

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

A Bill

SENATE BILL 570

5 By: Senator J. English
6 By: Representative Cozart
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
11 CHOICE ACT; TO AMEND PROVISIONS OF THE ARKANSAS CODE
12 CONCERNING THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND PROVISIONS OF THE ARKANSAS CODE
17 CONCERNING THE ARKANSAS OPPORTUNITY
18 PUBLIC SCHOOL CHOICE ACT AND THE PUBLIC
19 SCHOOL CHOICE ACT OF 2015.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 6-18-227(a)(2)(B)(iii), concerning the
26 Arkansas Opportunity Public School Choice Act, is amended to read as follows:

27 (iii) Further finds that a student should not be
28 compelled against the wishes of the parent, guardian, or the student, if the
29 student is ~~over~~ eighteen (18) years of age or older, to remain in a public
30 school district classified by the State Board of Education as a school
31 district in need of Level 5 – Intensive support under § 6-15-2913 or §6-15-
32 2915 or a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-
33 2106 and state board rules; and
34

35 SECTION 2. Arkansas Code § 6-18-227(b)(1), concerning the Arkansas
36 Opportunity Public School Choice Act, is amended to read as follows:



1 (b)(1) Upon the request of a parent, guardian, or student, if the
2 student is ~~over~~ eighteen (18) years of age or older, a student may transfer
3 from his or her resident district or public school to another school district
4 or public school under this section if, at the time of the request under this
5 subdivision (b)(1):

6 (A) Either:

7 (i) The resident public school district has been
8 classified by the state board as a public school district in need of Level 5
9 – Intensive support under § 6-15-2913 or §6-15-2915; or

10 (ii) The resident public school has a rating of “F”
11 under §§ 6-15-2105 and 6-15-2106 and state board rules, as allowed in
12 subdivision (b)(3)(B)(i)(b) of this section; and

13 (B)~~(i)~~ Except as provided in ~~subdivision (b)(1)(B)(ii)~~
14 subsection (m) of this section, the parent, guardian, or student, if the
15 student is ~~over~~ eighteen (18) years of age or older, has notified both the
16 ~~sending resident~~ and ~~receiving nonresident~~ school districts of the request
17 for a transfer no earlier than January 1 and no later than May 1 of the
18 school year before the school year in which the student intends to transfer.

19 ~~(ii)(a) If a student has a parent or guardian~~
20 ~~who is an active-duty member of the military and who has been transferred to~~
21 ~~and resides on a military base, then the student’s parent or guardian may~~
22 ~~submit a request for transfer under this section at any time during the~~
23 ~~calendar year.~~

24 ~~(b) An application for transfer under~~
25 ~~subdivision (b)(1)(B)(ii)(a) of this section shall:~~

26 ~~(1) Be filed with the nonresident school~~
27 ~~district within fifteen (15) days of the parent’s or guardian’s arrival on~~
28 ~~the military base;~~

29 ~~(2) Include the parent’s or guardian’s~~
30 ~~military transfer orders; and~~

31 ~~(3) Include the parent’s or guardian’s~~
32 ~~proof of residency on the military base.~~

33
34 SECTION 3. Arkansas Code § 6-18-227(b)(2)(A), concerning the Arkansas
35 Opportunity Public School Choice Act, is amended to read as follows:

36 (2)(A)(i) For the purposes of continuity of educational choice,

1 a transfer under this section shall operate as an irrevocable election for
2 each subsequent entire school year and shall remain in force until the
3 student completes high school or the parent, guardian, or student, if the
4 student is ~~over~~ eighteen (18) years of age or older, timely makes application
5 under a provision of law governing attendance in or transfer to another
6 public school or school district other than the student’s assigned school or
7 resident district.

8 (ii)(a) Except as provided in ~~subdivision~~
9 ~~(b)(2)(A)(ii)(b)~~ subsection (m) of this section, a transfer under this
10 section is effective at the beginning of the next academic year.

