

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Mahony**

A Bill

HOUSE BILL 1301

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 6-18-206 TO PROVIDE THAT
9 ALL SCHOOL DISTRICTS SHALL PARTICIPATE IN THE ARKANSAS
10 PUBLIC SCHOOL CHOICE PROGRAM; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND ARK. CODE ANN. § 6-18-206 TO PROVIDE THAT
14 ALL SCHOOL DISTRICTS SHALL PARTICIPATE IN THE ARKANSAS
15 PUBLIC SCHOOL CHOICE PROGRAM."

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

19 SECTION 1. Arkansas Code § 6-18-206 is hereby amended to read as
20 follows:

21 "6-18-206. Public school choice.

22 (a) This section may be referred to and cited as the Arkansas Public
23 School Choice Act of 1989.

24 (1) The General Assembly hereby finds that the students in
25 Arkansas' public schools and their parents will become more informed about and
26 involved in the public educational system if students and their parents or
27 guardians are provided greater freedom to determine the most effective school
28 for meeting their individual educational needs. There is no right school
29 for every student, and permitting students to choose from among different
30 schools with differing assets will increase the likelihood that some marginal
31 students will stay in school and that other, more motivated, students will
32 find their full academic potential.

33 (2) The General Assembly further finds that giving more options
34 to parents and students with respect to where they attend public school will
35 increase the responsiveness and effectiveness of the state's schools, since

1 teachers, administrators, and school board members will have added incentive
2 to satisfy the educational needs of the students who reside in the district.

3 (3) The General Assembly therefore finds that these benefits of
4 enhanced quality and effectiveness in our public schools justify permitting a
5 student to apply for admission to a school in any district beyond the one in
6 which he resides, provided that the transfer by this student would not
7 adversely affect the desegregation of either district.

8 (4) A public school choice program is hereby established to
9 enable any pupil to attend a school in a district in which the pupil does not
10 reside, subject to the restrictions contained in this section.

11 (b) (1) (A) Before a pupil may attend a school in a nonresident district,
12 the pupil's parent or guardian must submit an application to the nonresident
13 district. This application must be postmarked not later than April 17 of the
14 year in which the pupil would begin the fall semester at the nonresident
15 district.

16 (B) Within sixty (60) days of the receipt of an application
17 from a nonresident pupil seeking admission under the terms of this section, a
18 district shall notify the parent or guardian and the resident district in
19 writing as to whether the pupil's application has been accepted or rejected.
20 If the application is rejected, the nonresident district must state in the
21 notification letter the reason for rejection.

22 (2) The school board of a district must adopt, by resolution,
23 specific standards for acceptance and rejection of applications. Standards
24 may include the capacity of a program, class, grade level, or school building.
25 Nothing in this section requires a school district to add teachers or
26 classrooms or to in any way exceed the requirements and standards established
27 by existing law. Standards may not include an applicant's previous academic
28 achievement, athletic, or other extracurricular ability, handicapping
29 conditions, English proficiency level, or previous disciplinary proceedings.

30 (c) The responsibility for transportation for a student
31 from his resident school district to a nonresident school district shall be
32 borne, generally, by the student. The resident district may transport the
33 student to the district boundary or to a point agreeable to the parent or the
34 nonresident district within either the resident or nonresident district and
35 count that student in the resident district's calculation for transportation

1 funding. The nonresident district may provide transportation from the
2 resident district's boundary or from a point agreeable with the parent or the
3 resident district within either the resident or nonresident district to a
4 school in the nonresident district and count that student in the nonresident
5 district's calculation for transportation funding.

6 (d) (1) A nonresident district shall accept credits toward graduation
7 that were awarded by another district.

8 (2) The nonresident district shall award a diploma to a
9 nonresident pupil if the pupil meets the nonresident district's graduation
10 requirements.

11 (e) A student who transfers to a nonresident district shall not be
12 eligible for interscholastic athletic competition in football or basketball
13 for a period of one (1) year from the date of the beginning of the transfer.

14 (f) For purposes of determining a school district's minimum foundation
15 program aid, the nonresident student shall be counted as a part of the average
16 daily membership of the district to which the student has transferred. All
17 add-on weights generated by the student shall also be transferred to the
18 district of attendance.

19 (g) The provisions of this section and all pupil choice options created
20 hereby are subject to the following limitations:

21 (1) No student may transfer to a nonresident district where the
22 percentage of enrollment for the student's race exceeds that percentage in his
23 resident district except in the circumstances set forth in subdivision (2) of
24 this subsection.

25 (2) A transfer to a district is exempt from the restriction set
26 forth above if the transfer is between two (2) districts *within* a county and
27 the black and white percentages of school enrollment in both the sending and
28 receiving district remain within an acceptable range of the county's overall
29 black and white percentages of school population as set forth by the
30 Department of Education.

31 (3) The Department of Education shall, by the filing deadline
32 each year, compute the black and white percentages of each county's public
33 school population from the October Annual School Report and shall then compute
34 the acceptable range of variance from those percentages for school districts
35 within each county. In establishing the acceptable range of variance the

1 department is directed to use the remedial guideline established in Little
2 Rock School District v. Pulaski County Special School District of allowing an
3 overrepresentation or underrepresentation of black or white students of one
4 fourth (1/4th) or twenty-five percent (25%) of the county's racial balance.

5 (4) A transfer is exempt from the restriction set forth in
6 subdivision (1) of this subsection if each school district within the county
7 does not have a critical mass of minority students of more than ten percent
8 (10%) of any single race.

9 (5) In any instance where the foregoing provisions would result
10 in a conflict with a desegregation court order or a district's court-approved
11 desegregation plan, the terms of the order or plan shall govern.

12 (6) The Department of Education is authorized to adopt
13 appropriate rules and regulations to implement the provisions of this section.

14 (7) The Department of Education shall monitor the effect of the
15 choice transfers upon the racial balances of the school district and evaluate
16 their effectiveness in promoting quality desegregated education.

17 (h) The State Board of Education shall be authorized to resolve
18 disputes arising under subsections (c)-(g) of this section.

19 (i) A district shall cause public announcements to be made over the
20 broadcast media and in the print media at such times and in such manner as to
21 inform parents or guardians of pupils in adjoining districts of the
22 availability of the program, the application deadline and the requirements and
23 procedure for nonresident pupils to participate in the program.

24 (j)(1) All school districts shall report to the Equity Assistance
25 Center of the Department of Education on an annual basis the race, gender, and
26 other pertinent information needed to properly monitor compliance with the
27 provisions of this section.

28 (2) Such reports may be on such forms as prescribed by the
29 department.

30 (3) A copy of the report shall be provided to the Joint Interim
31 Oversight Subcommittee on Educational Reform of the Joint Interim Committee on
32 Education of the Arkansas General Assembly."

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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 3. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 4. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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/s/J. Mahony

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