

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 16, 2013, during a special 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 (Act 1227 of 2013) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Before the Board was the appeal of the Beard family (“Petitioner”) challenging the decision of the DeWitt School District (“Respondent”) denying their applications for transfer of their children under the School Choice Act of 2013.

FINDINGS OF FACT

1. The Petitioner family resides in the Marvell-Elaine School District.
2. On or about May 6, 2013, Petitioner submitted applications to transfer two children to Respondent DeWitt School District pursuant to the School Choice Act of 2013. On or about July 16, 2013, Respondent denied the applications because the Petitioner’s resident school district, the Marvell-Elaine School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.
3. The Public School Choice Act of 2013 took effect on April 16, 2013.
4. The Marvell-Elaine School District declared itself exempt from the School Choice Act of 2013 on or about May 13, 2013. The District notified the Arkansas Department of Education that it was declaring an exemption on or about May 16, 2013.
5. Evidence was offered that the Marvell-Elaine School District remains subject to a federal court desegregation order in *Jackson et al. v. Marvell School District*, 425

F.2d 211 (8th Cir. 1970), as confirmed in *Fields v. Marvell School District*, 352 Ark. 483, 102 S.W.3d 483 (2003). Petitioner presented no evidence to the contrary.

CONCLUSIONS OF LAW

6. The Public School Choice Act of 2013, which took effect on April 16, 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.


7. 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.

8. The Marvell-Elaine School District declared an exemption under the School Choice Act of 2013 for the 2013-14 school year. All transfers under the School Choice Act of 2013 are subject to the limitation of an exemption declared by a school district.

ORDER

9. Because Marvell-Elaine declared an exemption under the School Choice Act of 2013, the Board denies the Petitioner's appeal.

Signed this 9th day of September, 2013



Sam Ledbetter, Acting Chair
Arkansas State Board of Education