11 (b) A transfer of a student eligible under
12 subsection (m) of this section ~~for a student who has a parent or guardian who~~
13 ~~is an active-duty member of the military and who resides on a military base~~
14 is effective immediately upon the nonresident district’s written notification
15 of an acceptance approval of the accepting school board at its next meeting.
16

17 SECTION 4. Arkansas Code § 6-18-227(b)(3)(A), concerning the Arkansas
18 Opportunity Public School Choice Act, is amended to read as follows:

19 (3)(A) For each student enrolled in or assigned to a public
20 school district that is classified by the state board as a public school
21 district in need of Level 5 – Intensive support under § 6-15-2913 or § 6-15-
22 2915 or a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-
23 2106 and state board rules, a school district shall:

24 (i) Timely notify the parent, guardian, or student,
25 if the student is ~~over~~ eighteen (18) years of age or older, as soon as
26 practicable after the designation is made, of all options available under
27 this section; and

28 (ii)(a) Offer the parent, guardian, or
29 student, if the student is ~~over~~ eighteen (18) years of age or older, an
30 opportunity to submit an application no earlier than January 1 and no later
31 than May 1 to enroll the student in the upcoming school year in any public
32 school district that is not classified by the state board as a public school
33 district in need of Level 5 – Intensive support under §§ 6-15-2913 and 6-15-
34 2915 or a public school within the resident district that does not have a
35 rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.

36 (b) The opportunity to continue

1 attending the public school or school district that the student transfers to
2 under this section remains in effect until the student graduates from high
3 school.

4
5 SECTION 5. Arkansas Code § 6-18-227(d)(2)(A) and (B), concerning the
6 Arkansas Opportunity Public School Choice Act, is amended to read as follows:

7 (2)(A)(i) A school district shall not deny a student the ability
8 to attend a school in the student’s school district of choice under this
9 section unless there is a lack of capacity at the school in the student’s
10 school district of choice.

11 (ii) A lack of capacity may be claimed by a school
12 district only if:

13 (a) ~~the~~ The school district has reached the
14 maximum student-to-teacher ratio allowed under federal law, state law, the
15 rules for standards of accreditation, state rules, or other applicable
16 federal regulations; and

17 (b) The claim is consistent with state and
18 federal law.

19 (B) ~~The race or ethnicity of a student shall not be used~~
20 ~~to deny a student the ability to attend a school in the student’s school~~
21 ~~district of choice~~ A school district receiving transfers under this section
22 shall not discriminate on the basis of gender, national origin, race,
23 ethnicity, religion, or disability.

24
25 SECTION 6. Arkansas Code § 6-18-227(d)(4), concerning the Arkansas
26 Opportunity Public School Choice Act, is amended to read as follows:

27 (4) An applicant shall not request a hearing before the state
28 board if his or her application for a transfer is rejected due to the
29 application not being timely received by both the resident district and
30 nonresident district.

31 (5) The division shall promulgate rules governing the use of
32 school capacity as a basis for denying admission under this section.

33
34 SECTION 7. Arkansas Code § 6-18-227, concerning the Arkansas
35 Opportunity Public School Choice Act, is amended to add an additional
36 subsection to read as follows:

1 (m)(1) A student shall be eligible for enrollment in the public school
2 district of his or her choice if he or she is a dependent of a:

3 (A) Uniformed service member in full-time active-duty
4 status as defined by Title 10, Title 32, Title 33, or Title 42 of United
5 States Code;

6 (B) Surviving spouse of a uniformed service member;

7 (C) Reserve component uniformed service member during the
8 period six (6) months before until six (6) months after a Title 10, Title 32,
9 Title 42, or state active duty mobilization and service; or

10 (D) Uniformed service veteran who is returning to civilian
11 status at the conclusion of the uniformed service veteran’s active duty
12 status.

13 (2) A student eligible for a school transfer under this
14 subsection shall be permitted only one (1) school transfer per academic year.

15 (3) The parent, legal guardian, or person standing in loco
16 parentis to a student eligible for a school transfer under this subsection
17 shall be responsible for the transportation of his or her child to and from a
18 nonresident district.

19 (4) If a student eligible for transfer under this subsection
20 seeks to attend a public school in a nonresident district, the student’s
21 parent, legal guardian, or person standing in loco parentis to the student,
22 or the student if the student is eighteen (18) years of age or older, shall
23 submit an application approved by the division to the student’s nonresident
24 district and resident district by regular mail, email, or in person, which
25 shall include a copy of the:

26 (A) Identification card of the student’s parent, legal
27 guardian, person standing in loco parentis to the student, or the student if
28 the student if eighteen (18) years of age or older, which qualifies the
29 student under this section; and

30 (B) Official orders, assignment notification, or notice of
31 mobilization of the student’s parent, legal guardian, or person standing in
32 loco parentis to the student.

