

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.

Act 552 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/8/07

A Bill

HOUSE BILL 2251

5 By: Representative J. Johnson
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For An Act To Be Entitled

9 AN ACT TO AMEND CERTAIN PROVISIONS OF THE
10 ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND CERTAIN PROVISIONS OF
14 THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF
15 1989.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-18-206 is amended to read as follows:
22 6-18-206. Public school choice.

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

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

34 (3) The General Assembly further finds that giving more options
35 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 (iv)(a) Any student who accepts a school choice
35 transfer may return to his or her resident district during the course of the
36 school year.

1 (b) If a transferred student returns to his or
2 her resident district during the school year, the student's transfer is
3 voided and the student shall reapply for any future transfer.

4 (2)(A) The school board of directors of every public school
5 district must adopt by resolution specific standards for acceptance and
6 rejection of applications. Standards may include the capacity of a program,
7 class, grade level, or school building. Nothing in this section requires a
8 school district to add teachers, staff, or classrooms or in any way to exceed
9 the requirements and standards established by existing law. Standards shall
10 include a statement that priority will be given to applications from siblings
11 or stepsiblings residing in the same residence or household of students
12 already attending the district by choice. Standards may not include an
13 applicant's previous academic achievement, athletic or other extracurricular
14 ability, handicapping conditions, English proficiency level, or previous
15 disciplinary proceedings except that an expulsion from another district may
16 be included pursuant to § 6-18-510.

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

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

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

26 (c) The responsibility for transportation of a student from the
27 student's resident school district to a nonresident school district shall be
28 borne by the student or the student's parents. The nonresident school
29 district may enter into a written agreement with the student, the student's
30 parents, or the resident school district to provide transportation to or from
31 any place in the resident district to the nonresident district, or both.

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

34 (2) The nonresident district shall award a diploma to a
35 nonresident student if the student meets the nonresident district's
36 graduation requirements.

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

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

6 (1) No student may transfer to a nonresident district where the
7 percentage of enrollment for the student's race exceeds that percentage in
8 the student's resident district except in the circumstances set forth in
9 subdivisions (2) and (3) of this subsection;

10 (2)(A) A transfer to a district is exempt from the restriction
11 set forth in subdivision (f)(1) of this section if the transfer is between
12 two (2) districts within a county and if the minority percentage in the
13 student's race and majority percentages of school enrollment in both the
14 resident and nonresident district remain within an acceptable range of the
15 county's overall minority percentage in the student's race and majority
16 percentages of school population as set forth by the department.

17 (B)(i) By the filing deadline each year, the department
18 shall compute the minority percentage in the student's race and majority
19 percentages of each county's public school population from the October Annual
20 School Report and shall then compute the acceptable range of variance from
21 those percentages for school districts within each county.

22 (ii)(a) In establishing the acceptable range of
23 variance, the department is directed to use the remedial guideline
24 established in Little Rock School District v. Pulaski County Special School
25 District of allowing an overrepresentation or underrepresentation of black or
26 white students of one-fourth (1/4) or twenty-five percent (25%) of the
27 county's racial balance.

28 (b) In establishing the acceptable range of
29 variance for school choice, the department is directed to use the remedial
30 guideline of allowing an overrepresentation or underrepresentation of
31 minority or majority students of one-fourth (1/4) or twenty-five percent
32 (25%) of the county's racial balance;

33 (3) A transfer is exempt from the restriction set forth in
34 subdivision (f)(1) of this section if each school district ~~within the county~~
35 affected by the transfer does not have a critical mass of minority percentage
36 in the student's race of more than ten percent (10%) of any single race;

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

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

7 (6) The department shall monitor school districts for compliance
8 with this section.

9 (g) The state board shall be authorized to resolve disputes arising
10 under subsections (b)-(f) of this section.

11 (h) The superintendent of the district shall cause public
12 announcements to be made over the broadcast media and in the print media at
13 such times and in such a manner as to inform parents or guardians of students
14 in adjoining districts of the availability of the program, the application
15 deadline, and the requirements and procedure for nonresident students to
16 participate in the program.

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

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

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

30 (4) A copy of the report shall be provided to the Joint Interim
31 Oversight Committee on Educational Reform.

32 (j)(1) The department shall develop a proposed set of rules as it
33 determines is necessary or desirable to amend the provisions of this section.

34 (2) The department shall present the proposed rules in written
35 form to the House Interim Committee on Education and the Senate Interim
36 Committee on Education by October 1, 2006, for review and consideration by

1 the committees for possible amendments to this section and to the Arkansas
2 Public School Choice Program by the Eighty-sixth General Assembly.

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/s/ J. Johnson

APPROVED: 3/28/2007