

**Minutes**  
**State Board of Education Special Meeting**  
**Friday, August 16, 2013**

The State Board of Education met Friday, August 16, 2013, in the auditorium of the Department of Education building. Sam Ledbetter, Vice-Chairman, called the special meeting to order at 11:00 a.m.

Present (in person): Sam Ledbetter, Vice-Chairman; Vicki Saviers; Diane Zook; and Dr. Tom Kimbrell, Commissioner;

Present (by conference phone): Brenda Gullett, Chair; Alice Mahony; Dr. Jay Barth; Mireya Reith; and Toyce Newton

Absent: Joe Black and Alexia Weimer, Teacher of the Year

**Reports**

Report-1 Chair's Report  
No report.

Report-2 Commissioner's Report  
No report.

**Action Agenda**

**Consideration of Appeal from Denial of School Choice Application –  
Atteberry**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Angela Atteberry filed an appeal of the decision of the Gosnell School District to deny the school choice applications of E. Atteberry and A. Atteberry. The Gosnell School District denied the applications because the resident school district, in this case the Blytheville School District, declared an exemption from the Public School Choice Act of 2013 due to the Blytheville School District being subject to a desegregation order.

Angela Atteberry, parent, spoke by conference call and requested to move her children from Blytheville to Gosnell.

Bonard Mace, Superintendent of Gosnell School District, spoke by conference call and stated the district denied the Atteberry application because Blytheville

declared an exemption based on the desegregation order.

Richard Atwill, Superintendent of Blytheville School District, stated Blytheville is currently under a desegregation order.

Ms. Zook stated the Board has no authority to overrule a desegregation order.

Ms. Zook moved, seconded by Ms. Saviers, to deny the appeal from denial of school choice application - Atteberry. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Beard**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013, Ms. Jessica Beard filed an appeal of the decision of the DeWitt School District to deny the school choice applications of R. Beard and C. Beard. The DeWitt School District denied the applications because the resident school district, in this case the Marvell School District, declared an exemption from the Public School Choice Act of 2013 due to the Marvell School District being subject to a desegregation order.

Jessica Beard, parent, stated her children attended private school previously and she requested her children attend the DeWitt School District.

Dr. Lynne Dardenne, Superintendent of DeWitt School District, sent a letter of denial to the Beard family based on the Marvell exemption.

Sam Jones, attorney representing Marvell School District, noted the exemption based on the desegregation order. He asked that previous submissions related to school choice be added to the record.

Ms. Newton moved, seconded by Ms. Gullett, to deny the appeal for school choice application - Beard. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Chastain**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Connie Chastain filed an appeal of the decision of the DeWitt School District to deny the school choice application of W. Chastain. The DeWitt School District denied the application because the resident school district, in this case the Marvell School District, declared an exemption from the Public School Choice Act of 2013 due to the Marvell School

District being subject to a desegregation order.

Connie Chastain, grandparent, requested her grandson attend DeWitt Public School.

Dr. Lynne Dardenne, Superintendent of DeWitt School District, sent a letter of denial to the Chastain family based on the Marvell exemption.

Mr. Sam Jones, attorney representing Marvell School District, noted the exemption based on the desegregation order. He asked that previous submissions related to school choice be added to the record.

Ms. Chastain stated her grandson attended the Academy but needs additional services.

Dr. Ruth Densen, Superintendent of Marvell School District, stated the district would provide services for this student.

Ms. Mahony moved, seconded by Dr. Barth, to deny the appeal from denial of school choice application - Chastain. The motion carried unanimously.

### **Consideration of Appeal from Denial of School Choice Application – Hearron**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Terry and Jessica Hearron filed an appeal of the decision of the Mansfield School District to deny the school choice applications of T. Hearron, M. Hearron, and C. Hearron. The Mansfield School District denied the applications because the resident school district, in this case the Hartford School District, reached its 3% net maximum limit on the number of students who could transfer out of the Hartford School District.

Mr. Terry Hearron, parent, indicated academics and parent meetings are the reasons he requested to transfer his children to the Mansfield School District. Mr. Hearron has resigned as Board President of Hartford School District.

Ms. Jessica Hearron, parent, stated she was told that her application was within the 3% net maximum limit.

Ms. Zook expressed displeasure because the districts did not participate in the special board meeting.

Ms. Newton moved, seconded by Ms. Mahony, to deny the appeal from denial of school choice application - Hearron. The motion carried unanimously.

## **Consideration of Appeal from Denial of School Choice Application – Potthast**

Department Attorney Jeremy Lasiter stated pursuant to Act 1227 of 2013 and the Arkansas Department of Education Emergency Rules governing the Public School Choice Act of 2013, Ms. Tonya Potthast filed an appeal of the decision of the Alma School District to deny the school choice applications of K. Potthast, G. Potthast, and J. Potthast. The Alma School District denied the applications because the resident school district, in this case the Mulberry School District, reached its 3% net maximum limit on the number of students who could transfer out of the Mulberry School District.

Ms. Tonya Potthast, parent, participated by phone and requested her children attend Alma School District because of bullying issues.

Department Attorney Lori Freno referenced a letter from the superintendent of Mulberry School District about the process for determining the number of students that may transfer within the 3% net maximum limit.

Dr. Barth moved, seconded by Ms. Newton, to deny the appeal from denial of school choice application - Potthast. The motion carried unanimously.

Ms. Zook requested ADE collect data on school choice. Mr. Lasiter stated the Department will collect this data as noted in the School Choice Act.

The Board encouraged all parents to consider requesting a legal transfer. The Board also asked Mr. Laister to follow up with each district about possible openings under the 3% net maximum limit.

## **Adjournment**

The meeting adjourned at 12:44 p.m.

*Minutes recorded by Deborah Coffman.*