

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

As Engrossed: S3/29/23

# A Bill

SENATE BILL 400

5 By: Senators A. Clark, L. Chesterfield, Dees, J. English, Flippo, B. Johnson, G. Leding, M. McKee,  
6 Stone, C. Tucker, D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015;  
10 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL  
11 CHOICE ACT; TO ENSURE A STUDENT WHO TRANSFERS TO A  
12 NONRESIDENT DISTRICT IS AFFORDED CERTAIN  
13 OPPORTUNITIES AND RIGHTS; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16 TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF  
17 2015; AND TO AMEND THE ARKANSAS  
18 OPPORTUNITY PUBLIC SCHOOL CHOICE ACT.  
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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 § 6-18-227, concerning the Arkansas  
25 Opportunity Public School Choice Act, is amended to add an additional  
26 subsection to read as follows:

27 (m)(1) A student who transfers to another public school or a  
28 nonresident school district under this subchapter shall not be:

29 (A) Denied participation in an extracurricular activity at  
30 the public school or nonresident school district to which he or she transfers  
31 based exclusively on his or her decision to transfer to the public school or  
32 nonresident school district; or

33 (B) Disciplined in any manner based exclusively on the  
34 exercise of his or her right to transfer to another public school or a  
35 nonresident district under this subchapter.

36 (2)(A) However, a student who transfers to another public school



1 or a nonresident school district under this section shall complete a Changing  
2 Schools/Athletic Participation form as defined by the Arkansas Activities  
3 Association.

4 (B) A Changing Schools/Athletic Participation form shall  
5 be completed and filed with the:

6 (i) Public school or nonresident school district to  
7 which the student transfers under this section; and

8 (ii) Arkansas Activities Association.

9 (C)(i) Before a student is eligible to participate in an  
10 extracurricular activity at the public school or nonresident school district  
11 to which he or she transfers, the Changing Schools/Athletic Participation  
12 form submitted by the student as required under subdivision (m)(2)(B) of this  
13 section shall be signed by the:

14 (a) Superintendent of the student's resident  
15 school district;

16 (b) Superintendent of the nonresident school  
17 district to which the student transfers; and

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

20 (ii) The superintendent of a student's resident  
21 school district and the superintendent of the nonresident school district to  
22 which a student transfers shall sign the Changing Schools/Athletic  
23 Participation form unless there is demonstrable evidence:

24 (a) Of recruiting by the receiving school  
25 district personnel; or

26 (b) The student is transferring to the public  
27 school or nonresident school district solely for athletic purposes.

28 (D) A Changing Schools/Athletic Participation form shall  
29 be used only for eligibility determination of a student who transfers to  
30 another public school or nonresident school district under this section and  
31 is enrolled in the receiving school district by July 1 before the student  
32 enters grades seven through twelve (7-12).

33 (E)(i) Public school district personnel and registered  
34 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §  
35 6-22-101 et seq., shall not recruit students to the public school at which  
36 they are employed or volunteer for athletic purposes.

1 (ii)(a) For licensed personnel, an allegation of  
2 noncompliance with this section shall be referred to the Professional  
3 Licensure Standards Board by filing a formal complaint.

4 (b) Upon the board finding noncompliance with  
5 this section as applicable, the licensed personnel shall be subject to a  
6 minimum sanction of a one (1) year suspension, up to the revocation of his or  
7 her license, as determined by the board.

8 (iii)(a) For nonlicensed personnel or a registered  
9 volunteer, an allegation of noncompliance with this section shall be referred  
10 to the Arkansas Activities Association by filing a formal complaint.

11 (b) Upon the Arkansas Activities Association  
12 finding noncompliance with this section as applicable, a nonlicensed  
13 personnel or registered volunteer shall be subject to a minimum sanction of a  
14 one (1) year suspension, up to the revocation of an Arkansas Activities  
15 Association endorsement, as determined by the Arkansas Activities  
16 Association.

17 (iv)(a) As used in this section, "recruiting" means  
18 the use of undue influence or special inducement by an individual who is  
19 connected directly or indirectly with a school that is a member of the  
20 Arkansas Activities Association in an attempt to encourage, induce, pressure,  
21 urge, or entice a prospective student of any age to transfer to the school or  
22 retain a student at the school for the purpose of participating in  
23 extracurricular activities.

24 (b) However, an individual who coaches or  
25 assists with coaching an extracurricular activity sponsored by a school that  
26 employs the individual is not recruiting for purposes of this section if he  
27 or she coaches or assists with coaching during an off-season program that is  
28 separate from the extracurricular activity sponsored by the school that  
29 employs the individual.

