

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On July 8, 2021, during a regular meeting of the Arkansas State Board of Education (“Board”), a hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by the Public School Choice Act of 2015, Ark. Code Ann. § 6-18-1901 *et seq.*, and the Division of Elementary and Secondary Education Rules Governing Public School Choice. Before the Board was the appeal of the Benjamin family (“Petitioner”) challenging the decision of the Guy-Perkins School District denying their application for transfer of their child, Daniel Pierce Benjamin, to the Greenbrier School District under the Public School Choice Act of 2015.

**FINDINGS OF FACT**

1. The Petitioner resides in the Guy-Perkins School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the Guy-Perkins School District and the Greenbrier School District on behalf of their child.
3. The Guy-Perkins District denied the Petitioner’s application based on the 3% transfer limit, as provided by Ark. Code Ann. § 6-18-1906.
4. On or about June 07, 2021, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the Board to appeal the decision of the Guy-Perkins School District to deny the school choice application.

**CONCLUSION OF LAW**

The Arkansas Public School Choice Act of 2015 establishes a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, of not more than three percent (3%) of the enrollment that exists in the school district as of October 15 of the immediately preceding school year. *Ark. Code Ann. § 6-18-1906(b)(1)(A)*. As part of the review process, however, the family may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the child. *Ark. Code Ann. 6-18-1907(b)(2)(B)*.

**ORDER**

Based on the information presented at the hearing, the Petitioner’s school choice appeal is hereby granted.

Signed this 9th day of July, 2021



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Ouida Newton, Chair  
Arkansas State Board of Education