

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1945

5 By: Representative McCollum  
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## For An Act To Be Entitled

8  
9 AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
10 SCHOOL CHOICE ACT; TO AMEND THE PUBLIC SCHOOL CHOICE  
11 ACT OF 2015; TO ALLOW A STUDENT TO TRANSFER TO  
12 ANOTHER PUBLIC SCHOOL WITHIN HIS OR HER RESIDENT  
13 DISTRICT; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16  
17 TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC  
18 SCHOOL CHOICE ACT; TO AMEND THE PUBLIC  
19 SCHOOL CHOICE ACT OF 2015; AND TO ALLOW  
20 A STUDENT TO TRANSFER TO ANOTHER PUBLIC  
21 SCHOOL WITHIN HIS OR HER RESIDENT  
22 DISTRICT.  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 6-18-202(g), concerning the interpretation  
27 of the law concerning student attendance requirements, is amended to read as  
28 follows:

29 (g) This section shall not be construed to restrict a student's  
30 ability to:

31 (1) Participate in a tuition agreement with a nonresident school  
32 district for any tuition or fees that also apply to students assigned to the  
33 school district;

34 (2) Officially transfer to ~~another~~ a nonresident school district  
35 or another public school within a resident or nonresident school district  
36 pursuant to the Public School Choice Act of 2015, § 6-18-1901 et seq.; or



1           (3) Attend school as an international exchange student placed  
 2 with a host family by an international student exchange visitor placement  
 3 organization under the International Student Exchange Visitor Placement  
 4 Organization Registration Act, § 6-18-1701 et seq.

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 6           SECTION 2. Arkansas Code § 6-18-227(b)(1), concerning the transfer of  
 7 a student to another school district or public school under the Arkansas  
 8 Opportunity Public School Choice Act, is amended to read as follows:

9           (b)(1) Upon the request of a parent, guardian, or student, if the  
 10 student is eighteen (18) years of age or older, a student may transfer from  
 11 his or her resident district or public school to ~~another~~ a nonresident school  
 12 district or another public school within his or her resident school district  
 13 under this section if, at the time of the request under this subdivision  
 14 (b)(1):

15                   (A) Either:

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

19                           (ii) The ~~resident~~ public school in which the student  
 20 is enrolled has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state  
 21 board rules, as allowed in subdivision (b)(3)(B)(i)(b) of this section; ~~and~~  
 22 or

23                           (iii) The parent, legal guardian, or student if the  
 24 student is eighteen (18) years of age or older believes it is in the best  
 25 interest of the student to transfer to a nonresident school district or  
 26 another public school within his or her resident school district; and

27                   (B) Except as provided in subsection (n) of this section,  
 28 the parent, guardian, or student, if the student is eighteen (18) years of  
 29 age or older, has notified both the resident and nonresident school districts  
 30 of the request for a transfer no earlier than January 1 and no later than May  
 31 1 of the school year before the school year in which the student intends to  
 32 transfer.

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

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

10                           (ii)(a) Except as provided in subsection (n) of this  
 11 section, a transfer under this section is effective at the beginning of the  
 12 next academic year.

13   (b) A transfer of a student eligible under  
 14 subsection (n) of this section is effective immediately upon the ~~nonresident~~  
 15 ~~district's~~ written notification of an acceptance from the nonresident  
 16 district or other public school within the student's resident school  
 17 district.

18  
 19           SECTION 4. Arkansas Code § 6-18-227(g), concerning credits towards  
 20 graduation for transferring students under the Arkansas Opportunity Public  
 21 School Choice Act, is amended to read as follows:

22           (g)(1) A receiving district or a public school within a student's  
 23 resident school district that accepts a transferring student shall accept  
 24 credits toward graduation that were awarded by another district.

25           (2) The receiving district or public school within a student's  
 26 resident school district that accepts a transferring student shall award a  
 27 diploma to a ~~nonresident~~ student who transfers to the receiving school  
 28 district or public school within the student's resident school district if  
 29 the student meets the receiving district's or public school's graduation  
 30 requirements.

31  
 32           SECTION 5. Arkansas Code § 6-18-227(i), concerning requirements for  
 33 students transferring under the Arkansas Opportunity Public School Choice  
 34 Act, is amended to read as follows:

35           (i)(1) Unless excused by the receiving school district for illness or  
 36 other good cause:

1 (A) Any student participating in the opportunity public  
2 school choice option shall:

3 (i) Remain in attendance throughout the school year;  
4 and

5 (ii) Comply fully with the school's code of conduct;  
6 and

7 (B) The parent or guardian of each student participating  
8 in the opportunity public school choice option shall comply fully with the  
9 receiving public school's or school district's parental involvement  
10 requirements.

