

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

# A Bill

SENATE BILL 65

5 By: Senators J. Key, Holland  
6 By: Representative Biviano  
7

## For An Act To Be Entitled

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

## Subtitle

14 TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF  
15 1989.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 6-18-206(b)(2)(B)(iv), concerning a student  
21 who accepts a school choice transfer, is amended to add a new subdivision to  
22 read as follows:

23 (c) A student shall only be allowed one (1)  
24 school choice transfer per school year.  
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26 SECTION 2. Arkansas Code § 6-18-206(f) – (j), concerning public school  
27 choice, are amended to read as follows:

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

30 ~~(1) No student may transfer to a nonresident district where the~~  
31 ~~percentage of enrollment for the student's race exceeds that percentage in~~  
32 ~~the student's resident district except in the circumstances set forth in~~  
33 ~~subdivisions (f)(2) and (3) of this section;~~

34 ~~(2)(A) A transfer to a district is exempt from the restriction~~  
35 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~  
36 ~~two (2) districts within a county and if the minority percentage in the~~



1 student's race and majority percentages of school enrollment in both the  
 2 resident and nonresident district remain within an acceptable range of the  
 3 county's overall minority percentage in the student's race and majority  
 4 percentages of school population as set forth by the department.

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

10 (ii)(a) In establishing the acceptable range of  
 11 variance, the department is directed to use the remedial guideline  
 12 established in Little Rock School District v. Pulaski County Special School  
 13 District of allowing an overrepresentation or underrepresentation of black or  
 14 white students of one-fourth ( $\frac{1}{4}$ ) or twenty-five percent (25%) of the county's  
 15 racial balance.

16 (b) In establishing the acceptable range of  
 17 variance for school choice, the department is directed to use the remedial  
 18 guideline of allowing an overrepresentation or underrepresentation of  
 19 minority or majority students of one-fourth ( $\frac{1}{4}$ ) or twenty-five percent (25%)  
 20 of the county's racial balance;

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

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

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

30 (6) The department shall monitor school districts for compliance  
 31 with this section.

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

34 (h)(g) The superintendent of the district shall cause public  
 35 announcements to be made over the broadcast media and in the print media at  
 36 such times and in such a manner as to inform parents or guardians of students

1 in adjoining districts of the availability of the program, the application  
2 deadline, and the requirements and procedure for nonresident students to  
3 participate in the program.

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

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

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

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

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

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

26 (h) If this section results in a conflict with an enforceable judicial  
27 decree or court order remedying the effects of past racial segregation, the  
28 enforceable judicial decree or court order shall govern.

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