30 (3) As used in subdivision (m)(1) of this section,  
31 "extracurricular activity" means an interschool activity not included in a  
32 regular curriculum, including without limitation sports and special interest  
33 clubs or groups.

34  
35 SECTION 2. Arkansas Code § 6-18-1904, concerning general provisions  
36 for student transfers under the Public School Choice Act of 2015, is amended

1 to add an additional subsection to read as follows:

2 (f)(1) A student who transfers to another public school or a  
3 nonresident district under this subchapter shall not be:

4 (A) Denied participation in an extracurricular activity at  
5 the public school or nonresident district to which he or she transfers based  
6 exclusively on his or her decision to transfer to the public school or  
7 nonresident district; or

8 (B) Disciplined in any manner based exclusively on the  
9 exercise of his or her right to transfer to another public school or a  
10 nonresident district under this subchapter.

11 (2)(A) However, a student who transfers to another public school  
12 or a nonresident school district under this subchapter shall complete a  
13 Changing Schools/Athletic Participation form as defined by the Arkansas  
14 Activities Association.

15 (B) A Changing Schools/Athletic Participation form shall  
16 be completed and filed with the:

17 (i) Public school or nonresident school district to  
18 which the student transfers under this section; and

19 (ii) Arkansas Activities Association.

20 (C)(i) Before a student is eligible to participate in an  
21 extracurricular activity at the public school or nonresident school district  
22 to which he or she transfers, the Changing Schools/Athletic Participation  
23 form submitted by the student as required under subdivision (f)(2)(B) of this  
24 section shall be signed by the:

25 (a) Superintendent of the student's resident  
26 school district;

27 (b) Superintendent of the nonresident school  
28 district to which the student transfers; and

29 (c) Parent, legal guardian, or person standing  
30 in loco parentis to the student.

31 (ii) The superintendent of a student's resident  
32 school district and the superintendent of the nonresident school district to  
33 which a student transfers shall sign the Changing Schools/Athletic  
34 Participation form unless there is demonstrable evidence:

35 (a) Of recruiting by the receiving school  
36 district personnel; or

1 (b) The student is transferring to the public  
2 school or nonresident school district solely for athletic purposes.

3 (D) A Changing Schools/Athletic Participation form shall  
4 be used only for eligibility determination of a student who transfers to  
5 another public school or nonresident school district under this subchapter  
6 and is enrolled in the receiving school district by July 1 before the student  
7 enters grades seven through twelve (7-12).

8 (E)(i) Public school district personnel and registered  
9 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §  
10 6-22-101 et seq., shall not recruit students to the public school at which  
11 they are employed or volunteer for athletic purposes.

12 (ii)(a) For licensed personnel, an allegation of  
13 noncompliance with this section shall be referred to the Professional  
14 Licensure Standards Board by filing a formal complaint.

15 (b) Upon the board finding noncompliance with  
16 this section as applicable, the licensed personnel shall be subject to a  
17 minimum sanction of a one (1) year suspension, up to the revocation of his or  
18 her license, as determined by the board.

19 (iii)(a) For nonlicensed personnel or a registered  
20 volunteer, an allegation of noncompliance with this section shall be referred  
21 to the Arkansas Activities Association by filing a formal complaint.

22 (b) Upon the Arkansas Activities Association  
23 finding noncompliance with this section as applicable, a nonlicensed  
24 personnel or registered volunteer shall be subject to a minimum sanction of a  
25 one (1) year suspension, up to the revocation of an Arkansas Activities  
26 Association endorsement, as determined by the Arkansas Activities  
27 Association.

28 (iv)(a) As used in this section, "recruiting" means  
29 the use of undue influence or special inducement by an individual who is  
30 connected directly or indirectly with a school that is a member of the  
31 Arkansas Activities Association in an attempt to encourage, induce, pressure,  
32 urge, or entice a prospective student of any age to transfer to the school or  
33 retain a student at the school for the purpose of participating in  
34 extracurricular activities.

35 (b) However, an individual who coaches or  
36 assists with coaching an extracurricular activity sponsored by a school that

1 employs the individual is not recruiting for purposes of this section if he  
2 or she coaches or assists with coaching during an off-season program that is  
3 separate from the extracurricular activity sponsored by the school that  
4 employs the individual.

5 (3) As used in subdivision (f)(1) of this section,  
6 "extracurricular activity" means an interschool activity not included in a  
7 regular curriculum, including without limitation sports and special interest  
8 clubs or groups.

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/s/A. Clark