

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

A Bill

HOUSE BILL 1507

5 By: Representatives Hammer, Clemmer
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT OF
9 2013; TO AMEND THE PUBLIC SCHOOL CHOICE LAW; TO AMEND
10 OTHER PROVISIONS OF LAW RELATED TO THE PUBLIC SCHOOL
11 CHOICE LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO ESTABLISH THE PUBLIC SCHOOL CHOICE ACT
16 OF 2013; AND TO DECLARE AN EMERGENCY.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-15-430(b)(1), concerning student
23 transfers from a school district that is identified as being in academic
24 distress, is amended to read as follows:

25 (b)(1)(A) Subject to subdivision (b)(1)(B) of this section, Any a
26 nonresident district shall accept the public school choice transfer request
27 under the Public School Choice Act of 2013, § 6-18-1901 et seq., of a student
28 attending a public school district classified as being in academic distress
29 ~~shall automatically be eligible and entitled pursuant to the Arkansas Public~~
30 ~~School Choice Act of 1989, § 6-18-206, to transfer to another geographically~~
31 ~~contiguous school district~~ if the nonresident district:

32 (i) Is geographically contiguous to the resident
33 district; and

34 (ii) Is not classified as being in academic distress
35 during the time period that a school the resident district is classified as
36 being in academic distress and, therefore, not be.



1 (B) The student is not required to file a petition by July
 2 1 but shall meet all other requirements and conditions of the ~~Arkansas Public~~
 3 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
 4 18-1901 et seq.

5
 6 SECTION 2. Arkansas Code § 6-18-202(g), concerning the age and
 7 attendance requirements for attending public schools, is amended to read as
 8 follows:

9 (g) This section ~~shall not be construed to~~ does not restrict a
 10 student's ability to participate in a:

- 11 (1) A tuition agreement with a nonresident school district; or
- 12 (2) to officially transfer to another school district pursuant
 13 to the Arkansas Public School Choice Act of 1989, § 6-18-206 The Public
 14 School Choice Act of 2013, § 6-18-1901 et seq.

15
 16 SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
 17 to add an additional section to read as follows:

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

19 (a) As used in this section:

- 20 (1) "Nonresident district" means a school district other than a
 21 student's resident district; and
- 22 (2) "Resident district" means the school district where the
 23 student resides as determined under § 6-18-202.

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

29 (c) A present or future sibling of a student who continues enrollment
 30 in the nonresident district under this section may enroll in or continue
 31 enrollment in the nonresident district until the sibling of the transfer
 32 student completes his or her secondary education, if the district has the
 33 capacity to accept the sibling without adding teachers, staff, or classrooms,
 34 or exceed the regulations and standards established by law.

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

1 (1) The nonresident district’s written policies for renewal of
 2 the transfer; and

3 (2) Other provisions of law concerning attendance and enrollment
 4 in public schools.

5
 6 SECTION 4. Arkansas Code § 6-18-206 is repealed.

7 ~~6-18-206. Public school choice.~~

8 ~~(a)(1) This section may be referred to and cited as the “Arkansas~~
 9 ~~Public School Choice Act of 1989”.~~

10 ~~(2) The General Assembly finds that the students in Arkansas’s~~
 11 ~~public schools and their parents will become more informed about and involved~~
 12 ~~in the public educational system if students and their parents or guardians~~
 13 ~~are provided greater freedom to determine the most effective school for~~
 14 ~~meeting their individual educational needs. There is no right school for~~
 15 ~~every student, and permitting students to choose from among different schools~~
 16 ~~with differing assets will increase the likelihood that some marginal~~
 17 ~~students will stay in school and that other, more motivated students will~~
 18 ~~find their full academic potential.~~

19 ~~(3) The General Assembly further finds that giving more options~~
 20 ~~to parents and students with respect to where the students attend public~~
 21 ~~school will increase the responsiveness and effectiveness of the state’s~~
 22 ~~schools since teachers, administrators, and school board members will have~~
 23 ~~added incentive to satisfy the educational needs of the students who reside~~
 24 ~~in the district.~~

