

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/5/99 S2/24/99

A Bill

Act 663 of 1999
HOUSE BILL 1207

5 By: Representatives Lancaster, Cook, J. Jeffress, French, Creekmore
6 By: Senators Hopkins, Webb
7

For An Act To Be Entitled

10 "AN ACT FOR EDUCATION WHICH *CREATES* PARENTAL
11 RESPONSIBILITY FOR PROVIDING A FALSE ADDRESS FOR
12 PURPOSES OF PUBLIC SCHOOL ENROLLMENT IN AN
13 UNAUTHORIZED SCHOOL DISTRICT; AND FOR OTHER PURPOSES. "

Subtitle

15 "AN ACT FOR EDUCATION WHICH *CREATES*
16 PARENTAL RESPONSIBILITY FOR PROVIDING A
17 FALSE ADDRESS FOR PURPOSES OF PUBLIC
18 SCHOOL ENROLLMENT IN AN UNAUTHORIZED
19 SCHOOL DISTRICT. "

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 6-18-202 is amended to read as follows:

25 "6-18-202. Age and residence for attending public schools.

26 (a) For purposes of this act:

27 (1) 'Reside' means to be physically present and maintain a
28 permanent place of abode for an average of not less than four (4) calendar
29 days and nights per week for a primary purpose other than school attendance.

30 (2) 'Resident' means a student whose parents, legal guardians,
31 persons having legal lawful control of the student under order of a court, or
32 person standing in loco parentis reside in the school district; and

33 (3) 'Residential address' means the physical location where the
34 student's parent, legal guardian, person having legal lawful control of the
35 student under order of a court, or person standing in loco parentis reside.

36 ~~(a)~~ (b) The public schools of any school district in this state shall be

1 open and free through completion of the secondary program to all persons in
2 this state between the ages of five (5) and twenty-one (21) years whose
3 parents, legal guardians, or other persons having lawful control of the person
4 under an order of a court reside within the school district and to all persons
5 between those ages who have been legally transferred to the district for
6 education purposes.

7 ~~(b)~~ (c) Any person eighteen (18) years of age or older may establish a
8 residence separate and apart from his or her parents or guardians for school
9 attendance purposes.

10 ~~(c)~~ (d) In order for a person under the age of eighteen (18) years to
11 establish a residence for the purpose of attending the public schools separate
12 and apart from his or her parents, guardians, or other persons having lawful
13 control of him or her under an order of a court, the person must actually
14 reside in the district for a primary purpose other than that of school
15 attendance.

16 ~~(d)~~ (e) (1) Any school district which admits for ten (10) school days or
17 more a student the school district knows, or should have known, is a resident
18 of another school district not included in a tuition agreement, or not
19 officially transferred to it, shall be liable to the resident district of the
20 student for an amount of money equal to the ~~Minimum Foundation Program Aid~~
21 ~~table rate the resident~~ State Equalization Funding per student the complainant
22 district would have received or seven hundred fifty dollars (\$750) per year,
23 whichever is greater.

24 (2) Notice to a school district by a complainant school district
25 that a student is attending illegally in the school district begins the
26 running of the ten-day time period.

27 (3) Causes of action arising under this subsection may be brought
28 in a court of competent jurisdiction.

29 (4) The school district, which admits the student, shall have the
30 burden of proof as to the student's residency.

31 (5) Upon presentation of a court order or judgment finding that a
32 school district has admitted, for ten (10) school days or more, a student the
33 district should have known was a resident of another district as set forth in
34 subsection ~~(d)~~ (e) (1) of this section, the Department of Education will satisfy
35 the defendant school district's liability by transferring to the complainant
36 school district the appropriate amount of funds from state aid which the

1 department would have distributed to the defendant school district. Such
2 transfer will be made from the next payment due to the district from the
3 department after the order is received by the department.

4 (f) For purposes of this act, a student may use the residential address
5 of a legal guardian, person having legal lawful control of the student under
6 order of a court, or person standing in loco parentis only if the student
7 resides at the same residential address and the guardianship or other legal
8 authority is not granted solely for educational needs or school attendance
9 purposes. Any school district may require a parent, legal guardian or other
10 person in loco parentis who enrolls a student in a school district to sign a
11 statement under oath attesting to their residential address or provide other
12 proof that a student is a resident of the school district as defined by this
13 act.

14 (g) This act shall not be construed to restrict a student's ability to
15 participate in a tuition agreement with a non-resident school district or to
16 officially transfer to another school district pursuant to the Arkansas Public
17 School Choice act of 1989, beginning at Arkansas Code 6-18-206.

18 (h) Any person who knowingly gives a false residential address for
19 purposes of public school enrollment is guilty of a misdemeanor and subject to
20 a fine not to exceed five hundred dollars (\$500)."

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22 SECTION 2. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 3. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.

34 /s/ Lancaster

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36 APPROVED: BECAME LAW ON 3/17/1999, WITHOUT THE GOVERNOR'S SIGNATURE.