

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 Shabazz family (“Petitioner”) challenging the decision of the White Hall School District (“Respondent”) denying their application for transfer of their child under the Public School Choice Act of 2013.

FINDINGS OF FACT

1. The Petitioner family resides in the Watson Chapel School District.
2. On or about May 1, 2014, Petitioner submitted an application to transfer one child to Respondent White Hall School District pursuant to the Public School Choice Act of 2013.
3. On or about June 26, 2014¹, and again on July 9, 2014, Respondent denied the application because the Petitioner family did not file a copy of the application with the resident Watson Chapel School District.
4. On or about July 1, 2014, the Petitioner appealed Respondent’s denial to the Arkansas State Board of Education.
5. Petitioner contends that three (3) older siblings already attend the White Hall School District pursuant to school choice applications that were granted for the 2013-

¹ The letter mailed to the Shabazz Family by the White Hall School District on June 26, 2014 referenced the name of a student who was not a child of the Shabazz Family. The White Hall School District mailed the Shabazz Family a corrected letter on July 9, 2014.

2014 school year.² The Petitioner states that she filed the 2013-2014 school choice applications with both the resident and nonresident districts. However, because the student who is the subject of the present proceedings will enter kindergarten during the upcoming 2014-2015 school year, the student never attended the resident Watson Chapel School District. Petitioner therefore did not file the application with the resident Watson Chapel School District. Petitioner also contends that despite her filing of the school choice application on May 1, 2014, no one from the White Hall School District or Watson Chapel School District informed her of the need to file a copy of the school choice application with the Watson Chapel School District.

6. The Respondent school district's sole argument on appeal is that it correctly denied the application because the Petitioner family did not file a copy of the application with the resident Watson Chapel School District.

CONCLUSIONS OF LAW


7. The State Board notes the various provisions of the Public School Act of 2013 that seek to protect the ability of siblings to attend the same school district with their other siblings, particularly where, as here, those other siblings already attend the nonresident district through valid, previously-approved school choice applications. (*See* Ark. Code Ann. § 6-18-1903(d)(2)(B); § 6-18-1904(c)(2); § 6-18-1906(c)(1)(B)).

² Ark. Code Ann. § 6-18-1904(c)(2) states that “[a] present or future sibling of a student who continues enrollment in the nonresident district . . . may enroll in or continue enrollment in the nonresident district until the sibling of the transfer student completes his or her secondary education, if the district has the capacity to accept the students without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.”

ORDER

8. The Petitioner's school choice appeal is hereby granted.

Signed this 27th day of August, 2014



Sam Ledbetter, Chair
Arkansas State Board of Education