

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 9, 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 Smith family ("Petitioner") challenging the decision of the Ouachita 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 Malvern School District.
2. On or about March 13, 2018, the Petitioner submitted an Arkansas Public School Choice application to the Ouachita School District on behalf of their child, S. Smith.
3. On July 3, 2018, Respondent denied the Petitioner's application based on the Malvern School District's assertion that it had met the 3% transfer limit, as provided by Ark. Code Ann. §6-18-1906.
4. On or about July 16, 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 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 10th day of August, 2018



Dr. Jay Barth, Chair
Arkansas State Board of Education