

## **BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On August 14, 2014, 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 2013 (codified at Ark. Code Ann. § 6-18-1901 et seq.) and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2013. Before the Board was the appeal of the Goodall Family (“Petitioner”) challenging the decision of the Palestine-Wheatley School District (“Respondent”) denying their application for transfer of their children under the Public School Choice Act of 2013.

### **FINDINGS OF FACT**

1. The Petitioner family resides in the Forrest City School District.
2. On or about June 9, 2014, Petitioner submitted an application to transfer four (4) children to Respondent Palestine-Wheatley School District pursuant to the Public School Choice Act of 2013.
3. On or about June 13, 2014, Respondent denied the applications because the Petitioner’s resident school district, the Forrest City School District, declared itself exempt from the provisions of the Public School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.
4. On June 24, 2014, counsel for the Petitioner appealed Respondent’s denial to the State Board. Because the Respondent Palestine-Wheatley School District accepted two of the Petitioner’s children, A. Goodall (age 10) and A. Goodall (age 12) pursuant to a separate law, the Arkansas Opportunity Public School Choice Act of 2004, the

Petitioner only wishes to proceed with its appeal for the youngest two children, A. Goodall (age 6) and E. Goodall (age 9). Therefore, the State Board will only consider that part of Petitioner's school choice appeal that pertains to A. Goodall (age 6) and E. Goodall (age 9).

5. The Forrest City School District declared itself exempt from the Public School Choice Act of 2013 on March 13, 2014. The Forrest City School District notified the Arkansas Department of Education of the exemption on or about March 18, 2014.

6. The Forrest City School District notified the Arkansas Department of Education that it remains subject to federal court desegregation orders in *McKissick, et al. v. Forrest City School District, et al.*, U.S. District Court for the Eastern District of Arkansas, Case No. H-69-C-42.

#### **CONCLUSIONS OF LAW**

7. The Public School Choice Act of 2013 authorizes a school district to declare itself exempt from the Act if the district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. (Ark. Code Ann. § 6-18-1906).

8. It is not this Board's role to determine the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

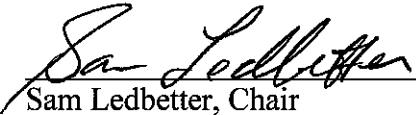
9. The State Board notes that the Petitioner originally filed school choice applications with the Respondent district on June 9, 2014. Pursuant to Ark. Code Ann. § 6-18-1905(a)(3), a school choice application shall be postmarked no later than June 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

Because the Petitioner filed the school choice applications on June 9, the applications were untimely.

**ORDER**

10. Due to the exemption declared by the Forrest City School District and the Petitioner's untimely filing of the school choice applications, the Petitioner's school choice appeal is hereby denied.

Signed this 27<sup>th</sup> day of August, 2014

  
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Sam Ledbetter, Chair  
Arkansas State Board of Education