11 (2) A participant who fails to comply with this section shall  
12 forfeit the opportunity public school choice option.  
13

14 SECTION 6. Arkansas Code § 6-18-1901(b)(3), concerning legislative  
15 findings under the Public School Choice Act of 2015, is amended to read as  
16 follows:

17 (3) These benefits of enhanced quality and effectiveness in our  
18 public schools justify permitting a student to apply for admission to a  
19 school in any ~~school~~ resident or nonresident district beyond the school  
20 district in which the student resides, provided that the transfer by the  
21 student does not conflict with an enforceable judicial decree or court order  
22 remedying the effects of past racial segregation in the resident school  
23 district or nonresident school district.  
24

25 SECTION 7. Arkansas Code § 6-18-1903 is amended to read as follows:  
26 6-18-1903. Public school choice program established.

27 (a) A public school choice program is established to enable a student  
28 in kindergarten through grade twelve (K-12) to attend a school in a  
29 nonresident district or another public school within a resident district,  
30 subject to the limitations under § 6-18-1906.

31 (b)(1) Each school district shall participate in a public school  
32 choice program that allows students to attend any resident school or  
33 nonresident district, consistent with this subchapter.

34 (2) Each school district shall:

35 (A) Establish a policy that allows an enrolled student to  
36 transfer to another public school within a student's resident or nonresident

1 district; and

2 (B) Publicly post the policies and procedures for a  
 3 student to apply for a transfer as permitted under subdivision (b)(2)(A) of  
 4 this section.

5 (c)(1) A school district shall not deny a student the ability to  
 6 attend a school in the student's school district of choice under this section  
 7 unless there is a lack of capacity at the school in the student's school  
 8 district of choice.

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

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

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

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

19 (d)(1) The board of directors of a public school district shall adopt  
 20 by resolution specific standards for acceptance and rejection of applications  
 21 under this subchapter.

22 (2) The standards:

23 (A) May include without limitation the capacity of a  
 24 program, class, grade level, or school building;

25 (B) May include a claim of a lack of capacity by a school  
 26 district only if the school district has reached at least ninety percent  
 27 (90%) of the maximum authorized student population in a program, class, grade  
 28 level, or school building;

29 (C) Shall include a statement that priority will be given  
 30 to an applicant who has a sibling or stepsibling who:

31 (i) Resides in the same household; and

32 (ii) Is already enrolled in the nonresident district  
 33 or other public school within the resident district by choice; and

34 (D) Shall not include an applicant's:

35 (i) Academic achievement;

36 (ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

(iv) Previous disciplinary proceedings, except that an expulsion from another district may be included under § 6-18-510.

(3) A school district or another public school within a school district receiving transfers under this subchapter shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.

(e) A nonresident district or another public school within a resident district shall:

(1) Accept credits toward graduation that were awarded by another district or other public school within a resident district; and

(2) Award a diploma to a ~~nonresident~~ student who transfers under this subchapter if the student meets the nonresident district's or public school's graduation requirements.

(f) The superintendent of a school district shall cause public announcements to be made over the broadcast media and either in the print media or on the internet to inform parents of students in adjoining districts and within the school district of the:

(1) Availability of the public school choice program;

(2) Application deadline; and

(3) Requirements and procedure for ~~nonresident~~ students to participate in the public school choice program.

SECTION 8. Arkansas Code § 6-18-1904 is amended to read as follows:  
6-18-1904. General provisions – Definitions.

(a) The transfer of a student under ~~the Arkansas Public School Choice Act of 1989, § 6-18-206 [repealed], or~~ the Public School Choice Act of 2015, § 6-18-1901 et seq., is not voided by this subchapter and shall be treated as a transfer under this subchapter.

(b)(1) A student may accept only one (1) school choice transfer per school year.

(2)(A) A student who accepts a public school choice transfer may return to his or her resident district or the public school within his or her resident district from which he or she transferred during the school year.

(B) If a transfer student returns to his or her resident district or the public school within his or her resident district from which

1 he or she transferred or enrolls in a private or home school, the student's  
 2 transfer is voided, and the student shall reapply if the student seeks a  
 3 future school choice transfer.

4 (c)(1) A transfer student attending a nonresident school or another  
 5 public school within the student's resident district under this subchapter  
 6 may complete all remaining school years at the nonresident district.

7 (2) A present or future sibling of a student who continues  
 8 enrollment in the nonresident district or another public school within his or  
 9 her resident district under this subsection and applies for a school choice  
 10 transfer under § 6-18-1905 may enroll in the nonresident district or the  
 11 other public school within his or her resident district if the nonresident  
 12 district or the public school has the capacity to accept the sibling without  
 13 adding teachers, staff, or classrooms or exceeding the regulations, rules, or  
 14 standards established by law.

