

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 9, 2020, 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 Estep family (“Petitioner”) challenging the decision of the Greenbrier School District (“Respondent”) denying their application for transfer of their child, Cooper Estep, under the Public School Choice Act of 2015. At the hearing, the appeal failed for lack of a vote. Near the conclusion of the Board’s July 9, 2020, meeting, the Board voted to reconsider the Estep appeal at the Board’s special meeting scheduled for July 23, 2020. Only July 23, 2020, during a special meeting of the Board, the matter was reconsidered.

FINDINGS OF FACT

1. The Petitioner resides in the Guy-Perkins School District.
2. Prior to May 1, 2020, the Petitioner submitted an Arkansas Public School Choice application to the Greenbrier School District and the Guy-Perkins School District on behalf of their child.
3. On or about May 26, 2020, the Respondent denied the Petitioner’s application based on the assertion that the resident district, Guy-Perkins School District, met the 3% transfer limit, as provided by Ark. Code Ann. § 6-18-1906.
4. On or about June 9, 2020, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the Board to appeal the decision of the Respondent 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. 7-18-1907(b)(2)(B)*.

ORDER

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

Signed this 13th day of August, 2020



Charisse Dean, Chair, Arkansas State Board of Education