

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/20/07

A Bill

SENATE BILL 930

5 By: Senator Bryles
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7

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS PUBLIC SCHOOL CHOICE
9 LAW; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO AMEND THE ARKANSAS PUBLIC
12 SCHOOL CHOICE LAW.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 *SECTION 1. Arkansas Code § 6-18-206 is amended to read as follows:*
20 *6-18-206. Public school choice.*

21 *(a)(1) This section may be referred to and cited as the "Arkansas*
22 *Public School Choice Act of ~~1989~~ 2007".*

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

32 *(3)(A) The General Assembly further finds that there are*
33 *compelling educational benefits associated with promoting diversity in*
34 *Arkansas's public schools, including without limitation, racial and ethnic*
35 *diversity in the student body and ensuring access to educational*
36 *opportunities.*



1 (B) Diversity and access can be promoted by a properly
 2 administered public school choice policy.

3 ~~(3)(4)~~ The General Assembly further finds that giving more
 4 options to parents and students with respect to where the students attend
 5 public school will increase the responsiveness and effectiveness of the
 6 state's schools since teachers, administrators, and school board members will
 7 have added incentive to satisfy the educational needs of the students who
 8 reside in the district.

9 ~~(4)(5)~~ The General Assembly therefore finds that these related
 10 benefits of enhanced quality, diversity, access, and effectiveness in our
 11 public schools justify permitting a student to ~~apply for admission~~ request a
 12 transfer to a school in any district beyond the one in which the student
 13 resides, provided that the transfer ~~by this student would not adversely~~
 14 ~~affect the desegregation of either district~~ is based on legitimate
 15 educational justifications and not based on inappropriate stereotypes.

16 ~~(5)(6)~~ A public school choice program is hereby established to
 17 enable any student to attend a school in a district in which the student does
 18 not reside, subject to the restrictions contained in this section.

19 (b)(1)(A) Before a student may attend a school in a nonresident
 20 district, the student's parent or guardian must submit ~~an application a~~
 21 transfer request on a form ~~approved~~ developed by the Department of Education
 22 to the nonresident district by submitting the ~~application~~ transfer request to
 23 the superintendent of the school district. This application must be
 24 postmarked not later than July 1 of the year in which the student would begin
 25 the fall semester at the nonresident district.

26 (B)(i) Within thirty (30) days of the receipt of ~~an~~
 27 ~~application~~ a transfer request from a nonresident student seeking admission
 28 under the terms of this section, the superintendent of the nonresident
 29 district shall notify the parent or guardian and the resident district in
 30 writing as to whether the student's ~~application~~ transfer request has been
 31 ~~accepted~~ approved or ~~rejected~~ denied.

32 (ii) If the ~~application~~ transfer request is ~~rejected~~
 33 denied, the superintendent of the nonresident district must state in the
 34 notification letter the reason for rejection.

35 (iii) If the ~~application~~ transfer request is
 36 ~~accepted~~ approved, the superintendent of the nonresident district shall state

1 in the notification letter:

2 (a) An absolute deadline for the student to
3 enroll in the district, or the ~~acceptance~~ approval notification is null; and

4 (b) Any instructions for the renewal
5 procedures established by the district.

6 (2)(A)(i) The school board of directors of every public school
7 district must adopt by resolution ~~specific standards~~ a policy for ~~acceptance~~
8 approval and ~~rejection~~ denial of applications based on standards and
9 procedures established by the department. ~~Standards may include the capacity~~
10 ~~of a program, class, grade level, or school building.~~

11 (ii) The standards and procedures shall be designed
12 to ensure that any transfer request is based on sound educational
13 justifications that are consistent with the findings under subsection (a) of
14 this section and take into consideration a range of factors in the following
15 areas:

16 (a) The capacity of the nonresident school,
17 grade, or class;

18 (b) The relative strength of the nonresident
19 school's educational program, including the nature of the program and the
20 relative school improvement status; and

21 (c) The impact on the educational benefits of
22 diversity and access to educational opportunity.

23 (B)(i) Nothing in this section shall permit the
24 establishment of unlawful quotas.

25 (ii) Nothing in this section requires a school
26 district to add teachers, staff, or classrooms or in any way to exceed the
27 requirements and standards established by existing law.

28 (iii) Standards shall include a statement that
29 priority will be given to applications from siblings or stepsiblings residing
30 in the same residence or household of students already attending the district
31 by choice.

32 (iv) Standards may not include an applicant's
33 previous academic achievement, athletic or other extracurricular ability,
34 handicapping conditions, English proficiency level, or previous disciplinary
35 proceedings except that an expulsion from another district may be included
36 pursuant to § 6-18-510.

1 (C)(i) In evaluating a transfer request, the nonresident
2 district shall conduct an individualized review of the applicant to determine
3 whether the request is based on legitimate educational justification under
4 subdivision (b)(2)(A) of this section.

