

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2003

4
5 By: Representative Lowery
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW PERTAINING TO RESIDENCY
10 REQUIREMENTS AND ATTENDANCE AT PUBLIC SCHOOLS;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE LAW PERTAINING TO RESIDENCY
16 REQUIREMENTS AND ATTENDANCE AT PUBLIC
17 SCHOOLS.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 6-18-202(e), concerning age and residence
23 requirements for attending public schools, is amended to read as follows:

24 (e)(1) ~~Any~~ A school district that admits shall not admit for ten (10)
25 school days or more a student who is not a resident of the school district or
26 is not otherwise entitled by law to attend the school district for ten (10)
27 ~~school days or more a student that the school district knows or should have~~
28 ~~known is a resident of another school district not included in a tuition~~
29 ~~agreement or is not officially transferred to it shall be liable to the~~
30 ~~resident district of the student for an amount of money equal to the amount~~
31 ~~of state foundation funding per student.~~

32 ~~(2) Notice to a school district by a complainant school district~~
33 ~~that a student is attending illegally in the school district begins the~~
34 ~~running of the ten day time period.~~

35 ~~(3) Causes of action arising under this subsection may be~~
36 ~~brought in a court of competent jurisdiction.~~



1 ~~(4) The school district that admits the student shall have the~~
 2 ~~burden of proof as to the student's residency.~~

3 ~~(5)(A) Upon presentation of a court order or judgment finding~~
 4 ~~that a school district has admitted for ten (10) school days or more a~~
 5 ~~student the district should have known was a resident of another district, as~~
 6 ~~set forth in subdivision (e)(1) of this section, the Department of Education~~
 7 ~~will satisfy the defendant school district's liability by transferring to the~~
 8 ~~complainant school district the appropriate amount of funds from state aid~~
 9 ~~that the department would have distributed to the defendant school district.~~

10 ~~(B) The transfer will be made from the next payment due to~~
 11 ~~the district from the department after the order is received by the~~
 12 ~~department.~~

13 (2) A school district that determines that a student who resides
 14 within its boundaries is unlawfully attending another school district shall
 15 send written notification to the other school district that the student is
 16 unlawfully attending the school district.

17 (3)(A) The school district that receives the notification under
 18 subdivision (e)(2) of this section shall immediately investigate and
 19 determine which school district the student is required to attend.

20 (B) The school district conducting the investigation
 21 shall:

22 (i) Complete the investigation within five (5)
 23 business days after receiving the written notice;

24 (ii) Make a determination as to which school
 25 district the student is required to attend; and

26 (iii) Send a written report to the school district
 27 that submitted the notification, in writing, of the findings of the
 28 investigation and the documentation supporting its determination.

29 (4) A student who is determined to be unlawfully attending a
 30 school not within the student's resident district shall be immediately barred
 31 from attending the nonresident school district.

32 (5)(A) The school district that submitted the notification may
 33 within five (5) days after receiving the written report, appeal the decision
 34 of the school district that conducted the investigation.

35 (B) The appeal shall be made to the Department of
 36 Education.

1 (C) The school district that conducted the investigation
 2 shall have the burden of proof in proving that the student is entitled to
 3 attend its school.

4 (6)(A) The department shall promulgate rules to establish the
 5 procedure for a department hearing officer to investigate the appeal and
 6 conduct a hearing.

7 (B) The department hearing officer may compel disclosure
 8 of information from both of the school districts in his or her duties.

9 (C)(i) The decision of the department hearing officer may
 10 be appealed by either school district, a parent or guardian of the student,
 11 or the student to the State Board of Education.

12 (ii) The state board shall affirm the decision of
 13 the department hearing officer if the decision is supported by substantial
 14 evidence.

15 (iii) The state board shall establish a procedure
 16 for the appeal hearings.

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 18 SECTION 2. Arkansas Code § 6-18-202, concerning age and residence
 19 requirements for attending public schools, is amended to add an additional
 20 subsection as follows:

21 (h) A superintendent or other school district administrator who
 22 knowingly permits the unlawful attendance at his or her school by a student
 23 who is not a resident of the school district shall be subject to disciplinary
 24 action by the department.

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