

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 13, 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 2015, Ark. Code Ann. § 6-18-1901 *et seq.*, and the Division of Elementary and Secondary Education Rules Governing Public School Choice. Before the Board was the appeal of the Ellison family (“Petitioner”) challenging the decision of the Poyen School District (“Respondent”) denying their application for transfer of their child, Malachi Ellison, 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 7, 2020, the Petitioner submitted an Arkansas Public School Choice application to the Malvern School District and the Poyen School District on behalf of their child.
3. On or about June 23, 2020, the Respondent denied the Petitioner’s application based on the assertion that the resident district, Malvern School District, met the 3% transfer limit, as provided by Ark. Code Ann. § 6-18-1906.
4. On or about June 29, 2020, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the Board to appeal the decision of the Respondent to deny the school choice application.

CONCLUSION OF LAW

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)*. As part of the review process, however, the family may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the child. *Ark. Code Ann. 7-18-1907(b)(2)(B)*.

ORDER

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

Signed this 24th day of August, 2020

Cheri Dean

Charisse Dean, Chair
Arkansas State Board of Education