

ARKANSAS SENATE

94th General Assembly - Regular Session, 2023

Amendment Form

Subtitle of Senate Bill No. 400

TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND TO AMEND THE ARKANSAS
OPPORTUNITY PUBLIC SCHOOL CHOICE ACT.

Amendment No. 1 to Senate Bill 400

Amend Senate Bill No. 400 as originally introduced:

Page 1, delete line 35, and substitute the following:

"nonresident district under this subchapter.

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

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

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

(ii) Arkansas Activities Association.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

AND

Page 1, line 36, delete "(2) As" and substitute "(3) As"

AND

Page 2, line 1, delete "intraschool" and substitute "interschool"

AND

Page 2, delete line 16, and substitute the following:
"nonresident district under this subchapter.

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

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

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

(ii) Arkansas Activities Association.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Upon the Arkansas Activities Association finding noncompliance with this section as applicable, a nonlicensed personnel or registered volunteer shall be subject to a minimum sanction of a one (1) year suspension, up to the revocation of an Arkansas Activities

Association endorsement, as determined by the Arkansas Activities Association.

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

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

AND

Page 2, line 17, delete "(2) As" and substitute "(3) As"

AND

Page 2, line 18, delete "intraschool" and substitute "interschool"

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator A. Clark
TNL/JCM - 03-29-2023 13:59:35
TNL435 _____
Secretary