

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

A Bill

SENATE BILL 482

5 By: Senator K. Hammer
6 By: Representative Hawk
7

For An Act To Be Entitled

9 AN ACT CONCERNING PUBLIC SCHOOL CHOICE IN THE STATE
10 OF ARKANSAS; TO REPEAL THE ARKANSAS OPPORTUNITY
11 PUBLIC SCHOOL CHOICE ACT; TO AMEND THE LAW RELATING
12 TO TRANSFERS OF STUDENTS BETWEEN PUBLIC SCHOOLS AND
13 SCHOOL DISTRICTS; TO AMEND THE PUBLIC SCHOOL CHOICE
14 ACT OF 2015; AND FOR OTHER PURPOSES.
15
16

Subtitle

18 TO REPEAL THE ARKANSAS OPPORTUNITY
19 PUBLIC SCHOOL CHOICE ACT; TO AMEND THE
20 LAW RELATING TO TRANSFERS OF STUDENTS
21 BETWEEN PUBLIC SCHOOLS AND SCHOOL
22 DISTRICTS; AND TO AMEND THE PUBLIC
23 SCHOOL CHOICE ACT OF 2015.
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 6-18-227 is repealed.

28 ~~6-18-227. Arkansas Opportunity Public School Choice Act—Definitions.~~

29 ~~(a)(1) This section may be referred to and cited as the “Arkansas~~
30 ~~Opportunity Public School Choice Act”.~~

31 ~~(2)(A) The purpose of this section is to provide enhanced~~
32 ~~opportunity for students in this state to gain the knowledge and skills~~
33 ~~necessary for postsecondary education, a technical education, or the world of~~
34 ~~work.~~

35 ~~(B) The General Assembly:~~

36 ~~(i) Recognizes that the Arkansas Constitution, as~~



1 ~~interpreted by the Supreme Court in Lake View School District No. 25 v.~~
 2 ~~Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the state;~~

3 ~~(ii) Finds that the Arkansas Constitution requires~~
 4 ~~the state to provide an adequate education;~~

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

12 ~~(iv) Shall make available a public school choice~~
 13 ~~option in order to give a student the opportunity to attend a public school~~
 14 ~~or school district not in need of Level 5 — Intensive support under § 6-15-~~
 15 ~~2913 or § 6-15-2915 or that does not have a rating of “F” under §§ 6-15-2105~~
 16 ~~and 6-15-2106 and state board rules.~~

17 ~~(3) The General Assembly further finds that giving more options~~
 18 ~~to parents and students with respect to where the students attend public~~
 19 ~~school will increase the responsiveness and effectiveness of the state’s~~
 20 ~~schools, since teachers, administrators, and school district board members~~
 21 ~~will have added incentives to satisfy the educational needs of the students~~
 22 ~~who reside in the district.~~

23 ~~(4) A public school choice program is hereby established to~~
 24 ~~enable a student to transfer, subject to the restrictions in this section,~~
 25 ~~from a:~~

26 ~~(A) Public school district that is classified by the state~~
 27 ~~board as a public school district in need of Level 5 — Intensive support~~
 28 ~~under § 6-15-2913 or § 6-15-2915 to another public school district in the~~
 29 ~~state that is not classified as in need of Level 5 — Intensive support under~~
 30 ~~§ 6-15-2913 or § 6-15-2915; or~~

31 ~~(B) Public school that has a rating of “F” under §§ 6-15-~~
 32 ~~2105 and 6-15-2106 and state board rules to a public school that does not~~
 33 ~~have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.~~

34 ~~(b)(1) Upon the request of a parent, guardian, or student, if the~~
 35 ~~student is eighteen (18) years of age or older, a student may transfer from~~
 36 ~~his or her resident district or public school to another school district or~~

1 ~~public school under this section if, at the time of the request under this~~
 2 ~~subdivision (b)(1):~~

3 ~~(A) Either:~~

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

7 ~~(ii) The resident public school has a rating of "F"~~
 8 ~~under §§ 6-15-2105 and 6-15-2106 and state board rules, as allowed in~~
 9 ~~subdivision (b)(3)(B)(i)(b) of this section; and~~

10 ~~(B) Except as provided in subsection (n) of this section,~~
 11 ~~the parent, guardian, or student, if the student is eighteen (18) years of~~
 12 ~~age or older, has notified both the resident and nonresident school districts~~
 13 ~~of the request for a transfer no earlier than January 1 and no later than May~~
 14 ~~1 of the school year before the school year in which the student intends to~~
 15 ~~transfer.~~

16 ~~(2)(A)(i) For the purposes of continuity of educational choice,~~
 17 ~~a transfer under this section shall operate as an irrevocable election for~~
 18 ~~each subsequent entire school year and shall remain in force until the~~
 19 ~~student completes high school or the parent, guardian, or student, if the~~
 20 ~~student is eighteen (18) years of age or older, timely makes application~~
 21 ~~under a provision of law governing attendance in or transfer to another~~
 22 ~~public school or school district other than the student's assigned school or~~
 23 ~~resident district.~~

