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Proposed Rulemaking

Title

Promulgated by:
Division of Elementary and Secondary Education

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter B. Student Enrollment and Choice

Part 30. Rules Governing Public School Choice

Subpart 1. Purpose and Definitions

6 CAR § 30-101. Purpose.

The purpose of this part is to set forth the process and procedures necessary to administer the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq., and the Arkansas Opportunity Public School Choice Act, Arkansas Code § 6-18-227.

6 CAR § 30-102. Definitions.

As used in this part:

(1) "Division" means the Division of Elementary and Secondary Education;

(2) "Lack of capacity" means, as of the date the application is filed, a receiving school ~~district~~ has;

(A) Reached the maximum student-to-teacher ratio allowed under federal law, state law, the ~~rules for the standards for accreditation~~ Rules Governing the Standards for Accreditation for Arkansas Public Schools and School Districts, state rules, or other applicable federal regulations; or

(B) Filled ninety-five percent (95%) or more of the seats at the grade level in which the student would be assigned.

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(3) "Nonresident district" means a school district other than a student's resident district to which a student transfers or seeks to transfer;

(4)(A) "Nonresident or receiving school" means the public school to which a student transfers or seeks to transfer under ~~the provisions of Arkansas Code § 6-18-227~~ [this part](#).

(B) A nonresident or receiving school may be a public school within the resident district or a public school within a nonresident district;

(5) "Parent or guardian" means a student's:

(A) Parent;

(B) Legal guardian;

(C) Person having lawful control of the student; or

(D) Person standing in loco parentis;

(6) "Resident district" means the school district:

(A) In which the student resides as determined under Arkansas Code § 6-18-202; and

(B) From which the student seeks to transfer;

(7) "Resident or transferring school" means the public school:

(A) In which the student is enrolled at the time of application; and

(B) From which the student seeks to transfer under ~~the provisions of Arkansas Code § 6-18-227~~ [this part](#);

(8) "Sibling" means each of two (2) or more children having a parent in common by:

(A) Blood;

(B) Adoption;

(C) Marriage; or

(D) Foster care;

(9) "Transfer student" means a public school student in kindergarten through grade twelve (K-12) who transfers to a nonresident district through a public school choice option;

(10) "Uniformed service member" means an active or reserve component member of the:

- (A) United States Army;
- (B) United States Navy;
- (C) United States Air Force;
- (D) United States Marine Corps;
- (E) United States Space Force;
- (F) United States Coast Guard;
- (G) National Oceanic and Atmospheric Administration Commissioned

Officer Corps; or

- (H) United States Commissioned Corps of the Public Health Service; and

(11) "Uniformed service veteran" means a former uniformed service member who has been discharged under conditions other than dishonorable.

Subpart 2. The Arkansas Public School Choice Act of 2015

6 CAR § 30-201. Establishment of public school choice program.

(a) A public school choice program is established to enable a student in kindergarten through grade twelve (K-12) to attend a school in a nonresident district or another public school within the student's resident district, subject to the limitations under Arkansas Code § 6-18-1906 and 6 CAR § 30-204.

(b)(1) Each school district shall participate in a public school choice program that allows students to attend any nonresident school or nonresident district, consistent with the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq. and this part.

(2) Each school district shall:

(A) Establish a policy that allows an enrolled student to transfer to another public school within a student's resident or nonresident district; and

(B) Publicly post the policies and procedures for a student to apply for a transfer as permitted under this subpart.

(c)(1) A school district shall not deny a student the ability to attend a school in the student's school district of choice unless there is a lack of capacity at the school in the student's school district of choice.

(2) A lack of capacity may be claimed by a school district only if

(A) the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts, 6 CAR pt. 61, or other applicable federal regulations.

(B)(i) For the purposes of this part, a school district may claim a lack of capacity if, as of the date the application for public school choice is made, ninety-five percent (95%) or more of the seats at the grade level **in which the student would be assigned** at the nonresident school are filled; and

(ii) The claim is consistent with state and federal law.

(d)(1) The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq. and this part.

(2) The standards:

(A) Shall comply with the requirements of this subpart; ~~May include without limitation the capacity of a:~~

- ~~_____ (i) Program;~~
- ~~_____ (ii) Class;~~
- ~~_____ (iii) Grade level; or~~
- ~~_____ (iv) School building;~~

~~(B)(i) May include a claim of a lack of capacity by a school district only if the school district has reached the maximum student to teacher ratio allowed under:~~

- ~~_____ (a) Federal law;~~
- ~~_____ (b) State law;~~
- ~~_____ (c) The rules for standards of accreditation; or~~
- ~~_____ (d) Other applicable rules or regulations.~~

~~(ii) A lack of capacity claim must be consistent with state and federal law.~~

(B) Shall include a provision regarding the denial of an application due to lack of capacity consistent with subsection (c) of this rule;

(C) Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:

- (i) Resides in the same household; and
- (ii) Is already enrolled in the nonresident ~~district school~~ by choice;

(D) Shall not include an applicant's:

- (i) Academic achievement;
- (ii) Athletic or other extracurricular ability;
- (iii) English proficiency level; or
- (iv) Previous disciplinary proceedings, except that an expulsion from another district may be included under Arkansas Code § 6-18-510; and

(E) A school district or school -receiving transfers under the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq., and this part shall not discriminate on the basis of:

- (i) Gender;
- (ii) National origin;
- (iii) Race;
- (iv) Ethnicity;
- (v) Religion; ~~or~~
- (vi) Disability; or
- (vii) Residential address.

(e) Each school district shall have a policy stating the method by which a parent or guardian of a student may submit a school choice application, including without limitation:

- (1) Regular mail;
- (2) Email; and
- (3) Hand delivery.

(f) A public school district shall not require an in-person filing of an application.

(g) A nonresident district [and nonresident school](#) shall:

(1) Accept credits toward graduation that were awarded by another district;

and

(2) Award a diploma to a ~~nonresident~~ student [who transfers to the nonresident district or nonresident school](#) if the student meets the nonresident district's [or nonresident school's](#) graduation requirements.

(h) 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 [within the school district and](#) in adjoining districts of the:

(1) Availability of the program;

(2) Application deadline;

(3) Requirements and procedure for nonresident students to participate in the program; and

(4) The primary point of contact at the district for school choice questions.

6 CAR § 30-202. General provisions.

(a)(1) The transfer of a student under ~~the Arkansas Public School Choice Act of 1989, Arkansas Code § 6-18-206 [repealed], or the Public School Choice Act of 2013 2015, 6-18-1901 et seq. [repealed],~~ is not voided by ~~the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq., and~~ this part and shall be treated as a transfer under the Public School Choice Act of 2015 and this part.

(2) Districts that are subject to a federal court order requiring the districts to abide by the provisions of the Arkansas Public School Choice Act of 1989 [repealed] and the corresponding rules are not subject to the requirements of the Public School Choice Act of 2015 or this part.

(b)(1) A student may accept only one (1) school choice transfer per school year.

(2) A student who accepts a public school choice transfer may return to his or her resident district [or the public school within his or her resident district from which he or she transferred](#) during the school year.

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(3) If a transferred student returns to his or her resident district, [resident school](#), -or enrolls in a private or home school:

(A) The student's transfer is voided; and

(B) The student shall reapply if the student seeks a future school choice transfer.

(c)(1) A transfer student attending a nonresident school under the Public School Choice Act of 2015 and this part may complete all remaining school years at the [nonresident school or](#) nonresident district.