33 (5) An application deadline required under this section shall
34 not apply to a student eligible for transfer under this subsection.

35
36 SECTION 8. Arkansas Code § 6-18-1903(c), concerning the Public School

1 Choice Act of 2015, is amended to read as follows:

2 (c)(1) ~~This subchapter does not require a school district to add~~
3 ~~teachers, staff, or classrooms or in any way to exceed the requirements and~~
4 ~~standards established by existing law~~ A school district shall not deny a
5 student the ability to attend a school in the student's school district of
6 choice under this section unless there is a lack of capacity at the school in
7 the student's school district of choice.

8 (2) A lack of capacity may be claimed by a school district only
9 if:

10 (A) The school district has reached the maximum student-
11 to-teacher ratio allowed under federal law, state law, the rules for
12 standards for accreditation, state rules, or other applicable federal
13 regulations; and

14 (B) The claim is consistent with state and federal law.

15 (3) A school district receiving transfers under this section
16 shall not discriminate on the basis of gender, national origin, race,
17 ethnicity, religion, or disability.

18
19 SECTION 9. Arkansas Code § 6-18-1905(a), concerning an application for
20 a transfer under the Public School Choice Act of 2015, is amended to read as
21 follows:

22 (a)(1) An application under this section shall be accepted no earlier
23 than January 1 and no later than May 1 each year.

24 (2)(A) Each school district shall have a policy stating the
25 method by which a parent or guardian of a student, or a student who is
26 eighteen (18) years of age or older, may submit a school choice application,
27 including without limitation:

- 28 (i) Regular mail;
- 29 (ii) Email; and
- 30 (iii) Hand delivery.

31 (B) A public school district shall not require ~~a parent or~~
32 ~~guardian of a student to file~~ in-person filing of an application ~~in person.~~

33 (3) If a student seeks to attend a school in a nonresident
34 district, the student's parent or guardian, or a student who is eighteen (18)
35 years of age or older, shall submit an application:

36 (A) To the nonresident district and to the student's

1 resident district;

2 (B)~~(i)~~ On a form approved by the Division of Elementary
3 and Secondary Education-

4 ~~(ii) If a student has a parent or guardian who is an~~
5 ~~active-duty member of the military and who has been transferred to and~~
6 ~~resides on a military base, then the student's parent or guardian shall file~~
7 ~~an application for transfer under this section within fifteen (15) days of~~
8 ~~the parent's or guardian's arrival on the military base, which shall include~~
9 ~~without limitation the parent's or guardian's:~~

10 ~~(a) Military transfer orders; and~~

11 ~~(b) Proof of residency on the military base;~~

12 and

13 (C)~~(i)~~ Postmarked or delivered no later than May 1 of the
14 year in which the student seeks to begin the fall semester at the nonresident
15 district, except as otherwise provided for dependents of uniformed service
16 members and uniformed service veterans under this subchapter.

17 ~~(ii) However, if a student has a parent or guardian~~
18 ~~who is an active-duty member of the military, then the student's application~~
19 ~~for a transfer under this section is not subject to the May 1 deadline under~~
20 ~~subdivision (a)(3)(C)(i) of this section if the student's parent or legal~~
21 ~~guardian:~~

22 ~~(a) Has been transferred to and resides on a~~
23 ~~military base; and~~

24 ~~(b) Provides military transfer orders that~~
25 ~~confirm the date of transfer to the military base.~~

26

27 SECTION 10. Arkansas Code § 6-18-1905, concerning an application for a
28 transfer under the Public School Choice Act of 2015, is amended to add an
29 additional subsection to read as follows:

30 (f)(1) For each application received under this section, the
31 nonresident district shall notify the applicant in writing as to whether the
32 student's application has been accepted or rejected within fifteen (15)
33 calendar days of the nonresident district's receipt of the application.

34 (2) A transfer of the student is effective immediately upon the
35 nonresident district's written notification of an acceptance.

36