

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE PUBLIC SCHOOL CHOICE ACT OF 2015
August 2015 _____**

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015.
- 1.02 The purpose of these rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2015.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Ark. Code Ann. § 6-18-1901 et seq., as amended by Act 560 of 2015, Act 1066 of 2017 and Act 9 of 2018, and Ark. Code Ann. §§ 6-1-106, 6-11-105 and 25-15-201 et seq.

3.00 DEFINITIONS

As used in these rules:

- 3.01 “Nonresident District” means a school district other than a student’s resident district;
- 3.02 “Parent” means a student’s parent, guardian, or other person having custody or care of the student;
- 3.03 “Resident district” means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202;
- 3.04 “Sibling” means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 3.05 “Transfer student” means a public school student in kindergarten through grade twelve (12) who transfers to a nonresident district through a public school choice option under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

4.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM

- 4.01 A public school choice program is established to enable a student in kindergarten through grade twelve (12) to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules.

- 4.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.
- 4.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 4.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 4.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
- 4.04.2 May include a claim of a lack of capacity by a school district only if the school district has reached at least ninety percent (90%) of the maximum authorized student population in a program, class, grade level, or school building under federal law, state law, the rules for standards of accreditation, or other applicable regulations;
- 4.04.3 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
- 4.04.3.1 Resides in the same household; and
- 4.04.3.2 Is already enrolled in the nonresident district by choice.
- 4.04.4 Shall not include an applicant's:
- 4.04.4.1 Academic achievement;
- 4.04.4.2 Athletic or other extracurricular ability;
- 4.04.4.3 English proficiency level; or
- 4.04.4.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 4.04.5 A school district receiving transfers under the Public School Choice Act of 2013 2015 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 4.05 A nonresident district shall:
- 4.05.1 Accept credits toward graduation that were awarded by another district; and

- 4.05.2 Award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.
- 4.06 The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the Internet to inform parents of students in adjoining districts of the:
- 4.06.1 Availability of the program;
- 4.06.2 Application deadline; and
- 4.06.3 Requirements and procedure for nonresident students to participate in the program.

5.00 GENERAL PROVISIONS

- 5.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]) or the Public School Choice Act of 2013, is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.
- 5.02 A student may accept only one (1) school choice transfer per school year.
- 5.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.
- 5.02.2 If a transferred student returns to his or her resident district or enrolls in a private or home school, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.
- 5.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.
- 5.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 5.03 of these rules and applies for a school choice transfer under Ark. Code Ann. § 6-18-1905 may enroll in the nonresident district if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms or exceeding the regulations and standards established by law.
- 5.03.2 A present or future sibling of a student who continues enrollment in the nonresident district and who enrolls in the nonresident district under

Section 5.03 of these rules may complete all remaining years at the nonresident district.

- 5.04 The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the nonresident district where the transfer student is enrolled.
- 5.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.
- ~~5.04.2 The State Board of Education may resolve disputes concerning transportation arising under Section 5.04 of these rules.~~
- 5.05 For purposes of determining a school district's state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

6.00 APPLICATION FOR TRANSFER

- 6.01 If a student seeks to attend a school in a nonresident district, the student's parent shall submit an application:
- 6.01.1 To the nonresident district which shall notify the resident district of the filing of the application within ten (10) calendar days of receipt of the application;
- 6.01.2 On the form that is attached to these rules as Attachment I; and
- 6.01.3 Postmarked no later than May 1 of the year in which the student seeks to begin the fall semester at the nonresident district.
- 6.02 A nonresident district that receives an application under Section 6.01 of these rules shall, upon receipt of the application, place a date and time stamp on the application that reflects the date and time the nonresident district received the application.
- 6.03 A nonresident district shall review and make a determination on each application in the order in which the application was received by the nonresident district.
- 6.04 Before accepting or rejecting an application, a nonresident district shall determine whether one of the limitations under Ark. Code Ann. § 6-18-1906 and Section 7.00 of these rules applies to the application.
- 6.05 By July 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules,

the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student's application has been accepted or rejected.

6.05.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

6.05.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter a reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null.

