

As Engrossed: 3/3/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bradford**

A Bill

ACT 655 OF 1993
SENATE BILL 457

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 6-18-206 TO ALLOW SCHOOL
9 DISTRICTS TO ADMIT STUDENTS UNDER SCHOOL CHOICE AFTER
10 APRIL 17, IF A LATER ACCEPTANCE DATE WOULD FURTHER THE
11 DESEGREGATION EFFORTS OF THE DISTRICT; AND FOR OTHER
12 PURPOSES."

Subtitle

14 "AN ACT CONCERNING THE ARKANSAS PUBLIC SCHOOL CHOICE ACT
15 OF 1989."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 6-18-206 is amended to read as follows:

21 "6-18-206. Public school choice.

22 (a) This section may be referred to and cited as the Arkansas Public
23 School Choice Act of 1989.

24 (1) The General Assembly hereby finds that the students in
25 Arkansas' public schools and their parents will become more informed about and
26 involved in the public educational system if students and their parents or
27 guardians are provided greater freedom to determine the most effective school
28 for meeting their individual educational needs. There is no right school
29 for every student, and permitting students to choose from among different
30 schools with differing assets will increase the likelihood that some marginal
31 students will stay in school and that other, more motivated, students will
32 find their full academic potential.

33 (2) The General Assembly further finds that giving more options
34 to parents and students with respect to where they attend public school will
35 increase the responsiveness and effectiveness of the state's schools, since
36 teachers, administrators, and school board members will have added incentive

1 to satisfy the educational needs of the students who reside in the district.

2 (3) The General Assembly therefore finds that these benefits of
3 enhanced quality and effectiveness in our public schools justify permitting a
4 student to apply for admission to a school in any district beyond the one in
5 which he resides, provided that the transfer by this student would not
6 adversely affect the desegregation of either district.

7 (4) A public school choice program is hereby established to
8 enable any pupil to attend a school in a district in which the pupil does not
9 reside, subject to the restrictions contained in this section.

10 (b) (1) (A) Before a pupil may attend a school in a nonresident district,
11 the pupil's parent or guardian must submit an application to the nonresident
12 district. This application must be postmarked not later than April 17 of the
13 year in which the pupil would begin the fall semester at the nonresident
14 district. However, the nonresident district may accept applications after
15 this date if a later acceptance date would further the desegregation efforts
16 of the district.

17 (B) Within sixty (60) days of the receipt of an application from
18 a nonresident pupil seeking admission under the terms of this section, a
19 participating district shall notify the parent or guardian and the resident
20 district in writing as to whether the pupil's application has been accepted or
21 rejected. If the application is rejected, the nonresident district must state
22 in the notification letter the reason for rejection.

23 (2) The school board of any participating district must adopt, by
24 resolution, specific standards for acceptance and rejection of applications.
25 Standards may include the capacity of a program, class, grade level, or school
26 building. Nothing in this section requires a school district to add teachers
27 or classrooms or to in any way exceed the requirements and standards
28 established by existing law. Standards may not include an applicant's
29 previous academic achievement, athletic, or other extracurricular ability,
30 handicapping conditions, English proficiency level, or previous disciplinary
31 proceedings.

32 (3) A school board may, by resolution, determine that it will not
33 admit any nonresident pupils to its schools pursuant to this section.

34 (c) The responsibility for transportation for a student from his resident
35 school district to a nonresident school district shall be borne by the

1 student. The resident district may transport the student to the district
2 boundary or to a point agreeable to the parent or the nonresident district
3 within either the resident or nonresident district and count that student in
4 the resident district's calculation for transportation funding. The
5 nonresident district may provide transportation from the resident district's
6 boundary or from a point agreeable with the parent or the resident district
7 within either the resident or nonresident district to a school in the
8 nonresident district and count that student in the nonresident district's
9 calculation for transportation funding; *provided, however, that the*
10 *nonresident district shall at no time be required to provide transportation*
11 *for students transferring under this section.*

12 (d) (1) A nonresident district shall accept credits toward graduation that
13 were awarded by another district.

14 (2) The nonresident district shall award a diploma to a
15 nonresident pupil if the pupil meets the nonresident district's graduation
16 requirements.

17 (e) A student who transfers to a nonresident district *in grades nine (9)*
18 *through twelve (12)* shall not be eligible for interscholastic athletic
19 competition for a period of one (1) year from the date of the beginning of the
20 transfer.

21 (f) For purposes of determining a school district's minimum foundation
22 program aid, the nonresident student shall be counted as a part of the average
23 daily membership of the district to which the student has transferred. All
24 add-on weights generated by the student shall also be transferred to the
25 district of attendance.

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

28 (1) No student may transfer to a nonresident district where the
29 percentage of enrollment for the student's race exceeds that percentage in his
30 resident district except in the circumstances set forth in subdivision (2) of
31 this subsection.

32 (2) A transfer to a district is exempt from the restriction set
33 forth above if all districts within a county have voted to participate in
34 choice, and the transfer is between two (2) districts within a county and if
35 the black and white percentages of school enrollment in both the sending and

1 receiving district remains within an acceptable range of the county's overall
2 black and white percentages of school population as set forth by the
3 Department of Education.

4 (3) The Department of Education shall, by the filing deadline
5 each year, compute the black and white percentages of each county's public
6 school population from the October Annual School Report and shall then compute
7 the acceptable range of variance from those percentages for school districts
8 within each county. In establishing the acceptable range of variance the
9 department is directed to use the remedial guideline established in Little
10 Rock School District v. Pulaski County Special School District of allowing an
11 overrepresentation or underrepresentation of black or white students of one
12 fourth (1/4th) or twenty-five percent (25%) of the county's racial balance.

13 (4) A transfer is exempt from the restriction set forth in
14 subdivision (1) of this subsection if each school district within the county
15 does not have a critical mass of minority students of more than ten percent
16 (10%) of any single race.

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

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

22 (7) The Department of Education shall monitor the effect of the
23 choice transfers upon the racial balances of the school district and evaluate
24 their effectiveness in promoting quality desegregated education.

25 (h) The State Board of Education shall be authorized to resolve disputes
26 arising under subsections (c) - (g) of this section.

27 (i) A district participating under this program shall cause public
28 announcements to be made over the broadcast media and in the print media at
29 such times and in such manner as to inform parents or guardians of pupils in
30 adjoining districts of the availability of the program, the application
31 deadline and the requirements and procedure for nonresident pupils to
32 participate in the program.

33 (j)(1) All school districts shall report to the Equity Assistance Center
34 of the Department of Education on an annual basis the race, gender, and other
35 pertinent information needed to properly monitor compliance with the

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