24 ~~(ii)(a) Except as provided in subsection (n)~~
 25 ~~of this section, a transfer under this section is effective at the beginning~~
 26 ~~of the next academic year.~~

27 ~~(b) A transfer of a student eligible under~~
 28 ~~subsection (n) of this section is effective immediately upon the nonresident~~
 29 ~~district's written notification of an acceptance.~~

30 ~~(B) Application for the opportunity public school choice~~
 31 ~~option under this section shall:~~

32 ~~(i) Be provided by the Division of Elementary and~~
 33 ~~Secondary Education; and~~

34 ~~(ii) Contain a notice that a transfer under this~~
 35 ~~section:~~

36 ~~(a) Operates as an irrevocable choice for at~~

1 ~~least one (1) entire school year; and~~

2 ~~(b) Remains in effect until the student~~
 3 ~~completes high school, except as otherwise provided by law.~~

4 ~~(3)(A) For each student enrolled in or assigned to a public~~
 5 ~~school district that is classified by the state board as a public school~~
 6 ~~district in need of Level 5 — Intensive support under § 6-15-2913 or § 6-15-~~
 7 ~~2915 or a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-~~
 8 ~~2106 and state board rules, a school district shall:~~

9 ~~(i) Timely notify the parent, guardian, or student~~
 10 ~~if the student is eighteen (18) years of age or older, as soon as practicable~~
 11 ~~after the designation is made, of all options available under this section;~~
 12 ~~and~~

13 ~~(ii)(a) Offer the parent, guardian, or student~~
 14 ~~if the student is eighteen (18) years of age or older, an opportunity to~~
 15 ~~submit an application no earlier than January 1 and no later than May 1 to~~
 16 ~~enroll the student in the upcoming school year in any public school district~~
 17 ~~that is not classified by the state board as a public school district in need~~
 18 ~~of Level 5 — Intensive support under §§ 6-15-2913 and 6-15-2915 or a public~~
 19 ~~school within the resident district that does not have a rating of “F” under~~
 20 ~~§§ 6-15-2105 and 6-15-2106 and state board rules.~~

21 ~~(b) The opportunity to continue attending the~~
 22 ~~public school or school district that the student transfers to under this~~
 23 ~~section remains in effect until the student graduates from high school.~~

24 ~~(B)(i) The parent or guardian of a student enrolled in or~~
 25 ~~assigned to a public school district that is classified by the state board as~~
 26 ~~a public school district in need of Level 5 — Intensive support under § 6-15-~~
 27 ~~2913 or § 6-15-2915 or a public school that has a rating of “F” under §§ 6-~~
 28 ~~15-2105 and 6-15-2106 and state board rules may:~~

29 ~~(a) Apply to enroll the student in a legally~~
 30 ~~allowable public school district that is not classified as a public school~~
 31 ~~district in need of Level 5 — Intensive Support under § 6-15-2913 or § 6-15-~~
 32 ~~2915; or~~

33 ~~(b)(1) Apply to enroll the student in a public~~
 34 ~~school within the resident district that does not have a rating of “F” under~~
 35 ~~§§ 6-15-2105 and 6-15-2106 and state board rules and that is nearest the~~
 36 ~~legal residence of the student.~~

1 ~~district if the receiving public school or school district agrees to bear the~~
2 ~~transportation costs.~~

3 ~~(d)(1)(A) A school district board of directors shall offer the~~
4 ~~opportunity public school choice option to public schools in the school~~
5 ~~district of the school district board of directors.~~

6 ~~(B) The opportunity public school choice option shall be~~
7 ~~offered in addition to other existing choice programs.~~

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

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

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

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

20 ~~(B) A school district receiving transfers under this~~
21 ~~section shall not discriminate on the basis of gender, national origin, race,~~
22 ~~ethnicity, religion, or disability.~~

23 ~~(C) Except as provided in subdivision (b)(1)(B)(ii) of~~
24 ~~this section, by July 1 of the school year in which the student seeks to~~
25 ~~enroll in a nonresident district, the nonresident district shall notify the~~
26 ~~parent or guardian of the student and the resident district in writing as to~~
27 ~~whether the student's application has been accepted or rejected.~~

28 ~~(D) If the parent or guardian of the student has applied~~
29 ~~to attend a school within the student's resident district, the resident~~
30 ~~district shall notify the parent or guardian of the student in writing as to~~
31 ~~whether the student's application has been accepted or rejected by July 1.~~

32 ~~(E) For each application received under subdivision~~
33 ~~(b)(1)(B)(ii) of this section, the nonresident district or resident district~~
34 ~~shall notify the parent or guardian of the student in writing as to whether~~
35 ~~the student's application has been accepted or rejected within fifteen (15)~~
36 ~~calendar days of the application's being received.~~

