

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 242

4
5 By: Senator Argue
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For An Act To Be Entitled

8
9 AN ACT TO REQUIRE ALL SCHOOL DISTRICTS TO
10 PARTICIPATE IN PUBLIC SCHOOL CHOICE; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO REQUIRE ALL SCHOOL DISTRICTS
15 TO PARTICIPATE IN PUBLIC SCHOOL CHOICE.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 6-18-206 is amended to read as follows:
21 6-18-206. Public school choice.

22 (a)(1) This section may be referred to and cited as the "Arkansas
23 Public School Choice Act of 1989".

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

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



1 added incentive to satisfy the educational needs of the students who reside
 2 in the district.

3 (4) 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 the student resides, provided that the transfer by this student would
 7 not adversely affect the desegregation of either district.

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

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

16 (B)(i) Within thirty (30) days of the receipt of an
 17 application from a nonresident student seeking admission under the terms of
 18 this section, ~~a participating~~ the nonresident district shall notify the
 19 parent or guardian and the resident district in writing as to whether the
 20 student's application has been accepted or rejected.

21 (ii) If the application is rejected, the nonresident
 22 district must state in the notification letter the reason for rejection.

23 (iii) If the application is accepted, the
 24 nonresident district shall state in the notification letter:

25 (a) An absolute deadline for the student to
 26 enroll in the district, or the acceptance notification is null; and

27 (b) Any instructions for the renewal
 28 procedures established by the district.

29 (2)(A) The school board of directors of every public school
 30 district ~~of any participating district~~ must adopt by resolution specific
 31 standards for acceptance and rejection of applications. Standards may
 32 include the capacity of a program, class, grade level, or school building.
 33 Nothing in this section requires a school district to add teachers or
 34 classrooms or in any way to exceed the requirements and standards established
 35 by existing law. Standards shall include a statement that priority will be
 36 given to applications from siblings or stepsiblings residing in the same

1 residence or household of students already attending the district by choice.
 2 Standards may not include an applicant's previous academic achievement,
 3 athletic or other extracurricular ability, handicapping conditions, English
 4 proficiency level, or previous disciplinary proceedings, except that an
 5 expulsion from another district may be included pursuant to § 6-18-510.

6 (B)(i) Any student who applies for a transfer under this
 7 section and is denied a transfer by the nonresident district may request a
 8 hearing before the State Board of Education to reconsider the transfer.

9 (ii) A request for a hearing before the state board
 10 shall be in writing and shall be postmarked no later than ten (10) days after
 11 notice of rejection of the application under subdivision (b)(1)(B) is
 12 received by the student.

13 (3) ~~A school board may by resolution determine that it will not~~
 14 ~~admit any nonresident pupil to its schools pursuant to this section.~~ Each
 15 school district shall participate in public school choice consistent with
 16 this section.

17 (c) The responsibility for transportation of a student from the
 18 student's resident school district to a nonresident school district shall be
 19 borne by the student or the student's parents. ~~The resident school district~~
 20 ~~and the nonresident school district may enter into a written agreement with~~
 21 ~~the student, or student's parents, or resident school district~~ to provide
 22 transportation to or from the nonresident district, or both.

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

25 (2) The nonresident district shall award a diploma to a
 26 nonresident student if the student meets the nonresident district's
 27 graduation requirements.

28 (e) For purposes of determining a school district's state equalization
 29 aid, the nonresident student shall be counted as a part of the average daily
 30 membership of the district to which the student has transferred.

31 (f) The provisions of this section and all student choice options
 32 created in this section are subject to the following limitations:

33 (1) No student may transfer to a nonresident district where the
 34 percentage of enrollment for the student's race exceeds that percentage in
 35 the student's resident district except in the circumstances set forth in
 36 subdivisions (2) and (4) of this subsection;

1 (2) A transfer to a district is exempt from the restriction set
 2 forth in subdivision (f)(1) of this section if all districts within a county
 3 have voted to participate in choice, if the transfer is between two (2)
 4 districts within a county, and if the minority percentage in the student's
 5 race and majority percentages of school enrollment in both the resident and
 6 nonresident district remain within an acceptable range of the county's
 7 overall minority percentage in the student's race and majority percentages of
 8 school population as set forth by the department;

9 (3) The department shall by the filing deadline each year
 10 compute the minority percentage in the student's race and majority
 11 percentages of each county's public school population from the October Annual
 12 School Report and shall then compute the acceptable range of variance from
 13 those percentages for school districts within each county. In establishing
 14 the acceptable range of variance, the department is directed to use the
 15 remedial guideline established in Little Rock School District v. Pulaski
 16 County Special School District of allowing an overrepresentation or
 17 underrepresentation of black or white students of one-fourth (1/4) or twenty-
 18 five percent (25%) of the county's racial balance. In establishing the
 19 acceptable range of variance for school choice, the department is directed to
 20 use the remedial guideline of allowing an overrepresentation or
 21 underrepresentation of minority or majority students of one-fourth (1/4) or
 22 twenty-five percent (25%) of the county's racial balance;

23 (4) A transfer is exempt from the restriction set forth in
 24 subdivision (f)(1) of this section if each school district within the county
 25 does not have a critical mass of minority percentage in the student's race of
 26 more than ten percent (10%) of any single race;

27 (5) In any instance where the foregoing provisions would result
 28 in a conflict with a desegregation court order or a district's court-approved
 29 desegregation plan, the terms of the order or plan shall govern;

30 (6) The department shall adopt appropriate rules and regulations
 31 to implement the provisions of this section; and

32 (7) The department shall monitor school districts for compliance
 33 with this section.

34 (g) The state board shall be authorized to resolve disputes arising
 35 under subsections (b)-(f) of this section.

36 (h) A district ~~participating under this program~~ shall cause public

1 announcements to be made over the broadcast media and in the print media at
2 such times and in such manner as to inform parents or guardians of students
3 in adjoining districts of the availability of the program, the application
4 deadline, and the requirements and procedure for nonresident students to
5 participate in the program.

6 (i)(1) All school districts shall report to the Equity Assistance
7 Center on an annual basis the race, gender, and other pertinent information
8 needed to properly monitor compliance with the provisions of this section.

9 (2) The reports may be on those forms that are prescribed by the
10 department, or the data may be submitted electronically by the district using
11 a format authorized by the department.

12 (3) The department may withhold state aid from any school
13 district that fails to file its report each year or fails to file any other
14 information with a published deadline requested from school districts by the
15 center so long as thirty (30) calendar days are given between the request for
16 the information and the published deadline except when the request comes from
17 a member or committee of the General Assembly.

18 (4) A copy of the report shall be provided to the Joint Interim
19 Oversight Subcommittee on Educational Reform.

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