7.00 LIMITATIONS

7.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan ~~regarding the effects of past racial segregation in student assignment, either of which explicitly limits the transfer of students between school districts,~~ the provisions of the order or plan shall govern.

7.01.1 ~~If Annually by January 1,~~ a school district ~~that~~ claims a conflict under Section 7.01 of these rules, ~~the school district shall immediately submit proof from a federal court to the Department of Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan with the interdistrict school choice provisions of this subchapter that explicitly limits the transfer of students between school districts.~~

7.01.2 A school district shall provide the information required under Section 7.01.1 of these rules to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act
Four Capitol Mall
Little Rock, AR 72201

7.01.3 Proof submitted under Section 7.01.1 of these rules shall contain the following:

7.01.3.1 Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and

7.01.3.2 Documentation showing the specific language the school district believes limits its participation in the school choice provisions of this subchapter.

7.01.4 Within thirty (30) calendar days of receipt of proof submitted under Section 7.01.1, the department shall notify the school district whether it is required to participate in the school choice provisions of this subchapter.

7.01.4.1 The department may reject incomplete submissions.

7.01.4.2 If the department does not provide a written exemption to the school district, then the district shall be required to participate in the school choice provisions of this subchapter.

7.01.5 The department shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of this subchapter.

7.01.6 The State Board of Education may review a decision of the department upon written petition of the affected school district and may affirm or reverse the decision of the department.

7.02 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the enrollment that exists in the school district as of October 15 of the immediately preceding school year.

7.02.1 For the purpose of determining the percentage of school choice transfers under Section 7.02 of these rules, siblings who are counted in the numerator as transfer students shall count as one (1) student. If the application for a transfer that causes the school district to meet or exceed the three percent (3%) numerical net maximum limit under Section 7.02 is on behalf of a sibling group, then the school district shall allow all siblings in the sibling group to exercise school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.

7.02.2 A student eligible to transfer to a nonresident district under Ark. Code Ann. §§ 6-15-430(c)(1), 6-18-227, 6-18-233, or 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.

7.02.3 Annually by December 15, the Department of Education shall report to each school district the net maximum number of school choice transfers for the next school year.

7.02.4 If a student is unable to transfer due to the limits under Section 7.02 of these rules, the resident district shall give the student priority for a transfer in the first school year in which the district is no longer subject to Ark.

Code Ann. § 6-18-1906(b)(1) and Section 7.02 of these rules in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

8.00 ~~APPEAL, DATA COLLECTION AND REPORTING~~

8.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.

8.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student's parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 6.00 of these rules and shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student's parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

8.01.3 In its written appeal, the student or student's parent shall state his or her basis for appealing the decision of the nonresident district.

8.01.4 The student or student's parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

8.01.5 Upon receipt of the written appeal, the Department of Education shall notify the nonresident and resident districts of the appeal. Both districts may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student's application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the districts receive notice of the student or parent's appeal. Any response shall be mailed to:

Office of the Commissioner
ATTN: Arkansas Public School Choice Act Appeals
Four Capitol Mall
Little Rock, AR 72201

8.01.6 The Department of Education shall notify the student or student's parent, the nonresident district, and the resident district of the date, time, and location of the hearing before the State Board of Education.

8.01.57As part of the review process, the student or student's parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

~~8.01.6 The nonresident district may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student's application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent's appeal. The response of the nonresident district shall be mailed to:~~

~~Office of the Commissioner
 — ATTN: Arkansas Public School Choice Act Appeals
 — Four Capitol Mall
 — Little Rock, AR 72201~~

~~8.01.7 Contemporaneously with the filing of its response with the Office of the Commissioner, the nonresident district must also mail a copy of the response to the student or student's parent.~~

8.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education's decision.

