

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 11, 2016, during a regular meeting of the Arkansas State Board of Education (State Board), a hearing was conducted pursuant to the legal authority and jurisdiction vested in the State Board by the Arkansas Opportunity Public School Choice Act (codified at Ark. Code Ann. § 6-18-227) and the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act. Before the State Board was the appeal of the Allen Family (“Petitioner”) challenging the decision of the White Hall School District (“Respondent”) denying their application for a school transfer under the Arkansas Opportunity Public School Choice Act.

FINDINGS OF FACT

1. The Petitioner resides in the Dollarway School District.
2. On July 20, 2016, the Petitioner submitted Arkansas Opportunity Public School Choice Act applications to the White Hall School District on behalf of their children, C. Hardin and Z. Green.
3. On July 20, 2016, Respondent denied the Petitioner’s applications because the Petitioner’s resident school district, the Dollarway School District, had declared a conflict with the provisions of the Public School Choice Act of 2015, stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.
4. The Dollarway School District notified the Department of Education on April 29, 2015, that it remains subject to a federal court desegregation order in the case of *Dove v. Parham*, 176 F.Supp. 242 (E.D. Ark. 1959), and that it has not yet achieved unitary status.
5. The Dollarway School District is not asserting a conflict with transfers under the Arkansas Opportunity School Choice Act.
6. On or about July 20, 2016, pursuant to Ark. Code Ann. § 6-18-1907(b)(1), the Petitioner requested a hearing before the State Board to appeal the decision of the Respondent to deny the school choice applications.

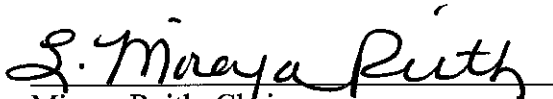
CONCLUSION OF LAW

7. The Arkansas Opportunity Public School Choice Act states that if any part of Act conflicts with the provisions of a federal desegregation court order applicable to a school district, the provisions of the federal desegregation court order shall govern.
8. While Dollarway School District stated on April 29, 2015, that it is subject to an enforceable desegregation court order and previously asserted a conflict with the Public School Choice Act of 2015, it is not currently asserting a conflict with transfers under the Arkansas Opportunity Public School Choice Act.

ORDER

9. The Petitioner's school choice appeal is hereby granted.

Signed this 12 day of August, 2016


Mireya Reith, Chair
Arkansas State Board of Education