

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 11, 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 Wall family ("Petitioner") challenging the decision of the White Hall School District ("Respondent") denying their application for transfer of their child under the Public School Choice Act of 2015.

FINDINGS OF FACT

1. The Petitioner resides in the Pine Bluff School District.
2. On April 12, 2016, the Petitioner submitted an Arkansas Public School Choice Act application to the White Hall School District on behalf of their child, J. Wall.
3. On June 21, 2016, Respondent denied the Petitioner's applications based on a lack of capacity at the child's grade. Respondent states the child's grade level was above 90% capacity at the time of the denial.
4. On or about July 5, 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

5. The Arkansas Public School Choice Act of 2015 authorizes the board of directors of a public school district to adopt by resolution specific standards for acceptance and rejection of applications made under the Public School Choice Act of 2015. These standards may include a claim of a lack of capacity by a school district only if the school district has reached at least 90% of the maximum authorized student population in a program, class, grade level, or school building. (Ark. Code Ann. § 6-18-1903(d) as amended by Act 560 of 2015).

6. There is capacity in the child's grade level at this time.

ORDER

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

Signed this 12 day of August, 2016


Mireya Reith, Chair
Arkansas State Board of Education