

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

# A Bill

**HOUSE BILL 1041**

## **For An Act To Be Entitled**

8 "AN ACT TO PROVIDE THAT A PRO RATA AMOUNT OF STATE FUNDS  
9 RECEIVED BY A SCHOOL DISTRICT SHALL FOLLOW A STUDENT  
10 SUSPENDED OR EXPELLED BY THE DISTRICT AND SUBSEQUENTLY  
11 ENROLLED IN AN *ALTERNATIVE SCHOOL* OR ANOTHER DISTRICT  
12 DURING THE SCHOOL YEAR; THAT A SCHOOL DISTRICT SHALL REMIT  
13 TO THE DEPARTMENT OF EDUCATION A PRO RATA AMOUNT OF STATE  
14 FUNDS RECEIVED BY THE SCHOOL DISTRICT AFTER A STUDENT IS  
15 SUSPENDED OR EXPELLED BY THE DISTRICT AND NOT SUBSEQUENTLY  
16 READMITTED OR ENROLLED IN ANOTHER DISTRICT DURING THE  
17 SCHOOL YEAR; AND FOR OTHER PURPOSES."

## **Subtitle**

19 "TO PROVIDE THAT STATE FUNDS SHALL FOLLOW STUDENTS  
20 SUSPENDED OR EXPELLED DURING THE SCHOOL YEAR WHO ENROLL IN  
21 *ALTERNATIVE SCHOOLS* OR OTHER DISTRICTS."  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. The General Assembly hereby finds and determines that it is  
27 in the best interests of Arkansas that all school-age children should be  
28 enrolled in school. However, it also recognizes that a school district might  
29 find it necessary to suspend or expel a student from school. But if a  
30 suspended or expelled student enrolls in an *alternative school* or another  
31 school district, fairness and equity demand that a pro rata amount of the  
32 state funds received by the suspending or expelling school district should  
33 follow the student to the enrolling *alternative school* or district, as long as  
34 the student's enrollment is not based on reasons contrary to applicable  
35 federal or state law. Furthermore, if a suspended or expelled student is not

1 readmitted or enrolled in any school or district, the suspending or expelling  
2 district should remit a pro rata amount of state funds to the state to be used  
3 on the behalf of students who are enrolled in school.

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5 SECTION 2. (a) As used in this act, "State funds" means any funds  
6 received from the state by a local school district in the form of Minimum  
7 Foundation Program Aid, Transportation Aid, or other state funds based on the  
8 number of students enrolled in the district.

9 (b)(1) Beginning with the 1993-94 school year, whenever a student is  
10 suspended or expelled and subsequently enrolls in an *alternative school* or  
11 another school district during the school year, the suspending or expelling  
12 district shall remit a pro rata amount of state funds to the enrolling *school*  
13 or district, so long as the student's enrollment is not based on reasons  
14 contrary to applicable federal or state law.

15 (2) When a suspended or expelled student is admitted to an  
16 *alternative school* or another school district during the school year, the  
17 enrolling *school* or district shall make application to the suspending or  
18 expelling district for a pro rata amount of state funds received by the  
19 district for the education of the student.

20 (3) If the suspending or expelling school district fails or  
21 refuses to remit a pro rata amount of state funds to the enrolling school or  
22 district within thirty (30) days after receiving the request, the district or  
23 *school* making the request shall notify the Department of Education.

24 (4) If the Department of Education determines that the state  
25 funds requested by the enrolling school or district were due as provided in  
26 this Act, the Department of Education shall notify the school or districts  
27 involved and shall withhold the amount thereof from the next state funds  
28 available for distribution to the suspending or expelling district that failed  
29 or refused to remit the funds as provided in this Act and shall pay the amount  
30 over to the enrolling district.

31 (c)(1) Whenever a student is suspended or expelled and is not  
32 subsequently readmitted or enrolled in another *school* or district during the  
33 school year, the suspending or expelling district shall notify the Department  
34 of Education and shall remit a pro rata amount of state funds within thirty  
35 (30) days after the last day for student attendance, to the Department of

1 Education for deposit in the State Treasury in the appropriate fund.

2 (2) If the Department of Education finds and determines that the  
3 suspending or expelling district failed to notify the Department of Education  
4 or remit a pro rata amount of state funds in a timely manner:

5 (A) The Department of Education shall withhold the amount  
6 thereof from the next state funds available for distribution to the suspending  
7 or expelling school district; or

8 (B) The Department of Education shall have a right of  
9 recovery through the maintenance of an action at law against the suspending or  
10 expelling school district, and the court may award costs to the department.

11 (d) The State Board of Education is hereby authorized to promulgate  
12 rules and regulations for the implementation of this Act.

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14 SECTION 3. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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29 */s/Jacqueline Roberts*

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***As Engrossed: 3/29/93***

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