

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

On August 12, 2013, 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 (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 Miller family (“Petitioner”) challenging the decision of the Palestine-Wheatley School District (“Respondent”) denying their application for transfer of their child under the School Choice Act of 2013.

### **FINDINGS OF FACT**

1. The Petitioner family resides in the Forrest City School District.
2. On or about May 1, 2013, Petitioner submitted an application to transfer one child to Respondent Palestine-Wheatley School District pursuant to the School Choice Act of 2013. On or about June 4, 2013, Respondent denied the application because the Petitioner’s resident school district, the Forrest City 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 Forrest City School District declared itself exempt from the School Choice Act of 2013 on May 14, 2013. The District notified the Arkansas Department of Education that it was declaring an exemption on or about May 16, 2013.
5. The Forrest City School District notified the Board that it remains subject to a federal court desegregation order in *McKissic et al. v. Forrest City School Dist. No. 7, et al.*, Case No. H-69-C-42 (United States District Court for the Western District of

Arkansas), and presented to the Board an order in that case dated December of 1990.

Petitioner presented no court orders 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.

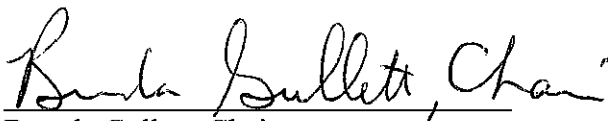
7. It is not this Board's role to determine the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

8. The Forrest City 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 the Forrest City School District declared an exemption under the School Choice Act of 2013, the Board denies the Petitioner's appeal.

Signed this 9 day of September, 2013



Brenda Gullett, Chair  
Arkansas State Board of Education