

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S4/3/23

# A Bill

HOUSE BILL 1604

5 By: Representative Barker  
6 By: Senators J. Bryant, A. Clark  
7

## For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT A PETITION OF A STUDENT TO  
10 TRANSFER FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL  
11 DISTRICT BE PLACED ON THE AGENDA OF A SCHOOL DISTRICT  
12 BOARD OF DIRECTORS FOR REVIEW AND APPROVAL; TO CREATE  
13 A PROCESS WHEREBY A DENIAL OF A TRANSFER PETITION MAY  
14 BE APPEALED; AND FOR OTHER PURPOSES.  
15

## Subtitle

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17  
18 TO REQUIRE THAT A PETITION OF A STUDENT  
19 TO TRANSFER FROM ONE SCHOOL DISTRICT TO  
20 ANOTHER SCHOOL DISTRICT BE PLACED ON THE  
21 AGENDA OF A SCHOOL DISTRICT BOARD OF  
22 DIRECTORS FOR REVIEW AND APPROVAL.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 6-18-316 is amended to read as follows:  
28 6-18-316. Transfer on petition of student.

29 (a) Upon the petition of a student residing in one (1) school  
30 district, the resident district, to transfer to another school district, the  
31 receiving district, the board of directors of the resident district may enter  
32 into an agreement with the board of directors of the receiving school  
33 district transferring the student to the receiving district for purposes of  
34 education.

35 (b) Forms for use in transferring ~~children~~ a student from one (1)  
36 school district to another shall be provided by the Division of Elementary



1 and Secondary Education.

2 (c)(1) A transfer petition received by a school district under this  
3 section shall be placed on the agenda of the next regular monthly meeting of  
4 the school district board of directors or a specially called meeting of the  
5 school district board of directors, whichever occurs first, unless otherwise  
6 provided by this section.

7 (2) At least five (5) days before a regular monthly meeting of a  
8 school district board of directors or a specially called meeting of a school  
9 district board of directors, whichever occurs first, the superintendent of  
10 the school district shall notify the school district board of directors  
11 regarding:

12 (A) All transfer petitions received under this section;  
13 and

14 (B)(i) The superintendent's recommendation concerning each  
15 transfer petition received under this section.

16 (ii) If a student's transfer petition is recommended  
17 by a school district superintendent for denial, the school district  
18 superintendent shall provide a written explanation of the reasons for the  
19 recommendation to the:

20 (a) School district board of directors; and

21 (b) Parent, legal guardian, or person standing  
22 in loco parentis to the student.

23 (3) Each transfer petition received by a school district under  
24 this section and placed on the agenda of a school district board of directors  
25 as required under subdivision (c)(1) of this section shall:

26 (A) Be considered individually; and

27 (B) Receive a separate vote by the school district board  
28 of directors.

29 (4) A parent, legal guardian, or person standing in loco  
30 parentis to a student who submits a petition for a transfer under this  
31 section shall be given at least five (5) minutes to present the student's  
32 case for a transfer to a school district board of directors.

33 (5)(A) A school district board of directors may adopt a  
34 resolution that delegates its authority to approve a petition for a transfer  
35 received under this section to:

36 (i) The school district superintendent; or

1 (ii) An individual member of the school district  
2 board of directors.

3 (B)(i) However, a school district board of directors shall  
4 not delegate its authority to deny a petition for a transfer received under  
5 this section.

6 (ii) If a petition for a transfer received under  
7 this section is denied, the parent, legal guardian, or person standing in  
8 loco parentis to the student who submitted a petition for a transfer may  
9 appeal the decision of the school district board of directors to the State  
10 Board of Education.

11 ~~(e)(d)~~ After ~~the~~ a petition for a transfer has been approved by ~~the~~ a  
12 school district board of directors of the resident district and ~~the~~ a school  
13 district board of directors of the receiving district, copies of approved  
14 transfers shall be filed by the receiving district with the ~~office:~~

15 (1) Office of the county clerk, ~~with the administrative;~~

16 (2) Administrative offices of the respective school districts, ~~;~~  
17 and ~~with the division~~

18 (3) Division.

19 ~~(d)(e)~~ ~~This legal~~ The transfer of a student from one (1) school  
20 district to another places:

21 (1) Places the responsibility for the education of the student  
22 on the receiving district; and ~~permits~~

23 (2) Permits the receiving district to count ~~these children in a~~  
24 student who transfers under this section for purposes of average daily  
25 membership for state aid purposes.

26 ~~(e)(f)~~ This section does not transfer the local tax money from ~~the~~ a  
27 resident district.

28 ~~(f)(1)(g)(1)~~ Upon approval of ~~the~~ a petition to transfer by ~~the~~ a  
29 resident district, the receiving district may also enter into a tuition  
30 agreement with either the resident district or the ~~parents of the child or~~  
31 ~~children~~ parent, legal guardian, or person standing in loco parentis to the  
32 transferring student involved whereby the resident district or the ~~parents~~  
33 parent, legal guardian, or person standing in loco parentis to the  
34 transferring student will make tuition payments to the receiving district to  
35 compensate the receiving district for local taxes not received on behalf of  
36 the ~~child or children involved~~ transferring student.

