

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S2/8/21

# A Bill

SENATE BILL 147

5 By: Senator J. English  
6 By: Representative Lowery  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL  
11 CHOICE ACT; TO AMEND PROVISIONS OF THE ARKANSAS CODE  
12 CONCERNING THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND  
13 FOR OTHER PURPOSES.  
14  
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### Subtitle

16  
17 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
18 CONCERNING THE ARKANSAS OPPORTUNITY  
19 PUBLIC SCHOOL CHOICE ACT; AND TO AMEND  
20 PROVISIONS OF THE ARKANSAS CODE  
21 CONCERNING THE PUBLIC SCHOOL CHOICE ACT  
22 OF 2015.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 6-18-227(b)(1)(B)(i), concerning the  
28 Arkansas Opportunity Public School Choice Act, is amended to read as follows:

29 (B)(i) Except as provided in subdivision (b)(1)(B)(ii) of  
30 this section, the parent, guardian, or student, if the student is over  
31 eighteen (18) years of age, has notified ~~the Division of Elementary and~~  
32 ~~Secondary Education and~~ both the sending and receiving school districts of  
33 the request for a transfer no earlier than January 1 and no later than May 1  
34 of the ~~year before~~ school year before the school year in which the student  
35 intends to transfer.  
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1 SECTION 2. Arkansas Code § 6-18-227(b)(3)(A)(ii)(a), concerning the  
2 Arkansas Opportunity Public School Choice Act, is amended to read as follows:

3 (ii)(a) Offer the parent, guardian, or student, if  
4 the student is over eighteen (18) years of age, an opportunity to submit an  
5 application no earlier than January 1 and no later than May 1 to enroll the  
6 student in the upcoming school year in any public school district that is not  
7 classified by the state board as a public school district in need of Level 5  
8 – Intensive support under §§ 6-15-2913 and 6-15-2915 or a public school  
9 within the resident district that does not have a rating of “F” under § 6-15-  
10 2105 or § 6-15-2106 and state board rules.

11  
12 SECTION 3. Arkansas Code § 6-18-227(b)(3)(B)(i), concerning the  
13 Arkansas Opportunity Public School Choice Act, is amended to read as follows:

14 (B)(i) The parent or guardian of a student enrolled in or  
15 assigned to a public school district that is classified by the state board as  
16 a public school district in need of Level 5 – Intensive support under § 6-15-  
17 2913 or § 6-15-2915 or a public school that ~~does not have~~ has a rating of “F”  
18 under §§ 6-15-2105 and 6-15-2106 and state board rules may ~~choose as an~~  
19 ~~alternative to enroll the student in a legally allowable public school~~  
20 ~~district that is not classified as a public school district in need of Level~~  
21 ~~5 – Intensive support under § 6-15-2913 or § 6-15-2915 or a public school~~  
22 ~~that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state~~  
23 ~~board rules and that is nearest to the student’s legal residence.:~~

24 (a) Apply to enroll the student in a legally  
25 allowable public school district that is not classified as a public school  
26 district in need of Level 5 – Intensive Support under § 6-15-2913 or § 6-15-  
27 2915; or

28 (b)(1) Apply to enroll the student in a public  
29 school within the resident district that does not have a rating of "F" under  
30 §§ 6-15-2015 and 6-15-2106 and state board rules and that is nearest the  
31 legal residence of the student.

32 (2) If there is no public school within  
33 the resident district that does not have a rating of "F" under §§ 6-15-2105  
34 and 6-15-2106 and state board rules, the student may apply to enroll in a  
35 nonresident public school district and, if accepted, be placed in a public  
36 school that does not have a rating of "F" under §§ 6-15-2015 and 6-15-2106

1 and state board rules.