25 ~~(4) The General Assembly therefore finds that these benefits of~~
 26 ~~enhanced quality and effectiveness in our public schools justify permitting a~~
 27 ~~student to apply for admission to a school in any district beyond the one in~~
 28 ~~which the student resides, provided that the transfer by this student would~~
 29 ~~not adversely affect the desegregation of either district.~~

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

33 ~~(b)(1)(A) Before a student may attend a school in a nonresident~~
 34 ~~district, the student’s parent or guardian must submit an application on a~~
 35 ~~form approved by the Department of Education to the nonresident district by~~
 36 ~~submitting the application to the superintendent of the school district. This~~

1 application must be postmarked not later than July 1 of the year in which the
2 student would begin the fall semester at the nonresident district.

3 ~~(B)(i) Within thirty (30) days of the receipt of an~~
4 ~~application from a nonresident student seeking admission under the terms of~~
5 ~~this section, the superintendent of the nonresident district shall notify the~~
6 ~~parent or guardian and the resident district in writing as to whether the~~
7 ~~student's application has been accepted or rejected.~~

8 ~~(ii) If the application is rejected, the~~
9 ~~superintendent of the nonresident district must state in the notification~~
10 ~~letter the reason for rejection.~~

11 ~~(iii) If the application is accepted, the~~
12 ~~superintendent of the nonresident district shall state in the notification~~
13 ~~letter:~~

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

16 ~~(b) Any instructions for the renewal~~
17 ~~procedures established by the district.~~

18 ~~(iv)(a) Any student who accepts a school choice~~
19 ~~transfer may return to his or her resident district during the course of the~~
20 ~~school year.~~

21 ~~(b) If a transferred student returns to his or~~
22 ~~her resident district during the school year, the student's transfer is~~
23 ~~voided, and the student shall reapply for any future transfer.~~

24 ~~(2)(A) The school board of directors of every public school~~
25 ~~district must adopt by resolution specific standards for acceptance and~~
26 ~~rejection of applications. Standards may include the capacity of a program,~~
27 ~~class, grade level, or school building. Nothing in this section requires a~~
28 ~~school district to add teachers, staff, or classrooms or in any way to exceed~~
29 ~~the requirements and standards established by existing law. Standards shall~~
30 ~~include a statement that priority will be given to applications from siblings~~
31 ~~or stepsiblings residing in the same residence or household of students~~
32 ~~already attending the district by choice. Standards may not include an~~
33 ~~applicant's previous academic achievement, athletic or other extracurricular~~
34 ~~ability, handicapping conditions, English proficiency level, or previous~~
35 ~~disciplinary proceedings except that an expulsion from another district may~~
36 ~~be included pursuant to § 6-18-510.~~

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

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

8 ~~(3) Each school district shall participate in public school~~
9 ~~choice consistent with this section.~~

10 ~~(c) The responsibility for transportation of a student from the~~
11 ~~student's resident school district to a nonresident school district shall be~~
12 ~~borne by the student or the student's parents. The nonresident school~~
13 ~~district may enter into a written agreement with the student, the student's~~
14 ~~parents, or the resident school district to provide transportation to or from~~
15 ~~any place in the resident district to the nonresident district, or both.~~

16 ~~(d)(1) A nonresident district shall accept credits toward graduation~~
17 ~~that were awarded by another district.~~

18 ~~(2) The nonresident district shall award a diploma to a~~
19 ~~nonresident student if the student meets the nonresident district's~~
20 ~~graduation requirements.~~

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

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

26 ~~(1) No student may transfer to a nonresident district where the~~
27 ~~percentage of enrollment for the student's race exceeds that percentage in~~
28 ~~the student's resident district except in the circumstances set forth in~~
29 ~~subdivisions (f)(2) and (3) of this section;~~