15 (3) A present or future sibling of a student who continues  
 16 enrollment in the nonresident district or another public school within his or  
 17 her resident district and who enrolls in the nonresident district or the  
 18 other public school within his or her resident district under subdivision  
 19 (c)(2) of this section may complete all remaining school years at the  
 20 nonresident district or the other public school within his or her resident  
 21 district.

22 (d)(1) The transfer student or the transfer student's parent is  
 23 responsible for the transportation of the transfer student to and from the  
 24 school in the nonresident district where the transfer student is enrolled.

25 (2) ~~The~~ If a student transfers to a nonresident district under  
 26 this subchapter, the nonresident district may enter into a written agreement  
 27 with the student, the student's parent, or the transfer student's resident  
 28 district to provide the transportation.

29 (e) For purposes of determining a school district's state aid, a  
 30 transfer student is counted as a part of the average daily membership of the  
 31 nonresident district where the transfer student is enrolled if the student  
 32 transfers to a nonresident district under this subchapter.

33 (f)(1) A student who transfers to another public school within his or  
 34 her resident district or a nonresident district under this subchapter shall  
 35 not be:

36 (A) Denied participation in an extracurricular activity at

1 the public school within his or her resident district or nonresident district  
2 to which he or she transfers based exclusively on his or her decision to  
3 transfer to the public school or nonresident district; or

4 (B) Disciplined in any manner based exclusively on the  
5 exercise of his or her right to transfer to another public school within his  
6 or her resident district or a nonresident district under this subchapter.

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

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

13 (i) Public school within his or her resident  
14 district or nonresident ~~school~~ district to which the student transfers under  
15 this section; and

16 (ii) Arkansas Activities Association.

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

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

24 (b) Superintendent of the nonresident ~~school~~  
25 district to which the student transfers if the student transfers to a  
26 nonresident district under this subchapter; and

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

29 (ii) The superintendent of a student's resident  
30 ~~school~~ district and the superintendent of the nonresident ~~school~~ district to  
31 which a student transfers, or the superintendent of the student's resident  
32 district if the student is transferring to another public school within his  
33 or her resident district, shall sign the Changing Schools/Athletic  
34 Participation form unless there is demonstrable evidence:

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



1 (b) The student is transferring to the public  
2 school within his or her resident district or the nonresident ~~school~~ district  
3 solely for athletic purposes.

4 (D) A Changing Schools/Athletic Participation form shall  
5 be used only for eligibility determination of a student who transfers to  
6 another public school within his or her resident district or nonresident  
7 ~~school~~ district under this subchapter and is enrolled in the receiving school  
8 district or by July 1 before the student enters grades seven through twelve  
9 (7-12).

10 (E)(i) Public school district personnel and registered  
11 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §  
12 6-22-101 et seq., shall not recruit students to the public school at which  
13 they are employed or volunteer for athletic purposes.

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

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

25  
26 SECTION 9. Arkansas Code § 6-18-1905 is amended to read as follows:  
27 6-18-1905. Application for transfer.

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

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

- 34 (i) Regular mail;  
35 (ii) Email; and  
36 (iii) Hand delivery.

1 (B) A public school district shall not require in-person  
2 filing of an application.

3 (C) Each school district shall determine for each school  
4 within the school district the capacity of each school and each grade level.

5 (3) If a student seeks to attend a school in a nonresident  
6 district or another school within his or her resident district, the student's  
7 parent or guardian, or a student who is eighteen (18) years of age or older,  
8 shall submit an application:

9 (A) To the nonresident district and to the student's  
10 resident district, or only to the resident district if the student is  
11 applying to transfer to another public school within his or her resident  
12 district;

13 (B) On a form approved by the Division of Elementary and  
14 Secondary Education; and

15 (C) Postmarked or delivered no later than May 1 of the  
16 year in which the student seeks to begin the fall semester at the nonresident  
17 district or other public school within the student's resident district,  
18 except as otherwise provided for dependents of uniformed service members and  
19 uniformed service veterans under this subchapter.

20 (b) Both the nonresident district and the resident district, or only  
21 the resident district if a student applies to transfer to another public  
22 school within his or her resident district, shall, upon receipt of the  
23 application submitted under subsection (a) of this section, place a date and  
24 time stamp on the application that reflects the date and time ~~each~~ the  
25 nonresident district or resident district if a student applies to transfer to  
26 another public school within his or her resident district received the  
27 application.

28 (c) A nonresident district or a resident district if a student applies  
29 to transfer to another public school within his or her resident district  
30 shall review and make a determination on each application in the order in  
31 which the application was received by the nonresident district or resident  
32 district.

