

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1936

By: Representative Mahony

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 6, CHAPTER 18, SUBCHAPTER 2 OF THE ARKANSAS CODE OF 1987 TO ADD A SUBSECTION AUTHORIZING A PENALTY FOR ILLEGAL ATTENDANCE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-18-202 is hereby amended by adding a new subsection to read as follows:

"(d) (1) Any school district which admits for ten (10) school days or more a student the school district knows, or should have known, is a resident of another school district not included in a tuition agreement, or not officially transferred to it, shall be liable to the resident district of the student for an amount of money equal to the Minimum Foundation Program Aid table rate the resident district would have received or seven hundred fifty dollars (\$750) per year, whichever is greater.

(2) Notice to a school district by a complainant school district that a student is attending illegally in the school district begins the running of the ten (10) day time period.

(3) Causes of action arising under this subsection may be brought in a court of competent jurisdiction.

(4) The school district which admits the student shall have the burden of proof as to the student's residency.

(5) Upon presentation of a court order or judgement finding that a school district has admitted for ten (10) school days or more a student the district should have known was a resident of another district as set forth in (1), the Arkansas Department of Education will satisfy the defendant school district's liability by transferring to the complainant school district the appropriate amount of funds from state aid which the Department would have distributed to the defendant school district. Such transfer will be made from

the next payment due to the district from the Department after the order is received by the Department."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that some school districts are allowing students ineligible for attendance, to attend schools in the district to the detriment of the district in which the student is eligible to attend. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.