30 ~~(2)(A) A transfer to a district is exempt from the restriction~~
31 ~~set forth in subdivision (f)(1) of this section if the transfer is between~~
32 ~~two (2) districts within a county and if the minority percentage in the~~
33 ~~student's race and majority percentages of school enrollment in both the~~
34 ~~resident and nonresident district remain within an acceptable range of the~~
35 ~~county's overall minority percentage in the student's race and majority~~
36 ~~percentages of school population as set forth by the department.~~

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

6 ~~(ii)(a) In establishing the acceptable range of~~
 7 ~~variance, the department is directed to use the remedial guideline~~
 8 ~~established in Little Rock School District v. Pulaski County Special School~~
 9 ~~District of allowing an overrepresentation or underrepresentation of black or~~
 10 ~~white students of one-fourth ($\frac{1}{4}$) or twenty-five percent (25%) of the county's~~
 11 ~~racial balance.~~

12 ~~(b) In establishing the acceptable range of~~
 13 ~~variance for school choice, the department is directed to use the remedial~~
 14 ~~guideline of allowing an overrepresentation or underrepresentation of~~
 15 ~~minority or majority students of one-fourth ($\frac{1}{4}$) or twenty-five percent (25%)~~
 16 ~~of the county's racial balance;~~

17 ~~(3) A transfer is exempt from the restriction set forth in~~
 18 ~~subdivision (f)(1) of this section if each school district affected by the~~
 19 ~~transfer does not have a critical mass of minority percentage in the~~
 20 ~~student's race of more than ten percent (10%) of any single race;~~

21 ~~(4) In any instance in which the provisions of this subsection~~
 22 ~~would result in a conflict with a desegregation court order or a district's~~
 23 ~~court-approved desegregation plan, the terms of the order or plan shall~~
 24 ~~govern;~~

25 ~~(5) The department shall adopt appropriate rules and regulations~~
 26 ~~to implement the provisions of this section; and~~

27 ~~(6) The department shall monitor school districts for compliance~~
 28 ~~with this section.~~

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

31 ~~(h) The superintendent of the district shall cause public~~
 32 ~~announcements to be made over the broadcast media and in the print media at~~
 33 ~~such times and in such a manner as to inform parents or guardians of students~~
 34 ~~in adjoining districts of the availability of the program, the application~~
 35 ~~deadline, and the requirements and procedure for nonresident students to~~
 36 ~~participate in the program.~~

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

5 ~~(2) The reports may be on those forms that are prescribed by the~~
 6 ~~department, or the data may be submitted electronically by the district using~~
 7 ~~a format authorized by the department.~~

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

14 ~~(4) A copy of the report shall be provided to the Joint Interim~~
 15 ~~Oversight Committee on Educational Reform.~~

16 ~~(j)(1) The department shall develop a proposed set of rules as it~~
 17 ~~determines is necessary or desirable to amend the provisions of this section.~~

18 ~~(2) The department shall present the proposed rules in written~~
 19 ~~form to the House Interim Committee on Education and the Senate Interim~~
 20 ~~Committee on Education by October 1, 2006, for review and consideration by~~
 21 ~~the committees for possible amendments to this section and to the Arkansas~~
 22 ~~Public School Choice Program by the Eighty-sixth General Assembly.~~

23
 24 SECTION 5. Arkansas Code § 6-18-227(b)(1)(B) and (2)(A)(i), concerning
 25 the Arkansas Opportunity Public School Choice Act of 2004, is amended to read
 26 as follows:

27 (B) The parent, guardian, or the student, if the student is over
 28 eighteen (18) years of age, has notified the Department of Education and both
 29 the sending and receiving school districts of the request for a transfer no
 30 later than ~~July 30~~ July 1 of the first year in which the student intends to
 31 transfer.

