

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S3/15/01,S3/27/01 H4/11/01*

2 83rd General Assembly

A Bill

Act 1788 of 2001

3 Regular Session, 2001

SENATE BILL 772

4

5 By: Senator Argue

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For An Act To Be Entitled

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AN ACT TO AMEND THE ARKANSAS PUBLIC SCHOOL CHOICE
ACT; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT TO AMEND THE ARKANSAS PUBLIC
SCHOOL CHOICE ACT.

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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 6-18-206 is amended to read as follows:

20 6-18-206. Public school choice.

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

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

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

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

6 (4) A public school choice program is hereby established to
 7 enable any ~~pupil~~ student to attend a school in a district in which the ~~pupil~~
 8 student does not reside, subject to the restrictions contained in this
 9 section.

10 (b)(1)(A) Before a ~~pupil~~ student may attend a school in a nonresident
 11 district, the ~~pupil's~~ student's parent or guardian must submit an *application*
 12 *on a form approved by the Department of Education* to the nonresident
 13 district. This application must be postmarked not later than ~~April 17~~ July 1
 14 of the year in which the ~~pupil~~ student would begin the fall semester at the
 15 nonresident district. ~~However, the nonresident district may accept~~
 16 ~~applications until July 1 of the year in which the pupil would begin the fall~~
 17 ~~semester at the nonresident district if the July 1 acceptance date would~~
 18 ~~further the desegregation efforts of the district.~~

19 (B) Within ~~sixty (60) days~~ thirty (30) days of the receipt
 20 of an application from a nonresident ~~pupil~~ student seeking admission under
 21 the terms of this section, *a participating* district shall notify the parent
 22 or guardian and the resident district in writing as to whether the ~~pupil's~~
 23 student's application has been accepted or rejected.

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

26 (ii) If the application is accepted, the nonresident
 27 district shall state in the notification letter:

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

30 (b) Any instructions for the renewal
 31 procedures established by the district.

32 (2)(A) *The school board of any participating district* must
 33 adopt, by resolution, specific standards for acceptance and rejection of
 34 applications. Standards may include the capacity of a program, class, grade
 35 level, or school building. Nothing in this section requires a school district
 36 to add teachers or classrooms or to in any way exceed the requirements and

1 standards established by existing law. Standards shall include a statement
 2 that priority will be given to applicants from siblings or step-siblings
 3 residing in the same residence or household of students already attending the
 4 district by choice. Standards may not include an applicant's previous
 5 academic achievement, athletic, or other extracurricular ability,
 6 handicapping conditions, English proficiency level, or previous disciplinary
 7 proceedings, except an expulsion from another district may be included
 8 pursuant to § 6-18-510.

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

12 (ii) A request for a hearing before the State Board
 13 of Education shall be in writing and shall be postmarked no later than ten
 14 (10) days after notice of rejection of application under subdivision
 15 (b)(1)(B) is received by the student.

16 (3) A school board may, by resolution, determine that it will
 17 not admit any nonresident pupil to its schools pursuant to this section.

18 (c) ~~The responsibility for transportation of a student from his the~~
 19 ~~student's resident school district to a nonresident school district shall be~~
 20 ~~borne by the student or the student's parents. The resident school district~~
 21 ~~and the non-resident school district may enter into a written agreement with~~
 22 ~~the student or student's parents to provide transportation to or from the~~
 23 ~~non-resident district, or both. The resident district may transport the~~
 24 ~~student to the district boundary or to a point agreeable to the parent or the~~
 25 ~~nonresident district within either the resident or nonresident district and~~
 26 ~~count that student in the resident district's calculation for transportation~~
 27 ~~funding. The nonresident district may provide transportation from the~~
 28 ~~resident district's boundary or from a point agreeable with the parent or the~~
 29 ~~resident district within either the resident or nonresident district to a~~
 30 ~~school in the nonresident district and count that student in the nonresident~~
 31 ~~district's calculation for transportation funding; provided, however, that~~
 32 ~~the nonresident district shall at no time be required to provide~~
 33 ~~transportation for students transferring under this section.~~

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

36 (2) The nonresident district shall award a diploma to a

1 nonresident ~~pupil~~ student if the ~~pupil~~ student meets the nonresident
2 district's graduation requirements.