~~8.02 The Department of Education shall collect data from school districts on the number of applications for student transfers under Section 8.00 of these rules and study the effects of school choice transfers under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, including without limitation the net maximum number of transfers and exemptions, on both resident and nonresident districts for up to two (2) years to determine if a racially segregative impact has occurred to any school district.~~

~~8.03 Annually by October 1, the Department of Education shall report its findings from the study of the data under Section 8.02 of these rules to the Senate Committee on Education and the House Committee on Education.~~

9.00 STATE BOARD HEARING PROCEDURES

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 8.00 of these rules:

- 9.01 A staff member of the Arkansas Department of Education shall introduce the agenda item.
- 9.02 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.
- 9.03 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. If the resident district chooses to participate in the hearing, they shall have like time to present an opening statement after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of ~~either the~~ party, allow ~~either party~~ additional time to present their opening statements.
- 9.04 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. If the resident district chooses to participate in the hearing, they shall have like time to present their case after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of ~~either the~~ party, allow ~~either party~~ additional time to present their cases.
- 9.05 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 9.06 Every witness may be subject to direct examination, cross examination and questioning by the State Board of Education.
- 9.07 For the purposes of the record, documents offered during the hearing by the nonresident district shall be clearly marked in sequential, alphanumeric order (N1,N2,N3).
- 9.08 For the purposes of the record, any documents offered during the hearing by the resident district shall be clearly marked in sequential, alphanumeric order (R1,R2,R3).
- 9.089 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C).
- 9.0910 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 9.101 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.

- 9.142 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. The State Board shall provide a written decision to the Department of Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

ATTACHMENT 1

**APPLICATION FOR TRANSFER TO A NONRESIDENT DISTRICT
 “ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2013 2015”
 (Must Be Submitted to Non-Resident and Resident Districts)**

APPLICANT INFORMATION

Student Name:

Student Date of Birth:

Gender MaleF ale

Grade:

Does the applicant require special needs or programs? es NoIs applicant currently under expulsion? es No**ETHNIC ORIGIN (CHECK ONE)**

(For data reporting purposes only)

2 or More Races Asian African-American Hispanic Native American/
Native Alaskan Native Hawaiian/
Pacific Islander White **RESIDENT SCHOOL DISTRICT OF APPLICANT**

District Name:

County Name:

Address:

Phone:

NONRESIDENT SCHOOL DISTRICT APPLICANT WISHES TO ATTEND

District Name:

County Name:

Address:

Phone:

Does the applicant already have a sibling or step-sibling in attendance in this district pursuant to the Public School Choice Act of 2013 or the Public School Choice Act of 2015? If so, please list:

PARENT OR GUARDIAN INFORMATION		
Name:	Home Phone:	
Address:	Work Phone:	
Parent/Guardian Signature	Date:	
<p>Pursuant to standards adopted by a nonresident school board a nonresident district may reserve the right to accept and reject applicants based on capacity of programs, class, grade level, or school building. Likewise, a nonresident district's standards may provide for the rejection of an applicant based upon the submission of false or misleading information to the above listed request for information when that information directly impacts the legal qualifications of an applicant to transfer pursuant to the School Choice Act. However, a nonresident district's standards shall 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 Ark. Code Ann. § 6-18-510. Priority will be given to applicants with siblings or step-siblings attending the district. The nonresident district shall accept credits toward graduation that were awarded by another district and award a diploma to a nonresident applicant if the applicant meets the nonresident district's graduation requirements. This application must be filed in the nonresident district or postmarked no later than May 1 of the year in which the applicant would begin the fall semester at the nonresident district. A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer by filing such a request in writing with the Commissioner of Education no later than ten (10) days after the student or student's parent receives a notice of rejection. (Consult Ark. Code Ann. § 6-18-19057 and the Arkansas Department of Education Rules Governing the Public School Choice Act of 2015 for specific procedures on how to file such an appeal).</p>		
DISTRICT USE ONLY		
Date and Time Received by Resident District:	Date and Time Received by Nonresident District:	
Resident District LEA #:	Nonresident District LEA#:	
Student's State Identification #:		
Application	Accepted	Rejected
Reason for Rejection (If Applicable):		
Date Notification Sent to Parent/Guardian of Applicant:		
Date Notification Sent to Resident District :		

1 State of Arkansas *As Engrossed: H3/9/17 S3/30/17*
2 91st General Assembly **A Bill**
3 Regular Session, 2017

HOUSE BILL 1855

4
5 By: Representative Davis
6

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
9 CONCERNING SCHOOL CHOICE FOR FOSTER CHILDREN; AND FOR
10 OTHER PURPOSES.

