

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 13, 2023, 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 Jones family (“Petitioner”) challenging the decision of the Des Arc School District denying their application for transfer of their child, Lee Jones Jr., to the Des Arc School District under the Public School Choice Act of 2015.

FINDINGS OF FACT

1. The Petitioner resides in the Hazen School District.
2. The Petitioner submitted an Arkansas Public School Choice application to the Hazen School District and the Des Arc School District on behalf of their child.
3. The Des Arc School District denied the Petitioner’s application based on capacity, as provided by Ark. Code Ann. § 6-18-1903(d)(2)(B).
4. On or about June 2, 2023, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the Board to appeal the decision of the Des Arc School District to deny the school choice application.
5. The appeal was timely filed.

CONCLUSION OF LAW

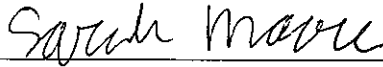
The Arkansas Public School Choice Act of 2015 requires that the board of directors of a public school district adopt a resolution with specific standards for acceptance and rejections of school choice applications. Ark. Code Ann. § 6-18-1903(d)(1). These standards may include a claim of lack of capacity by a school district only if the school district has reached at least ninety percent (90%) of the maximum authorized student population in a program, class, grade level, or school building. Ark. Code Ann. § 6-18-

1903(d)(2)(B). A nonresident school district shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability. Ark. Code Ann. § 6-18-1903(d)(3). As part of the review process, a 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 13th day of July, 2023



Dr. Sarah Moore, Chair
Arkansas State Board of Education