

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 10, 2017, 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 Harris Family ("Petitioner") challenging the decision of the Spring Hill 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 Hope School District.
2. On April 20, 2017, the Petitioner submitted an Arkansas Opportunity Public School Choice Act application to the Spring Hill School District on behalf of their child, J. Harris.
3. On June 5, 2017, Respondent denied the Petitioner's application because the Petitioner's resident school district, the Hope School District, notified the Respondent that it had a conflict with the provisions of the Opportunity Public School Choice Act, stating that it is subject to a federal court desegregation order remedying the effects of past racial segregation.
4. On or about July 20, 2017, 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 Opportunity Public School Choice Act enables a student to transfer from a public school or school district classified by the state board as a public school or school district in academic distress to another public school or school district in the state that is not in academic distress. (Ark. Code Ann. § 6-18-227).
6. Section 7.00 of the Arkansas Department of Education Rules Governing the Opportunity Public School Choice Act require a student or student's parent or guardian (the appealing party) to present a written appeal to the State Board of Education no later than ten (10) calendar days after the appealing party receives notice of rejection of the application.
7. The Petitioner's appeal was received 32 days after notice of the rejection. Under the rules, in order for the Petitioner's appeal to be considered timely, it must have been presented by June 19, 2017.

ORDER

8. The State Board denies the Petitioner's opportunity school choice appeal.

Signed this 14th day of September, 2017



Dr. Jay Barth, Chair
Arkansas State Board of Education