

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/13/13
A Bill

HOUSE BILL 1294

5 By: Representatives Hammer, Clemmer, Collins
6 By: Senators E. Cheatham, J. Hutchinson
7

8 **For An Act To Be Entitled**

9 AN ACT TO PRESERVE THE CONTINUITY OF EDUCATION FOR
10 STUDENTS WHO ATTEND NONRESIDENT SCHOOLS UNDER THE
11 ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; TO DECLARE
12 AN EMERGENCY; AND FOR OTHER PURPOSES.
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15 **Subtitle**

16 TO PRESERVE THE CONTINUITY OF EDUCATION
17 FOR STUDENTS WHO ATTEND NONRESIDENT
18 SCHOOLS UNDER THE ARKANSAS PUBLIC SCHOOL
19 CHOICE ACT OF 1989; AND TO DECLARE AN
20 EMERGENCY.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
26 to add an additional section to read as follows:

27 6-18-107. Continuity of education for public school choice students.

28 (a) As used in this section:

29 (1) "Nonresident district" means a school district other than a
30 student's resident district; and

31 (2) "Resident district" means the school district where the
32 student resides as determined under § 6-18-202.

33 (b) If a public school choice request is approved by a nonresident
34 district under a provision of law that is later declared unconstitutional by
35 a court or is repealed, the student may continue to attend school in the
36 nonresident district until the student completes his or her secondary



1 education.

2 (c) A present or future sibling of a student who continues enrollment
3 in the nonresident district under this section may enroll in or continue
4 enrollment in the nonresident district until the sibling completes his or her
5 secondary education, if the district has the capacity to accept the sibling
6 without adding teachers, staff, or classrooms, or exceed the regulations and
7 standards established in law.

8 (d) The enrollment of a student in a nonresident district under this
9 section is subject to:

10 (1) The nonresident district's written policies for renewal of
11 the transfer; and

12 (2) Other provisions of law concerning attendance and enrollment
13 in public schools.

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15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that the constitutionality of
17 certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-
18 206, has been called into question by a federal court but that the order is
19 stayed while the decision is being appealed; that thousands of public school
20 students currently are attending public schools in nonresident school
21 districts under that law; that there is now uncertainty among school
22 districts, public schools, parents, and students about the viability of those
23 transfers and transfers for the 2013-2014 school year; that the deadline for
24 requesting transfers under the law is July 1; and that this act is
25 immediately necessary to resolve that uncertainty before the 2013-2014 school
26 year and provide continuity of education for the transferred students.
27 Therefore, an emergency is declared to exist, and this act being immediately
28 necessary for the preservation of the public peace, health, and safety shall
29 become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,
32 the expiration of the period of time during which the Governor may veto the
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is
35 overridden, the date the last house overrides the veto.

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/s/Hammer

APPROVED: 04/18/2013