1 ~~(3) A student or the student's parent or guardian may appeal a~~
2 ~~school district's decision to deny admission to a school in the student's~~
3 ~~school district of choice due to lack of capacity to the state board by~~
4 ~~postmarking or delivering the appeal within ten (10) days after the student~~
5 ~~or the student's parent or guardian receives a written notice from the school~~
6 ~~district of choice that admission has been denied.~~

7 ~~(4) An applicant shall not request a hearing before the state~~
8 ~~board if his or her application for a transfer is rejected due to the~~
9 ~~application not being timely received by both the resident district and~~
10 ~~nonresident district.~~

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

13 ~~(e)(1) This section and all student choice options created in this~~
14 ~~section shall not be subject to any other limitation or restriction provided~~
15 ~~by law.~~

16 ~~(2) If any part of this section conflicts with a federal~~
17 ~~desegregation court order applicable to a school district, the federal~~
18 ~~desegregation court order shall govern.~~

19 ~~(f)(1) The division shall develop an annual report on student~~
20 ~~participation in public school choice and opportunity school choice and~~
21 ~~deliver the report to the state board, the Governor, the House Committee on~~
22 ~~Education, the Senate Committee on Education, and the Legislative Council at~~
23 ~~least sixty (60) days before the convening of the regular session of the~~
24 ~~General Assembly.~~

25 ~~(2) The annual report required under subdivision (f)(1) of this~~
26 ~~section shall include without limitation:~~

27 ~~(A) The number of public school students participating in:~~
28 ~~(i) Public school choice under the Public School~~
29 ~~Choice Act of 2015, § 6-18-1901 et seq.; and~~

30 ~~(ii) Opportunity public school choice under this~~
31 ~~section, disaggregated by whether the transfer under this section was from~~
32 ~~within a public school district or outside a public school district; and~~

33 ~~(B) Aggregate data of the race and gender of students~~
34 ~~participating in public school choice and opportunity school choice.~~

35 ~~(3) Each public school district shall report to the division~~
36 ~~annually the information necessary to complete the report required under~~

1 ~~subdivision (f)(1) of this section.~~

2 ~~(g)(1) A receiving district shall accept credits toward graduation~~
3 ~~that were awarded by another district.~~

4 ~~(2) The receiving district shall award a diploma to a~~
5 ~~nonresident student if the student meets the receiving district's graduation~~
6 ~~requirements.~~

7 ~~(h) For purposes of determining a school district's state funding, the~~
8 ~~nonresident student shall be counted as a part of the average daily~~
9 ~~membership of the district to which the student has transferred.~~

10 ~~(i)(1) Unless excused by the receiving school district for illness or~~
11 ~~other good cause:~~

12 ~~(A) Any student participating in the opportunity public~~
13 ~~school choice option shall:~~

14 ~~(i) Remain in attendance throughout the school year;~~
15 ~~and~~

16 ~~(ii) Comply fully with the school's code of conduct;~~
17 ~~and~~

18 ~~(B) The parent or guardian of each student participating~~
19 ~~in the opportunity public school choice option shall comply fully with the~~
20 ~~receiving public school's parental involvement requirements.~~

21 ~~(2) A participant who fails to comply with this section shall~~
22 ~~forfeit the opportunity public school choice option.~~

23 ~~(j)(1) The maximum opportunity public school choice funds granted for~~
24 ~~an eligible student shall be calculated based on applicable state law.~~

25 ~~(2) A public school that provides services to students with~~
26 ~~disabilities shall receive funding as determined by applicable federal and~~
27 ~~state law.~~

28 ~~(k)(1) The state board shall adopt any rules necessary for the~~
29 ~~implementation of this section under the Arkansas Administrative Procedure~~
30 ~~Act, §25-15-201 et seq., including rules pertaining to the consideration of a~~
31 ~~school district's enrollment capacity.~~

32 ~~(2) However, the state board shall not establish a numerical net~~
33 ~~maximum on school choice transfers into or from a public school district,~~
34 ~~unless required to do so according to an enforceable desegregation court~~
35 ~~order or a district's court approved desegregation plan.~~

36 ~~(1) A district under the public school choice program under this~~

1 ~~section shall request public service announcements to be made over the~~
2 ~~broadcast media and in the print media at such times and in such a manner as~~
3 ~~to inform parents or guardians of students in adjoining districts of the~~
4 ~~availability of the program under this section, the application deadline, and~~
5 ~~the requirements and procedure for nonresident students to participate in the~~
6 ~~program under this section.~~

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

9 ~~(A) Denied participation in an extracurricular activity at~~
10 ~~the public school or nonresident school district to which he or she transfers~~
11 ~~based exclusively on his or her decision to transfer to the public school or~~
12 ~~nonresident school district; or~~

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

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

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

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

24 ~~(ii) Arkansas Activities Association.~~

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

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

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

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

36 ~~(ii) The superintendent of a student's resident~~

1 ~~school district and the superintendent of the nonresident school district to~~
 2 ~~which a student transfers shall sign the Changing Schools/Athletic~~
 3 ~~Participation form unless there is demonstrable evidence:~~

