

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On July 13, 2017, during a regular meeting of the Arkansas State Board of Education, a hearing was conducted regarding the appeal of the Marzonie family ("Petitioner") challenging the decision of the Fountain Lake School District ("Respondent") denying their school choice application.

**FINDINGS OF FACT**

1. The Petitioner family resides in the Hot Springs School District.
2. On or about May 24, 2017, Petitioner submitted A school choice application to transfer their child to the Fountain Lake School District pursuant to the Arkansas Public School Choice Act of 1989.<sup>1</sup>
3. On or about June 16, 2017, Respondent denied the application based on a lack of capacity in the child's grade level.
4. On or about June 22, 2017, the Petitioner appealed Respondent's denial to the Arkansas Department of Education.

**CONCLUSIONS OF LAW**

5. The Arkansas Public School Choice Act of 1989 requires the school board of directors to adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of the program, class, grade level, or school building. Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law. Ark. Code Ann. § 6-18-206(f)(1) (repealed).
6. Respondent asserts that the capacity at the child's grade level remains at capacity in accordance with district policy.

**ORDER**

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

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



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Dr. Jay Barth, Chair  
Arkansas State Board of Education

<sup>1</sup> The current Garland County desegregation order in the case of Davis et al., v. Hot Springs School District, et al., Case No. 6:89-cv-06088, as clarified by D.E. # 168 on June 10, 2013, requires school choice transfers in Garland County to be conducted in accordance with the provisions of the Arkansas Public School Choice Act of 1989. The State Board of Education remains a party to the Davis case and may hear school choice appeals from Garland County pursuant to Ark. Code Ann. § 6-18-206 (repealed).