

As Engrossed: 1/30/91, 2/7/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A Bill

SENATE BILL 243

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."

14
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16
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."

30
31 SECTION 2. Arkansas Code Ann. 6-18-206(g) is hereby amended to read as
32 follows:

33 "(g)(1) *No student may transfer to a nonresident district where the*
34 *percentage of enrollment for the student's race exceeds that percentage in his*
35 *resident district except in the circumstances set forth herein.*

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

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

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

19 (5) The Department of Education is authorized to adopt necessary
20 rules and regulations to implement this section.

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

25 SECTION 3. Arkansas Code Ann. 6-18-206 is hereby amended by adding the
26 following new subsections:

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

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

1 compliance with the provisions of this section. Such reports may be on such
2 forms as prescribed by the department. A copy of the report shall be provided
3 to the Joint Interim Oversight Subcommittee on Educational Reform of the Joint
4 Interim Committee on Education of the Arkansas General Assembly."

5

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

9

10 SECTION 5. If any provision of this Act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the Act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 Act are declared to be severable.

15

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

18

19 SECTION 7. Emergency. It is hereby found and determined by the General
20 Assembly that the restrictions on student transfer in the original enactment
21 of the Choice Act were unduly restrictive; that less restriction on student
22 transfer will promote quality desegregated education; and that less
23 restriction on student transfer will allow more students a choice of schools.
24 Therefore an emergency is hereby declared to exist and this Act being
25 immediately necessary for the preservation of the public peace, health and
26 safety shall be in full force and effect from and after its passage and
27 approval.

28

29

/s/Dowd