

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

On August 6, 2015, during a special 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 Emergency Rules Governing the Public School Choice Act of 2015. Before the Board was the appeal of the Pearson family ("Petitioner") challenging the decision of the Bentonville 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 Rogers School District.
2. On February 13, 2015, the Petitioner submitted an Arkansas Public School Choice Act application to the Bentonville School District on behalf of their child, C. Pearson.
3. On June 26, 2015, Respondent denied the Petitioner's application based on a lack of capacity at the child's grade. Respondent states the child's grade level is currently at 98%.
4. On or about July 8, 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.

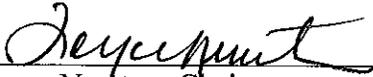
**CONCLUSION OF LAW**

5. The Arkansas 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).

**ORDER**

8. Based on the lack of capacity in the child's grade level, the Petitioner's school choice appeal is hereby denied.

Signed this 13<sup>th</sup> day of August, 2015

  
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Toyce Newton, Chair  
Arkansas State Board of Education