BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On June 9, 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 Ruple family ("Petitioner") challenging the decision of the Cabot 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 Jacksonville North Pulaski School District.

2. Petitioner submitted Arkansas Public School Choice Act applications to the Cabot School District on behalf of their children, K. Ruple, M. Ruple, and C. Ruple.

3. On April 4, 2016, Respondent denied the Petitioner's applications because the Petitioner's resident school district, the Jacksonville North Pulaski School District, declared a conflict with the provisions of the Public School Choice Act of 2013, stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.

4. The Jacksonville North Pulaski School District notified the Department of Education on March 17, 2016, that it remains subject to a federal court desegregation order in the case of *Little Rock School District v. Pulaski County Special School District et al.,* Case No. 4:82-cv-866-DPM, Eastern District of Arkansas.

5. On or about April 14, 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.

6. Jacksonville North Pulaski School District is a party to the case styled *Little Rock School District v. Pulaski County Special School District, et al.,* Case No. 4:82-cv-866-DPM, Eastern District of Arkansas. The 2014 global settlement agreement in the aforementioned case states the districts will abide by the Public School Choice Act of 2013 for a five year period, including the exemption provisions of Ark. Code Ann. § 6-18-1906(a) and (b) (Repl. 2013).

CONCLUSIONS OF LAW

7. The Public School Choice Act of 2013, which took effect on April 16, 2013, authorizes a school district to declare itself exempt from the Act if the district is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

8. It is not this Board's role to determine the validity or invalidity of a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation.

9. The Jacksonville North Pulaski School District declared an exemption under the Public School Choice Act of 2013 for the 2016-2017 school year. All transfers under school choice are subject to the limitation of the exemption declared by the school district.

ORDER

10. The Petitioner's school choice appeal is hereby denied.

Signed this 10th day of June, 2016

Toyce Newton, Chair
Arkansas State Board of Education