

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 788

5 By: Senator J. Key  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
9 SCHOOL CHOICE ACT OF 2004; AND FOR OTHER PURPOSES.  
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## Subtitle

11 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
12 SCHOOL CHOICE ACT OF 2004.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 6-18-227(c) and (d), concerning the  
20 Arkansas Opportunity Public School Choice Act of 2004, are amended to read as  
21 follows:

22 (c)(1)(A) ~~Transportation costs shall be the responsibility of the~~  
23 ~~state, and the State Board of Education shall establish rules pertaining to~~  
24 ~~state reimbursement of transportation costs~~ The receiving district or charter  
25 school may transport students to and from the transferring district or  
26 charter school, and the cost of transporting students shall be the  
27 responsibility of the transferring district or charter school except as  
28 provided under subdivision (c)(2) of this section.

29 (2) ~~However, upon~~ Upon the transferring district's receiving a  
30 category level 3 or higher for its annual performance, the transportation  
31 costs shall no longer be the responsibility of the ~~state~~ transferring  
32 district, and the student's transportation and the costs ~~thereof~~ of the  
33 transporation shall be the responsibility of the parents.

34 (d)(1)(A) Each district school board of directors shall offer the  
35 opportunity public school choice option within the public schools.

36 (B) The opportunity public school choice option shall be



1 offered in addition to other existing choice programs.

2 (2)(A)(i) In the event that the opportunity public school choice  
3 option results in a receiving district's requiring temporary facilities or  
4 faculty as a result of and to accommodate the additional students, expenses  
5 related thereto in excess of that received for each student electing the  
6 opportunity public school choice option shall be borne by the state A school  
7 district shall not deny a student the ability to attend a school in the  
8 student's school district of choice under this section unless there is an  
9 actual lack of capacity at the school in the student's school district of  
10 choice.

11 (ii) Actual lack of capacity may be claimed by a  
12 school district only if the school district has reached the maximum student-  
13 to-teacher ratio allowed under federal law, state law, the rules for  
14 standards of accreditation, or other applicable regulations.

15 (B) The race or ethnicity of a student shall not be used  
16 to deny a student the ability to attend a school in the student's school  
17 district of choice under this section.

18 (3) A student or the student's parent or guardian may appeal a  
19 school district's decision to deny admission to a school in a student's  
20 school district of choice due to lack of actual capacity to the State Board  
21 of Education after the student or the student's parent or guardian receives a  
22 written notice from the school district of choice that admission has been  
23 denied.

24 (4) The department shall promulgate rules governing the use of  
25 school capacity as a basis for denying admission under this section.

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