

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1310 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H3/24/09 H3/25/09*

**A Bill**

HOUSE BILL 2003

5 By: Representative Lowery  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO AMEND THE LAW PERTAINING TO RESIDENCY  
10 REQUIREMENTS AND ATTENDANCE AT PUBLIC SCHOOLS;  
11 AND FOR OTHER PURPOSES.  
12  
13

**Subtitle**

15 TO AMEND THE LAW PERTAINING TO RESIDENCY  
16 REQUIREMENTS AND ATTENDANCE AT PUBLIC  
17 SCHOOLS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-18-202(e), concerning age and residence  
23 requirements for attending public schools, is amended to read as follows:

24 (e)(1) ~~Any~~ A school district ~~that admits~~ shall not admit for ten (10)  
25 school days or more a student who is not a resident of the school district or  
26 is not otherwise entitled by law to attend the school district for ten (10)  
27 ~~school days or more a student that the school district knows or should have~~  
28 ~~known is a resident of another school district not included in a tuition~~  
29 ~~agreement or is not officially transferred to it shall be liable to the~~  
30 ~~resident district of the student for an amount of money equal to the amount~~  
31 ~~of state foundation funding per student.~~

32 ~~(2) Notice to a school district by a complainant school district~~  
33 ~~that a student is attending illegally in the school district begins the~~  
34 ~~running of the ten day time period.~~

35 ~~(3) Causes of action arising under this subsection may be~~



1 ~~brought in a court of competent jurisdiction.~~

2 ~~(4) The school district that admits the student shall have the~~  
3 ~~burden of proof as to the student's residency.~~

4 ~~(5)(A) Upon presentation of a court order or judgment finding~~  
5 ~~that a school district has admitted for ten (10) school days or more a~~  
6 ~~student the district should have known was a resident of another district, as~~  
7 ~~set forth in subdivision (e)(1) of this section, the Department of Education~~  
8 ~~will satisfy the defendant school district's liability by transferring to the~~  
9 ~~complainant school district the appropriate amount of funds from state aid~~  
10 ~~that the department would have distributed to the defendant school district.~~

11 ~~(B) The transfer will be made from the next payment due to~~  
12 ~~the district from the department after the order is received by the~~  
13 ~~department.~~

14 (2)(A) A school district that determines that a student who  
15 resides within its boundaries is unlawfully attending another school district  
16 shall send written notification to the superintendent of the other school  
17 district that the student is unlawfully attending the school district.

18 (B) The written notification to the superintendent shall  
19 include a reasonable description of the location of the residence, including  
20 a street address if available, and other information that enables the school  
21 district to determine that the student is a resident of the school district.

22 (3)(A) The school district that receives the notification under  
23 subdivision (e)(2) of this section shall immediately investigate and  
24 determine which school district the student is required to attend.

25 (B) The school district conducting the investigation  
26 shall:

27 (i)(a) Complete the investigation within ten (10)  
28 business days after receiving the written notice.

29 (b) The school district conducting the  
30 investigation may extend the investigation ten (10) business days in a case  
31 that involves five (5) or more students by submitting written notice within  
32 the first ten (10) business days of the investigation to the school district  
33 that submitted the notification under subdivision (e)(2) of this section;

34 (ii) Make a determination as to which school  
35 district the student is required to attend; and

36 (iii) Send a written report to the school district

1 that submitted the notification, in writing, of the findings of the  
2 investigation and the documentation supporting its determination.

3 (4) A student who is determined to be unlawfully attending a  
4 school not within the student's resident district shall be immediately barred  
5 from attending the nonresident school district.

6 (5)(A) The school district that submitted the notification may  
7 within five (5) days after receiving the written report, appeal the decision  
8 of the school district that conducted the investigation.

9 (B) The appeal shall be made to the Department of  
10 Education.

11 (C) The school district that conducted the investigation  
12 shall have the burden of proof in proving that the student is entitled to  
13 attend its school.

14 (6)(A) The department shall promulgate rules to establish the  
15 procedure for a department hearing officer to investigate the appeal and  
16 conduct a hearing.

17 (B) The department hearing officer may compel disclosure  
18 of information from both of the school districts in his or her duties.

19 (C)(i) The decision of the department hearing officer may  
20 be appealed by either school district to the circuit court of the county  
21 where the school district that is appealing the decision is located.

22 (ii) The circuit court shall affirm the decision of  
23 the department hearing officer if it is supported by substantial evidence.

24  
25 *SECTION 2. Arkansas Code § 6-18-202(f), concerning the age and*  
26 *residence requirements for attending public schools, is amended to read as*  
27 *follows:*

28 *(f) Any person who knowingly gives a false residential address for*  
29 *purposes of public school enrollment ~~shall be~~ is guilty of a violation and*  
30 *subject to a fine not to exceed ~~five hundred dollars (\$500)~~ one thousand*  
31 *dollars (\$1,000).*

32  
33 /s/ Lowery

34  
35 **APPROVED: 4/9/2009**