33 (d) Before accepting or rejecting an application, a nonresident  
34 district or a resident district if a student applies to transfer to another  
35 public school within his or her resident district shall determine whether the  
36 limitation under § 6-18-1906 applies to the application.

1 (e)(1) By July 1 of the school year in which a student seeks to enroll  
2 in a nonresident district or a resident district if a student seeks to enroll  
3 in another public school within his or her resident district under this  
4 subchapter, the superintendent of the nonresident district or the  
5 superintendent of the resident district if the student applies to transfer to  
6 another public school within his or her resident district shall notify the  
7 student's parent or guardian and the resident district, if applicable, in  
8 writing as to whether the student's application has been accepted or  
9 rejected.

10 (2) If an application is rejected, the superintendent of the  
11 nonresident district or the superintendent of the resident district if the  
12 student applies to transfer to another public school within his or her  
13 resident district shall state in the notification letter the reason for  
14 rejection.

15 (3) If an application is accepted, the superintendent of the  
16 nonresident district or the superintendent of the resident district if the  
17 student applies to transfer to another public school within his or her  
18 resident district shall state in the notification letter a reasonable  
19 deadline by which the student shall enroll in the nonresident district or the  
20 resident district if the student applies to transfer to another public school  
21 within his or her resident district and after which the acceptance  
22 notification is null.

23 (f)(1) For each application received under this section, ~~the~~ a  
24 nonresident district or a resident district if a student applies to transfer  
25 to another public school within his or her resident district shall notify the  
26 applicant in writing as to whether the student's application has been  
27 accepted or rejected within fifteen (15) calendar days of the nonresident  
28 district's or resident district's receipt of the application.

29 (2) A transfer of the student is effective immediately upon the  
30 nonresident district's or resident district's written notification of an  
31 acceptance.

32 (g)(1) Each school district shall report annually to the Secretary of  
33 the Department of Education the number of transfer applications, acceptances,  
34 denials, and reasons for each denial under this subchapter.

35 (2) The data received by the secretary under subdivision (g)(1)  
36 of this section shall be published annually on the Division of Elementary and

1 Secondary Education website.  
2

3 SECTION 10. Arkansas Code § 6-18-1907(b), concerning rules promulgated  
4 under the Public School Choice Act of 2015, is amended to read as follows:

5 (b)(1) A student whose application for a transfer under § 6-18-1905 is  
6 rejected by ~~the~~ a nonresident district or a resident district if a student  
7 applies to transfer to another public school within his or her resident  
8 district may request a hearing before the state board to reconsider the  
9 transfer.

10 (2)(A) A request for a hearing before the state board under  
11 subdivision (b)(1) of this section shall be in writing and shall be  
12 postmarked no later than ten (10) days after the student or the student's  
13 parent or legal guardian, as applicable, receives a notice of rejection of  
14 the application under § 6-18-1905.

15 (B) As part of the review process, ~~the~~ a student or a  
16 parent or legal guardian of the student may submit supporting documentation  
17 that the transfer would be in the best educational, social, or psychological  
18 interest of the student.

19 (3) If the state board overturns the determination of the  
20 nonresident district or resident district if the student applied to transfer  
21 to another public school within his or her resident district on appeal, the  
22 state board shall notify the parent, the nonresident district, if applicable,  
23 and the resident district of the basis for the state board's decision.

24 (4) A student is not permitted to request a hearing before the  
25 state board if his or her application for a transfer is rejected due to the  
26 application's not being timely received by both the resident district and  
27 nonresident district, if applicable.  
28

29 SECTION 11. Arkansas Code § 6-18-1909(b), concerning an application of  
30 a child who is a dependent of certain uniformed service members under the  
31 Public School Choice Act of 2015, is amended to read as follows:

32 (b) If a student eligible under subsection (a) of this section seeks  
33 to attend a school in a nonresident district or another public school within  
34 his or her resident district, the student's parent, legal guardian, or person  
35 standing in loco parentis to the student shall submit an application approved  
36 by the Division of Elementary and Secondary Education by regular mail,

1 electronic mail, or in person to the student's nonresident district, if  
2 applicable, and resident district, which includes:

3 (1) A copy of the identification card of the student's parent,  
4 legal guardian, or person standing in loco parentis that qualifies the  
5 student under this section; and

6 (2) A copy of the official orders, assignment notification, or  
7 notice of mobilization of the student's parent, legal guardian, or person  
8 standing in loco parentis.

9  
10 SECTION 12. Arkansas Code § 6-18-1909(e), concerning the  
11 transportation of a child who is a dependent of certain uniformed service  
12 members and who transfers under the Public School Choice Act of 2015, is  
13 amended to read as follows:

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

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