(2) A present or future sibling of a student who continues enrollment in the nonresident district [or nonresident school](#) under subdivision (c)(1) of this section and applies for a school choice transfer under Arkansas Code § 6-18-1905 may enroll in the nonresident district [or nonresident school](#) -if the district [or school](#) has the capacity to accept the sibling without:

(A) Adding teachers, staff, or classrooms; or

(B) Exceeding the rules and standards established by law.

(3) A present or future sibling of a student who continues enrollment in the nonresident district [or nonresident school](#) and who enrolls in the nonresident district [or nonresident school](#) under subdivision (c)(1) of this section may complete all remaining years at the nonresident district [or nonresident school](#).

(d)(1) 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.

(2) ~~The~~ [If a student transfers to a nonresident district under this subchapter,](#) ~~the~~ nonresident district may enter into a written agreement with the student, the student's parent, or the [transfer student's](#) resident district to provide the transportation.

(e) 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 [if the student transfers to a nonresident district under this subchapter](#).

(f) A student who transfers to a nonresident school ~~or district district~~ under this subpart shall not be:

(1) Denied participation in an extracurricular activity at the nonresident school ~~or district district~~ to which he or she transfers based exclusively on his or her decision to transfer to the nonresident school ~~or district district~~; or

(2) Disciplined in any manner based exclusively on the exercise of his or her right to transfer to another nonresident school ~~or district district~~ under this part.

(g) A student who transfers to a nonresident school ~~or district district~~ under this section shall complete a Changing Schools/Athletic Participation form pursuant to the requirements of Arkansas Code § 6-18-1904(f)(2), ~~if applicable~~.

6 CAR § 30-203. Application for transfer.

(a) If a student seeks to attend a ~~nonresident school in his or her resident district or a~~ school in a nonresident district, the student's parent or guardian, or student ~~over the age of~~ eighteen (18) ~~years of older~~, shall submit an application:

(1) To the nonresident district, ~~if applying to attend another district~~, and to the student's resident district;

(2) On the form approved by the Division of Elementary and Secondary Education; and

(3) Postmarked or delivered no earlier than January 1 and no later than ~~June 1~~ ~~May 1~~ of the year in which the student seeks to begin the fall semester at the nonresident ~~district school or district~~, except as otherwise provided for dependents of uniformed service members and uniformed service veterans in Subpart 4 of this part.

(b) Both the resident district and the nonresident district ~~shall~~, ~~or only the resident district if a student applies to transfer to a nonresident school shall~~, upon receipt of the application, place a date and time stamp on the application that reflects the date and time ~~each district received~~ the application ~~is received~~.

(c)(1) Before accepting or rejecting an application, a ~~nonresident~~ district ~~in which the nonresident school is located~~ shall determine whether the limitations of 6 CAR § 30-204 apply to the application.

(2) Nothing in this part shall be construed to require a student transfer before the end of the school year.

(d)(1) Except as provided in Subpart 4, for each application received under this part, the ~~nonresident~~ district in which the nonresident school is located shall notify the applicant in writing as to whether the student's application has been accepted or rejected within fifteen (15) calendar days of the ~~nonresident~~ district's receipt of the application.

(2) If the application is rejected, the superintendent of the ~~nonresident~~ district in which the nonresident school is located shall state in the notification letter the reason for the rejection.

(3) A transfer under this subpart is effective at the time the:

(A) Nonresident district or nonresident school provides notice that the application is accepted; or

(B) Application on appeal is approved by the State Board of Education.

(4) A student who has an effective transfer under this chapter may:

(A) Immediately transfer to the nonresident district or nonresident school ~~new district~~; or

(B)(i) Transfer to the nonresident district or nonresident school ~~new district~~ at the beginning of the following school year.

(ii) If the student elects to remain at the ~~district the student attended at the time the application was filed~~ resident school for the remainder of the school year, the:

(a) ~~District-Resident school~~ shall continue to provide all educational services for that student for the remainder of the school year; and

(b) Student shall continue to be counted towards the ~~district's~~ resident school's average daily ~~attendance-membership~~ for the remainder of that school year.

6 CAR § 30-204. Limitations.

(a)(1) If the provisions of the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq. ~~and this part or these rules~~ conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan, either of which explicitly limits the transfer of students between schools or school districts, the provisions of the order or plan shall govern.

(2) Annually by January 1, a school district that claims a conflict under subdivision (a)(1) of this section shall submit proof from a federal court to the Division of Elementary and Secondary Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan that explicitly limits the transfer of students between school districts.

(3) A school district shall provide the information required under subdivision (a)(2) of this section to:

Division of Elementary and Secondary Education
Attn: Legal Services Unit
Four Capitol Mall
Little Rock, AR 72201

(4) Proof submitted under subdivision (a)(2) of this section shall contain the following:

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

(B) Documentation showing the specific language the school district believes limits its participation in the school choice provisions of the Public School Choice Act of 2015.

(5)(A) Within thirty (30) calendar days of receipt of proof submitted under subdivision (a)(2) of this section, the division shall notify the school district whether it is required to participate in the school choice provisions of the Public School Choice Act of 2015.

(B) The division may reject incomplete submissions.

(C) If the division does not provide a written exemption to the school district, then the district shall be required to participate in the school choice provisions of the Public School Choice Act of 2015.

(6) The division shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of the Public School Choice Act of 2015.

(7) The State Board of Education may:

(A) Review a decision of the division upon written petition of the affected school district; and

(B) Affirm or reverse the decision of the division.

6 CAR § 30-205. Appeal and reporting.

(a)(1) A parent or guardian, or student if the student is ~~over~~eighteen (18) years of age or older, whose application for a transfer under Arkansas Code § 6-18-1905 and 6 CAR § 30-203 is rejected may request a hearing before the State Board of Education to reconsider the application for transfer.

(2) A request for a hearing before the state board 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 or guardian, hereafter "appealing party", receives a notice of rejection of the application under Arkansas Code § 6-18-1905 and 6 CAR § 30-203 and shall be mailed to:

Division of Elementary and Secondary Education
Attn: Legal Services Unit
Four Capitol Mall
Little Rock, AR 72201

(3) Contemporaneously with the filing of the written appeal with the Division of Elementary and Secondary Education's Legal Services Unit, the appealing party must

also mail a copy of the written appeal to the superintendent of the nonresident school district.

(4) In its written appeal, the appealing party shall state its basis for appealing the decision of the ~~nonresident~~ district [in which the nonresident school is located](#).

(5) The appealing party shall submit, along with its written appeal, a copy of the notice of rejection from the ~~nonresident school~~ district [in which the nonresident school is located](#).

(6)(A) Upon receipt of the written appeal, the Division of Elementary and Secondary Education shall notify the nonresident, [if applicable](#), and resident districts of the appeal.

(B) 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.

(C)(i) Such response shall be postmarked no later than ten (10) days after the districts receive notice of the student's or parent's appeal.

(ii) Any response shall be mailed to:

Division of Elementary and Secondary Education
Attn: Legal Services Unit
Four Capitol Mall
Little Rock, AR 72201

(7) The division shall notify the appealing party, the nonresident district, [if applicable](#), and the resident district of the date, time, and location of the hearing before the state board.

(8) As part of the review process, the appealing party may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

(9) If the state board overturns the determination of the nonresident district on appeal, the state board shall notify the appealing party, the nonresident district [if applicable](#), and the resident district of the basis for the state board's decision.

(b) An applicant is not permitted to request a hearing before the state board if his or her application for a transfer is rejected due to the application not being timely received by both the:

- (1) Resident district; and
- (2) Nonresident district, [if applicable](#).

(c) The deadlines under this section may be waived by the state board upon a finding that there was good cause for the failure to meet the deadline.

