

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On June 14, 2018, 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 Gilbert family ("Petitioner") challenging the decision of the Elkins School District ("Respondent") denying their application for a transfer of their child under the Public School Choice Act of 2015.

**FINDINGS OF FACT**

1. The Petitioner resides in the Fayetteville School District.
2. On or about May 25, 2017, the Petitioner submitted an Arkansas Public School Choice application to the Elkins School District on behalf of their child, J. Gilbert.
3. On May 8, 2018, Respondent denied the Petitioner's application based on the Respondent's assertion that it would be required to hire additional staff.
4. On or about May 15, 2018, 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 application.


**CONCLUSION OF LAW**

5. The Arkansas Public School Choice Act of 2015 authorizes the board of directors of a public school district to adopt by resolution specific standards for acceptance and rejection of applications made under the Public School Choice Act of 2015. These standards may include a claim of a lack of capacity by a school district only if the school district has reached at least 90% of the maximum authorized student population in a program, class, grade level, or school building. (Ark. Code Ann. § 6-18-1903(d) as amended by Act 560 of 2015).

**ORDER**

6. Based on the information presented, the Petitioner's school choice appeal is hereby granted.

Signed this 15<sup>th</sup> day of June, 2018

  
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Dr. Jay Barth, Chair  
Arkansas State Board of Education