

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 10, 2017, during a regular meeting of the Arkansas State Board of Education, a hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by the Public School Choice Act of 2015 (codified at Ark. Code Ann. § 6-18-1901 et seq.) and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015. Before the Board was the appeal of the Allen family ("Petitioner") challenging the decision of the Ouachita School District ("Respondent") denying their applications for transfer of their children under the Public School Choice Act of 2015.

FINDINGS OF FACT

1. The Petitioner resides in the Malvern School District.
2. On or about April 25, 2017, the Petitioner submitted Arkansas Public School Choice Act applications to the Ouachita School District on behalf of their children, E. Allen and K. Allen.
3. On June 26, 2017, Respondent denied the Petitioner's application based on the Malvern School District having reached its 3% cap on school choice transfers.
4. On or about July 9, 2017, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the State Board to appeal the decision of the Respondent to deny the school choice applications.

CONCLUSION OF LAW

5. Under the Arkansas Public School Choice Act of 2015, there is established a numerical net maximum limit on school choice transfers each year from district, less any school choice transfers into the district, of not more three percent (3%) of the enrollment that exists in the school district as of October 15 of the immediately preceding school year. (Ark. Code Ann. § 6-18-1906(b)(1)(A)). However, as part of the review process, the parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the child. (Ark. Code Ann. § 6-18-1907(b)(2)(B)).

ORDER

7. The Petitioner's school choice appeal is hereby granted.

Signed this 14th day of September, 2017



Dr. Jay Barth, Chair
Arkansas State Board of Education