6 CAR § 30-206. State Board of Education hearing procedures.

The following procedures shall apply to hearings conducted by the State Board of Education:

(1) All persons wishing to testify before the state board shall first be placed under oath by the Chair of the State Board of Education;

(2)(A) Each party that wishes to participate in the hearing may take up to fifteen (15) minutes to present its case, beginning with the nonresident school district, [if applicable](#), followed by the resident school district, and then the appealing party.

(B) The chair may, for good cause shown and upon request of the party, allow additional time to present its case;

(3)(A) The state board, 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.

(B) The state board may accept testimony by:

- (i) Affidavit;
- (ii) Declaration; or
- (iii) Deposition;

(4) The state board will grant or deny the appeal based upon the totality of evidence presented;

(5)(A) The state board may:

(i) Announce its decision immediately after hearing all arguments and evidence; or

(ii) Take the matter under advisement.

(B) All discussion shall take place in an open meeting.

(C) The state board shall provide a written decision to the Division of Elementary and Secondary Education, the appealing party, the nonresident district, if applicable and the resident district within fourteen (14) days of announcing its decision under this section.

Subpart 3. The Arkansas Opportunity Public School Choice Act

6 CAR § 30-301. General requirements.

(a) Upon the request of a parent or guardian, or the student if the student is eighteen (18) years of age or older, a student may transfer from his or her resident district or public school to another a nonresident school district or nonresident public school under opportunity school choice if, at the time of the request either:

(1)(A) The resident public school district has been classified by the State Board of Education as a public school district in need of Level 5 — Intensive support under Arkansas Code § 6-15-2913 or § 6-15-2915; or

(B) The resident public school in which the student is enrolled has a rating of “F” under Arkansas Code §§ 6-15-2105 and 6-15-2106; and or

(C) The parent, legal guardian, or student, if the student is eighteen (18) years of age or older, believes it is in the best interest of the student to transfer to a nonresident school district or nonresident school; and

(2) Except as provided in Subpart 4 of this part, a parent or guardian, or the student if the student is over eighteen (18) years of age or older, has notified both the resident and nonresident school districts, if applicable, of any request to transfer no earlier than January 1 and no later than May 1 June 1 of the school year before the school year in which the student intends to transfer.

(b) For each student enrolled in or assigned to a public school district that is classified by the state board as a public school district in need of Level 5 — Intensive support or a public school within the resident district that has a rating of “F,” the school district shall:

(1) Timely notify the parent or guardian, or the student if the student is ~~over~~ eighteen (18) years of age or older, as soon as practicable after the designation is made of the options available under Subpart 3 of this part; and

(2) Offer that person an opportunity to submit an application no earlier than January 1 and no later than ~~June 1~~May 1, except as provided in Subpart 4 of this part, to enroll the student in the upcoming school year in ~~any:~~

~~—————(A) Public school district that is not classified as in need of Level 5 — Intensive support; or~~

~~—————(B) Public school within the resident district that does not have a rating of “F”~~ a nonresident school district or nonresident school.

(c) If a student is enrolled in or assigned to a public school district that is classified by the state board as a public school district in need of Level 5 — Intensive support or a public school within the resident district that has a rating of “F,” the parent or guardian, or student if the student is ~~over~~ eighteen (18) years of age or older, may choose to:

~~—————(1) Apply~~ apply to enroll the student in a ~~legally allowable public school district that is not classified as a public school district in need of Level 5 — Intensive support; or~~

~~—————(2)(A) Apply to enroll the student in a public school within the resident district that does not have a rating of “F” and that is nearest the legal residence of the student.~~

~~—————(B) If there is no public school within the resident district that does not have a rating of “F,” the parent or guardian, or the student if the student is over eighteen (18) years of age, may apply to enroll the student in a nonresident public school district and, if accepted, be placed in a public school that does not have a rating of “F”~~ nonresident school district or nonresident school.

(d)(1)(A) Except as provided in Subpart 4 of this part, by July 1 of the school year in which the student seeks to enroll in a nonresident district, the nonresident district

shall notify the applicant and the resident district in writing as to whether the application has been accepted or rejected.

(B) If the applicant has applied to attend a school within the student's resident district, the resident district shall notify the applicant in writing as to whether the student's application has been accepted or rejected by July 1.

(C) The notification shall be sent via first-class mail to the address on the application.

(2) If the application is accepted, the superintendent of the ~~nonresident~~ district [in which the nonresident school is located](#) shall state in the notification letter the deadline by which the student must enroll in the receiving school.

(3) If the application is rejected, the superintendent of the ~~nonresident~~ district [in which the nonresident school is located](#) shall state in the notification letter the specific reasons for the rejection.

(4) A school district shall not deny a student the ability to transfer to a nonresident school under this part unless there is a lack of capacity at the nonresident school.

(5)(A) A lack of capacity may be claimed by a school district only if the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the Rules Governing the Standards for Accreditation of Arkansas Public Schools and School Districts, 6 CAR pt. 61, or other applicable federal regulations.

(B) For the purposes of this part, a school district may claim a lack of capacity if, as of the date the application for opportunity school choice is made, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

(6) A school district receiving transfers under this part shall not discriminate on the basis of:

- (A) Gender;
- (B) National origin;
- (C) Race;

- (D) Ethnicity;
- (E) Religion; ~~or~~
- (F) Disability; or
- (G) Residential address.

(7) An applicant may appeal a school district's decision to deny a student admission to a school in the student's school district of choice due to a lack of capacity to the state board by postmarking or delivering the appeal within ten (10) days after the applicant receives written notice from the ~~nonresident~~ district that admission has been denied.

(8) If any provision of this part conflicts with a federal desegregation court order applicable to a school district, the federal desegregation court order shall govern.

(e) For the purposes of continuity of educational choice, a transfer under this subpart shall:

(1) Operate as an irrevocable election for each subsequent entire school year;
and

(2) Remain in force until:

(A) The student completes high school; or

(B) The parent or guardian, or student if the student is ~~over~~ eighteen (18) years of age or older, timely makes application under a provision of law governing attendance in or transfer to another public school within the student's resident school district or a nonresident school district ~~other than the student's assigned school or resident district.~~

(f) Except as provided in Subpart 4, a transfer under this subpart is effective at the beginning of the next school year.

(g)(1) Students with disabilities who are eligible to receive services from the transferring school district under federal or state law, including students receiving additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, and who participate in the Arkansas Opportunity Public School Choice Act program, shall remain eligible to receive services from the receiving school district as provided by state or federal law.

(2) Any funding for the student shall be transferred to the school district to which the student transfers.

(h)(1) The receiving public school or school district may transport students to and from the transferring public school or school district, and the cost of transporting students shall be the responsibility of the transferring public school or school district except as provided under subdivisions (h)(2) and (3) of this subsection.

(2) A transferring public school or school district shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation required under this subsection.

(3) Upon the transferring public school district's removal from classification as a public school district in need of Level 5 – Intensive support or the transferring public school's receipt of a rating other than "F", the transportation costs shall no longer be the responsibility of the transferring public school or school district, and the student's transportation and the costs of transportation shall be the responsibility of the parent or guardian or of the receiving public school district if the receiving public school district agrees to bear the transportation costs.

(i)(1) Unless excused by the school for illness or other good cause:

(A) Any student participating in the opportunity public school choice option shall:

(i) Remain in attendance throughout the school year; and

(ii) Comply fully with the receiving school's code of conduct; and

(B) The parent or guardian of each student participating in the opportunity public school choice option shall comply fully with the receiving school's parental involvement requirements.

(2) A participant who fails to comply with this section shall forfeit the opportunity school choice option.

(j) A receiving district [or receiving school](#) shall accept credits toward graduation that were awarded by another district.

(k) The receiving district [or receiving school](#) shall award a diploma to a student transferred under this part if the student meets the receiving district's [or public school's](#) graduation requirements.