32 (2)(A)(i) For the purposes of continuity of educational choice,
 33 the transfer shall operate as an irrevocable election for each subsequent
 34 entire school year and shall remain in force until the student completes high
 35 school or the parent, guardian, or the student, if the student is over
 36 eighteen (18) years of age, makes application no later than ~~July 30~~ July 1

1 for attendance or transfer as ~~provided for by §§ 6-18-202, 6-18-206, and 6-~~
 2 ~~18-316~~ under § 6-18-202, § 6-18-316, and the Public School Choice Act of
 3 2013, § 6-18-1901 et seq.

4
 5 SECTION 6. Arkansas Code § 6-18-227(e), concerning the Arkansas
 6 Opportunity Public School Choice Act of 2004 is amended to read as follows:

7 ~~(e)(1) The provisions of this section and all student choice options~~
 8 ~~created in this section shall comply with § 6-18-206(d), (e), and (i) and~~
 9 ~~shall not be subject to any other limitation or restriction provided by law.~~

10 ~~(2)~~ If any part of this section conflicts with the provisions of
 11 a federal desegregation court order applicable to a school district, the
 12 provisions of the federal desegregation court order shall govern.

13
 14 SECTION 7. Arkansas Code Title 6, Chapter 18, is amended to add an
 15 additional subchapter to read as follows:

16
 17 Subchapter 19 – Public School Choice Act of 2013

18
 19 6-18-1901. Title - Legislative findings.

20 (a) This subchapter shall be known and may be cited as the "Public
 21 School Choice Act of 2013".

22 (b) The General Assembly finds that:

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

32 (2) Providing more options to parents or guardians and students
 33 with respect to where the students attend public school will increase the
 34 responsiveness and effectiveness of the state's schools because teachers,
 35 administrators, and school board members will have added incentive to satisfy
 36 the educational needs of the students who reside in the school district; and

1 (3) The benefits of enhanced quality and effectiveness in our
 2 public schools justify permitting a student to apply for admission to a
 3 school in any school district beyond the one in which the student resides,
 4 subject to the restrictions contained in this subchapter.

5
 6 6-18-1902. Definitions.

7 As used in this subchapter:

8 (1) "Nonresident district" means a school district other than a
 9 student's resident district;

10 (2) "Parent" means a student's parent, guardian, or other person
 11 having custody or care of the student;

12 (3) "Resident district" means the school district in which the
 13 student resides as determined under § 6-18-202; and

14 (4) "Transfer student" means a public school student who
 15 transfers to a nonresident district through a public school choice option
 16 under this subchapter.

17
 18 6-18-1903. Public school choice program established.

19 (a) A public school choice program is established to enable a student
 20 to attend a school in a nonresident district if:

21 (1) The student seeks a transfer due to the employment of the
 22 student's parent under § 6-18-203;

23 (2) The student's place of residence meets the criteria under §
 24 6-18-203, § 6-18-205, or § 6-18-307;

25 (3) The student is a victim of a violent criminal offense that
 26 occurred on the grounds of an Arkansas public elementary, secondary, or
 27 public charter school under § 6-15-432;

28 (4) The student is attending a persistently dangerous school
 29 under § 6-15-432;

30 (5) The student seeks a transfer under § 6-18-227 because the
 31 student's assigned school in the resident district has been designated as a
 32 level 1 school under § 6-15-2103 for two (2) or more consecutive years;

33 (6) The resident district is classified as being in:

34 (A) Academic distress under § 6-15-430(b); or

35 (B) Facilities distress under § 6-21-812;

36 (7) The student is a military dependent seeking a transfer under

1 state laws concerning educational access for military children;

2 (8) The transfer will promote greater integration in the
3 nonresident district and will not adversely affect the desegregation of
4 either school district when:

5 (A) One (1) of the districts has a minority percentage of
6 any single race of more than ten percent (10%) of its total student
7 population; or

8 (B) The percentage of enrollment for the student's race in
9 the nonresident district is less than that percentage in the resident
10 district;

11 (9) The student has performed at or below basic on state
12 benchmark exams for two (2) consecutive school years while enrolled in the
13 resident district; or

14 (10) The student has obtained the agreement of both the resident
15 district and the nonresident district for the transfer based on the student's
16 educational needs under § 6-18-316 or § 6-18-204;

17 (b) A transfer under this subchapter is subject to the restrictions
18 under § 6-18-1905 and under a specific provision of law governing the
19 transfer.

