

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On July 14, 2021, during a special 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 Opportunity School Choice Act (codified at Ark. Code Ann. § 6-18-227) and the Arkansas Department of Education Rules Governing Opportunity School Choice. Before the Board was the appeal of the Hellums family ("Petitioner") challenging the decision of the White Hall School District ("Respondent") denying their application for a transfer of their, Kalynn Hellums, child under the Opportunity School Choice Act.

**FINDINGS OF FACT**

1. The Petitioner resides in the Pine Bluff School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the White Hall School District and the Dollarway (now Pine Bluff) School District on behalf of her 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 29, 2021, pursuant to Ark. Code Ann. § 6-18-227(c)(3), the Petitioner requested a hearing before the Board to appeal the decision of the White Hall School District to deny the school choice application.

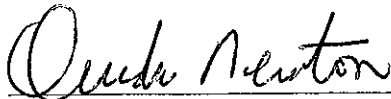
**CONCLUSION OF LAW**

Opportunity School Choice Act authorizes a school district the ability to deny a student to attend a nonresident school district because of a lack of capacity only if the school district has reached at least 95% or more of the seats at the grade level at the nonresident school are filled. The Act allows a student, parent, or guardian the ability to appeal a denial under the Act to the Board.

**ORDER**

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

Signed this 14th day of July, 2021



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Ouida Newton, Chair  
Arkansas State Board of Education