11
12
13 **Subtitle**

14 TO AMEND PROVISIONS OF THE ARKANSAS CODE
15 CONCERNING SCHOOL CHOICE FOR FOSTER
16 CHILDREN.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended*
22 *to add an additional section to read as follows:*

23 *6-18-232. School choice for children in foster care.*

24 *(a) As used in this section, "foster parent" means the person or*
25 *entity having custody or charge of a foster child.*

26 *(b)(1)(A) A foster parent or the foster child, if the foster child is*
27 *over eighteen (18) years of age, may request the Department of Human Services*
28 *to approve the transfer of the foster child to another public school or*
29 *public school district.*

30 *(B) Before making the request under subdivision (b)(1)(A)*
31 *of this section, the foster parent shall comply with the requirements*
32 *concerning school of origin under 42 U.S.C. §§ 671 and 675, as they existed*
33 *on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301 et seq.,*
34 *as it existed on January 1, 2017, and § 9-28-113.*

35 *(2)(A) The Department of Human Services shall approve the*
36 *transfer request under subdivision (b)(1) of this section if the Department*



1 of Human Services determines that the transfer is in the best interest of the
2 foster child.

3 (B) In determining whether the transfer is in the best
4 interest of the foster child, the Department of Human Services shall consider
5 whether other children who reside in the foster home attend the public school
6 or public school district to which the foster parent or the foster child, if
7 the foster child is over eighteen (18) years of age, is requesting the foster
8 child to transfer.

9 (c) If the Department of Human Services approves a request to transfer
10 under subdivision (b)(2) of this section as being in the best interest of the
11 foster child, a public school or public school district, upon request of a
12 foster parent or the foster child, if the foster child is over eighteen (18)
13 years of age, shall allow a foster child to transfer to the public school or
14 public school district unless the public school or public school district
15 demonstrates that:

16 (1) The public school or public school district has reached the
17 maximum student-to-teacher ratio allowed under federal law, state law, rules
18 for standards of accreditation, or other applicable rule or regulation; or

19 (2)(A) Approving the transfer would conflict with a provision of
20 an enforceable desegregation court order or a public school district's court-
21 approved desegregation plan regarding the effects of past racial segregation
22 in student assignment.

23 (B) If a public school district claims a conflict under
24 subdivision (c)(2)(A) of this section, the public school district shall
25 immediately submit proof from a federal court to the Department of Education
26 that the public school district has a genuine conflict under an active
27 desegregation order or active court-approved desegregation plan with the
28 provisions of this section.

29 (d)(1) A request to transfer under subsection (c) of this section
30 shall be:

31 (A) Made on a form approved by the Department of
32 Education; and

33 (B) Postmarked no later than May 1 of the year in which
34 the student seeks to begin the fall semester at the public school district.

35 (2)(A) By July 1 of the school year in which the student seeks
36 to transfer under this section, the superintendent of the public district

1 shall notify the foster parent or the foster child, if the foster child is
2 over eighteen (18) years of age, in writing as to whether the foster child's
3 application has been accepted or rejected.

4 (B)(i) If the application is rejected, the superintendent
5 of the public school district shall state in the notification letter the
6 reason for rejection.

7 (ii) If the application is accepted, the
8 superintendent of the public school district shall state in the notification
9 letter a reasonable deadline by which the foster child shall enroll in the
10 public school district and after which the acceptance notification is null.

11 (e)(1) A foster child whose transfer is rejected by the public school
12 district may request a hearing before the State Board of Education to
13 reconsider the transfer.

14 (2) A request for a hearing before the state board shall be in
15 writing and shall be postmarked no later than ten (10) days after the foster
16 parent or the foster child, if the foster child is over eighteen (18) years
17 of age, receives a notice of rejection of the transfer.

18 (3) If the state board overturns the rejection of the transfer
19 on appeal, the state board shall notify the foster parent or the foster
20 child, if the foster child is over eighteen (18) years of age, and public
21 school district of the basis for the state board's decision.

22 (f) A transfer approved under this section shall remain in effect
23 until the foster child:

24 (1) Graduates from high school; or

25 (2) Is approved for another transfer under this section, the
26 Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, the Public
27 School Choice Act of 2015, § 6-18-1901 et seq., or any other law that allows
28 a transfer.