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

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

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

13 ~~(E)(i) Public school district personnel and registered~~
 14 ~~volunteers, as defined by the Arkansas Registered Volunteers Program Act, §~~
 15 ~~6-22-101 et seq., shall not recruit students to the public school at which~~
 16 ~~they are employed or volunteer for athletic purposes.~~

17 ~~(ii) As used in this section, "recruiting" means the~~
 18 ~~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 ~~(3) As used in subdivision (m)(1) of this section,~~
 25 ~~"extracurricular activity" means an interschool activity not included in a~~
 26 ~~regular curriculum, including without limitation sports and special interest~~
 27 ~~clubs or groups.~~

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

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

33 ~~(B) Surviving spouse of a uniformed service member;~~

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

1 ~~(D) Uniformed service veteran who is returning to civilian~~
 2 ~~status at the conclusion of the uniformed service veteran's active duty~~
 3 ~~status.~~

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

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

10 ~~(4) If a student eligible for transfer under this subsection~~
 11 ~~seeks to attend a public school in a nonresident district, the student's~~
 12 ~~parent, legal guardian, or person standing in loco parentis to the student,~~
 13 ~~or the student if the student is eighteen (18) years of age or older, shall~~
 14 ~~submit an application approved by the division to the student's nonresident~~
 15 ~~district and resident district by regular mail, email, or in person, which~~
 16 ~~shall include a copy of the:~~

17 ~~(A) Identification card of the student's parent, legal~~
 18 ~~guardian, person standing in loco parentis to the student, or the student if~~
 19 ~~the student is eighteen (18) years of age or older, which qualifies the~~
 20 ~~student under this section; and~~

21 ~~(B) Official orders, assignment notification, or notice of~~
 22 ~~mobilization of the student's parent, legal guardian, or person standing in~~
 23 ~~loco parentis to the student.~~

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

26
 27 SECTION 2. Arkansas Code § 6-18-316(a), concerning transfers on
 28 petition of a student, is amended to read as follows:

29 (a)(1) Upon the petition of a student residing in one (1) school
 30 district, the resident district, to transfer to another school district, the
 31 receiving district, the board of directors of the resident district may enter
 32 into an agreement with the board of directors of the receiving school
 33 district transferring the student to the receiving district for purposes of
 34 education.

35 (2) Upon receipt of a petition of a student under subdivision
 36 (a)(1) of this section, a resident district shall notify a receiving district

1 if the student petitioning to transfer was expelled, or if expulsion is
 2 pending, from the resident district.

3
 4 SECTION 3. Arkansas Code § 6-18-316(c)(5), concerning a school
 5 district's authority to a student's petition to transfer from one school
 6 district to another school district, is amended to read as follows:

7 (5)(A) A school district board of directors may adopt a
 8 resolution that delegates its authority to approve a petition for a transfer
 9 received under this section to:

10 (i) The school district superintendent; or
 11 (ii) An individual member of the school district
 12 board of directors.

13 (B) If a school district has delegated its authority under
 14 subdivision (c)(5)(A) of this section and the petition for transfer is
 15 approved, the school district board of directors shall take no further action
 16 on the petition to transfer.

17 ~~(B)(i)(C)(i)~~ However, a A school district board of
 18 directors shall not delegate its authority to deny a petition for a transfer
 19 received under this section.

20 (ii) If a petition for a transfer received under
 21 this section is denied, the parent, legal guardian, or person standing in
 22 loco parentis to the student who submitted a petition for a transfer may
 23 appeal the decision of the school district board of directors to the State
 24 Board of Education.

25 (D) The state board shall not overturn on appeal a
 26 determination of the nonresident district denying a petition for transfer if
 27 the nonresident district can demonstrate:

28 (i) Either at the time of the nonresident district's
 29 decision regarding the student's petition for transfer or at the time of the
 30 state board's hearing of the appeal, the nonresident district reached at
 31 least ninety percent (90%) of the maximum:

32 (a) Teacher caseload allowed under state law
 33 or State Board of Education rules;

34 (b) Average student-to-teacher ratio per grade
 35 level allowed under state law or state board rules; or

36 (c) Capacity of the classroom the student

1 would be required to attend; or

2 (ii) At the time of the petition for a transfer or
 3 of the state board's hearing of the appeal, the student petitioning for the
 4 transfer was expelled, or expulsion was pending, from a private school, a
 5 public school district, or an open-enrollment public charter school.

6
 7 SECTION 4. Arkansas Code § 6-18-316, concerning the petition of a
 8 student to transfer from one school district to another school district, is
 9 amended to add additional subsections to read as follows:

10 (j) A nonresident district may deny a petition for a transfer under
 11 this section if:

12 (1) The nonresident district reached at least ninety percent
 13 (90%) of the:

14 (A) Maximum student-to-teacher ratio allowed under federal
 15 law or per grade level as established in state board rules; or

16 (B) Maximum capacity of the classroom the student would be
 17 required to attend; or

18 (2) At the time of the petition for a transfer, the student
 19 petitioning for the transfer was expelled, or expulsion was pending, from a
 20 private school, a public school district, or an open-enrollment public
 21 charter school.