(l) A district under the opportunity public school choice program shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the:

- (1) Availability of the program;
- (2) Application deadline; and
- (3) Requirements and procedure for nonresident students to participate in the program.

(m) A student who transfers to another public school or a nonresident school district under this subpart shall not be:

- (1) Denied participation in an extracurricular activity at the public school or nonresident school district to which he or she transfers based exclusively on his or her decision to transfer to the public school or nonresident school district; or
- (2) Disciplined in any manner based exclusively on the exercise of his or her right to transfer to another public school or a nonresident school district under this part.

(n) A student who transfers to a nonresident school district under this section shall complete a Changing Schools/Athletic Participation form pursuant to the requirements of Arkansas Code § 6-18-~~1904(f)~~[227\(m\)\(2\)](#).

6 CAR § 30-302. Reporting requirements.

(a) The Division of Elementary and Secondary Education shall develop an annual report on student participation in public school choice and opportunity school choice and deliver the report to the State Board of Education, the Governor, the House Committee on Education, the Senate Committee on Education, and the Legislative Council at least sixty (60) days prior to the convening of the regular session of the General Assembly.

(b) The annual report shall include without limitation:

(1) The number of public school students participating in:

(A) Public school choice under the Public School Choice Act of 2015, Arkansas Code § 6-18-1901 et seq.; and

(B) Opportunity school choice under the Arkansas Opportunity Public School Choice Act, Arkansas Code § 6-18-227, disaggregated by whether the transfer was from within a public school district or outside a public school district; and

(2) Aggregate data of the race and gender of students participating in:

(A) Public school choice; and

(B) Opportunity school choice.

(c) Each public school district shall annually report to the division:

(1) The number of students applying for a transfer, receiving a transfer, being denied a transfer, including the reason for each denial, to a nonresident school within the resident district under public school choice;

(2) The number of students applying for a transfer, receiving a transfer, being denied a transfer, including the reason for each denial, to a nonresident district under public school choice;

(23) The number of students applying for a transfer, receiving a transfer, being denied a transfer, including the reason for each denial, to a nonresident school within the resident district under opportunity school choice; and

(34) The number of students applying for a transfer, receiving a transfer, being denied a transfer, including the reason for each denial, to a nonresident ~~school outside of the resident~~ district under opportunity school choice.

(d) The school district shall report the data required by subsection (c) of this section through its cycle reports as prescribed by the Commissioner of Elementary and Secondary Education.

(e) The data received under subsection (c) of this section shall be reported annually on the division website.

6 CAR § 30-303. Funding considerations.

(a) For the purposes of determining a school district's state funding, the nonresident student shall be counted as a part of the average daily membership of the receiving district.

(b) The maximum opportunity public school choice funds granted for an eligible student shall be calculated based on applicable state law.

(c) The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.

6 CAR § 30-304. Appeal procedures.

(a) A parent or guardian, or the student if the student is ~~over~~eighteen (18) years of age or older, may appeal a school district's decision to deny admission to a nonresident school due to a lack of capacity to the State Board of Education pursuant to this ~~section part~~.

(b)(1) The appealing party must present a written appeal to the state board via certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the appealing party receives notice of rejection from the superintendent of the ~~nonresident~~ district in accordance with 6 CAR § 30-301(e).

(2) The written appeal should be sent to:

Division of Elementary and Secondary Education
Attn: Legal Services Unit
Four Capitol Mall
Little Rock, AR 72201

(3) Contemporaneously with the filing of the written appeal with the Division of Elementary and Secondary Education's Legal Services Unit, the appealing party must also mail a copy of the written appeal to the superintendent of the ~~nonresident~~ school district that denied admission.

(4) In its written appeal, the appealing party shall state its basis for appealing the decision of the ~~nonresident~~ district.

(5) The appealing party must submit, along with its written appeal, a copy of the rejection letter from the ~~nonresident~~ district.

(6) Any request for a hearing before the state board must be made in the written appeal.

(c)(1) 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 via certified mail, return receipt requested to the state board no later than ten (10) days after receiving the appealing party's written appeal.

(2) Any response from the nonresident district should be sent to:

Division of Elementary and Secondary Education
Attn: Legal Services Unit
Four Capitol Mall
Little Rock, AR 72201

(3) Contemporaneously with the filing of the written response with the unit, the ~~nonresident~~ district must also mail a copy of the written response to the appealing party.

(4) If the appealing party did not request a hearing before the state board, the ~~nonresident~~ district may request a hearing in its response.

(d) If a hearing is requested by either party, the state board shall schedule the hearing at or before ~~for~~ the next regularly scheduled state board meeting in accordance with its procedures for the submission of agenda items.

(e) If no hearing is requested by either party, the state board shall consider the appeal during its next regularly scheduled state board meeting in accordance with its procedures for the submission of agenda items.

(f) State board hearing procedures shall be the same as set forth in 6 CAR § 30-206.

(g) An applicant is not permitted to request a hearing before the state board if his or her application for a transfer is rejected due to the application not being timely received by the nonresident [or resident](#) district.

(h) The deadlines under this section may be waived by the state board upon a finding that there was good cause for the failure to meet the deadline.

Subpart 4. School Choice for Uniformed Service Members

6 CAR § 30-401. School choice for students of uniformed service members.

(a) A child shall be eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a:

- (1) Uniformed service member in full-time active duty status;
- (2) Surviving spouse of a uniformed service member;
- (3) Reserve component uniformed service member during the period six (6) months before until six (6) months after a Title 10 or Title 32 of the United States Code or state active duty mobilization and service; or
- (4) Uniformed service veteran who is returning to civilian status at the conclusion of the uniformed service veteran's active duty status.

(b) If a student eligible under subsection (a) of this section seeks to attend a [nonresident](#) school ~~in a nonresident district~~, the student's parent, legal guardian, or person standing in loco parentis to the student shall submit an application approved by the Division of Elementary and Secondary Education by regular mail, electronic mail, or in person to the student's nonresident district, [if applicable](#), and resident district, which includes a copy of the:

- (1) Identification card of the student's parent, legal guardian, or person standing in loco parentis that qualifies the student under this section; and
- (2) Official orders, assignment notification, or notice of mobilization of the student's parent, legal guardian, or person standing in loco parentis.

(c) An application deadline required under this part shall not apply to a school transfer under this [chapterpart](#).

(d) A student eligible for a school transfer under this subpart shall be permitted only one (1) school transfer per school year under this part.

(e) The parent, legal guardian, or person standing in loco parentis to a student eligible for a school transfer under this part shall be responsible for the transportation of his or her child to and from a nonresident district [if the student transfers to a nonresident district under this part](#).

(f)(1) For each application received under this subpart, the ~~nonresident~~-district shall notify the applicant in writing as to whether the student's application has been accepted or rejected within fifteen (15) calendar days of the ~~nonresident~~-district's receipt of the application.

(2) The notification shall be sent via first-class mail to the address on the application [and to any electronic mail address that is available](#).

Subpart 5. Reporting Requirement

6 CAR § 30-501. General provisions.

(a)(1) A school district shall submit a report to the Division of Elementary and Secondary Education, satisfying the requirements of subsection (b) of this section, if the total number of students who have transferred to a contiguous school district using a school choice or legal transfer provision is greater than twenty percent (20%) of the current number of students attending the district.

(2) A student will not be included in the calculation required under subdivision (a)(1) of this section or the report required under subdivision (a)(1) of this section if, according to the school district's records, that student is eighteen (18) years of age or older.

