

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On July 14, 2016, during a regular 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 Public School Choice Act of 2015 (codified at Ark. Code Ann. § 6-18-1901 et seq.) and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015. Before the Board was the appeal of the McAuliffe family ("Petitioner") challenging the decision of the Parkers Chapel School District ("Respondent") denying their applications for transfer of their children under the Public School Choice Act of 2015.

FINDINGS OF FACT

1. The Petitioner resides in the El Dorado School District.
2. On April 15, 2016, the Petitioner submitted Arkansas Public School Choice Act applications to the Parkers Chapel School District on behalf of their children, K. McAuliffe, K. McAuliffe, and K. McAuliffe.
3. On May 11, 2016, Respondent denied the Petitioner's application because the Petitioner's resident school district, the El Dorado 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 El Dorado School District notified the Department of Education on April 20, 2015, that it remains subject to federal court desegregation orders in the cases of *Kemp, et al. v. Beasley*, No. ED-1048 (U.S. Dist. Ct., W.D. Ark.) and *Townsend, et al. v. El Dorado School District No. 5*, 1:89-CV-1111 (U.S. Dist. Ct., W.D. Ark.), and that it has not yet achieved unitary status.
5. On or about May 27, 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 application.

CONCLUSION OF LAW

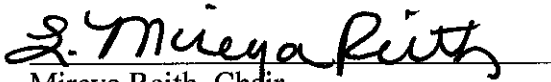
6. Ark. Code Ann. § 6-18-1906(a)(1) states that if the provisions of the school choice law "conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan regarding the effects of past racial segregation in student assignment, the provisions of the order or plan shall govern." Ark. Code Ann. § 6-18-1906(a)(2) requires that if a school district claims a conflict under subdivision (a)(1) of this section, "the school district shall immediately submit proof from a federal court to the Department of Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan."

7. The El Dorado School District states it is subject to an enforceable desegregation court order and, as such, asserts a conflict with the Public School Choice Act of 2015.

ORDER

8. In a vote by the State Board of Education, the Petitioner's school choice appeal was originally denied. After voting to reconsider the appeal, the Petitioner's school choice appeal is hereby granted.

Signed this 15 day of July, 2016



Mireya Reith, Chair
Arkansas State Board of Education