

ARKANSAS STATE BOARD OF EDUCATION,
et al. v. Hon. Philip B. PURIFOY, Chancellor, et al.

87-166

731 S.W.2d 209

Supreme Court of Arkansas
Opinion delivered June 22, 1987

1. APPEAL & ERROR — APPEALS FROM STATE BOARD OF EDUCATION ARE GOVERNED BY THE ADMINISTRATIVE PROCEDURES ACT. — An

- appeal from the Arkansas State Board of Education is an appeal from a decision by an administrative agency and is therefore governed by the Administrative Procedures Act, Ark. Stat. Ann. § 5-701 through § 5-715 (Repl. 1976 and Supp. 1985).
2. SCHOOLS & SCHOOL DISTRICTS — APPEAL FROM DECISION OF STATE BOARD OF EDUCATION. — The Quality Education Act of 1983 provides appeals from rulings of the State Board of Education may be made to a court of competent jurisdiction. [Ark. Stat. Ann. § 80-4606.]
 3. COURTS — APPEALS FROM THE STATE BOARD OF EDUCATION DECISIONS SHOULD BE TAKEN TO THE CIRCUIT COURT. — Appeals from the decisions of the State Board of Education should be taken to the circuit court, not the chancery court.

Petition for Writ of Prohibition; granted.

Steve Clark, Att’y Gen., by: *C. Randy McNair, III*, Asst. Att’y Gen., for appellant.

Smith, Stroud, McClerkin, Dunn & Nutter, by: *Hays McClerkin*, for appellee.

PER CURIAM. [1] A Writ of Prohibition is granted. The action filed by the Bright Star Independent School District in the Chancery Court of Miller County is an appeal from a decision by an administrative agency, the Arkansas State Board of Education. Such appeals are governed by the Administrative Procedure Act, Ark. Stat. Ann. § 5-701 through § 5-715 (Repl. 1976 and Supp. 1985).

[2, 3] The Quality Education Act of 1983 provides appeals from rulings by the State Board of Education may be made to a “court of competent jurisdiction.” Ark. Stat. Ann. § 80-4606. We deem that court to be the circuit court. See § 5-713(b)(1). Therefore the chancery court does not have jurisdiction to entertain this suit.

Writ granted.