

**BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION**

**CAMDEN FAIRVIEW SCHOOL  
DISTRICT NO. 16 OF OUACHITA COUNTY**

**APPEALING DISTRICT**

**AND**

**HARMONY GROVE SCHOOL  
DISTRICT OF OUACHITA COUNTY**

**RESPONDING DISTRICT**

**RE: RESIDENCY OF [REDACTED]**

**ORDER**

Before the Arkansas Department of Education (“ADE”) is the appeal filed by Camden-Fairview School District No. 16 (“CFSD”) from the decision of Harmony Grove School District No. 1 (“HGSD”) that [REDACTED] is eligible to attend school in HGSD. Based upon the stipulation of facts and exhibits attached thereto submitted jointly by CFSD and HGSD and the hearing officer’s interpretation of Ark. Code Ann. § 6-18-202, the ADE enters its findings of fact and conclusions of law as set forth below:

1. The stipulations agreed to by the parties are reasonable and are hereby accepted as fact.

2. Ark. Code Ann. § 6-18-202 (a)(1) defines “residence” for school attendance purposes as:

... being physically present and to maintain a permanent place of abode for an average of no less than four (4) calendar days and nights per week for a primary purpose other than school attendance.

2. [REDACTED] had a physical presence in HGSD five nights each week while school was in session. However, the stipulated facts make clear that this does not

constitute a residence under Ark. Code Ann. § 6-18-202 (a)(1) because this student's physical presence in HGSD was not "for a primary purpose other than school attendance."

3. Therefore, the appeal of CFSD to the legality of [REDACTED]'s attendance at HGSD during the period in question is sustained for the reason that the student was not a resident of HGSD under A.C.A. § 6-18-202 (a)(1). [REDACTED] is, therefore, barred from future attendance in HGSD under the legal justification and facts set forth in the stipulation.

4. Because of the conclusion that [REDACTED]'s physical presence was, in fact, for the primary purpose of attending school in HGSD, it is not necessary to address two other issues presented by the stipulation of facts: (a) whether [REDACTED] maintained a "permanent place of abode" in HGSD; and (b) whether [REDACTED]'s physical presence in HGSD averaged "four days and nights per week."

5. Because HGSD relied in good faith on the affidavit of residency submitted in good faith by [REDACTED], and on its interpretation of Ark. Code Ann. § 6-18-202 (a)(1), no monetary penalties shall be assessed against HGSD for [REDACTED]'s attendance in the school district for the school year 2009-2010.

IT IS SO ORDERED.

/s/ Frank Servedio  
Frank Servedio, Hearing Officer

DATE: July 20, 2010