

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 12, 2019, 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 Creekmore family ("Petitioner") challenging the decision of the Southside 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 Midland School District.
2. On or about March 4, 2019, the Petitioner submitted an Arkansas Public School Choice application to the Southside School District on behalf of their child.
3. On or about May 28, 2019, the Respondent denied the Petitioner's application based on the assertion that the resident district, Midland School District, had met the 3% transfer limit, as provided by Ark. Code Ann. §6-18-1906.
4. On or about June 6, 2019, 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 establishes a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, of not more than 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

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

Signed this 12 day of July, 2019



Diane Zook, Chair
Arkansas State Board of Education