

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

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

"ARKANSAS RIGHT TO EDUCATION ACT OF 1993."

### Subtitle

"ARKANSAS RIGHT TO EDUCATION ACT OF 1993."

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

SECTION 1. Title.

This act may be cited as the "Arkansas Right-to-Education Act of 1993."

SECTION 2. Purpose.

Article 14 of the Arkansas Constitution states that the State "shall adopt all suitable means to secure to the people the advantages and opportunity of education." The purpose of this act is to meet this constitutional goal and to protect every child's right to learn by providing a mechanism to maximize the educational opportunities of all children. In order to improve the quality and efficiency of public education, this act authorizes the creation of a statewide education voucher system.

SECTION 3. Definitions.

For the purpose of this act:

(1) "Education Voucher" is the instrument issued to parents or legal guardians that represents an amount of money as determined by the provisions of this act;

(2) "Education Voucher System" means a system whereby parents and legal guardians use education vouchers to pay only for educational services provided to students in kindergarten through grade twelve (12);

(3) "School" means any educational provider, government or

1 nongovernment, which teaches any grade level(s) from kindergarten through  
2 grade twelve (12);

3 (4) "Parents" includes natural parents, legal guardians, or any person  
4 having legal or effective custody over a student;

5 (5) "Student" means any person in kindergarten through grade twelve  
6 (12), who resides in the state; and

7 (6) "State Aid" means "state aid table rate per WADM," as defined in  
8 Arkansas Code Annotated §6-20-302.

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10 SECTION 4. Establishment and Implementation of Voucher System.

11 (a) The Right-to-Education system shall be established. Any parent of  
12 a student may apply for and receive a state funded voucher upon his request.  
13 Any parent may choose to send his child to the government school to which he  
14 is assigned, in which case no voucher will be required, or he may choose to  
15 apply for a voucher which he may redeem at either an eligible government or  
16 nongovernment school of choice in Arkansas. The voucher is a grant-in-aid to  
17 the parent of the child attending a nongovernment school of choice.

18 (b) Parents who elect to provide home school instructions to student(s)  
19 pursuant to Arkansas Code Annotated §6-15-501 et seq. shall be eligible to  
20 receive vouchers as hereinafter provided.

21 (c) The system shall be phased in over a three (3) year period.  
22 Parents of school age children in the following grades may apply for and  
23 receive vouchers as follows:

24 (1) Kindergarten, first, second, eleventh and twelfth grade  
25 students beginning for the school year 1994-95.

26 (2) Third, fourth, fifth, ninth and tenth grade students,  
27 beginning for the school year 1995-96.

28 (3) Sixth, seventh and eighth grade students beginning for the  
29 school year 1996-97.

30

31 SECTION 5. Voucher Classification and Values.

32 (a) The value of a voucher shall be determined according to the  
33 following criteria:

34 (1) When a parent selects a government school, the cash value of  
35 the voucher shall be determined by calculating the state aid to be received by

1 the selected government school during the appropriate school year, pursuant to  
2 Arkansas Code Annotated §6-20-302 et seq.

3           (2) When a parent selects a nongovernment school, the cash value  
4 of the voucher shall be seventy-five percent (75%) of the State Base  
5 Equalization Rate (SBER) for the applicable school year or the total of the  
6 tuition charged plus textbook costs, whichever is less. Tuition add-ons or  
7 parental supplements shall be permitted. However, the voucher shall be  
8 accepted by a nongovernment school as payment in full for any student who  
9 would qualify for free lunch under the federally funded free school lunch  
10 program.

11           (3) The cash value of the voucher for students attending  
12 sectarian nongovernment schools shall be reduced by sixteen percent (16%) on  
13 the assumption that students may be attending religious classes for one-sixth  
14 (1/6) of the school day.

15           (4) When a parent elects to provide home school instruction to a  
16 student pursuant to Arkansas Code Annotated §6-15-501 et seq., the value of  
17 the voucher shall be based upon the cost of curriculum material and testing,  
18 as required in Arkansas Code Annotated §6-5-504, and shall not exceed the  
19 value of a voucher presented to a sectarian nongovernment school for the  
20 applicable school year.

21           (b) Two (2) types of expanded value vouchers shall be issued upon  
22 request to parents of students with special needs.

23           (1) Special allowances shall be provided for expanded value  
24 vouchers redeemed by nongovernment schools for education of students with  
25 special educational needs who require adaptation to regular school  
26 programming. The expanded value voucher shall not exceed twice the amount of  
27 the cash value of the voucher as determined by Section 5(a)(2). The State  
28 Department of Education shall categorize the different disabilities and  
29 determine the voucher value necessary to meet the needs of the students filing  
30 under each category.

31           (2) Special allowances shall be provided for expanded value  
32 vouchers for low income parents, as defined by the state, who cannot pay for  
33 costs attendant to education such as transportation and supplies. The cash  
34 value of the vouchers shall be no greater than one and one-half (150%) of the  
35 cash value of the voucher as determined in Section 5(a)(1) above.

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2 SECTION 6. Financing.

3 Appropriations shall be made each year to the Public School Fund and to  
4 the Elementary and Secondary Student Aid Fund, created by the provisions of  
5 this act, for the purpose of redemption by the state treasurer of vouchers  
6 distributed pursuant to the provisions of this act. Vouchers of only those  
7 students attending government schools shall be redeemed by the state treasurer  
8 out of the funds in the Public School Fund. Vouchers of students attending  
9 nongovernment schools or receiving instruction in home schools shall be  
10 redeemed by the state treasurer out of funds in the Elementary and Secondary  
11 Student Aid Fund.

