

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
4

As Engrossed: H3/24/09

A Bill

HOUSE BILL 2003

5 By: Representative Lowery
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For An Act To Be Entitled

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

15 TO AMEND THE LAW PERTAINING TO RESIDENCY
16 REQUIREMENTS AND ATTENDANCE AT PUBLIC
17 SCHOOLS.
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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) A school district that determines that a student who
14 resides within its boundaries is unlawfully attending another school district
15 shall send written notification to the superintendent of the other school
16 district that the student is unlawfully attending the school district.

17 (B) The written notification to the superintendent shall
18 include a reasonable description of the street address and other information
19 that leads the school district to determine that the student is a resident of
20 its school district.

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

24 (B) The school district conducting the investigation
25 shall:

26 (i)(a) Complete the investigation within ten (10)
27 business days after receiving the written notice.

28 (b) The school district conducting the
29 investigation may extend the investigation ten (10) business days in a case
30 that involves five (5) or more students by submitting written notice within
31 the first ten (10) business days of the investigation to the school district
32 that submitted the notification under subdivision (e)(2) of this section;

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

35 (iii) Send a written report to the school district
36 that submitted the notification, in writing, of the findings of the

1 investigation and the documentation supporting its determination.

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

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

8 (B) The appeal shall be made to the Department of
9 Education.

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

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

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

18 (C)(i) The decision of the department hearing officer may
19 be appealed by either school district to the State Board of Education.

20 (ii) The state board shall affirm the decision of
21 the department hearing officer if the decision is supported by substantial
22 evidence.

23 (iii) The state board shall establish a procedure
24 for the appeal hearings.

25 (7)(A) The decision of the state board may be appealed by either
26 school district to the circuit court of the county where the school district
27 that is appealing the decision is located.

28 (B) The circuit court shall affirm the decision of the
29 state board if the decision is supported by substantial evidence.

30
31 *SECTION 2. Arkansas Code § 6-18-202(f), concerning the age and*
32 *residence requirements for attending public schools, is amended to read as*
33 *follows:*

34 *(f) Any person who knowingly gives a false residential address for*
35 *purposes of public school enrollment ~~shall be~~ is guilty of a violation and*
36 *subject to a fine not to exceed ~~five hundred dollars (\$500)~~ one thousand*

1 dollars (\$1,000).

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/s/ Lowery

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