

**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 Marin family (“Petitioner”) challenging the decision of the Malvern School District denying their application for transfer of their child, Luna Marin, to the Glen Rose School District under the Public School Choice Act of 2015.

**FINDINGS OF FACT**

1. The Petitioner resides in the Malvern School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the Malvern School District and the Glen Rose School District on behalf of their child.
3. On or about June 14, 2021, the The Malvern School 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 21, 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 Malvern School District to deny the school choice application.

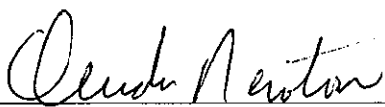
**CONCLUSION OF LAW**

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