

NOTICE LETTER



Division of Elementary and Secondary Education

Transforming Arkansas to lead the nation in student-focused education

June 28, 2021

Johnny Key
Secretary

William Andrew and Jennifer Birdsong

Mr. Kyle Mallett, Superintendent
Valley Springs School District
P.O. Box 640
Valley Springs, AR 72682

Dr. Ivy Pfeffer
Deputy
Commissioner

██████████
██████████
Dr. Scott Spainhour, Superintendent
Ozark Mountain School District
250 South Highway 65
St. Joe, AR 72675

Stacy Smith
Deputy
Commissioner

Re: Appeal Under the Public School Choice Act-William Birdsong

**State Board of
Education**

Everyone:

Charisse Dean
Little Rock
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 8, 2021**. The action item is set for the **10:00 a.m. agenda in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.**

Ouida Newton
Poyen
Vice Chair

Any additional materials any party chooses to submit should be provided to my office **no later than 12:00 noon on Friday, July 2, 2021.**

Susan Chambers
Bella Vista

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 Arkansas Department of Education Rules Governing the Public School Choice Act. You may find copies of these references on the Arkansas Department of Education Website.

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) 682-4585 should you require additional information.

Dr. Sarah Moore
Stuttgart

Steve Sutton
Marion

Sincerely,

/s/Taylor Dugan

Adrienne Woods
Rogers

Taylor Dugan
Staff Attorney

Dr. Beth Anne Rankin
Magnolia

Division of Elementary and Secondary Education
taylor.dugan@ade.arkansas.gov

APPEAL

Jennifer Birdsong



6/8/21

Arkansas Department of Education
Attn: Johnny Key, Secretary of the Department of Education
4 Capitol Mall
Little Rock, AR 72201

Secretary Key,

We applied for school choice for our son, William Roy Birdsong, prior to May 1, 2021. His resident school district is Ozark Mountain School District and we intent for him to attend Valley Springs School District. I got a letter in the mail on 6/1/21, letter dated 5/26/21 that he was denied school choice from Ozark Mountain School District due to them being at max capacity to allow additional students to school choice to other school districts. He has been placed on the waiting list for school choice.

William has already registered for Kindergarten at Valley Springs School District. We filled out his school choice form and had it post marked prior to May 1, 2021 and then signed him up for kindergarten registration at Valley Springs School District, where we intend for him to receive his education. It was unexpected that the school choice request was denied. We wish to appeal the decision of denial for William Roy Birdsong's application of school choice.

It is essential that William be able to attend Valley Springs School Districts for many reasons. We, as a family, are unable to participate in a 4 day a week school week. We do not have any family that live in the area that are able to assist with child care. Both parents work 5 days a week and would be unable to provide childcare on the 5th day of the 4 day a week school week. Due to both parents work schedule and location of work locations, we would be unable to drop William off at school and pick him up at school in a timely manner. We both work mainly in the Harrison area and our other son's childcare facility is located in Harrison, so Valley Springs is much closer and we would be able to drop him off at school and pick him up from school without difficulty. William has sensory processing disorder and he is unable to ride the bus at this time.

William has trouble with unexpected change and with overall change in general. He has gone through multiple changes in his life in the last year. He has gained a new baby brother in January, his father began a new job in November, and he will be moving from Montessori in Harrison to Kindergarten. All of which he has been having trouble navigating through. He is shy and apprehensive of new situations and has sensory processing disorder. He has already registered for Kindergarten at Valley Springs School District, and I fear that if he were unable to

attend Valley Springs School for kindergarten it would be very challenging for him to accept. We have been preparing him for years that he would be attending “big boy” school at Valley Springs. He talks about Valley Springs as the “big boy” school he will be attending. If he were unable to attend Valley Springs for his Kindergarten year, it would put him at a disadvantage. If he were unable to attend Valley Springs for kindergarten, he would not be able to begin school with his peers to begin developing those relationships, he would be unable to become familiar with the school prior to attending, and it would create a hardship for him and his family due to the 4 day a week school week and no readily available childcare.

We are asking that the Department of Education reconsider his school choice and allow him to attend Valley Springs School District beginning with his kindergarten year, the 2021-2022 school year. This decision to allow him to attend Valley Springs School would benefit William and the entire family. Thank you for your consideration.

Sincerely,

The Birdsong Family,

William “Andy” Birdsong & Jennifer Birdsong



Kyle Mallett, Superintendent
PO Box 640
Valley Springs, AR 72682
valley.k12.ar.us
Phone: 870-302-3047
Fax: 855-741-0569

May 26, 2021

William Andrew and Jennifer Birdsong
2121 MC 4026
Everton, AR 72633

Re: School Choice Letter

Dear Mr. and Mrs. Birdsong:

I am sorry, but the application you submitted for William Roy Birdsong has been rejected for the following reason(s).

Your child's resident district has declared itself exempt from the provisions of the School Choice Law due to it being under an enforceable desegregation order.

Your child's resident district has reached its limitation cap for allowable transfers and we cannot accept any additional school choice transfers from that district.

Your child does not meet the openings identified for the coming school-year identified in the Board of Directors Resolution adopted on

The specific reason for rejection is that acceptance would cause the district to have to add:

Staff

Teachers

Classroom(s)

the insert the name of the program, class, grade level or school building capacity.

As noted in your original application, you have ten (10) days from receipt of this notice in which to submit a written appeal of this decision to the State Board of Education

Respectfully,

Kyle Mallett, Superintendent