

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 284 OF 1991
HOUSE BILL 1449

4 **By: Representatives Northcutt and Stephens**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANN. TITLE 6, CHAPTER 18,
9 SECTION 206(b)(1), AND TO AMEND ARKANSAS CODE ANN. TITLE
10 6, CHAPTER 18, SECTION 206(g), TO ALLOW ADDITIONAL
11 STUDENTS TO TRANSFER TO A NONRESIDENT SCHOOL DISTRICT FOR
12 SCHOOL ATTENDANCE PURSUANT TO THE ARKANSAS SCHOOL CHOICE
13 ACT OF 1989; AND FOR OTHER PURPOSES."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Arkansas Code Ann. 6-18-206(b)(1) is hereby amended to read
18 as follows:

19 "(b)(1)(A) Before a pupil may attend a school in a nonresident
20 district, the pupil's parent or guardian must submit an application to the
21 nonresident district. This application must be postmarked not later than
22 April 17 of the year in which the pupil would begin the fall semester at the
23 nonresident district.

24 (B) Within sixty (60) days of the receipt of an application from a
25 nonresident pupil seeking admission under the terms of this section, a
26 participating district shall notify the parent or guardian and the *resident*
27 district in writing as to whether the pupil's application has been accepted or
28 rejected. If the application is rejected, the nonresident district must state
29 in the notification letter the reason for rejection."

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31 SECTION 2. Arkansas Code Ann. 6-18-206(g) is hereby amended to read as
32 follows:

33 "(g) The provisions of this section and all pupil choice options
34 created hereby are subject to the following limitations:

35 (1) *No student may transfer to a nonresident district where the*
36 *percentage of enrollment for the student's race exceeds that percentage in his*

1 resident district except in the circumstances set forth in the following
2 subsection.

3 (2) A transfer to a district is exempt from the restriction set forth
4 above if all districts within a county have voted to participate in choice,
5 and the transfer is between two (2) districts within a county and if the black
6 and white percentages of school enrollment in both the sending and receiving
7 district remains within an acceptable range of the county's overall black and
8 white percentages of school population as set forth by the Arkansas Department
9 of Education.

10 (3) The Arkansas Department of Education shall, by the filing deadline
11 each year, compute the black and white percentages of each county's public
12 school population from the October Annual School Report and shall then compute
13 the acceptable range of variance from those percentages for school districts
14 within each county. In establishing the acceptable range of variance the
15 department is directed to use the remedial guideline established in *LRSD v.*
16 *PCSSD*, of allowing an overrepresentation or underrepresentation of black or
17 white students of 1/4th (25%) of the county's racial balance.

18 (4) A transfer is exempt from the restriction set forth in (1) above if
19 each school district within the county does not have a critical mass of
20 minority students of more than ten percent (10%) of any single race.

21 (5) In any instance where the foregoing provisions would result in a
22 conflict with a desegregation court order or a district's court-approved
23 desegregation plan, the terms of the order or plan shall govern.

24 (6) The Department of Education is authorized to adopt appropriate
25 rules and regulations to implement the provisions of this section.

26 (7) The Department of Education shall monitor the effect of the Choice
27 transfers upon the racial balances of the school district and evaluate their
28 effectiveness in promoting quality desegregated education."
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30 SECTION 3. Arkansas Code Ann. 6-18-206 is hereby amended by adding the
31 following new subsections:

32 "(i) A district participating under this program shall cause
33 public announcements to be made over the broadcast media and in the print
34 media at such times and in such manner as to inform parents or guardians of
35 pupils in adjoining districts of the availability of the program, the

1 application deadline and the requirements and procedure for nonresident pupils
2 to participate in the program.

3 (j) All school districts shall report to the Equity
4 Assistance Center of the State Department of Education on an annual basis the
5 race, gender and other pertinent information needed to properly monitor
6 compliance with the provisions of this section. Such reports may be on such
7 forms as prescribed by the department. A copy of the report shall be provided
8 to the Joint Interim Oversight Subcommittee on Educational Reform of the Joint
9 Interim Committee on Education of the Arkansas General Assembly."

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11 SECTION 4. All provisions of this Act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 5. If any provision of this Act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the Act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 Act are declared to be severable.

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21 SECTION 6. All laws and parts of laws in conflict with this Act are
22 hereby repealed.

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24 SECTION 7. EMERGENCY. It is hereby found and determined by the General
25 Assembly that the restriction on movement in the original version of the
26 Choice Act exceeded the state's need to restrict transfers in order to promote
27 desegregation and was impeding the movement of students whose movement did not
28 negatively affect desegregation; that less restriction was needed in some
29 districts to ensure promotion and retention of quality desegregated education;
30 that less restriction would promote desegregation in certain districts and
31 allow more students choice of schools. Therefore, an emergency is hereby
32 declared to exist and this act being immediately necessary for the
33 preservation of the public peace, health and safety shall be in full force and
34 effect from and after its passage and approval.

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/s/W. Northcutt and B. Stephens

APPROVED: 2-28-91