

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1294

5 By: Representative Hammer
6

For An Act To Be Entitled

8 AN ACT TO PRESERVE THE CONTINUITY OF EDUCATION FOR
9 STUDENTS WHO ATTEND NONRESIDENT SCHOOLS UNDER THE
10 ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; TO DECLARE
11 AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

14 TO PRESERVE THE CONTINUITY OF EDUCATION
15 FOR STUDENTS WHO ATTEND NONRESIDENT
16 SCHOOLS UNDER THE ARKANSAS PUBLIC SCHOOL
17 CHOICE ACT OF 1989; AND TO DECLARE AN
18 EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 6-18-107. Continuity of education for public school choice students.

27 (a) As used in this section:

28 (1) "Nonresident district" means a school district other than a
29 student's resident district; and

30 (2) "Resident district" means the school district where the
31 student resides as determined under § 6-18-202.

32 (b) If a public school choice request is approved by a nonresident
33 district under a provision of law that is later declared unconstitutional by
34 a court or is repealed, the student may continue to attend school in the
35 nonresident district until the student completes his or her secondary
36 education.



1 (c) A present or future sibling of a student who continues enrollment
2 in the nonresident district under this section may enroll in or continue
3 enrollment in the nonresident district until the sibling completes his or her
4 secondary education.

5 (d) The enrollment of a student in a nonresident district under this
6 section is subject to:

7 (1) The nonresident district's written policies for renewal of
8 the transfer; and

9 (2) Other provisions of law concerning attendance and enrollment
10 in public schools.

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12 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that the constitutionality of
14 certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-
15 206, has been called into question by a federal court but that the order is
16 stayed while the decision is being appealed; that thousands of public school
17 students currently are attending public schools in nonresident school
18 districts under that law; that there is now uncertainty among school
19 districts, public schools, parents, and students about the viability of those
20 transfers and transfers for the 2013-2014 school year; that the deadline for
21 requesting transfers under the law is July 1; and that this act is
22 immediately necessary to resolve that uncertainty before the 2013-2014 school
23 year and provide continuity of education for the transferred students.
24 Therefore, an emergency is declared to exist, and this act being immediately
25 necessary for the preservation of the public peace, health, and safety shall
26 become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,
29 the expiration of the period of time during which the Governor may veto the
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is
32 overridden, the date the last house overrides the veto.