACTED] playing baseball on a team out of Greers Ferry and having friends on that team, not a reason that we typically allow for a transfer.

In conclusion, I recommend denying the request for transfer to another school district. The School Choice window is open from January 1-May 1. After May 1, districts are not required to approve any transfer requests.

aaron.wiggins@shirley.k12.ar.us

rick.ward@shirley.k12.ar.us

ann.clark@shirley.k12.ar.us

199 School Drive Shirley, AR 72153

<https://www.shirleybluedevils.org>

501.723.8191

501.723.4020

ACT 731 allows a parent(s) to be allowed at least 5 minutes to present the student's case for a transfer to the district's Board of Directors. Mr. Hensley shall be allowed 5 minutes at our regular meeting on September 25, 2023, to present that case. When I spoke to Mr. Hensley over the phone, I informed him that he would not be able to mention any students or employee by name, besides his own student, nor give any description of a student or employee, which would make them identifiable.

Respectfully,

Aaron Wiggins

Superintendent

Shirley School District

Shirley School District  
199 School Drive  
Shirley, AR 72153  
501.723.8191

PETITION FOR TRANSFER OF STUDENTS  
(please write legibly)

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

TO THE BOARD OF DIRECTORS OF THE Shirley \_\_\_\_\_  
(Resident School District)

I, Andy Hensley, petition that my children or wards, as listed below, now residing in the  
Shirley School District in DanBuren County, Arkansas, be transferred  
to the West Side School District in Claburne County, Arkansas, for  
educational purposes under the provisions of Ark. Code Ann. § 6-18-316 authorizing such a transfer, effective the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

NAME	AGE	GRADE
[REDACTED]	10	5

Andy Hensley  
(Printed Name of Petitioner)

[Signature]  
(Signature of Petitioner)

[REDACTED]  
(Petitioner's Phone Number)

[REDACTED]  
(Petitioner's Address)

Shirley AR, 72153  
(Petitioner's City and Zip Code)

CONSENT OF RESIDENT DISTRICT

The Board of Directors of \_\_\_\_\_ School District of \_\_\_\_\_  
County, consents to have the student (s) listed above transferred from said school district.

\_\_\_\_\_  
Date Board Authorized Transfer

\_\_\_\_\_  
President of School Board

**CONSENT OF RECEIVING DISTRICT**

The Board of Directors of West Side School District of Cleburne  
County, consents to have the student (s) listed above transferred to said school district.

\_\_\_\_\_  
Date Board Authorized Transfer

\_\_\_\_\_  
President of School Board

After the petition has been approved by the Board of Directors of the resident district and the Board of Directors of the receiving district, copies of approved transfers shall be filed by the receiving district with: (1) the office of the county clerk, (2) the administrative offices of the receiving district, (3) the administrative offices of the resident district, and (4) the Arkansas Department of Education State LEA Funding, Four Capitol Mall, Room 202-A, Little Rock, Arkansas 72201. If the receiving district covers areas in more than one county, copies should be filed with both county clerks.

**TRANSFER OF STUDENTS  
AFFIDAVIT**

