

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

As Engrossed: S4/3/23

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.
15

Subtitle

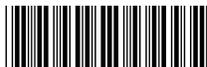
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18 TO REQUIRE THAT A PETITION OF A STUDENT
19 TO TRANSFER FROM ONE SCHOOL DISTRICT TO
20 ANOTHER SCHOOL DISTRICT BE PLACED ON THE
21 AGENDA OF A SCHOOL DISTRICT BOARD OF
22 DIRECTORS FOR REVIEW AND APPROVAL.
23

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 or a specially called meeting of the
5 school district board of directors, whichever occurs first, unless otherwise
6 provided by this section.

7 (2) At least five (5) days before a regular monthly meeting of a
8 school district board of directors or a specially called meeting of a school
9 district board of directors, whichever occurs first, the superintendent of
10 the school district shall notify the school district board of directors
11 regarding:

12 (A) All transfer petitions received under this section;
13 and

14 (B)(i) The superintendent's recommendation concerning each
15 transfer petition received under this section.

16 (ii) If a student's transfer petition is recommended
17 by a school district superintendent for denial, the school district
18 superintendent shall provide a written explanation of the reasons for the
19 recommendation to the:

20 (a) School district board of directors; and

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

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

26 (A) Be considered individually; and

27 (B) Receive a separate vote by the school district board
28 of directors.

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

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

36 (i) The school district superintendent; or

1 (ii) An individual member of the school district
2 board of directors.

3 (B)(i) However, a school district board of directors shall
4 not delegate its authority to deny a petition for a transfer received under
5 this section.

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

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

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

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

18 (3) Division.

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

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

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

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

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