22 (k) A student enrolled in a nonresident district under this section
 23 shall be subject to all policies of the nonresident district, including
 24 without limitation attendance policies, discipline policies, and the student
 25 handbook.

26 (1)(1) A transfer approved under this section may be immediately
 27 revoked after its approval by a receiving district if, after enrollment, the
 28 student:

29 (A) Is found to have excessively violated the nonresident
 30 district policies or student handbook, resulting in disciplinary action;

31 (B) Is deemed truant by a court of competent jurisdiction;
 32 or

33 (C) Is expelled by the nonresident district for a
 34 violation of the student conduct policies or student handbook adopted by the
 35 nonresident district.

36 (2)(A) A transfer that is revoked by a receiving district under

1 subdivision (1)(1) of this section shall be considered void on the date of
 2 revocation.

3 (B) Upon revocation of a transfer under this subsection,
 4 the legal responsibility for the education of the student shall return to his
 5 or her resident district, unless the responsibility is assigned to another
 6 school district or entity under state or federal law or division rules.

7
 8 SECTION 5. Arkansas Code § 6-18-1901(a), concerning the title of the
 9 Public School Choice Act of 2015, is amended to read as follows:

10 (a) This subchapter shall be known and may be cited as the “Public
 11 School Choice Act ~~of 2015~~”.

12

13 SECTION 6. Arkansas Code § 6-18-1902(2), concerning the definition of
 14 "parent" under the Public School Choice Act of 2015, is amended to read as
 15 follows:

16 (2) “Parent” means a student’s parent, legal guardian, person
 17 standing in loco parentis to the student, or other person having custody or
 18 care of the student;

19

20 SECTION 7. Arkansas Code § 6-18-1902(5), concerning the definition of
 21 a "uniformed service member" under the Public School Choice Act of 2015, is
 22 amended to read as follows:

23 (5) “Uniformed service member” means an active or reserve
 24 component member of the:

25 (A) United States Army, United States Navy, United States
 26 Air Force, United States Marine Corps, United States Space Force, or United
 27 States Coast Guard;

28 (B) National Oceanic and Atmospheric Administration
 29 Commissioned Officer Corps; ~~or~~

30 (C) United States Commissioned Corps of the Public Health
 31 Service; or

32 (D) Arkansas National Guard serving under United States
 33 Code Title 10 or Title 32 orders; and

34

35 SECTION 8. Arkansas Code § 6-18-1903 is amended to read as follows:
 36 6-18-1903. Public school choice program established.

1 (a) ~~A public~~ Public school choice ~~program is~~ programs are established
 2 to enable a student in kindergarten through grade twelve (K-12) to attend a
 3 school ~~in a nonresident~~ or school district other than a student's resident
 4 district or zoned school, subject to the requirements of this subchapter and
 5 limitations under § 6-18-1906.

6 (b) Each school district shall participate in ~~a public school choice~~
 7 ~~program~~ programs consistent with this subchapter.

8 (c) A parent of a student, or the student if the student is eighteen
 9 (18) years of age or older, may apply to transfer to:

10 (1) A nonresident district; or

11 (2) A school in his or her resident district for which the
 12 student is not zoned, under the circumstances established by subsection (d)
 13 of this section.

14 (d)(1) A parent of a student enrolled in or assigned to a public
 15 school district that is classified by the State Board of Education as a
 16 public school district in need of Level 5 – Intensive support under § 6-15-
 17 2913 or § 6-15-2915 and state board rules may apply to enroll his or her
 18 child in a legally allowable public school district that is not classified by
 19 the state board as a public school district in need of Level 5 – Intensive
 20 support.

21 (2)(A) A parent of a student enrolled in or assigned to a public
 22 school that has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state
 23 board rules may apply to enroll his or her child in a public school within
 24 the resident district that does not have a rating of “F” under §§ 6-15-2105
 25 and 6-15-2106 and state board rules and that is nearest the legal residence
 26 of the student.

27 (B) If there is no public school within the resident
 28 district that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106
 29 and state board rules, the parent of the student may apply to enroll his or
 30 her child in a nonresident district and, if accepted, be placed in a public
 31 school that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106
 32 and state board rules.

33 ~~(e)(1)~~(e)(1) A school district shall not deny a student the ability to
 34 attend a school in the student's school district of choice or school of
 35 choice within the student's resident district under this section unless
 36 there:

1 (A) ~~There is a lack of capacity at the school in the~~
2 ~~student's school district of choice; or~~

3 (B) The student is expelled, or pending expulsion, from a
4 private school, a public school district, or an open-enrollment public
5 charter school.