(b) A report required under subdivision (a)(1) of this section shall include the following information:

(1) The total number of students who have transferred to a contiguous school district using a school choice or legal transfer provision;

(2) The number of students who have transferred to each contiguous school district using a school choice or legal transfer provision; and

(3) The age and approximate geographic area of each student who has transferred to a contiguous school district using a school choice or legal transfer provision.

(c) A report required under subdivision (a)(1) of this section shall be submitted in writing to the Office of School Choice by mail using the information provided:

Arkansas Department of Education
Attn: Office of School Choice
Four Capitol Mall
Little Rock, Arkansas 72201

1 State of Arkansas As Engrossed: S2/27/25 H3/12/25

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 167

4

5 By: Senator A. Clark

6 By: Representative Brooks

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND THE DATES BY WHICH APPLICATIONS FOR A
10 TRANSFER UNDER THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
11 CHOICE ACT AND PUBLIC SCHOOL CHOICE ACT OF 2015 SHALL
12 BE SUBMITTED; TO AMEND THE DATE BY WHICH A FOSTER
13 CHILD SHALL SUBMIT A REQUEST TO TRANSFER SCHOOLS; AND
14 FOR OTHER PURPOSES.

15

16

17

Subtitle

18

19

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21

22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24

25 SECTION 1. Arkansas Code § 6-18-227(b)(1), concerning a request for a
26 student to transfer from his or her resident district or public school to
27 another school district or public school under the Arkansas Opportunity
28 Public School Choice Act, is amended to read as follows:

29

30

31

32

33

(b)(1) Upon the request of a parent, guardian, or student, if the
student is eighteen (18) years of age or older, a student may transfer from
his or her resident district or public school to ~~another~~ a nonresident school
district or another public school under this section if, at the time of the
request under this subdivision (b)(1):

34

(A) Either:

35

36

(i) The resident public school district has been
classified by the state board as a public school district in need of Level 5



1 – Intensive support under § 6-15-2913 or § 6-15-2915; or
2 (ii) The resident public school has a rating of “F”
3 under §§ 6-15-2105 and 6-15-2106 and state board rules, as allowed in
4 subdivision (b)(3)(B)(i)(b) of this section; and

5 (B) Except as provided in subsection (n) of this section,
6 the parent, guardian, or student, if the student is eighteen (18) years of
7 age or older, has notified both the resident and nonresident school districts
8 of the request for a transfer no earlier than January 1 and no later than ~~May~~
9 ~~±~~ June 1 of the school year before the school year in which the student
10 intends to transfer.

11

12 SECTION 2. Arkansas Code § 6-18-227(b)(3)(A), concerning notification
13 of public school transfers options to students enrolled in or assigned to
14 certain public school districts under the Arkansas Opportunity Public School
15 Choice Act, is amended to read as follows:

16 (3)(A) For each student enrolled in or assigned to a public
17 school district that is classified by the state board as a public school
18 district in need of Level 5 – Intensive support under § 6-15-2913 or § 6-15-
19 2915 or a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-
20 2106 and state board rules, a school district shall:

21 (i) Timely notify the parent, guardian, or student
22 if the student is eighteen (18) years of age or older, as soon as practicable
23 after the designation is made, of all options available under this section;
24 and

25 (ii)(a) Offer the parent, guardian, or student if
26 the student is eighteen (18) years of age or older, an opportunity to submit
27 an application no earlier than January 1 and no later than ~~May~~ June 1 to
28 enroll the student in the upcoming school year in any public school district
29 that is not classified by the state board as a public school district in need
30 of Level 5 – Intensive support under ~~§§ 6-15-2913 and 6-15-2915~~ § 6-15-2913
31 or § 6-15-2915 or a public school within the resident district that does not
32 have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.

33 (b) The opportunity to continue attending the
34 public school or school district that the student transfers to under this
35 section remains in effect until the student graduates from high school.

36

1 SECTION 3. Arkansas Code § 6-18-227(d)(2)(C) and (D), concerning
2 notification to a student of his or her transfer into a nonresident district
3 under the Arkansas Opportunity Public School Choice Act, are amended to read
4 as follows:

5 (C) ~~Except as provided in subdivision (b)(1)(B)(ii) of~~
6 ~~this section, by July 1~~ of the school year in which the student seeks to
7 enroll in a nonresident district, the nonresident district shall notify the
8 parent or guardian of the student and the resident district in writing as to
9 whether the student's application has been accepted or rejected.

10 (D) If the parent or guardian of the student has applied
11 to attend a school within the student's resident district, the resident
12 district shall notify the parent or guardian of the student in writing as to
13 whether the student's application has been accepted or rejected by July 1.
14

15 SECTION 4. Arkansas Code § 6-18-227(m)(2)(D), concerning a Changing
16 Schools/Athletic Participation form required under the Arkansas Opportunity
17 Public School Choice Act, is amended to read as follows:

18 (D) A Changing Schools/Athletic Participation form shall
19 be used only for eligibility determination of a student who transfers to
20 another public school or nonresident school district under this section and
21 is enrolled in the receiving school district by July 1 before the student
22 enters grades seven through twelve (7-12).
23

24 SECTION 5. Arkansas Code § 6-18-233(d), concerning the deadline by
25 which a request by a foster child to transfer to another public school or
26 public school district shall be submitted, is amended to read as follows:

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

29 (A) Made on a form approved by the division; and

30 (B) Postmarked no later than ~~May 1~~ June 1 of the year in
31 which the student seeks to begin the fall semester at the public school
32 district.

33 (2)(A) By July 1 of the school year in which the student seeks
34 to transfer under this section, the superintendent of the public school
35 district shall notify the foster parent or the foster child, if the foster
36 child is over eighteen (18) years of age, in writing as to whether the foster

1 child's application has been accepted or rejected.

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

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

9

10 SECTION 6. Arkansas Code § 6-18-1904(f)(2)(D), concerning a Changing
11 Schools/Athletic Participation form under the Public School Choice Act of
12 2015, is amended to read as follows:

13 (D) A Changing Schools/Athletic Participation form shall
14 be used only for eligibility determination of a student who transfers to
15 another public school or nonresident school district under this subchapter
16 and is enrolled in the receiving school district by July 1 before the student
17 enters grades seven through twelve (7-12).

18

19 SECTION 7. Arkansas Code § 6-18-1905(a)(1), concerning an application
20 to transfer under the Public School Choice Act of 2015, is amended to read as
21 follows:

22 (a)(1) An application under this section shall be accepted no earlier
23 than January 1 and no later than ~~May 1~~ June 1 each year.

24

25 SECTION 8. Arkansas Code § 6-18-1905(a)(3), concerning the date by
26 which a student shall submit an application to transfer under the Public
27 School Choice Act of 2015, is amended to read as follows:

28 (3) If a student seeks to attend a school in a nonresident
29 district, the student's parent or guardian, or a student who is eighteen (18)
30 years of age or older, shall submit an application:

31 (A) To the nonresident district and to the student's
32 resident district;

33 (B) On a form approved by the Division of Elementary and
34 Secondary Education; and

35 (C) Postmarked or delivered no later than ~~May 1~~ June 1 of
36 the year in which the student seeks to begin the fall semester at the

1 nonresident district, except as otherwise provided for dependents of
2 uniformed service members and uniformed service veterans under this
3 subchapter.

4

5 SECTION 9. Arkansas Code § 6-18-1905(e)(1), concerning the date by
6 which a nonresident district shall notify a student of his or her transfer
7 application's acceptance or rejection under the Public School Choice Act of
8 2015, is amended to read as follows:

9 (e)(1) By July 1 of the school year in which a student seeks to enroll
10 in a nonresident district under this subchapter, the superintendent of the
11 nonresident district shall notify the student's parent or guardian and the
12 resident district in writing as to whether the student's application has been
13 accepted or rejected.

