

## BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 13, 2017, during a regular meeting of the Arkansas State Board of Education (State Board), a hearing was conducted pursuant to the legal authority and jurisdiction vested in the State Board by the Arkansas Opportunity Public School Choice Act (codified at Ark. Code Ann. § 6-18-227) and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act. Before the State Board was the appeal of the Foster Family ("Petitioner") challenging the decision of the Spring Hill School District ("Respondent") denying their application for a school transfer under the Arkansas Opportunity Public School Choice Act.

### FINDINGS OF FACT

1. The Petitioner resides in the Hope School District.
2. On February 3, 2017, the Petitioner submitted an Arkansas Opportunity Public School Choice Act application to the Spring Hill School District on behalf of their nephew, P. Lee.
3. On June 5, 2017, Respondent denied the Petitioner's application because the Petitioner's resident school district, the Hope School District, notified the Respondent that it had a conflict with the provisions of the Opportunity Public School Choice Act, stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.
4. On or about June 13, 2017, the Petitioner requested a hearing before the State Board to appeal the decision of the Respondent to deny the school choice application.

### CONCLUSION OF LAW

5. The Arkansas Opportunity Public School Choice Act enables a student to transfer from a public school or school district classified by the state board as a public school or school district in academic distress to another public school or school district in the state that is not in academic distress. (Ark. Code Ann. § 6-18-227). Additionally, the law states that if any part of Act conflicts with the provisions of a federal desegregation court order applicable to a school district, the provisions of the federal desegregation court order shall govern.
6. The Hope School District asserts that it remains subject to federal court desegregation orders in the cases of *Davis, et al. v. Franks*, No. 4:88-cv-4082, Member Case 4:99-cv-4012, and that it has not yet achieved unitary status.
7. On April 14, 2017, Hope High School was designated by the state board as a school in academic distress. As of March 9, 2017, Hope High School remains as being classified in academic distress.
8. During the 2016-2017 school year, the Hope School District allowed sixteen students to transfer out of the district under the Arkansas Opportunity School Choice Act.
9. After consideration of the facts, the State Board voted to grant the transfer of Petitioner's nephew, P. Lee.

**ORDER**

10. The State Board grants the Petitioner's opportunity school choice appeal and approves the transfer of P. Lee to the Spring Hill School District beginning with the 2017-2018 school year.

Signed this 14<sup>th</sup> day of July, 2017



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Dr. Jay Barth, Chair  
Arkansas State Board of Education