

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 Garner family (“Petitioner”) challenging the decision of the White Hall School District denying their application for transfer of their child, Nickolas Garner, to the White Hall School District under the Public School Choice Act of 2015.

FINDINGS OF FACT

1. The Petitioner resides in the Watson Chapel School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the Watson Chapel School District and the White Hall School District on behalf of their children.
3. The White Hall School District denied the Petitioner’s application based on capacity, as provided by Ark. Code Ann. § 6-18-1906.
4. On or about June 9, 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 White Hall School District to deny the school choice application.

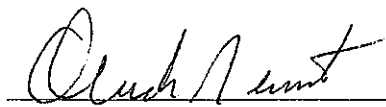
CONCLUSION OF LAW

The Arkansas Public School Choice Act of 2015 authorizes the board of directors of a public school district to adopt by resolution specific standards for acceptance and rejection of applications made under the Public School Choice Act of 2015. These standards may include a claim of a lack of capacity by a school district only if the school district has reached at least 90% of the maximum authorized student population in a program, class, grade level, or school building under federal law, state law, the rules for standards of accreditation, or other applicable regulations. Ark. Code Ann. § 6-18-1903.

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



Ouida Newton, Chair
Arkansas State Board of Education