

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On August 6, 2015, during a special 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 Sawa Family (“Petitioner”) challenging the decision of the Little Rock School District (“Respondent”) denying their application for school transfer under the Arkansas Opportunity Public School Choice Act.

FINDINGS OF FACT

1. The Petitioner resides in the Little Rock School District and is zoned for attendance at Henderson Middle School.
2. On June 12, 2015, the Petitioner submitted an Arkansas Opportunity Public School Choice Act application to the Little Rock School District on behalf of his child, E. Sawa, requesting his child be transferred to Pulaski Heights Middle School.
3. On June 12, 2015, Respondent denied the Petitioner’s application because the selected school did not have any available seats.
4. On or about June 30, 2015, 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 Opportunity Public School Choice Act authorizes a school district to deny a student the ability to attend a school in the student’s school district of choice that is not in academic distress if there is a lack of capacity at the school in the student’s school district of choice. A lack of capacity may be claimed by a school district only if the school district has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards of accreditation, or other applicable regulations. (Ark. Code Ann. § 6-18-227).

ORDER

6. Based on the lack of capacity at the selected school, the Petitioner’s school choice appeal is hereby denied.

Signed this 13th day of August, 2015



Toyce Newton, Chair
Arkansas State Board of Education