20
21 6-18-1904. Request for a transfer.

22 (a) A student may enroll in a school in a nonresident district if:

23 (1) The student or the student's parent submits an application
24 for transfer:

25 (A) On the form approved by the Department of Education;

26 (B) To the nonresident district and to the resident
27 district; and

28 (C) Postmarked not later than July 1 of the year in which
29 the student would begin the fall semester at the nonresident district; and

30 (2) The application is approved by the nonresident district.

31 (b)(1) By August 1 of the school year in which the student seeks to
32 enroll in a nonresident district under this subchapter, the superintendent of
33 the nonresident district shall notify the parent and the resident district in
34 writing as to whether the student's application has been accepted or
35 rejected.

36 (2) If the application is rejected, the superintendent of the

1 nonresident district shall state in the notification letter the reason for
 2 rejection.

3 (3) If the application is accepted, the superintendent of the
 4 nonresident district shall state in the notification letter:

5 (A) A deadline by which the student shall enroll in the
 6 nonresident district and after which the acceptance notification is null; and

7 (B) Instructions for the renewal procedures established by
 8 the nonresident district.

9 (4)(A) A transfer student may return to his or her resident
 10 district during the course of the school year.

11 (B) If a transfer student returns to his or her resident
 12 district during the school year:

13 (i) The transfer is voided; and

14 (ii) The student shall reapply if he or she seeks a
 15 future transfer.

16
 17 6-18-1905. Restrictions on a choice transfer.

18 If the provisions of this section result in a conflict with a
 19 desegregation court order or a district's court-approved desegregation plan,
 20 the terms of the order or plan shall govern.

21
 22 6-18-1906. School district rights and responsibilities.

23 (a) Each school district shall participate in a public school choice
 24 program consistent with this subchapter.

25 (b)(1) The board of directors of a public school district shall adopt
 26 by resolution specific standards for acceptance and rejection of
 27 applications.

28 (2) The standards:

29 (A) May include without limitation the capacity of a
 30 program, class, grade level, or school building;

31 (B) Shall include a statement that priority will be given
 32 to an applicant who has a sibling or stepsibling who:

33 (i) Resides in the same household; and

34 (ii) Is already enrolled in the nonresident district
 35 by choice; and

36 (C)(i) Unless otherwise specified in this subchapter,

1 shall not include an applicant's previous academic achievement, athletic or
2 other extracurricular ability, disability, English proficiency, or previous
3 disciplinary proceedings.

4 (ii) However, an expulsion from another school
5 district may be included under § 6-18-510.

6 (d) A nonresident district shall:

7 (1) Accept credits toward graduation that were awarded by
8 another district; and

9 (2) Award a diploma to a nonresident student if the student
10 meets the nonresident district's graduation requirements.

11 (e) This subchapter does not require a school district to add
12 teachers, staff, or classrooms, or in any way to exceed the requirements and
13 standards established by existing law.

14 (f) The superintendent of a school district shall cause public
15 announcements to be made over the broadcast media and in either the print
16 media or on the Internet to inform parents or guardians of students in
17 adjoining districts of the:

18 (1) Availability of the program;

19 (2) Application deadline; and

20 (3) Requirements and procedure for nonresident students to
21 participate in the program.

22
23 6-18-1907. General provisions.

