

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 372

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE PUBLIC SCHOOL
9 CHOICE ACT OF 2015; TO DECLARE AN EMERGENCY; AND FOR
10 OTHER PURPOSES.
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Subtitle

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14 TO AMEND PROVISIONS OF THE PUBLIC SCHOOL
15 CHOICE ACT OF 2015; AND TO DECLARE AN
16 EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-18-1904(b)(2)(B), concerning when a
22 student's school choice transfer is voided, is amended to read as follows:

23 (B) If a transferred student returns to his or her
24 resident district or enrolls in a private or home school, the student's
25 transfer is voided, and the student shall reapply if the student seeks a
26 future school choice transfer.
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28 SECTION 2. Arkansas Code § 6-18-1904(d)(3), concerning transportation
29 disputes, is repealed.

30 ~~(3) The State Board of Education may resolve disputes concerning~~
31 ~~transportation arising under this subsection.~~
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33 SECTION 3. Arkansas Code § 6-18-1905(a)(1), concerning the
34 notification to a resident district regarding the filing of a school choice
35 application, is amended to read as follows:

36 (1) To the nonresident district, which shall notify the resident



1 district of the filing of the application within ten (10) calendar days of
2 receipt of the application;

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4 SECTION 4. Arkansas Code § 6-18-1906(a), concerning the limitations of
5 school choice, is amended to read as follows:

6 (a)(1) If the provisions of this subchapter conflict with a provision
7 of an enforceable desegregation court order or a district’s court-approved
8 desegregation plan ~~regarding the effects of past racial segregation in~~
9 ~~student assignment,~~ either of which explicitly limits the transfer of
10 students between school districts, the provisions of the order or plan shall
11 govern.

12 (2) ~~If~~ Annually by January 1, a school district that claims a
13 conflict under subdivision (a)(1) of this section, ~~the school district~~ shall
14 ~~immediately~~ submit proof from a federal court to the Department of Education
15 that the school district has a genuine conflict under an active desegregation
16 order or active court-approved desegregation plan ~~with the interdistrict~~
17 ~~school choice provisions of this subchapter~~ that explicitly limits the
18 transfer of students between school districts.

19 (3) Proof submitted under subdivision (a)(2) shall contain the
20 following:

21 (A) Documentation that the desegregation order or court-
22 approved desegregation plan is still active and enforceable; and

23 (B) Documentation showing the specific language the school
24 district believes limits its participation in the school choice provisions of
25 this subchapter.

26 (4)(A) Within thirty (30) calendar days of receipt of proof
27 under subdivision (a)(2), the department shall notify the school district
28 whether it is required to participate in the school choice provisions of this
29 subchapter.

30 (B) The department may reject incomplete submissions.

31 (C) If the department does not provide a written exemption
32 to the school district, then the school district shall be required to
33 participate in the school choice provisions of this subchapter.

34 (5) The department shall maintain on its website a list of
35 school districts that are not required to participate in the school choice
36 provisions of this subchapter.

1 (6) The State Board of Education may review a decision of the
2 department upon written petition of the affected school district and may
3 affirm or reverse the decision of the department under the rules promulgated
4 by the state board to implement this subsection.

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6 SECTION 5. Arkansas Code § 6-18-1907(c), concerning the two-year data
7 collection requirement, is repealed.

8 ~~(c)(1) The department shall collect data from school districts on the~~
9 ~~number of applications for student transfers under this section and study the~~
10 ~~effects of school choice transfers under this subchapter, including without~~
11 ~~limitation the net maximum number of transfers and exemptions, on both~~
12 ~~resident and nonresident districts for up to two (2) years to determine if a~~
13 ~~racially segregative impact has occurred to any school district.~~

14 ~~(2) Annually by October 1, the department shall report its~~
15 ~~findings from the study of the data under this subsection to the Senate~~
16 ~~Committee on Education and the House Committee on Education.~~

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18 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that public school choice is
20 effective in meeting the needs of students; that the current school choice
21 provisions pose risks of students' being denied school choice without
22 clarification of a school district's responsibility regarding its
23 desegregation obligations; and that this act is immediately necessary to
24 ensure that students have public school choice options for the 2017-2018
25 school year. Therefore, an emergency is declared to exist, and this act being
26 immediately necessary for the preservation of the public peace, health, and
27 safety shall become effective on:

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

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

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