

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 930

"AN ACT TO AMEND THE ARKANSAS PUBLIC SCHOOL CHOICE LAW."

Amendment No. 1 to Senate Bill No. 930.

Amend Senate Bill No. 930 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-18-206 is amended to read as follows:
6-18-206. Public school choice.

(a)(1) This section may be referred to and cited as the "Arkansas Public School Choice Act of ~~1989~~ 2007".

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

(3)(A) The General Assembly further finds that there are compelling educational benefits associated with promoting diversity in Arkansas's public schools, including without limitation, racial and ethnic diversity in the student body and ensuring access to educational opportunities.

(B) Diversity and access can be promoted by a properly administered public school choice policy.

~~(3)~~(4) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

~~(4)~~(5) The General Assembly therefore finds that these related benefits of enhanced quality, diversity, access, and effectiveness in our public schools justify permitting a student to apply for admission request a transfer to a school in any district beyond the one in which the student resides, provided that the transfer ~~by this student would not adversely affect the desegregation of either district~~ is based on legitimate



educational justifications and not based on inappropriate stereotypes.

~~(5)~~(6) A public school choice program is hereby established to enable any student to attend a school in a district in which the student does not reside, subject to the restrictions contained in this section.

(b)(1)(A) Before a student may attend a school in a nonresident district, the student's parent or guardian must submit ~~an application~~ a transfer request on a form ~~approved~~ developed by the Department of Education to the nonresident district by submitting the ~~application~~ transfer request to the superintendent of the school district. This application must be postmarked not later than July 1 of the year in which the student would begin the fall semester at the nonresident district.

(B)(i) Within thirty (30) days of the receipt of ~~an application~~ a transfer request from a nonresident student seeking admission under the terms of this section, the superintendent of the nonresident district shall notify the parent or guardian and the resident district in writing as to whether the student's ~~application~~ transfer request has been ~~accepted~~ approved or ~~rejected~~ denied.

(ii) If the ~~application~~ transfer request is ~~rejected~~ denied, the superintendent of the nonresident district must state in the notification letter the reason for rejection.

(iii) If the ~~application~~ transfer request is ~~accepted~~ approved, the superintendent of the nonresident district shall state in the notification letter:

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

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

(2)(A)(i) The school board of directors of every public school district must adopt by resolution ~~specific standards~~ a policy for ~~acceptance~~ approval and ~~rejection~~ denial of applications based on standards and procedures established by the department. Standards may include the capacity of a program, class, grade level, or school building.

(ii) The standards and procedures shall be designed to ensure that any transfer request is based on sound educational justifications that are consistent with the findings under subsection (a) of this section and take into consideration a range of factors in the following areas:

(a) The capacity of the nonresident school, grade, or class;

(b) The relative strength of the nonresident school's educational program, including the nature of the program and the relative school improvement status; and

(c) The impact on the educational benefits of diversity and access to educational opportunity.

(B)(i) Nothing in this section shall permit the establishment of unlawful quotas.

(ii) Nothing in this section requires a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law.

(iii) Standards shall include a statement that priority will be given to applications from siblings or stepsiblings residing in the same residence or household of students already attending the district

by choice.

(iv) Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings except that an expulsion from another district may be included pursuant to § 6-18-510.

(C)(i) In evaluating a transfer request, the nonresident district shall conduct an individualized review of the applicant to determine whether the request is based on legitimate educational justification under subdivision (b)(2)(A) of this section.

(ii) School districts shall approve a transfer request if there is sufficient capacity and the transfer request is justified based on the relative strength of the education program or the impact on diversity and access to educational opportunity.

(iii) If capacity is not sufficient to honor all transfer requests, school districts shall approve transfers to applicants who demonstrate the greatest educational justification based on the relative strength of the education program and the impact on diversity and access to educational opportunity.

(D) A resident district that believes that a transfer request or group of transfer requests is not based on legitimate educational justification but on inappropriate stereotypes may deny the transfer request or transfer requests.

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

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

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

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

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

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

(e) For purposes of determining a school district's state ~~equalization~~ foundation funding aid under § 6-20-2305(a) and funding for additional education categories under § 6-20-2305(b), the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.

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

~~(1) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in~~

~~the student's resident district except in the circumstances set forth in subdivisions (2) and (3) of this subsection;~~

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

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

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

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

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

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

~~(5)(2) The department shall adopt appropriate rules and regulations to implement the provisions of this section; and.~~

~~(6)(3) The department shall monitor school districts for compliance with this section.~~

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

~~(h)(1) The superintendent of the each district shall cause public announcements to be made over the broadcast media and in the print media provide effective notice at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the public school choice program, the application deadline, and the requirements and procedure for nonresident students to participate in the program.~~

~~(2) The notice shall be provided consistent with standards established by the department that are designed to best promote the findings established under subsection (a) of this section.~~

~~(i)(1) All superintendents of school districts shall report to the Equity Assistance Center on an annual basis the race, gender, and other pertinent information needed to properly monitor compliance with the~~

provisions of this section.

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

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

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

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

~~(2) The department shall present the proposed rules in written form to the House Interim Committee on Education and the Senate Interim Committee on Education by October 1, 2006, for review and consideration by the committees for possible amendments to this section and to the Arkansas Public School Choice Program by the Eighty sixth General Assembly."~~

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Bryles

CLR/CLR - 03-16-2007 15:57

CLR351

Secretary