

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 9, 2020, during a regular meeting of the Arkansas State Board of Education (“Board”), a hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by the Public School Choice Act of 1989 (repealed). Before the Board was the appeal of the Thomason family (“Petitioner”) challenging the decision of the Lakeside School District (“Respondent”) denying their application for transfer of their child, Jacob Thomason, under the Public School Choice Act of 1989.

FINDINGS OF FACT

1. The Petitioner resides in the Malvern School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the Malvern School District and the Lakeside School District (Garland County), listing the student’s race as white.
3. Lakeside School District is located in Garland County.
4. The Garland County School Districts are all under an active desegregation order in *Davis et al. v. Hot Springs School District et al.*, Case No. 89-6088 (United States District Court for the Western Division of Arkansas), which requires that school choice transfers in Garland County be conducted in accordance with the Arkansas Public School Choice Act of 1989.
5. The Arkansas Public School Choice Act of 1989 prohibits a student from transferring to a non-resident district where the percentage of enrollment for the student’s race exceeds that percentage in the student’s resident district.
6. The Petitioner’s resident district has a white student population of 52.58%, while Lakeside School District has a white population of 73.78%.
7. On or about April 24, 2020, the Respondent denied the Petitioner’s application based on the fact that the transfer was prohibited under the District’s desegregation order.
4. On or about May 26, 2020, the Petitioner requested a hearing before the Board to appeal the decision of the Respondent to deny the school choice application.
9. At the hearing, the Petitioner testified under oath that the student was not white, but biracial, and that the Petitioner had accidentally filled out the school choice application incorrectly.

CONCLUSION OF LAW

Lakeside School District is subject to an active desegregation order in *Davis et al. v. Hot Springs School District et al.*, Case No. 89-6088 (United States District Court for the Western Division of Arkansas), which requires that school choice transfers in Garland County be conducted in accordance with the

Arkansas Public School Choice Act of 1989. The Arkansas Public School Choice Act of 1989 prohibits a student from transferring to a non-resident district where the percentage of enrollment for the student's race exceeds that percentage in the student's resident district.

ORDER

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

Signed this 15th day of July, 2020



Charisse Dean, Chair
Arkansas State Board of Education