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

8 (A) The school district has reached ninety percent (90%)
9 of the maximum:

10 (i) Teacher caseload allowed under state law or
11 state board rules;

12 (ii) Average student-to-teacher ratio allowed under
13 ~~federal law, state law, the rules for standards for accreditation, or state~~
14 board rules;; or ~~other applicable federal regulations~~

15 (iii) Capacity of the classroom the student would be
16 required to attend; and

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

18 ~~(3)(f)~~ A school district ~~receiving transfers under this section~~ shall
19 not discriminate on the basis of ~~gender~~ sex, national origin, race,
20 ethnicity, religion, or disability.

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

24 ~~(2) The standards:~~

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

27 ~~(B) May include a claim of a lack of capacity by a school~~
28 ~~district only if the school district has reached at least ninety percent~~
29 ~~(90%) of the maximum authorized student population in a program, class, grade~~
30 ~~level, or school building;~~

31 ~~(C)(g)(1)~~ Shall include a statement that A school district shall give
32 priority will be given to an a school choice applicant who has a sibling or
33 stepsibling who:

34 ~~(i)(A)~~ Resides in the same household; and

35 ~~(ii)(B)~~ Is already enrolled in the nonresident district by
36 choice; and.

1 ~~(D)(2)~~ Shall A school district shall not include deny an
 2 applicant's applicant based on:

3 ~~(i)(A)~~ Academic achievement;

4 ~~(ii)(B)~~ Athletic or other extracurricular ability;

5 ~~(iii)(C)~~ English proficiency level; or

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

8 ~~(3) A school district receiving transfers under this subchapter~~
 9 ~~shall not discriminate on the basis of gender, national origin, race,~~
 10 ~~ethnicity, religion, or disability.~~

11 ~~(e)(h)~~ A nonresident district shall:

12 (1) Accept credits toward graduation that were awarded by
 13 another district; and

14 (2) Award a diploma to a nonresident student if the student
 15 meets the nonresident district's graduation requirements.

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

20 ~~(1) Availability of the public school choice program;~~

21 ~~(2) Application deadline; and~~

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

24 (i) Each public school district shall adopt policies necessary to
 25 comply with this subchapter and provide the policies to parents by:

26 (1) Posting the policies on the public school district website;

27 (2) Including the policies in the public school district
 28 handbook; and

29 (3) Utilizing other means of disseminating the policies to
 30 parents.

31 (j) A student enrolled in a nonresident district under this section
 32 shall be subject to all policies of the nonresident district, including
 33 without limitation attendance policies, discipline policies, and the
 34 nonresident district handbook.

35 (k)(1) A transfer approved under this subchapter may be immediately
 36 revoked after its approval by a public school district if, after enrollment,

1 the student:

2 (A) Is found to have excessively violated the nonresident
3 district policies or student handbook, resulting in disciplinary action;

4 (B) Is deemed truant by a court of competent jurisdiction;

5 or

6 (C) Is expelled by the public school district for a
7 violation of the student conduct policies or student handbook adopted by the
8 public school district.

9 (2)(A) A transfer that is revoked by a public school district
10 under subdivision (k)(1) of this section shall be considered void on the date
11 of revocation.

12 (B) Upon revocation of a transfer under this subdivision,
13 the legal responsibility for the education of the student shall return to his
14 or her resident district or zoned school.

15 (1) The Division of Elementary and Secondary Education shall
16 promulgate rules to implement this subchapter, which shall include without
17 limitation rules governing grade band calculations for determining class size
18 flexibility with grade band averages and increasing class size if additional
19 teaching assistants or teaching aides are assigned.

20

21 SECTION 9. Arkansas Code § 6-18-1904 is amended to read as follows:

22 6-18-1904. General provisions – Definitions.

23 ~~(a) The transfer of a student under the Arkansas Public School Choice~~
24 ~~Act of 1989, § 6-18-206 [repealed], or the Public School Choice Act of 2015,~~
25 ~~§ 6-18-1901 et seq., is not voided by this subchapter and shall be treated as~~
26 ~~a transfer under this subchapter.~~

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

29 (2)(A) A student who accepts a public school choice transfer may
30 return to his or her resident district or zoned school during the school
31 year.

32 (B)(i) If a transfer student returns to his or her
33 resident district or zoned school, enrolls in a private or home school, or is
34 expelled from the nonresident district or school to which he or she
35 transferred, the student's transfer is voided, and the student shall be
36 required to reapply if the student seeks a future school choice transfer.

1 (ii) A student's eligibility to attend a school of
 2 choice under this subchapter shall not be voided by placement in a hospital,
 3 residential treatment facility, or other noneducational placement.

4 ~~(e)(1)(d)~~ A transfer student attending a nonresident ~~school~~ district
 5 or school other than his or her zoned school under this subchapter may
 6 complete all remaining school years at the nonresident district or school
 7 other than his or her zoned school.