29 (g) A public school district to which a foster child transfers under
30 this section shall accept credits toward graduation that were awarded by
31 another public school district.

32 (h)(1) Except as provided in subdivision (h)(3) of this section, the
33 foster child or the foster parent is responsible for the transportation of
34 the foster child to and from the public school to which the foster child
35 transferred under this section.

36 (2) The public school district may enter into a written

1 agreement with the foster parent or the foster child, if the foster child is
2 over eighteen (18) years of age, to provide the transportation.

3 (3) Nothing in this subsection affects the the obligation of a
4 public school district or child welfare agency to provide a foster child
5 transportation to his or her school of origin under the Every Student
6 Succeeds Act, 20 U.S.C. § 6301 et seq., § 9-28-113, or other law.

7 (i) For purposes of determining a public school district's state aid,
8 a foster child who transfers under this section shall be counted as a part of
9 the average daily membership of the public school district where the foster
10 child is enrolled.

11 (j) This section does not affect the right of a foster child to remain
12 in his or her school of origin under 42 U.S.C. §§ 671 and 675, as they
13 existed on January 1, 2017, the Every Student Succeeds Act, 20 U.S.C. § 6301
14 et seq., as it existed on January 1, 2017, § 6-18-202, § 6-20-504, § 9-28-
15 113, or other law.

16 (k) The Department of Education shall promulgate rules to implement
17 this section.

18
19 SECTION 2. Arkansas Code § 6-18-1906(b)(1)(C), concerning the
20 numerical net maximum limit on school choice transfers under the Public
21 School Choice Act of 2015, is amended to read as follows:

22 (C) A student eligible to transfer to a nonresident
23 district under § 6-15-430(c)(1), the Arkansas Opportunity Public
24 School Choice Act of 2004, § 6-18-227, 6-18-232, or § 6-21-812 shall
25 not count against the cap of three percent (3%) of the resident or
26 nonresident district.

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28 /s/Davis

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31 APPROVED: 04/06/2017
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1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017

A Bill

SENATE BILL 372

4
5 By: Senator A. Clark

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.

11

12

Subtitle

13

14

TO AMEND PROVISIONS OF THE PUBLIC SCHOOL
15 CHOICE ACT OF 2015; AND TO DECLARE AN
16 EMERGENCY.

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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:

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(B) If a transferred student returns to his or her
25 resident district or enrolls in a private or home school, the student's
26 transfer is voided, and the student shall reapply if the student seeks a
future school choice transfer.

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SECTION 2. Arkansas Code § 6-18-1904(d)(3), concerning transportation
29 disputes, is repealed.

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~~(3) The State Board of Education may resolve disputes concerning
transportation arising under this subsection.~~

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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;

3

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.

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

8 ~~(e)(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.~~

17
 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.

34
 35 **APPROVED: 04/06/2017**

1 State of Arkansas
2 91st General Assembly
3 Second Extraordinary Session, 2018
4

A Bill

Call Item 10

HOUSE BILL 1009

5 By: Representatives Lowery, Cozart, Warren, Gates
6 By: Senator A. Clark
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE LIMIT ON
10 SCHOOL CHOICE TRANSFERS UNDER THE PUBLIC SCHOOL
11 CHOICE ACT OF 2015; AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND ARKANSAS LAW CONCERNING THE
16 LIMIT ON SCHOOL CHOICE TRANSFERS UNDER
17 THE PUBLIC SCHOOL CHOICE ACT OF 2015.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-18-1906(b)(1)(B), concerning the manner
23 in which siblings are counted as transfer students in the Public School
24 Choice Act of 2015, is amended to read as follows:

25 (B) ~~For the purpose of determining the percentage of~~
26 ~~school choice transfers under this subsection, siblings who are counted in~~
27 ~~the numerator as transfer students shall count as one (1) student~~ If the
28 application for a transfer that causes the school district to meet or exceed
29 the three percent (3%) numerical net maximum limit under subdivision
30 (b)(1)(A) of this section is on behalf of a sibling group, then the school
31 district shall allow all siblings in the sibling group to exercise school
32 choice under this subchapter.
33
34

35 APPROVED: 3/19/18
36