24 (a)(1) A transfer student attending a nonresident school under this
25 subchapter may complete all remaining school years at the nonresident
26 district, subject to:

27 (A) The nonresident district's policies and procedures for
28 renewal of the transfer; and

29 (B) Other provisions of law concerning attendance and
30 enrollment in public schools.

31 (2) A present or future sibling of a transfer student under
32 subdivision (a)(1) of this section may enroll in or continue enrollment in
33 the nonresident district until the sibling of the transfer student completes
34 his or her secondary education.

35 (b)(1) The transfer student or the transfer student's parent is
36 responsible for the transportation of the transfer student to and from the

1 nonresident district where the transfer student is enrolled.

2 (2) The nonresident district may enter into a written agreement
 3 with the student, the student's parent, or the resident district to provide
 4 the transportation.

5 (c) The parent of a transfer student shall comply fully with the
 6 nonresident district's parental involvement requirements.

7 (d) For purposes of determining a school district's state aid, a
 8 transfer student is counted as a part of the average daily membership of the
 9 district of the nonresident district where the transfer student is enrolled.

10 (e) If a conflict exists between this section and the provisions of a
 11 law governing a specific choice option identified in § 6-18-1904, the
 12 specific provisions of law shall govern the transfer.

13
 14 6-18-1908. Rules - Appeal.

15 (a) The State Board of Education shall promulgate rules to implement
 16 this subchapter, including without limitation a form of application for
 17 transfer that:

18 (1) Lists all public school choice program options identified in
 19 this subchapter; and

20 (2) Allows the student or student's parent to select the
 21 applicable option.

22 (b) A student who applies for a transfer under this subchapter and is
 23 denied a transfer by the nonresident district may request a hearing before
 24 the state board to reconsider the transfer.

25 (c) A request for a hearing before the state board shall be in writing
 26 and shall be postmarked no later than ten (10) days after the student or the
 27 student's parent receives a notice of rejection of the application under § 6-
 28 18-1904.

29 (d) If the state board overturns the determination of the nonresident
 30 district on appeal, the state board shall notify the nonresident district of
 31 the basis for the state board's decision.

32
 33 SECTION 8. Arkansas Code § 6-21-812(a), concerning student transfers
 34 from a school district that is identified as being in fiscal distress, is
 35 amended to read as follows:

36 (a)(1) ~~Any~~ Subject to subdivision (a)(2) of this section, a

1 nonresident district shall accept the public school choice program transfer
 2 request under the Public School Choice Act of 2013, § 6-18-1901 et seq., of a
 3 student attending a public school district classified as being in facilities
 4 distress shall automatically be eligible and entitled under the Arkansas
 5 Public School Choice Act of 1989, § 6-18-206, to transfer to another
 6 geographically contiguous school district not if the nonresident district:

7 (A) Is geographically contiguous to the resident district;

8 and

9 (B) Is not classified as being in facilities distress
 10 during the time period that a the resident district is classified as being in
 11 facilities distress.

12 (2) The student is not required to file a petition by July 1 but
 13 shall meet all other requirements and conditions of the ~~Arkansas Public~~
 14 ~~School Choice Act of 1989, § 6-18-206~~ Public School Choice Act of 2013, § 6-
 15 18-1901 et seq.

16
 17 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
 18 General Assembly of the State of Arkansas that certain provisions of the
 19 Arkansas Public School Choice Act of 1989 have been found to be
 20 unconstitutional by a federal court; that thousands of public school students
 21 are currently attending public schools in nonresident school districts under
 22 that law; that there is now uncertainty about the viability of those
 23 transfers and future transfers; that this act amends the disputed provisions
 24 of that law while preserving the opportunity for public school choice and
 25 encouraging diversity in public schools; and that this act is immediately
 26 necessary to resolve the uncertainty in the law before the 2013-2014 school
 27 year. Therefore, an emergency is declared to exist, and this act being
 28 immediately necessary for the preservation of the public peace, health, and
 29 safety shall become effective on:

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

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

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

36