

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

As Engrossed: S3/7/11 H3/30/11

# A Bill

SENATE BILL 788

5 By: Senator J. Key  
6 By: Representative Carnine  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
10 SCHOOL CHOICE ACT OF 2004; AND FOR OTHER PURPOSES.  
11

### Subtitle

14 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
15 SCHOOL CHOICE ACT OF 2004.  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 6-18-227(c)-(e), concerning the Arkansas  
21 Opportunity Public School Choice Act of 2004, are amended to read as 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 subdivisions (c)(1)(B) and (c)(2) of this section.

29 (B) A transferring district or charter school shall not be  
30 required to spend more than four hundred dollars (\$400) per student per  
31 school year for transportation required under subdivision (c)(1)(A) of this  
32 section.

33 (2) ~~However, upon~~ Upon the transferring district's receiving a  
34 category level 3 or higher for its annual performance, the transportation  
35 costs shall no longer be the responsibility of the ~~state~~ transferring  
36 district, and the student's transportation and the costs ~~thereof~~ of the



1 transportation shall be the responsibility of the parents.

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

4 (B) The opportunity public school choice option shall be  
5 offered in addition to other existing choice programs.

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

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

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

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

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

29 (e) *The provisions of this section and all student choice options*  
30 *created in this section are subject to the limitations of § 6-18-206(d)-(f)*  
31 *shall comply with § 6-18-206(d), (e), and (i) and shall not be subject to any*  
32 *other limitation or restriction provided by law.*

33  
34 /s/J. Key

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36 APPROVED: 04/04/2011