

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1604

5 By: Representative Barker
6 By: Senators J. Bryant, A. Clark
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE THAT A PETITION OF A STUDENT TO
10 TRANSFER FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL
11 DISTRICT BE PLACED ON THE AGENDA OF A SCHOOL DISTRICT
12 BOARD OF DIRECTORS FOR REVIEW AND APPROVAL; TO CREATE
13 A PROCESS WHEREBY A DENIAL OF A TRANSFER PETITION MAY
14 BE APPEALED; AND FOR OTHER PURPOSES.

Subtitle

16
17
18 TO REQUIRE THAT A PETITION OF A STUDENT
19 TO TRANSFER FROM ONE SCHOOL DISTRICT TO
20 ANOTHER SCHOOL DISTRICT BE PLACED ON THE
21 AGENDA OF A SCHOOL DISTRICT BOARD OF
22 DIRECTORS FOR REVIEW AND APPROVAL.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 6-18-316 is amended to read as follows:
28 6-18-316. Transfer on petition of student.

29 (a) Upon the petition of a student residing in one (1) school
30 district, the resident district, to transfer to another school district, the
31 receiving district, the board of directors of the resident district may enter
32 into an agreement with the board of directors of the receiving school
33 district transferring the student to the receiving district for purposes of
34 education.

35 (b) Forms for use in transferring ~~children~~ a student from one (1)
36 school district to another shall be provided by the Division of Elementary



1 and Secondary Education.

2 (c)(1) A transfer petition received by a school district under this
 3 section shall be placed on the agenda of the next regular monthly meeting of
 4 the school district board of directors, unless otherwise provided by this
 5 section.

6 (2) At least five (5) days before a regular monthly meeting of a
 7 school district board of directors, the superintendent of the school district
 8 shall notify the school district board of directors regarding:

9 (A) All transfer petitions received under this section;
 10 and

11 (B)(i) The superintendent’s recommendation concerning each
 12 transfer petition received under this section.

13 (ii) If a student’s transfer petition is recommended
 14 by a school district superintendent for denial, the school district
 15 superintendent shall provide a written explanation of the reasons for the
 16 recommendation to the:

17 (a) School district board of directors; and

18 (b) Parent, legal guardian, or person standing
 19 in loco parentis to the student.

20 (3) Each transfer petition received by a school district under
 21 this section and placed on the agenda of a school district board of directors
 22 as required under subdivision (c)(1) of this section shall:

23 (A) Be considered individually; and

24 (B) Receive a separate vote by the school district board
 25 of directors.

26 (4) A parent, legal guardian, or person standing in loco
 27 parentis to a student who submits a petition for a transfer under this
 28 section shall be given at least five (5) minutes to present the student’s
 29 case for a transfer to a school district board of directors.

30 (5)(A) A school district board of directors may adopt a
 31 resolution that delegates its authority to approve a petition for a transfer
 32 received under this section to:

33 (i) The school district superintendent; or

34 (ii) An individual member of the school district
 35 board of directors.

36 (B)(i) However, a school district board of directors shall

1 not delegate its authority to deny a petition for a transfer received under
 2 this section.

3 (ii) If a petition for a transfer received under
 4 this section is denied, the parent, legal guardian, or person standing in
 5 loco parentis to the student who submitted a petition for a transfer may
 6 appeal the decision of the school district board of directors to the State
 7 Board of Education.

8 ~~(e)(d)~~ After ~~the~~ a petition for a transfer has been approved by ~~the~~ a
 9 school district board of directors of the resident district and ~~the~~ a school
 10 district board of directors of the receiving district, copies of approved
 11 transfers shall be filed by the receiving district with the ~~office:~~

12 (1) Office of the county clerk, ~~with the administrative;~~

13 (2) Administrative offices of the respective school districts, ~~;~~
 14 and ~~with the division~~

15 (3) Division.

16 ~~(d)(e)~~ ~~This legal~~ The transfer of a student from one (1) school
 17 district to another ~~places:~~

18 (1) Places the responsibility for the education of the student
 19 on the receiving district; and ~~permits~~

20 (2) Permits the receiving district to count ~~these children in a~~
 21 student who transfers under this section for purposes of average daily
 22 membership for state aid purposes.

23 ~~(e)(f)~~ This section does not transfer the local tax money from ~~the~~ a
 24 resident district.

25 ~~(f)(1)(g)(1)~~ Upon approval of ~~the~~ a petition to transfer by ~~the~~ a
 26 resident district, the receiving district may also enter into a tuition
 27 agreement with either the resident district or the ~~parents of the child or~~
 28 ~~children~~ parent, legal guardian, or person standing in loco parentis to the
 29 transferring student involved whereby the resident district or the ~~parents~~
 30 parent, legal guardian, or person standing in loco parentis to the
 31 transferring student will make tuition payments to the receiving district to
 32 compensate the receiving district for local taxes not received on behalf of
 33 the ~~child or children involved~~ transferring student.

34 (2) The annual amount of the tuition shall not exceed the
 35 average amount of local property tax per pupil collected in the receiving
 36 district in the preceding year.

1 ~~(g)~~(h) Student petitions for transfers granted under ~~the provisions of~~
2 this section shall be reviewed at the end of four (4) years by the school
3 districts involved to determine whether ~~the~~ a tuition agreement, if one
4 exists, should be renewed.

5 ~~(h)~~(i) Student petitions for transfers granted under this section
6 constitute an independent agreement between the resident district and the
7 receiving district and are not subject to the provisions and limitations of
8 other student transfer laws.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36