5 (ii) School districts shall approve a transfer
6 request if there is sufficient capacity and the transfer request is justified
7 based on the relative strength of the education program or the impact on
8 diversity and access to educational opportunity.

9 (iii) If capacity is not sufficient to honor all
10 transfer requests, school districts shall approve transfers to applicants who
11 demonstrate the greatest educational justification based on the relative
12 strength of the education program and the impact on diversity and access to
13 educational opportunity.

14 (D) A resident district that believes that a transfer
15 request or group of transfer requests is not based on legitimate educational
16 justification but on inappropriate stereotypes may deny the transfer request
17 or transfer requests.

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

21 (ii) A request for a hearing before the state board
22 shall be in writing and shall be postmarked no later than ten (10) days after
23 notice of ~~rejection of the application~~ denial of the transfer request under
24 subdivision (b)(1)(B) of this section is received by the student.

25 (3) Each school district shall participate in public school
26 choice consistent with this section.

27 (c) The responsibility for transportation of a student from the
28 student's resident school district to a nonresident school district shall be
29 borne by the student or the student's parents. The nonresident school
30 district may enter into a written agreement with the student, the student's
31 parents, or the resident school district to provide transportation to or from
32 any place in the resident district to the nonresident district, or both.

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

35 (2) The nonresident district shall award a diploma to a
36 nonresident student if the student meets the nonresident district's

1 graduation requirements.

2 (e) For purposes of determining a school district's state equalization
3 foundation funding aid under § 6-20-2305(a) and funding for additional
4 education categories under § 6-20-2305(b), the nonresident student shall be
5 counted as a part of the average daily membership of the district to which
6 the student has transferred.

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

9 ~~(1) No student may transfer to a nonresident district where the~~
10 ~~percentage of enrollment for the student's race exceeds that percentage in~~
11 ~~the student's resident district except in the circumstances set forth in~~
12 ~~subdivisions (2) and (3) of this subsection;~~

13 ~~(2)(A) A transfer to a district is exempt from the restriction~~
14 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
15 ~~two (2) districts within a county and if the minority percentage in the~~
16 ~~student's race and majority percentages of school enrollment in both the~~
17 ~~resident and nonresident district remain within an acceptable range of the~~
18 ~~county's overall minority percentage in the student's race and majority~~
19 ~~percentages of school population as set forth by the department.~~

20 ~~(B)(i) By the filing deadline each year, the department~~
21 ~~shall compute the minority percentage in the student's race and majority~~
22 ~~percentages of each county's public school population from the October Annual~~
23 ~~School Report and shall then compute the acceptable range of variance from~~
24 ~~those percentages for school districts within each county.~~

25 ~~(ii)(a) In establishing the acceptable range of~~
26 ~~variance, the department is directed to use the remedial guideline~~
27 ~~established in Little Rock School District v. Pulaski County Special School~~
28 ~~District of allowing an overrepresentation or underrepresentation of black or~~
29 ~~white students of one fourth (1/4) or twenty five percent (25%) of the~~
30 ~~county's racial balance.~~

31 ~~(b) In establishing the acceptable range of~~
32 ~~variance for school choice, the department is directed to use the remedial~~
33 ~~guideline of allowing an overrepresentation or underrepresentation of~~
34 ~~minority or majority students of one fourth (1/4) or twenty five percent~~
35 ~~(25%) of the county's racial balance;~~

36 ~~(3) A transfer is exempt from the restriction set forth in~~

1 ~~subdivision (f)(1) of this section if each school district within the county~~
2 ~~does not have a critical mass of minority percentage in the student's race of~~
3 ~~more than ten percent (10%) of any single race;~~

4 ~~(4)(f)(1)~~ In any instance ~~where~~ in which the provisions of this
5 ~~subsection~~ section would result in a conflict with a desegregation court
6 order or a district's court-approved desegregation plan, the terms of the
7 order or plan shall govern~~;~~.

8 ~~(5)(2)~~ The department shall adopt appropriate rules and
9 regulations to implement the provisions of this section~~;~~ and.

10 ~~(6)(3)~~ The department shall monitor school districts for
11 compliance with this section.

12 (g) The state board shall be authorized to resolve disputes arising
13 under subsections ~~(b)-(f)~~ (b)-(e) of this section.

14 (h)(1) The superintendent of ~~the~~ each district shall ~~cause public~~
15 ~~announcements to be made over the broadcast media and in the print media~~
16 provide effective notice at such times and in such a manner as to inform
17 parents or guardians of students in adjoining districts of the availability
18 of the public school choice program, the application deadline, and the
19 requirements and procedure for nonresident students to participate in the
20 program.

21 (2) The notice shall be provided consistent with standards
22 established by the department that are designed to best promote the findings
23 established under subsection (a) of this section.

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

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

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

