

Act 609 of the 1989 Regular Session.

Act 609

HB1173

By: Representatives Northcutt, Day, Hutchinson, Matthews,
Mahony, McKissack, and Keet

"AN ACT TO ENABLE ANY PUPIL TO ATTEND A PUBLIC SCHOOL IN
ARKANSAS IN A DISTRICT OTHER THAN THAT ONE IN WHICH THE PUPIL
RESIDES, SUBJECT TO THE RESTRICTIONS AND CONDITIONS CONTAINED
HEREIN; AND FOR OTHER PURPOSES."

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

SECTION 1. TITLE. This Act may be referred to and cited as the
"ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989."

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATION OF PUBLIC NECESSITY.
The General Assembly hereby finds that the students in Arkansas' public
schools and their parents will become more informed about and involved in the
public educational system if students and their parents or guardians are
provided greater freedom to determine the most effective school for meeting
their individual educational needs. There is no "right" school for every
student and permitting students to choose from among different schools with
differing assets will increase the likelihood that some marginal students stay
in school and that other, more motivated students find their full academic
potential.

The General Assembly further finds that giving more options to parents
and students with respect to where they attend public school will increase the
responsiveness and effectiveness of the State's schools since teachers,
administrators, and school board members will have added incentive to satisfy
the educational needs of the students who reside in the district.

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

SECTION 3. PUPIL CHOICE. A public school choice program is hereby
established to enable any pupil to attend a school in a district in which the
pupil does not reside, subject to the restrictions contained in this Act.

SECTION 4. APPLICATION PROCEDURE. Before a pupil may attend a school in
a nonresident district, the pupil's parent or guardian must submit an
application to the nonresident district. This application must be postmarked
not later than February 1, of the year in which the pupil would begin the fall
semester at the nonresident district.

SECTION 5. NON-PARTICIPATING DISTRICTS. A school board may, by
resolution, determine that it will not admit any nonresident pupils to its
schools pursuant to this Act.

SECTION 6. BASIS FOR ADMISSION DECISIONS. The school board of any
participating district must adopt, by resolution, specific standards for
acceptance and rejection of applications. Standards may include the capacity
of a program, class, grade level, or school building. Nothing in this Act

requires a school district to add teachers or classrooms or in any way exceed the requirements and standards established by existing law. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings.

SECTION 7. NOTICE TO APPLICANTS. Within sixty (60) days of the receipt of an application from a nonresident pupil seeking admission under the terms of this Act, a participating district shall notify the parent or guardian and the resident district in writing as to whether the pupil's application has been accepted or rejected. If an application is rejected, the nonresident district must state in the notification letter the reason(s) for rejection.

SECTION 8. Transportation. The responsibility for transportation for a nonresident pupil shall be borne generally by the pupil. The resident district may transport the student to the district boundary or to a point agreeable to the parent or the nonresident district within either the resident or nonresident district and count that student in the resident or nonresident district's calculation for transportation funding. The nonresident district may provide transportation from the resident district's boundary or from a point agreeable with the parent or the resident district within either the resident or nonresident district to a school in the nonresident district and count that student in the nonresident district's calculation for transportation funding.

SECTION 9. CREDITS. A nonresident district shall accept credits toward graduation that were awarded by another district. The nonresident district shall award a diploma to a nonresident pupil if the pupil meets the nonresident district's graduation requirements.

SECTION 10. Minimum Foundation Aid. For purposes of determining a school district's Minimum Foundation Program Aid, the nonresident student shall be counted as a part of the Average Daily Membership of the district to which the student has transferred. All add-on weights generated by the student shall also be transferred to the district of attendance.

SECTION 11. LIMITATIONS. The provisions of this Act and all pupil choice options created hereby are subject to the following limitations:

(a) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in his resident district.

(b) In any instance where the foregoing provisions would result in a conflict with a desegregation court order, the terms of the order shall govern.

SECTION 12. ATHLETIC ELIGIBILITY. A student who transfers to a nonresident district shall not be eligible for interscholastic athletic competition for a period of one year from the date of the beginning of the transfer.

SECTION 13. DISPUTE RESOLUTION. The Board of Education shall be authorized to resolve disputes arising under Sections 8, 9, 10, 11, and 12 of this Act.

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

APPROVED: March 16, 1989
