

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H2/6/04
A Bill

Call Item 4

SENATE BILL 49

5 By: Senator Wilkins
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For An Act To Be Entitled

9 AN ACT TO REQUIRE SUPERINTENDENTS TO COMPLY WITH
10 THE PROVISIONS OF THE ARKANSAS PUBLIC SCHOOL
11 CHOICE ACT OF 1989; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REQUIRE SUPERINTENDENTS TO
14 COMPLY WITH THE PROVISIONS OF THE
15 ARKANSAS PUBLIC SCHOOL CHOICE ACT OF
16 1989.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 6-18-206 is amended to read as follows:
23 6-18-206. Public school choice.

24 (a)(1) This section may be referred to and cited as the "Arkansas
25 Public School Choice Act of 1989".

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

35 (3) The General Assembly further finds that giving more options
36 to parents and students with respect to where the students attend public



1 school will increase the responsiveness and effectiveness of the state's
2 schools, since teachers, administrators, and school board members will have
3 added incentive to satisfy the educational needs of the students who reside
4 in the district.

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

10 (5) A public school choice program is hereby established to
11 enable any student to attend a school in a district in which the student does
12 not reside, subject to the restrictions contained in this section.

13 (b)(1)(A) Before a student may attend a school in a nonresident
14 district, the student's parent or guardian must submit an application on a
15 form approved by the Department of Education to the nonresident district by
16 submitting the application to the superintendent of the school district. This
17 application must be postmarked not later than July 1 of the year in which the
18 student would begin the fall semester at the nonresident district.

19 (B)(i) Within thirty (30) days of the receipt of an
20 application from a nonresident student seeking admission under the terms of
21 this section, the superintendent of the nonresident district shall notify the
22 parent or guardian and the resident district in writing as to whether the
23 student's application has been accepted or rejected.

24 (ii) If the application is rejected, the
25 superintendent of the nonresident district must state in the notification
26 letter the reason for rejection.

27 (iii) If the application is accepted, the
28 superintendent of the nonresident district shall state in the notification
29 letter:

30 (a) An absolute deadline for the student to
31 enroll in the district, or the acceptance notification is null; and

32 (b) Any instructions for the renewal
33 procedures established by the district.

34 (2)(A) The school board of directors of every public school
35 district must adopt by resolution specific standards for acceptance and
36 rejection of applications. Standards may include the capacity of a program,

1 class, grade level, or school building. Nothing in this section requires a
2 school district to add teachers, staff, or classrooms or in any way to exceed
3 the requirements and standards established by existing law. Standards shall
4 include a statement that priority will be given to applications from siblings
5 or stepsiblings residing in the same residence or household of students
6 already attending the district by choice. Standards may not include an
7 applicant's previous academic achievement, athletic or other extracurricular
8 ability, handicapping conditions, English proficiency level, or previous
9 disciplinary proceedings, except that an expulsion from another district may
10 be included pursuant to § 6-18-510.

11 (B)(i) Any student who applies for a transfer under this
12 section and is denied a transfer by the nonresident district may request a
13 hearing before the State Board of Education to reconsider the transfer.

14 (ii) A request for a hearing before the state board
15 shall be in writing and shall be postmarked no later than ten (10) days after
16 notice of rejection of the application under subdivision (b)(1)(B) of this
17 section is received by the student.

18 (3) Each school district shall participate in public school
19 choice consistent with this section.

20 (c) The responsibility for transportation of a student from the
21 student's resident school district to a nonresident school district shall be
22 borne by the student or the student's parents. The nonresident school
23 district may enter into a written agreement with the student, the student's
24 parents, or the resident school district to provide transportation to or from
25 any place in the resident district to the nonresident district, or both.

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

28 (2) The nonresident district shall award a diploma to a
29 nonresident student if the student meets the nonresident district's
30 graduation requirements.

31 (e) For purposes of determining a school district's state equalization
32 aid, the nonresident student shall be counted as a part of the average daily
33 membership of the district to which the student has transferred.

34 (f) The provisions of this section and all student choice options
35 created in this section are subject to the following limitations:

36 (1) No student may transfer to a nonresident district where the

1 percentage of enrollment for the student's race exceeds that percentage in
2 the student's resident district except in the circumstances set forth in
3 subdivisions (2) and (4) of this subsection;

4 (2) A transfer to a district is exempt from the restriction set
5 forth in subdivision (f)(1) of this section if the transfer is between two
6 (2) districts within a county and if the minority percentage in the student's
7 race and majority percentages of school enrollment in both the resident and
8 nonresident district remain within an acceptable range of the county's
9 overall minority percentage in the student's race and majority percentages of
10 school population as set forth by the department;

11 (3) By the filing deadline each year, the department shall
12 compute the minority percentage in the student's race and majority
13 percentages of each county's public school population from the October Annual
14 School Report and shall then compute the acceptable range of variance from
15 those percentages for school districts within each county. In establishing
16 the acceptable range of variance, the department is directed to use the
17 remedial guideline established in Little Rock School District v. Pulaski
18 County Special School District of allowing an overrepresentation or
19 underrepresentation of black or white students of one-fourth (1/4) or twenty-
20 five percent (25%) of the county's racial balance. In establishing the
21 acceptable range of variance for school choice, the department is directed to
22 use the remedial guideline of allowing an overrepresentation or
23 underrepresentation of minority or majority students of one-fourth (1/4) or
24 twenty-five percent (25%) of the county's racial balance;

25 (4) A transfer is exempt from the restriction set forth in
26 subdivision (f)(1) of this section if each school district within the county
27 does not have a critical mass of minority percentage in the student's race of
28 more than ten percent (10%) of any single race;

29 (5) In any instance where the foregoing provisions would result
30 in a conflict with a desegregation court order or a district's court-approved
31 desegregation plan, the terms of the order or plan shall govern;

32 (6) The department shall adopt appropriate rules and regulations
33 to implement the provisions of this section; and

34 (7) The department shall monitor school districts for compliance
35 with this section.

36 (g) The state board shall be authorized to resolve disputes arising

1 under subsections (b)-(f) of this section.

2 (h) A The superintendent of the district shall cause public
3 announcements to be made over the broadcast media and in the print media at
4 such times and in such a manner as to inform parents or guardians of students
5 in adjoining districts of the availability of the program, the application
6 deadline, and the requirements and procedure for nonresident students to
7 participate in the program.

8 (i)(1) All superintendents of school districts shall report to the
9 Equity Assistance Center on an annual basis the race, gender, and other
10 pertinent information needed to properly monitor compliance with the
11 provisions of this section.

12 (2) The reports may be on those forms that are prescribed by the
13 department, or the data may be submitted electronically by the district using
14 a format authorized by the department.

15 (3) The department may withhold state aid from any school
16 district that fails to file its report each year or fails to file any other
17 information with a published deadline requested from school districts by the
18 center so long as thirty (30) calendar days are given between the request for
19 the information and the published deadline except when the request comes from
20 a member or committee of the General Assembly.

21 (4) A copy of the report shall be provided to the Joint Interim
22 Oversight Subcommittee on Educational Reform.

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/s/ Wilkins