

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1790

By: Reps. Townsend, I. Brown, Walker

"AN ACT TO ALLOW THE TRANSFER OF CHILDREN FROM ONE SCHOOL DISTRICT TO ANOTHER; AND FOR OTHER PURPOSES."

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

SECTION 1. Upon the petition of a student residing in one school district (resident district), to transfer to another school district (receiving district), the Board of Directors of the resident district may enter into an agreement with the Board of Directors of the receiving school district transferring the student to the receiving district for purposes of education. Forms for use in transferring children from one school district to another shall be provided by the State Department of Education. After the petition has been approved by the Board of Directors of the resident district and the Board of Directors of the receiving district, copies of approved transfers shall be filed by the receiving district with the office of the County Clerk, with the administrative offices of the respective school districts, and with the State Department of Education. This legal transfer of a student from one district to another places the responsibility for the education of the student on the receiving district and permits the receiving district to count these children in average daily membership for state aid purposes. This section does not transfer the local tax money from the resident district.

SECTION 2. Boards of Directors of local school districts are prohibited from granting legal transfers in the following situations:

(a) where either the resident or the receiving district is under a desegregation related court order or has ever been under such a court order; and

(b) the transfer in question would negatively affect the racial balance of that district which is or has been under such a court order.

SECTION 3. Each form filed with the State Department of Education reporting a legal student transfer must be accompanied by an affidavit signed by each member of both school boards stating that the transfer does not violate the prohibition set forth in Section 2.

SECTION 4. The Arkansas Department of Education shall withhold state aid in an amount equal to that to be generated by the student in question in the respective districts from each district, if the transfer fails to comply with Section 3.

SECTION 5. (a) Any district not currently under a desegregation related court order but which has been under such a court order in the past may apply for a waiver of the prohibition set forth in Section 2.

(b) The State Board of Education may grant such a district a waiver from the provisions of Section 2 if it is determined that the district's desegregation status would not be adversely affected by allowing a legal transfer which would negatively affect the district's racial balance.

SECTION 6. Act 275 of 1959 as amended, the same being Arkansas Statutes 80-1518.1, 80-1518.2 and 80-1525 through 80-1528, is hereby specifically repealed along with all other laws or parts of laws in conflict with this Act.

