

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On August 12, 2013, 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 2013 (Act 1227 of 2013) and the Arkansas Department of Education Emergency Rules Governing the Public School Choice Act of 2013. Before the Board was the appeal of the O’Neal family (“Petitioner”) challenging the decision of the White Hall School District (“Respondent”) denying their applications for transfer of their children under the School Choice Act of 2013.

**FINDINGS OF FACT**

1. The Petitioner family resides in the Dollarway School District.
2. On or about May 16, 2013, Petitioner submitted applications to transfer three children to Respondent White Hall School District pursuant to the School Choice Act of 2013. On or about July 1, 2013, Respondent denied the applications because the Petitioner’s resident school district, the Dollarway School District, had declared itself exempt from the provisions of the School Choice Act of 2013 stating that it is subject to federal court desegregation orders remedying the effects of past racial segregation.
3. The Public School Choice Act of 2013 took effect on April 16, 2013.
4. The Dollarway School District declared itself exempt from the School Choice Act of 2013 on May 16, 2013, notifying the Arkansas Department of Education on that same day that it was declaring an exemption.
5. Evidence was offered that the Dollarway School District remains subject to federal court desegregation orders in *Cato v. Parham*, Case No. PB-67-c-69 United States District Court for the Eastern District of Arkansas) and in *Dove v. Parham*, Case No. Civ.

A. No. 3680 (United States District Court for the Eastern District of Arkansas).

Petitioner presented no evidence to the contrary.

**CONCLUSIONS OF LAW**

6. 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.


7. 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.

8. The Dollarway School District declared an exemption under the School Choice Act of 2013 for the 2013-14 school year. All transfers under the School Choice Act of 2013 are subject to the limitation of an exemption declared by a school district.

**ORDER**

9. Because the Dollarway School District declared an exemption under the School Choice Act of 2013, the Board denies the Petitioner's appeal.

Signed this 9 day of September, 2013

  
Brenda Gullett, Chair  
Arkansas State Board of Education