

## **BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On March 8, 2018, during a regular meeting of the Arkansas State Board of Education, pursuant to the legal authority vested in the Board by Ark. Code Ann. § 6-18-1901 *et seq.*, the Board considered the appeal of the Lafayette County School District of the Arkansas Department of Education's determination that that the District must participate in school choice under the Public School Choice Act of 2015, as amended.

### **Findings of Fact**

1. The Public School Choice Act of 2015, as amended, requires all public school districts to participate in school choice unless participation would conflict with a provision of an enforceable desegregation order or court-approved desegregation plan that explicitly limits the transfer of students between school districts. If a school district claims that such a conflict exists, the Act requires the district to submit proof of the conflict annually by January 1 to ADE. The proof must contain documentation that the desegregation order or court-approved desegregation plan is still active and enforceable, as well as documentation showing the specific language the school district believes limits its participation in the Act's school choice requirements.

2. The Act then requires the ADE to notify the school district, after reviewing the documentation provided, whether it must participate in school choice under the Act.

3. On December 27, 2017, the Lafayette County School District notified the ADE that the District's participation in school choice would conflict with the District's continuing court ordered desegregation obligation, providing documentation in support of its claim.

4. In a letter dated January 19, 2018, the ADE notified the District that the District was required to participate in school choice.

5. On February 6, 2018, the District timely appealed the ADE's determination.

6. The District's appeal was heard by the State Board of Education on March 8, 2018. The Board considered documents and arguments presented by the District and ADE.

**Conclusions of Law**

7. Upon consideration of the documents and other evidence presented, the State Board concluded that the desegregation order did not prevent the District from participating in school choice.

**Order**

For the foregoing reasons, the State Board affirms the decision of the ADE and denies the appeal of the District.

Signed this 26<sup>th</sup> day of March, 2018.

  
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Dr. Jay Barth, Chair  
Arkansas State Board of Education