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

14 ~~(3) A present or future sibling of a student who continues~~
 15 ~~enrollment in the nonresident district and who enrolls in the nonresident~~
 16 ~~district under subdivision (e)(2) of this section may complete all remaining~~
 17 ~~school years at the nonresident district.~~

18 ~~(d)(1)(e)(1)~~ The transfer student or the transfer student's parent is
 19 responsible for the transportation of the transfer student to and from the
 20 school ~~in the nonresident~~ or district where the transfer student is enrolled
 21 pursuant to a transfer under this subchapter.

22 (2) The nonresident district may enter into a written agreement
 23 with the student, the student's parent, or the resident district to provide
 24 the transportation, but is not otherwise responsible for transporting a
 25 nonresident district student.

26 ~~(e)(f) For purposes of determining a school district's state aid, a A~~
 27 ~~transfer student is~~ shall be counted as ~~a part of~~ in the average daily
 28 membership of the nonresident district where the transfer student is
 29 enrolled.

30 ~~(f)(1)(g)(1)~~ A student who transfers to another public school or a
 31 nonresident district under this subchapter shall not be:

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

36 (B) Disciplined in any manner based exclusively on the

1 exercise of his or her right to transfer to another public school or a
2 nonresident district under this subchapter.

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

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

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

11 ~~(ii) Arkansas Activities Association.~~

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

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

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

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

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

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

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

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

36 ~~(E)(i) Public school district personnel and registered~~

1 ~~volunteers, as defined by the Arkansas Registered Volunteers Program Act, §~~
 2 ~~6-22-101 et seq., shall not recruit students to the public school at which~~
 3 ~~they are employed or volunteer for athletic purposes.~~

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

11 (2) The administration at a nonresident district and resident
 12 district shall not refuse to sign or approve any extracurricular activity or
 13 sports form necessary for participation based on a student's or parent's
 14 decision to participate in school choice under this subchapter.

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

19 (h)(1) A student with a disability who is eligible to receive services
 20 from a public school district under federal or state law, including without
 21 limitation a student who receives additional funding through federal title
 22 programs specific to the Elementary and Secondary Education Act of 1965, Pub.
 23 L. No. 89-10, and who participate in the public school choice program under
 24 this subchapter shall remain eligible to receive services from a public
 25 school district as required and provided by federal and state law.

26 (2) Any funding for a student under subdivision (h)(1) of this
 27 section shall be transferred to the public school or nonresident district to
 28 which the student transfers.

29
 30 SECTION 10. Arkansas Code § 6-18-1905 is amended to read as follows:
 31 6-18-1905. Application for transfer.

32 (a)(1)(A) ~~Am~~ A school choice application under this section shall be
 33 accepted no earlier than January 1 and no later than ~~May 1~~ June 1 each year.

34 (B)(i) A student who moves into a new school district
 35 outside of the school choice application timeframe established by this
 36 section may submit a school choice application before he or she enrolls in

1 the new resident district and may request that his or her school choice
 2 application become effective immediately.

3 (ii) A school choice application submitted by a
 4 student under subdivision (a)(1)(B)(i) of this section shall include without
 5 limitation documentation indicating he or she moved into a new school
 6 district.

7 (2)(A) Each school district shall ~~have~~ adopt and make available
 8 to parents a policy or process stating the method by which a parent ~~or~~
 9 ~~guardian~~ of a student, or a student who is eighteen (18) years of age or
 10 older, may submit a school choice application, including without limitation:

11 (i) Regular mail;

12 (ii) Email or another means of electronic delivery;

13 and

14 (iii) Hand delivery.

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

17 (3) If a student seeks to attend a school ~~in a nonresident~~
 18 ~~district~~ under this subchapter, the student's parent ~~or guardian~~, or a
 19 student who is eighteen (18) years of age or older, shall submit an
 20 application:

21 (A) To the nonresident district ~~and to the student's or~~
 22 resident district if the student seeks to transfer to a school within his or
 23 her resident district for which the student is not zoned;

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

26 (C) Postmarked or delivered no later than ~~May 1~~ June 1 of
 27 the year in which the student seeks to begin the fall semester at the
 28 nonresident district, except as otherwise provided for dependents of
 29 uniformed service members and uniformed service veterans under this
 30 subchapter.

31 (4)(A) Upon a nonresident district's or resident district's
 32 receipt of a school choice application under this section, the nonresident
 33 district or resident district, as applicable, shall immediately stamp the
 34 school choice application with the date it was received.

35 (B) The date of receipt for school choice application
 36 purposes shall be:

1 (i) The postmarked date noted on a school choice
 2 application submitted by regular mail;

3 (ii) The date of delivery for a school choice
 4 application submitted by email or another form of electronic delivery; or

5 (iii) The date of delivery of the school choice
 6 application that was hand delivered.

7 (5)(A) By June 30, a school district shall render a decision
 8 either approving or rejecting a school choice application and send a
 9 notification letter to the applicant by either:

10 (i) Electronic mail; or

11 (ii) Certified mail.

12 (B) A school district shall render a decision either
 13 approving or rejecting a school choice application within fifteen (15)
 14 calendar days of receipt of the school choice application if the school
 15 choice application includes a request that the transfer become effective
 16 immediately.