12 (1) The "Elementary and Secondary Student Aid Fund" is  
13 established in the state treasury. No monies of the state which are required  
14 by the provisions of Article 14 of the Constitution of Arkansas to be used for  
15 the maintenance of free public schools shall ever be placed to the credit of  
16 such fund.

17 (2) Notwithstanding Section 6(a)(1) of this act, transfer of  
18 funds from the appropriation for the Minimum foundation Program Aid account of  
19 the Public School Fund are specifically authorized by this act, so long as  
20 such transfer does not exceed the number of resident students choosing  
21 nongovernment or home schools, multiplied by the State Base Equalization Rate  
22 (SBER) for the applicable school year.

23 (3) In addition to voucher revenues, government schools may  
24 continue to apply for and utilize available funds from the federal government  
25 and other state and local funds, as provided by law.

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27 SECTION 7. Issuance of Vouchers.

28 (a) The office of the state treasurer shall issue vouchers by June 1 of  
29 each year to parents who submit them to schools of their choice by July 1.  
30 The schools shall submit the vouchers for payment as agents of the parents to  
31 the office of the state treasurer by August 1. If the parent elects to  
32 provide a student home school instruction pursuant to Arkansas Code Annotated  
33 §6-15-501 et seq., the vouchers shall be submitted by the parent by August 1  
34 each year.

35 (b) The state treasurer shall adopt rules and regulations, consistent

1 with the provisions and purposes of this act, to govern the form,  
2 distribution, presentment for redemption, and the redemption of vouchers which  
3 are reasonably necessary to carry out effectively the purposes of this act and  
4 to insure that vouchers are properly distributed and redeemed.

5 (c) Any person or institution who defrauds the Right-to-Education  
6 Voucher System shall be prosecuted to the full extent of the law and shall be  
7 liable under civil action to full and multiple restitution.

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9 SECTION 8. Participation and Eligibility of Schools.

10 (a) While every school supported in whole or in part by tax dollars  
11 shall be required to participate in the Right-to-Education Voucher System,  
12 nongovernment schools shall not be forced to participate and shall have the  
13 option every year to participate or not to participate.

14 (b) Government boards of local school districts may designate  
15 attendance areas for government schools located within the district.

16 (1) Students residing within the attendance area of a government  
17 school shall have the first opportunity to register for space in that school;  
18 but, such registration shall not be mandatory.

19 (2) When registration of its attendance area residents is  
20 completed, the government school with space available must enroll other  
21 children residing within the district on a first come, first served basis.  
22 Vouchers shall not be required for students residing within the district.

23 (3) After district residents have had an opportunity to register,  
24 schools with space available may enroll students residing outside the  
25 district, and accordingly, redeem vouchers presented by the parents of such  
26 students.

27 (c) No government or participating nongovernment school shall deny a  
28 student admission solely on the basis of race, color, or national origin.

29 (d) To be eligible to receive and redeem vouchers, each nongovernment  
30 school shall reserve at least twenty-five percent (25%) of new admissions each  
31 year, or a percentage equal to the minority population of the county in which  
32 the school is domiciled if less than twenty-five percent (25%), for the  
33 admission of minority students who make timely application and otherwise  
34 fulfill any nondiscriminatory admission criteria. If such applications are  
35 fewer than the places reserved, then all minority students who have made such

1 application shall be admitted. If such applications exceed the reserved  
2 spaces, the selection of minority students shall be on a first come, first  
3 served basis.

4 (e) Nongovernment schools shall be entitled to redeem vouchers upon  
5 filing a statement with the Commission on Educational Choice of compliance  
6 with Section 8(c) and (d) herein, and indicating satisfaction of state and  
7 local requirements for fire, safety and health which applied to nongovernment  
8 schools on January 1, 1993. Neither state nor local jurisdictions may augment  
9 such requirements. No nongovernment school participating in the education  
10 voucher system shall be considered a recipient of federal assistance.

11 (f) Parents of students electing to provide a student home school  
12 instruction shall be entitled to redeem vouchers upon filing a statement with  
13 the Commission on Educational Choice of compliance with the requirements of  
14 Arkansas Code Annotated §6-15-503 which applied to home schools on January 1,  
15 1993. The legislature may not augment such requirements.

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17 SECTION 9. Commission on Educational Choice.

18 (a) The Commission on Educational Choice, herein after referred to in  
19 this act as the Commission, is created within the office of the Governor.

20 (b) The Commission shall be composed of five (5) members appointed by  
21 the Governor as follows:

22 (1) One (1) representing administrators of government school  
23 systems, selected from a list of three (3) names submitted by the Arkansas  
24 School Boards Association;

25 (2) One (1) representing teachers in government schools, selected  
26 from a list of three (3) names submitted by the Arkansas Education  
27 Association;

28 (3) One (1) representing teachers in nongovernment schools from a  
29 list of three (3) names submitted by the Arkansas Nonpublic School Accrediting  
30 Association;

31 (4) One (1) representing administrators of nongovernment schools,  
32 selected from a list of three (3) names submitted by the Arkansas Nonpublic  
33 School Accrediting Association; and

34 (5) One (1) representing parents of school age children.

35 The Commission members shall serve for an appointed term of four (4)

1 years. The members shall serve without compensation but shall be reimbursed  
2 for their actual and necessary expenses incurred in the performance of their  
3 official duties.

4 (c) The purpose of the Commission shall be to implement, administer,  
5 and evaluate the Right-to-Education system provided by this act, and insure  
6 provision of adequate information about this system to parents of school age  
7 children in this state.

8 (d) The Commission shall employ staff necessary to efficiently perform  
9 its duties, functions, and responsibilities.

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11 SECTION 10. All provisions of this act of a general and permanent  
12 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
13 Code Revision Commission shall incorporate the same in the Code.

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

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21 SECTION 12. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

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