14

15 /s/A. Clark

16

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18 **APPROVED: 4/14/25**

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1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/7/25

A Bill

HOUSE BILL 1945

5 By: Representative McCollum
6 By: Senators B. Davis, J. Dotson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC
10 SCHOOL CHOICE ACT; TO AMEND THE PUBLIC SCHOOL CHOICE
11 ACT OF 2015; TO ALLOW A STUDENT TO TRANSFER TO
12 ANOTHER PUBLIC SCHOOL WITHIN HIS OR HER RESIDENT
13 DISTRICT; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC
17 SCHOOL CHOICE ACT; TO AMEND THE PUBLIC
18 SCHOOL CHOICE ACT OF 2015; AND TO ALLOW
19 A STUDENT TO TRANSFER TO ANOTHER PUBLIC
20 SCHOOL WITHIN HIS OR HER RESIDENT
21 DISTRICT.
22
23

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

26 SECTION 1. Arkansas Code § 6-18-202(g), concerning the interpretation
27 of the law concerning student attendance requirements, is amended to read as
28 follows:

29 (g) This section shall not be construed to restrict a student's
30 ability to:

31 (1) Participate in a tuition agreement with a nonresident school
32 district for any tuition or fees that also apply to students assigned to the
33 school district;

34 (2) Officially transfer to ~~another~~ a nonresident school district
35 or another public school within a resident or nonresident school district
36 pursuant to the Public School Choice Act of 2015, § 6-18-1901 et seq.; or



1 (3) Attend school as an international exchange student placed
2 with a host family by an international student exchange visitor placement
3 organization under the International Student Exchange Visitor Placement
4 Organization Registration Act, § 6-18-1701 et seq.

5
6 SECTION 2. Arkansas Code § 6-18-227(b)(1), concerning the transfer of
7 a student to another school district or public school under the Arkansas
8 Opportunity Public School Choice Act, is amended to read as follows:

9 (b)(1) Upon the request of a parent, guardian, or student, if the
10 student is eighteen (18) years of age or older, a student may transfer from
11 his or her resident district or public school to ~~another~~ a nonresident school
12 district or another public school within his or her resident school district
13 under this section if, at the time of the request under this subdivision
14 (b)(1):

15 (A) Either:

16 (i) The resident public school district has been
17 classified by the state board as a public school district in need of Level 5
18 – Intensive support under § 6-15-2913 or § 6-15-2915; ~~or~~

19 (ii) The ~~resident~~ public school in which the student
20 is enrolled has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state
21 board rules, as allowed in subdivision (b)(3)(B)(i)(b) of this section; ~~and~~
22 or

23 (iii) The parent, legal guardian, or student if the
24 student is eighteen (18) years of age or older believes it is in the best
25 interest of the student to transfer to a nonresident school district or
26 another public school within his or her resident school district; and

27 (B) Except as provided in subsection (n) of this section,
28 the parent, guardian, or student, if the student is eighteen (18) years of
29 age or older, has notified both the resident and nonresident school districts
30 of the request for a transfer no earlier than January 1 and no later than May
31 1 of the school year before the school year in which the student intends to
32 transfer.

33
34 SECTION 3. Arkansas Code § 6-18-227(b)(2)(A), concerning the effective
35 date of a transfer under the Arkansas Opportunity Public School Choice Act,
36 is amended to read as follows:

1 (2)(A)(i) For the purposes of continuity of educational choice,
 2 a transfer under this section shall operate as an irrevocable election for
 3 each subsequent entire school year and shall remain in force until the
 4 student completes high school or the parent, guardian, or student, if the
 5 student is eighteen (18) years of age or older, timely makes application
 6 under a provision of law governing attendance in or transfer to another
 7 public school within the student's resident school district or a nonresident
 8 school district other than the student's assigned school or resident
 9 district.

10 (ii)(a) Except as provided in subsection (n) of this
 11 section, a transfer under this section is effective at the beginning of the
 12 next academic year.

13 (b) A transfer of a student eligible under
 14 subsection (n) of this section is effective immediately upon the ~~nonresident~~
 15 ~~district's~~ written notification of an acceptance from the nonresident
 16 district or other public school within the student's resident school
 17 district.

18
 19 SECTION 4. Arkansas Code § 6-18-227(d)(2)(A)(ii), concerning a lack of
 20 capacity claimed by a school district under the Arkansas Opportunity Public
 21 School Choice Act, is amended to read as follows:

22 (ii) A lack of capacity may be claimed by a school
 23 district only if:

24 (a)(1) ~~The school district nonresident school~~
 25 ~~has reached the maximum student-to-teacher ratio allowed under federal law,~~
 26 ~~state law, the rules for standards for accreditation~~ Rules Governing the
 27 Standards for Accreditation for Arkansas Public Schools and School Districts,
 28 state rules, or other applicable federal regulations.

29 (2) A school district may claim a lack
 30 of capacity if, on the date the application for opportunity school choice
 31 option is made under this section, ninety-five percent (95%) or more of the
 32 seats at the grade level in which the student would be assigned at the
 33 nonresident school are filled; and

34 (b) The claim is consistent with state and
 35 federal law.

36

1 SECTION 4. Arkansas Code § 6-18-227(g), concerning credits towards
2 graduation for transferring students under the Arkansas Opportunity Public
3 School Choice Act, is amended to read as follows:

4 (g)(1) A receiving district or a public school within a student's
5 resident school district that accepts a transferring student shall accept
6 credits toward graduation that were awarded by another district.

7 (2) The receiving district or public school within a student's
8 resident school district that accepts a transferring student shall award a
9 diploma to a ~~nonresident~~ student who transfers to the receiving school
10 district or public school within the student's resident school district if
11 the student meets the receiving district's or public school's graduation
12 requirements.

13
14 SECTION 5. Arkansas Code § 6-18-227(i), concerning requirements for
15 students transferring under the Arkansas Opportunity Public School Choice
16 Act, is amended to read as follows:

17 (i)(1) Unless excused by the receiving school district for illness or
18 other good cause:

19 (A) Any student participating in the opportunity public
20 school choice option shall:

21 (i) Remain in attendance throughout the school year;

22 and

23 (ii) Comply fully with the school's code of conduct;

24 and

25 (B) The parent or guardian of each student participating
26 in the opportunity public school choice option shall comply fully with the
27 receiving public school's or school district's parental involvement
28 requirements.

29 (2) A participant who fails to comply with this section shall
30 forfeit the opportunity public school choice option.

31
32 SECTION 6. Arkansas Code § 6-18-1901(b)(3), concerning legislative
33 findings under the Public School Choice Act of 2015, is amended to read as
34 follows:

35 (3) These benefits of enhanced quality and effectiveness in our
36 public schools justify permitting a student to apply for admission to a

1 school in any ~~school~~ resident or nonresident district beyond the school
 2 district in which the student resides, provided that the transfer by the
 3 student does not conflict with an enforceable judicial decree or court order
 4 remedying the effects of past racial segregation in the resident school
 5 district or nonresident school district.

6
 7 SECTION 7. Arkansas Code § 6-18-1903 is amended to read as follows:
 8 6-18-1903. Public school choice program established.

9 (a) A public school choice program is established to enable a student
 10 in kindergarten through grade twelve (K-12) to attend a school in a
 11 nonresident district or another public school within a resident district,
 12 subject to the limitations under § 6-18-1906.

13 (b)(1) Each school district shall participate in a public school
 14 choice program that allows students to attend any resident school or
 15 nonresident district, consistent with this subchapter.

