

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/12/99 H3/18/99

A Bill

HOUSE BILL 2275

5 By: Representatives Womack, Buchanan, Files, Bledsoe
6
7

For An Act To Be Entitled

9 "AN ACT TO CREATE CHILD-CENTERED SCHOLARSHIPS; AND FOR
10 OTHER PURPOSES."

Subtitle

13 "TO CREATE CHILD-CENTERED SCHOLARSHIPS."
14
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. (a) The General Assembly finds and declares that:

19 (1) Every family in Arkansas should have the option to take
20 advantage of the best educational opportunities available to their school-age
21 children;

22 (2) Providing families in Arkansas a choice between schools leads
23 to competition that benefits students and improves the quality of public
24 schools;

25 (3) Students should be allowed to improve their learning
26 potential through educational opportunities that are best suited to their
27 individual needs and interests; and

28 (4) Low-income families should not be denied educational choices
29 for their school-aged children.

30 (b) The purpose of this Act is to establish child-centered scholarships
31 that provide Arkansas students the opportunity to attend their choice of
32 public or private school in order to best suit their individual needs and
33 interests.
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35 SECTION 2. For purposes of this Act:

36 (1) "Parent" means any natural or adoptive parent and any guardian or

1 custodian;

2 (2) "Private school" means a nongovernmental educational establishment
3 that exists for the general education of elementary or secondary students;

4 (3) "Public school" means a school that is administered and staffed by
5 governmental employees; and

6 (4) "Child-centered scholarship" means a note that will be issued to a
7 qualifying parent through the department of education that can be used to
8 educate his child at any public or eligible private school.

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10 SECTION 3. (a) Each school district in this state shall participate in
11 the child-centered scholarship program.

12 (b) Each child eligible to attend school is eligible to attend either a
13 public school in the school district in which the child resides, a public
14 school in another school district, or a private school chosen for the child by
15 the child's parent.

16 (c) A school district shall give priority to children who reside in the
17 district and may refuse to admit a child who resides in another district.

18 (d) A child who wishes to use a child-centered scholarship to attend a
19 private school or a public school in a school district other than the district
20 in which the child resides shall register the child's choice with the district
21 in which the child resides. A child who attends private school but does not
22 receive a child-centered scholarship is not required to register the child's
23 choice with the school district.

24 (e) A private school is not required to accept children using child-
25 centered scholarships.

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27 SECTION 4. (a) A child who uses a child-centered scholarship to attend
28 a private school or a school in a school district other than the district in
29 which the child resides is considered in determining the average daily
30 attendance of the school district in which the child resides. The district in
31 which a child resides shall adopt a procedure that a private school or a
32 school in another district shall use to report, on a monthly basis, the
33 attendance of any child attending the school with a child-centered
34 scholarship.

35 (b) A school district's state funding shall be based on the district's
36 average daily attendance as determined under this Act.

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2 SECTION 5. (a) The child-centered scholarship of a child other than a
3 child identified as eligible for special education is the statewide average of
4 the amount of state and local funding per student for the preceding year. The
5 amount of state and local funding per student includes funding for programs
6 under this Act other than special education programs. The amount of state and
7 local funding per student does not include:

8 (1) Amounts spent for debt service;

9 (2) Amounts distributed from the available school fund; or

10 (3) Amounts received from the federal government.

11 (b) The child-centered scholarship of a child identified as eligible
12 for special education services is the statewide average of the amount of state
13 and local funding per student for the preceding school year, as determined
14 under subsection (a), plus the average amount spent per student for special
15 education programs by the district in which the child resides.

16 (c) Each school district shall distribute to the parent of each child
17 registering the child's school choice with the district a certificate stating
18 the amount of the child's child-centered scholarship. The parent shall
19 present the certificate to the school the child chooses to attend.

20 (d) A child's child-centered scholarship is the entitlement of the
21 child, under the supervision of the child's parent, and is not an entitlement
22 of any school of any kind.

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24 SECTION 6. (a) A private school may not share with or refund or rebate
25 to the parent or child in any manner, the child's child-centered scholarship.

26 (b) To receive payment of a child-centered scholarship, a private
27 school or a school district shall present the certificate and the Department
28 of Education shall make payment on a monthly basis after educational services
29 have been provided.

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31 SECTION 7. (a) A private school may not refuse to enroll a child using
32 a child-centered scholarship on the basis of the child's race, residence,
33 national origin, or ethnic background.

34 (b) Except as provided by subsection (c) of this section, a private
35 school that has more child-centered scholarship applicants than available
36 positions shall fill the available positions by a reasonable random selection

1 process.

2 (c) A private school may give preference to enrolled students to
3 achieve continuity in education and may give preference to other children
4 residing in the same household as enrolled students for the convenience of
5 parents of those children.

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7 SECTION 8. (a) A private school may not charge a child attending the
8 school under this Act tuition in addition to the child's child-centered
9 scholarship unless the school offers the child tuition assistance in an amount
10 equal to the difference between the amount of the tuition and the amount of
11 the child-centered scholarship.

12 (b) A private school may pay for uniform, extracurricular fees,
13 transportation, meals, or any other expense reasonably related to education.

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15 SECTION 9. (a) Each public school or private school shall administer
16 to children attending the school with a child-centered scholarship either:

17 (1) An assessment instrument; or

18 (2) A nationally recognized norm-referenced assessment instrument
19 selected by the school.

20 (b) The aggregate results of student assessments shall be published and
21 copies of the results shall be made available for public inspection at each
22 public school and private school.

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24 SECTION 10. (a) A private school shall provide, either directly or
25 contractually with other private schools or public school, the educational and
26 related services identified by the individualized education plan for each
27 child with a disability attending the school with a child-centered
28 scholarship.

29 (b) The cost of special education services, as determined by the school
30 district in which the child resides, shall be added to the child's child-
31 centered scholarship. Except as required by applicable federal law, a private
32 school is responsible for providing only educational and related services for
33 which costs are provided under this subsection.

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35 SECTION 11. A school district in which a child resides shall offer each
36 child attending a public school or private school with a child-centered

1 scholarship, transportation free of charge to and from the public school the
2 child would otherwise attend to the extent the district would be required to
3 provide transportation if the child were attending that public school. A
4 private school may transport children from the public school to the private
5 school.

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7 SECTION 12. (a) A private school that accepts a child-centered
8 scholarship is not a government agent or instrumentality, and the conduct of a
9 private school is governed by law governing private conduct rather than law
10 governing state action.

11 (b) The Department of Education may not in any way regulate the
12 educational program of a private school.

13 (c) The purpose of this Act is to allow maximum freedom to the private
14 sector to respond to educational needs without excessive government control,
15 and this Act shall be liberally construed to achieve that purpose.

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17 SECTION 13. (a) The United States Constitution and the Arkansas
18 Constitution guarantee the right to the free exercise of religion, and that
19 right may not be abridged by any government official. The purpose of this Act
20 is not to aid or inhibit religious education or to prohibit the free exercise
21 of religion, but to neutrally provide equal educational benefits for all
22 citizens, regardless of religious affiliation. Money may not be appropriated
23 directly to a private school, whether the school is sectarian or nonsectarian,
24 and may be appropriated only for the benefit of all children of Arkansas.

25 (b) The use of child-centered scholarships at a religious or parochial
26 school does not constitute direct aid or benefit to any church, sect,
27 religious denomination, or sectarian institution.

28 (c) A decision by a parent or child to attend a private or parochial
29 school must be made without coercion or encouragement by any governmental
30 employee.

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32 SECTION 14. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

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36 SECTION 15. If any provision of this act or the application thereof to

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

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

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/s/ Womack, et al

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