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

6 (f) The provisions of this section and all ~~pupil~~ student choice
7 options created hereby are subject to the following limitations:

8 (1) No student may transfer to a nonresident district where the
9 percentage of enrollment for the student's race exceeds that percentage in
10 his resident district except in the circumstances set forth in ~~subdivision~~
11 ~~(2)~~ subdivisions (2) and (4) of this subsection;

12 (2) A transfer to a district is exempt from the restriction set
13 forth in ~~subdivision (g)(1)~~ (f)(1) of this section if all districts within a
14 county have voted to participate in choice and the transfer is between two (2)
15 districts within a county, and if the ~~black minority percentage in the~~
16 student's race and white majority percentages of school enrollment in both
17 the ~~sending resident and receiving non-resident~~ district remain within an
18 acceptable range of the county's overall ~~black minority percentage in the~~
19 student's race and white majority percentages of school population as set
20 forth by the Department of Education;

21 (3) The department shall, by the filing deadline each year,
22 compute the ~~black minority percentage in the student's race and white~~
23 majority percentages of each county's public school population from the
24 October Annual School Report and shall then compute the acceptable range of
25 variance from those percentages for school districts within each county. In
26 establishing the acceptable range of variance, the department is directed to
27 use the remedial guideline established in Little Rock School District v.
28 Pulaski County Special School District of allowing an overrepresentation or
29 underrepresentation of black or white students of one-fourth (1/4) or twenty-
30 five percent (25%) of the county's racial balance. In establishing the
31 acceptable range of variance for school choice, the department is directed to
32 use the remedial guideline of allowing an overrepresentation or
33 underrepresentation of minority or majority students of one-fourth (1/4) or
34 twenty-five percent (25%) of the county's racial balance;

35 (4) A transfer is exempt from the restriction set forth in
36 ~~subdivision (g)(1)~~ (f)(1) of this section if each school district within the

1 county does not have a critical mass of *minority percentage in the student's*
2 race students of more than ten percent (10%) of any single race;

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

6 (6) The department ~~is authorized to~~ shall adopt appropriate
7 rules and regulations to implement the provisions of this section; and

8 (7) The department shall monitor ~~the effect of the choice~~
9 ~~transfers upon the racial balances of the school district and evaluate their~~
10 ~~effectiveness in promoting quality desegregated education~~ school districts
11 for compliance with this section.

12 (g) The State Board of Education shall be authorized to resolve
13 disputes arising under subsections (b), (c), (d), ~~(f)~~(e), and ~~(g)~~(f) of this
14 section.

15 (h) *A district participating under this program shall cause public*
16 *announcements to be made over the broadcast media and in the print media at*
17 *such times and in such manner as to inform parents or guardians of* ~~pupils~~
18 students *in adjoining districts of the availability of the program, the*
19 *application deadline, and the requirements and procedure for nonresident*
20 ~~pupils~~ students *to participate in the program.*

21 (i)(1) All school districts shall report to the Equity Assistance
22 Center of the ~~department~~ Department of Education on an annual basis the race,
23 gender, and other pertinent information needed to properly monitor compliance
24 with the provisions of this section.

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

28 (3) The department may withhold state aid from any school
29 district that fails to file its report each year or fails to file any other
30 information with a published deadline requested from school districts by the
31 Equity Assistance Center, so long as thirty (30) calendar days are given
32 between the request for the information and the published deadline, except
33 when the request comes from a member or committee of the General Assembly.

34 ~~(3)~~(4) A copy of the report shall be provided to the Joint
35 Interim Oversight Subcommittee on Educational Reform.

36 /s/ Argue

APPROVED: 4/19/2001