

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Fairchild**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS PARENTAL CHOICE PROGRAM;
9 AND FOR OTHER PURPOSES."

10
11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. Title. This act shall be known as and may be cited as the
14 "Arkansas Parental Choice Act of 1991".

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16 SECTION 2. Definitions. As used in this act, unless the context
17 otherwise requires:

18 (1) "Private school" means a nonsectarian, private school governed by a
19 board of directors.

20 (2) "Minimum Foundation Aid" means the amount of state aid that a
21 school district would receive for a student attending a public school.

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23 SECTION 3. (a) Beginning in the 1991 - 1992 school year, any pupil in
24 grades kindergarten to twelve (12) who resides in any school district in this
25 state may attend, at no charge, any private school located in the state if all
26 the following conditions apply:

27 (1) The pupil is a member of a family that has a total family
28 income that does not exceed an amount equal to 1.75 times the poverty level as
29 determined in accordance with criteria established by the U.S. Office of
30 Management and Budget;

31 (2) The private school notifies the Director of the General
32 Education Division of the Arkansas Department of Education of its intent to
33 participate under the provisions of this act by January 1 of the previous
34 school year;

35 (3) The private school complies fully with all applicable civil

1 rights laws;

2 (4) The private school meets or exceeds the Minimum Standards for
3 Public Schools or their equivalent;

4 (5) There is space available in the private school; and

5 (6) All public school districts within the county in which the
6 private school is located agree by resolution to participate in the program.

7 (b) No more than five percent (5%) of a school district's membership
8 may attend a private school under the provisions of subsection (a).

9 (c) No more than forty-nine percent (49%) of a private school's
10 enrollment may consist of students attending the school under the provisions
11 of this act.

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13 SECTION 4. Application procedure. Before a student may attend a
14 private school, the pupil's parent or guardian must submit an application to
15 the nonsectarian school and the resident school district. The application
16 must be postmarked no later than April 17 of the year in which the student
17 would begin the fall semester in the private school.

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19 SECTION 5. Basis for admission. The governing board of the private
20 school must adopt and cause to be published in a newspaper of general
21 circulation and in other media where available the specific standards for
22 acceptance and rejection of applications.

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24 SECTION 6. Notice to applicants. Within sixty (60) days of the receipt
25 of an application by a public school student seeking admission under the terms
26 of this act, a participating private school shall notify the parent or
27 guardian and the resident school district as to whether the pupil's
28 application has been accepted or rejected. If an application is rejected, the
29 private school must state in the notification letter the reason(s) for
30 rejection.

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32 SECTION 7. (a) A school district participating in this program shall
33 cause public announcements to be made over the broadcast media and in the
34 print media at such times and in such manner as to inform the parents or
35 guardians of pupils of the availability of the program, the application

1 deadlines and the requirements and procedures for pupils to participate in the
2 program.

3 (b) All school districts shall report to the Equity Assistance Center
4 of the State Department of Education on an annual basis the race, gender, and
5 other pertinent information needed to monitor compliance with the provisions
6 of this section. Such reports shall be provided to the Joint Interim
7 Oversight Subcommittee on Educational Reform of the Joint Interim Committee on
8 Education of the Arkansas General Assembly.

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10 SECTION 8. Transportation. The responsibility for transportation for a
11 private school student shall generally be borne by the student. The resident
12 public school district may transport the student to the district boundary line
13 or to a point agreeable to the parent or the private school and count the
14 student in the resident district's calculations for transportation funding.
15 The private school may provide transportation based upon arrangements made
16 with the parent or guardian.

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18 SECTION 9. Credits. A private school shall accept credits towards
19 graduation that were awarded by a public school district. The private school
20 shall award a diploma to a pupil who transfers under the provisions of this
21 act if the student meets the graduation requirements of the private school.

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23 SECTION 10. Athletic eligibility. A student who transfers to a private
24 school shall be eligible to participate in interscholastic athletic
25 competition if the student meets the requirements of the private school for
26 such participation.

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28 SECTION 11. Minimum Foundation Aid. For the purposes of determining a
29 school district's Minimum Foundation Aid, the private school student shall be
30 counted as part of the resident school district's Average Daily Membership.
31 The public school shall transfer to the private school an amount equal to the
32 amount of Minimum Foundation Aid the school district would receive for the
33 pupil if he were still enrolled in the public school.

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35 SECTION 12. Dispute resolution. There is hereby established in each

1 participating county a pupil assignment council made up of the administrative
2 head of each public and private school participating under the provisions of
3 this act. The council is authorized to resolve any dispute arising from the
4 implementation of this act.

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6 SECTION 13. All provisions of this act of a general and permanent
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
8 Code Revision Commission shall incorporate the same in the Code.

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10 SECTION 14. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 15. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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