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3 SECTION 4. Arkansas Code § 6-18-227(d)(2), concerning the Arkansas  
4 Opportunity Public School Choice Act, is amended to add additional  
5 subdivisions to read as follows:

6 (C) Except as provided in subdivision (b)(1)(B)(ii) of  
7 this section, by July 1 of the school year in which the student seeks to  
8 enroll in a nonresident district, the nonresident district shall notify the  
9 parent or guardian of the student and the resident district in writing as to  
10 whether the student's application has been accepted or rejected.

11 (D) If the parent or guardian of the student has applied  
12 to attend a school within the student's resident district, the resident  
13 district shall notify the parent or guardian of the student in writing as to  
14 whether the student's application has been accepted or rejected by July 1.

15 (E) For each application received under subdivision  
16 (b)(1)(B)(ii) of this section, the nonresident district or resident district  
17 shall notify the parent or guardian of the student in writing as to whether  
18 the student's application has been accepted or rejected within fifteen (15)  
19 calendar days of the application being received.

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21 SECTION 5. Arkansas Code § 6-18-227(d)(3), concerning the Arkansas  
22 Opportunity Public School Choice Act, is amended to read as follows:

23 (3) A student or the student's parent or guardian may appeal a  
24 school district's decision to deny admission to a school in the student's  
25 school district of choice due to lack of capacity to the state board by  
26 postmarking or delivering the appeal within ten (10) days after the student  
27 or the student's parent or guardian receives a written notice from the school  
28 district of choice that admission has been denied.

29

30 SECTION 6. Arkansas Code § 6-18-1905(a), concerning applications for a  
31 transfer under the Public School Choice Act of 2015, is amended to read as  
32 follows:

33 (a)(1) A application under this section shall be accepted no earlier  
34 than January 1 and no later than May 1 each year.

35 (2)(A) Each school district shall have a policy stating the  
36 method by which a parent or guardian of a student may submit a school choice

1 application, including without limitation:

2 (i) Regular mail;

3 (ii) Email; and

4 (iii) Hand delivery.

5 (B) A public school district shall not require a parent or  
6 guardian of a student to file an application in person.

7 (3) If a student seeks to attend a school in a nonresident  
8 district, the student's parent or guardian shall submit an application:

9 ~~(1)(A)~~ To the nonresident district ~~with a copy~~ and to the  
10 student's resident district;

11 ~~(2)(A)(B)(i)~~ On a form approved by the Division of  
12 Elementary and Secondary Education.

13 ~~(B)(ii)~~ If a student has a parent or guardian who is  
14 an active-duty member of the military and who has been transferred to and  
15 resides on a military base, then the student's parent or guardian shall file  
16 an application for transfer under this section within fifteen (15) days of  
17 the parent's or guardian's arrival on the military base, which shall include  
18 without limitation the parent's or guardian's:

19 ~~(i)(a)~~ Military transfer orders; and

20 ~~(ii)(b)~~ Proof of residency on the  
21 military base; and

22 ~~(3)(A)(C)(i)~~ Postmarked or delivered no later than May 1 of the  
23 year in which the student seeks to begin the fall semester at the nonresident  
24 district.

25 ~~(B)(ii)~~ However, if a student has a parent or guardian who  
26 is an active-duty member of the military, then the student's application for  
27 a transfer under this section is not subject to the May 1 deadline under  
28 subdivision ~~(a)(3)(A)~~ (a)(3)(C)(i) of this section if the student's parent or  
29 legal guardian:

30 ~~(i)(a)~~ Has been transferred to and resides on a  
31 military base; and

32 ~~(ii)(b)~~ Provides military transfer orders that  
33 confirm the date of transfer to the military base.

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35 SECTION 7. Arkansas Code § 6-18-1907(b), concerning rules and appeals  
36 under the Public School Choice Act of 2015, is amended to add an additional

1 subdivision to read as follows:

2 (4) A student is not permitted to request a hearing before  
3 the state board if his or her application for a transfer is rejected due to  
4 the application not being timely received by both the resident district and  
5 nonresident district.

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*/s/J. English*

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