

1 State of Arkansas As Engrossed: S3/29/23 S3/30/23 S3/30/23
2 94th General Assembly **A Bill**
3 Regular Session, 2023

SENATE BILL 400

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5 By: Senators A. Clark, L. Chesterfield, Dees, J. English, Flippo, B. Johnson, G. Leding, M. McKee,
6 Stone, C. Tucker, D. Wallace

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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015;
10 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
11 CHOICE ACT; TO ENSURE A STUDENT WHO TRANSFERS TO A
12 NONRESIDENT DISTRICT IS AFFORDED CERTAIN
13 OPPORTUNITIES AND RIGHTS; AND FOR OTHER PURPOSES.

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16 **Subtitle**

17 TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF
18 2015; AND TO AMEND THE ARKANSAS
19 OPPORTUNITY PUBLIC SCHOOL CHOICE ACT.

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

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24 SECTION 1. Arkansas Code § 6-18-227, concerning the Arkansas
25 Opportunity Public School Choice Act, is amended to add an additional
26 subsection to read as follows:

27 (m)(1) A student who transfers to another public school or a
28 nonresident school district under this subchapter shall not be:

29 (A) Denied participation in an extracurricular activity at
30 the public school or nonresident school district to which he or she transfers
31 based exclusively on his or her decision to transfer to the public school or
32 nonresident school district; or

33 (B) Disciplined in any manner based exclusively on the
34 exercise of his or her right to transfer to another public school or a
35 nonresident district under this subchapter.

36 (2)(A) However, a student who transfers to another public school



1 or a nonresident school district under this section shall complete a Changing
2 Schools/Athletic Participation form as defined by the Arkansas Activities
3 Association.

4 (B) A Changing Schools/Athletic Participation form shall
5 be completed and filed with the:

6 (i) Public school or nonresident school district to
7 which the student transfers under this section; and

8 (ii) Arkansas Activities Association.

9 (C)(i) Before a student is eligible to participate in an
10 extracurricular activity at the public school or nonresident school district
11 to which he or she transfers, the Changing Schools/Athletic Participation
12 form submitted by the student as required under subdivision (m)(2)(B) of this
13 section shall be signed by the:

14 (a) Superintendent of the student's resident
15 school district;

16 (b) Superintendent of the nonresident school
17 district to which the student transfers; and

18 (c) Parent, legal guardian, or person standing
19 in loco parentis to the student.

20 (ii) The superintendent of a student's resident
21 school district and the superintendent of the nonresident school district to
22 which a student transfers shall sign the Changing Schools/Athletic
23 Participation form unless there is demonstrable evidence:

24 (a) Of recruiting by the receiving school
25 district personnel; or

26 (b) The student is transferring to the public
27 school or nonresident school district solely for athletic purposes.

28 (D) A Changing Schools/Athletic Participation form shall
29 be used only for eligibility determination of a student who transfers to
30 another public school or nonresident school district under this section and
31 is enrolled in the receiving school district by July 1 before the student
32 enters grades seven through twelve (7-12).

33 (E)(i) Public school district personnel and registered
34 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §
35 6-22-101 et seq., shall not recruit students to the public school at which
36 they are employed or volunteer for athletic purposes.

1 (ii) As used in this section, "recruiting" means the
2 use of undue influence or special inducement by an individual who is
3 connected directly or indirectly with a school that is a member of the
4 Arkansas Activities Association in an attempt to encourage, induce, pressure,
5 urge, or entice a prospective student of any age to transfer to the school or
6 retain a student at the school for the purpose of participating in
7 extracurricular activities.

8 (3) As used in subdivision (m)(1) of this
9 section, "extracurricular activity" means an interschool activity not
10 included in a regular curriculum, including without limitation sports and
11 special interest clubs or groups.

12
13 SECTION 2. Arkansas Code § 6-18-1904, concerning general provisions
14 for student transfers under the Public School Choice Act of 2015, is amended
15 to add an additional subsection to read as follows:

16 (f)(1) A student who transfers to another public school or a
17 nonresident district under this subchapter shall not be:

18 (A) Denied participation in an extracurricular activity at
19 the public school or nonresident district to which he or she transfers based
20 exclusively on his or her decision to transfer to the public school or
21 nonresident district; or

22 (B) Disciplined in any manner based exclusively on the
23 exercise of his or her right to transfer to another public school or a
24 nonresident district under this subchapter.

25 (2)(A) However, a student who transfers to another public school
26 or a nonresident school district under this subchapter shall complete a
27 Changing Schools/Athletic Participation form as defined by the Arkansas
28 Activities Association.

29 (B) A Changing Schools/Athletic Participation form shall
30 be completed and filed with the:

31 (i) Public school or nonresident school district to
32 which the student transfers under this section; and

33 (ii) Arkansas Activities Association.

34 (C)(i) Before a student is eligible to participate in an
35 extracurricular activity at the public school or nonresident school district
36 to which he or she transfers, the Changing Schools/Athletic Participation

1 form submitted by the student as required under subdivision (f)(2)(B) of this
2 section shall be signed by the:

3 (a) Superintendent of the student's resident
4 school district;

5 (b) Superintendent of the nonresident school
6 district to which the student transfers; and

7 (c) Parent, legal guardian, or person standing
8 in loco parentis to the student.

9 (ii) The superintendent of a student's resident
10 school district and the superintendent of the nonresident school district to
11 which a student transfers shall sign the Changing Schools/Athletic
12 Participation form unless there is demonstrable evidence:

13 (a) Of recruiting by the receiving school
14 district personnel; or

15 (b) The student is transferring to the public
16 school or nonresident school district solely for athletic purposes.

17 (D) A Changing Schools/Athletic Participation form shall
18 be used only for eligibility determination of a student who transfers to
19 another public school or nonresident school district under this subchapter
20 and is enrolled in the receiving school district by July 1 before the student
21 enters grades seven through twelve (7-12).

22 (E)(i) Public school district personnel and registered
23 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §
24 6-22-101 et seq., shall not recruit students to the public school at which
25 they are employed or volunteer for athletic purposes.

26 (ii) As used in this section, "recruiting" means the
27 use of undue influence or special inducement by an individual who is
28 connected directly or indirectly with a school that is a member of the
29 Arkansas Activities Association in an attempt to encourage, induce, pressure,
30 urge, or entice a prospective student of any age to transfer to the school or
31 retain a student at the school for the purpose of participating in
32 extracurricular activities.

33 (3) As used in subdivision (f)(1) of this
34 section, "extracurricular activity" means an interschool activity not
35 included in a regular curriculum, including without limitation sports and
36 special interest clubs or groups.

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/s/A. Clark

APPROVED: 4/12/23