16 (2) Each school district shall:

17 (A) Establish a policy that allows an enrolled student to
 18 transfer to another public school within a student's resident or nonresident
 19 district; and

20 (B) Publicly post the policies and procedures for a
 21 student to apply for a transfer as permitted under subdivision (b)(2)(A) of
 22 this section.

23 (c)(1) A school district shall not deny a student the ability to
 24 attend a school in the student's school district of choice under this section
 25 unless there is a lack of capacity at the school in the student's school
 26 district of choice.

27 (2) A lack of capacity may be claimed by a school district only
 28 if:

29 (A)(i) The ~~school district~~ nonresident school has reached
 30 the maximum student-to-teacher ratio allowed under federal law, state law,
 31 the ~~rules for standards for accreditation~~ Rules Governing the Standards for
 32 Accreditation for Arkansas Public Schools and School Districts, state rules,
 33 or other applicable federal regulations.

34 (ii) A school district may claim a lack of capacity
 35 if, on the date the application for public school choice is made under this
 36 subchapter, ninety-five percent (95%) or more of the seats at the grade level

1 in which the student would be assigned at the nonresident school are filled;
 2 and

3 (B) The claim is consistent with state and federal law.

4 (3) A school district receiving transfers under this section
 5 shall not discriminate on the basis of gender, national origin, race,
 6 ethnicity, religion, ~~or~~ disability, or residential address.

7 (d)(1) The board of directors of a public school district shall adopt
 8 by resolution specific standards for acceptance and rejection of applications
 9 under this subchapter.

10 (2) *The standards:*

11 (A) ~~May include without limitation the capacity of a~~
 12 ~~program, class, grade level, or school building;~~

13 ~~(B) May include a claim of a lack of capacity by a school~~
 14 ~~district only if the school district has reached at least ninety percent~~
 15 ~~(90%) of the maximum authorized student population in a program, class, grade~~
 16 ~~level, or school building;~~

17 ~~(C) Shall include a statement that priority will be given~~
 18 to an applicant who has a sibling or stepsibling who:

19 (i) Resides in the same household; and

20 (ii) Is already enrolled in the nonresident district
 21 or other public school within the resident district by choice; and

22 ~~(D)~~(B) Shall not include an applicant's:

23 (i) Academic achievement;

24 (ii) Athletic or other extracurricular ability;

25 (iii) English proficiency level; or

26 (iv) Previous disciplinary proceedings, except that
 27 an expulsion from another district may be included under § 6-18-510.

28 (3) A school district or another public school within a school
 29 district receiving transfers under this subchapter shall not discriminate on
 30 the basis of gender, national origin, race, ethnicity, religion, or
 31 disability.

32 (e) A nonresident district or another public school within a resident
 33 district shall:

34 (1) Accept credits toward graduation that were awarded by
 35 another district or other public school within a resident district; and

36 (2) Award a diploma to a ~~nonresident~~ student who transfers under

1 this subchapter if the student meets the nonresident district's or public
2 school's graduation requirements.

3 (f) The superintendent of a school district shall cause public
4 announcements to be made over the broadcast media and either in the print
5 media or on the internet to inform parents of students in adjoining districts
6 and within the school district of the:

- 7 (1) Availability of the public school choice program;
8 (2) Application deadline; and
9 (3) Requirements and procedure for ~~nonresident~~ students to
10 participate in the public school choice program.

11

12 SECTION 8. Arkansas Code § 6-18-1904 is amended to read as follows:

13 6-18-1904. General provisions – Definitions.

14 (a) The transfer of a student under ~~the Arkansas Public School Choice~~
15 ~~Act of 1989, § 6-18-206 [repealed], or~~ the Public School Choice Act of 2015,
16 § 6-18-1901 et seq., is not voided by this subchapter and shall be treated as
17 a transfer under this subchapter.

18 (b)(1) A student may accept only one (1) school choice transfer per
19 school year.

20 (2)(A) A student who accepts a public school choice transfer may
21 return to his or her resident district or the public school within his or her
22 resident district from which he or she transferred during the school year.

23 (B) If a transfer student returns to his or her resident
24 district or the public school within his or her resident district from which
25 he or she transferred 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
27 future school choice transfer.

28 (c)(1) A transfer student attending a nonresident school or another
29 public school within the student's resident district under this subchapter
30 may complete all remaining school years at the nonresident district.

31 (2) A present or future sibling of a student who continues
32 enrollment in the nonresident district or another public school within his or
33 her resident district under this subsection and applies for a school choice
34 transfer under § 6-18-1905 may enroll in the nonresident district or the
35 other public school within his or her resident district if the nonresident
36 district or the public school has the capacity to accept the sibling without

1 adding teachers, staff, or classrooms or exceeding the regulations, rules, or
2 standards established by law.

3 (3) A present or future sibling of a student who continues
4 enrollment in the nonresident district or another public school within his or
5 her resident district and who enrolls in the nonresident district or the
6 other public school within his or her resident district under subdivision
7 (c)(2) of this section may complete all remaining school years at the
8 nonresident district or the other public school within his or her resident
9 district.

10 (d)(1) The transfer student or the transfer student's parent is
11 responsible for the transportation of the transfer student to and from the
12 school in the nonresident district where the transfer student is enrolled.

13 (2) ~~The~~ If a student transfers to a nonresident district under
14 this subchapter, the nonresident district may enter into a written agreement
15 with the student, the student's parent, or the transfer student's resident
16 district to provide the transportation.

17 (e) For purposes of determining a school district's state aid, a
18 transfer student is counted as a part of the average daily membership of the
19 nonresident district where the transfer student is enrolled if the student
20 transfers to a nonresident district under this subchapter.

21 (f)(1) A student who transfers to another public school within his or
22 her resident district or a nonresident district under this subchapter shall
23 not be:

24 (A) Denied participation in an extracurricular activity at
25 the public school within his or her resident district or nonresident district
26 to which he or she transfers based exclusively on his or her decision to
27 transfer to the public school or nonresident district; or

28 (B) Disciplined in any manner based exclusively on the
29 exercise of his or her right to transfer to another public school within his
30 or her resident district or a nonresident district under this subchapter.

31 (2)(A) However, a student who transfers to another public school
32 or a nonresident school district under this subchapter shall complete a
33 Changing Schools/Athletic Participation form as defined by the Arkansas
34 Activities Association.

35 (B) A Changing Schools/Athletic Participation form shall
36 be completed and filed with the:

1 (i) Public school within his or her resident
2 district or nonresident ~~school~~ district to which the student transfers under
3 this section; and

4 (ii) Arkansas Activities Association.

5 (C)(i) Before a student is eligible to participate in an
6 extracurricular activity at the public school within his or her resident
7 district or nonresident ~~school~~ district to which he or she transfers, the
8 Changing Schools/Athletic Participation form submitted by the student as
9 required under subdivision (f)(2)(B) of this section shall be signed by the:

10 (a) Superintendent of the student's resident
11 school district;

12 (b) Superintendent of the nonresident ~~school~~
13 district to which the student transfers if the student transfers to a
14 nonresident district under this subchapter; and

15 (c) Parent, legal guardian, or person standing
16 in loco parentis to the student.

17 (ii) The superintendent of a student's resident
18 ~~school~~ district and the superintendent of the nonresident ~~school~~ district to
19 which a student transfers, or the superintendent of the student's resident
20 district if the student is transferring to another public school within his
21 or her resident district, shall sign the Changing Schools/Athletic
22 Participation form unless there is demonstrable evidence:

23 (a) Of recruiting by the receiving school
24 district or public school personnel; or

25 (b) The student is transferring to the public
26 school within his or her resident district or the nonresident ~~school~~ district
27 solely for athletic purposes.

28 (D) A Changing Schools/Athletic Participation form shall
29 be used only for eligibility determination of a student who transfers to
30 another public school within his or her resident district or nonresident
31 ~~school~~ district under this subchapter and is enrolled in the receiving school
32 district or by July 1 before the student enters grades seven through twelve
33 (7-12).

34 (E)(i) Public school district personnel and registered
35 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §
36 6-22-101 et seq., shall not recruit students to the public school at which

1 they are employed or volunteer for athletic purposes.

2 (ii) As used in this section, "recruiting" means the
3 use of undue influence or special inducement by an individual who is
4 connected directly or indirectly with a school that is a member of the
5 Arkansas Activities Association in an attempt to encourage, induce, pressure,
6 urge, or entice a prospective student of any age to transfer to the school or
7 retain a student at the school for the purpose of participating in
8 extracurricular activities.

9 (3) As used in subdivision (f)(1) of this section,
10 "extracurricular activity" means an interschool activity not included in a
11 regular curriculum, including without limitation sports and special interest
12 clubs or groups.

13
14 SECTION 9. Arkansas Code § 6-18-1905 is amended to read as follows:

15 6-18-1905. Application for transfer.

16 (a)(1) An application under this section shall be accepted no earlier
17 than January 1 and no later than May 1 each year.

18 (2)(A) Each school district shall have a policy stating the
19 method by which a parent or guardian of a student, or a student who is
20 eighteen (18) years of age or older, may submit a school choice application,
21 including without limitation:

22 (i) Regular mail;

23 (ii) Email; and

24 (iii) Hand delivery.

25 (B) A public school district shall not require in-person
26 filing of an application.

27 (C) Each school district shall determine for each school
28 within the school district the capacity of each school and each grade level.

29 (3) If a student seeks to attend a school in a nonresident
30 district or another school within his or her resident district, the student's
31 parent or guardian, or a student who is eighteen (18) years of age or older,
32 shall submit an application:

33 (A) To the nonresident district and to the student's
34 resident district, or only to the resident district if the student is
35 applying to transfer to another public school within his or her resident
36 district;

1 (B) On a form approved by the Division of Elementary and
2 Secondary Education; and

3 (C) Postmarked or delivered no later than May 1 of the
4 year in which the student seeks to begin the fall semester at the nonresident
5 district or other public school within the student's resident district,
6 except as otherwise provided for dependents of uniformed service members and
7 uniformed service veterans under this subchapter.

8 (b) Both the nonresident district and the resident district, or only
9 the resident district if a student applies to transfer to another public
10 school within his or her resident district, shall, upon receipt of the
11 application submitted under subsection (a) of this section, place a date and
12 time stamp on the application that reflects the date and time ~~each~~ the
13 nonresident district or resident district if a student applies to transfer to
14 another public school within his or her resident district received the
15 application.

16 (c) A nonresident district or a resident district if a student applies
17 to transfer to another public school within his or her resident district
18 shall review and make a determination on each application in the order in
19 which the application was received by the nonresident district or resident
20 district.

21 (d) Before accepting or rejecting an application, a nonresident
22 district or a resident district if a student applies to transfer to another
23 public school within his or her resident district shall determine whether the
24 limitation under § 6-18-1906 applies to the application.

25 (e)(1) By July 1 of the school year in which a student seeks to enroll
26 in a nonresident district or a resident district if a student seeks to enroll
27 in another public school within his or her resident district under this
28 subchapter, the superintendent of the nonresident district or the
29 superintendent of the resident district if the student applies to transfer to
30 another public school within his or her resident district shall notify the
31 student's parent or guardian and the resident district, if applicable, in
32 writing as to whether the student's application has been accepted or
33 rejected.

34 (2) If an application is rejected, the superintendent of the
35 nonresident district or the superintendent of the resident district if the
36 student applies to transfer to another public school within his or her

1 resident district shall state in the notification letter the reason for
2 rejection.

3 (3) If an application is accepted, the superintendent of the
4 nonresident district or the superintendent of the resident district if the
5 student applies to transfer to another public school within his or her
6 resident district shall state in the notification letter a reasonable
7 deadline by which the student shall enroll in the nonresident district or the
8 resident district if the student applies to transfer to another public school
9 within his or her resident district and after which the acceptance
10 notification is null.

11 (f)(1) For each application received under this section, ~~the~~ a
12 nonresident district or a resident district if a student applies to transfer
13 to another public school within his or her resident district shall notify the
14 applicant in writing as to whether the student's application has been
15 accepted or rejected within fifteen (15) calendar days of the nonresident
16 district's or resident district's receipt of the application.

17 (2) A transfer of the student is effective immediately upon the
18 nonresident district's or resident district's written notification of an
19 acceptance.

20 (g)(1) Each school district shall report annually to the Secretary of
21 the Department of Education the number of transfer applications, acceptances,
22 denials, and reasons for each denial under this subchapter.

23 (2) The data received by the secretary under subdivision (g)(1)
24 of this section shall be published annually on the Division of Elementary and
25 Secondary Education website.

26

27 SECTION 10. Arkansas Code § 6-18-1907(b), concerning rules promulgated
28 under the Public School Choice Act of 2015, is amended to read as follows:

29 (b)(1) A student whose application for a transfer under § 6-18-1905 is
30 rejected by ~~the~~ a nonresident district or a resident district if a student
31 applies to transfer to another public school within his or her resident
32 district may request a hearing before the state board to reconsider the
33 transfer.

34 (2)(A) A request for a hearing before the state board under
35 subdivision (b)(1) of this section shall be in writing and shall be
36 postmarked no later than ten (10) days after the student or the student's

1 parent or legal guardian, as applicable, receives a notice of rejection of
2 the application under § 6-18-1905.

3 (B) As part of the review process, ~~the~~ a student or a
4 parent or legal guardian of the student may submit supporting documentation
5 that the transfer would be in the best educational, social, or psychological
6 interest of the student.

7 (3) If the state board overturns the determination of the
8 nonresident district or resident district if the student applied to transfer
9 to another public school within his or her resident district on appeal, the
10 state board shall notify the parent, the nonresident district, if applicable,
11 and the resident district of the basis for the state board's decision.

12 (4) A student is not permitted to request a hearing before the
13 state board if his or her application for a transfer is rejected due to the
14 application's not being timely received by both the resident district and
15 nonresident district, if applicable.

16
17 SECTION 11. Arkansas Code § 6-18-1909(b), concerning an application of
18 a child who is a dependent of certain uniformed service members under the
19 Public School Choice Act of 2015, is amended to read as follows:

20 (b) If a student eligible under subsection (a) of this section seeks
21 to attend a school in a nonresident district or another public school within
22 his or her resident district, the student's parent, legal guardian, or person
23 standing in loco parentis to the student shall submit an application approved
24 by the Division of Elementary and Secondary Education by regular mail,
25 electronic mail, or in person to the student's nonresident district, if
26 applicable, and resident district, which includes:

27 (1) A copy of the identification card of the student's parent,
28 legal guardian, or person standing in loco parentis that qualifies the
29 student under this section; and

30 (2) A copy of the official orders, assignment notification, or
31 notice of mobilization of the student's parent, legal guardian, or person
32 standing in loco parentis.

33
34 SECTION 12. Arkansas Code § 6-18-1909(e), concerning the
35 transportation of a child who is a dependent of certain uniformed service
36 members and who transfers under the Public School Choice Act of 2015, is

1 amended to read as follows:

2 (e) The parent, legal guardian, or person standing in loco parentis to
3 a student eligible for a school transfer under this section shall be
4 responsible for the transportation of his or her child to and from a
5 nonresident district if the student transfers to a nonresident district under
6 this subchapter.

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/s/McCollum

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APPROVED: 4/21/25

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