17 (C) If a school district fails to provide a notification
 18 letter to a school choice applicant as required by subdivision (a)(5)(A) of
 19 this section, the school choice applicant for school choice under this
 20 section shall be deemed approved for the requested transfer.

21 ~~(b) Both the nonresident district and the resident district shall,~~
 22 ~~upon receipt of the application, place a date and time stamp on the~~
 23 ~~application that reflects the date and time each district received the~~
 24 ~~application.~~

25 ~~(c) A nonresident district shall review and make a determination on~~
 26 ~~each application in the order in which the application was received by the~~
 27 ~~nonresident district.~~

28 ~~(d) Before accepting or rejecting an application, a nonresident~~
 29 ~~district shall determine whether the limitation under § 6-18-1906 applies to~~
 30 ~~the application.~~

31 ~~(e)(1) By July 1 of the school year in which a student seeks to enroll~~
 32 ~~in a nonresident district under this subchapter, the superintendent of the~~
 33 ~~nonresident district shall notify the student's parent or guardian and the~~
 34 ~~resident district in writing as to whether the student's application has been~~
 35 ~~accepted or rejected.~~

36 ~~(2)(b)~~ If an school choice application is rejected, the superintendent

1 of the nonresident district or resident district shall state in the
2 notification letter the reason for rejection.

3 ~~(3)(c)~~ If ~~an~~ school choice application is accepted, the superintendent
4 of the nonresident district or resident district shall state in the
5 notification letter a reasonable deadline by which the student shall enroll
6 in the nonresident district or school of choice within the student's resident
7 district and after which the acceptance notification is null.

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

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

14 (d)(1) A student or a student's parent may appeal to the State Board
15 of Education a school district's decision to reject a school choice
16 application under this subchapter due to a lack of capacity by postmarking or
17 delivering the appeal within ten (10) days of receipt of a notification
18 letter of rejection under this section.

19 (2) The state board shall not overturn on appeal the decision of
20 a school district denying a transfer under this subchapter if the school
21 district can demonstrate, either at the time of the school district's
22 decision regarding the student's school choice application or at the time of
23 the state board's hearing of the appeal, that the school district reached at
24 least ninety percent (90%) of the maximum:

25 (A) Teacher caseload allowed under state law or state
26 board rules;

27 (B) Average student-to-teacher ratio per grade level
28 allowed under state law or state board rules; or

29 (C) Capacity of the classroom the student would be
30 required to attend.

31 (e)(1) A transfer of a student under this subchapter is effective as
32 of the first day of the school year beginning on or after July 1 of the year
33 in which the student's school choice application is submitted.

34 (2) A parent or student, if the student is eighteen (18) years
35 of age or older, may request that his or her transfer be effective
36 immediately upon approval of the school district.

1 (f) This subchapter does not prevent a school district from approving
 2 a school choice application under this subchapter if, after a denial due to
 3 lack of capacity, the school district determines it has the capacity to
 4 accept a student applicant.

5 (g) This subchapter does not prevent a school district from:

6 (1) Approving a school choice application at any time between
 7 January 1 and June 30;

8 (2) Making a transfer requested under this subchapter effective
 9 immediately upon the school district's approval; or

10 (3) Establishing a policy to allow the acceptance of school
 11 choice applications under this subchapter at other times throughout the year.

12
 13 SECTION 11. Arkansas Code § 6-18-1906, concerning limitations under
 14 the Public School Choice Act of 2015, is amended to add an additional
 15 subsection to read as follows:

16 (d) This section and all student choice options created by this
 17 subchapter shall not be subject to any other limitation or restriction
 18 provided by law.

19
 20 SECTION 12. Arkansas Code § 6-18-1909 is amended to read as follows:
 21 6-18-1909. Public school choice for dependent of uniformed service
 22 member and uniformed service veteran.

23 (a) A ~~child~~ student shall be eligible for enrollment in the public
 24 school district of his or her choice if he or she is a dependent of a:

25 (1) Uniformed service member in full-time active-duty status as
 26 defined by Title 10, Title 14, Title 32, Title 33, or Title 42 of the United
 27 States Code;

28 (2) Surviving spouse of a uniformed service member;

29 (3) Reserve component uniformed service member during the period
 30 six (6) months before until six (6) months after a Title 10, Title 14, Title
 31 32, Title 42, or state active duty mobilization and service; or

32 (4) Uniformed service veteran who is returning to civilian
 33 status at the conclusion of the uniformed service veteran's active duty
 34 status.

35 ~~(b) If a student eligible under subsection (a) of this section seeks~~
 36 ~~to attend a school in a nonresident district, the student's parent, legal~~

1 ~~guardian, or person standing in loco parentis to the student shall submit an~~
2 ~~application approved by the Division of Elementary and Secondary Education by~~
3 ~~regular mail, electronic mail, or in person to the student's nonresident~~
4 ~~district and resident district, which includes:~~

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

8 ~~(2)(b) A copy of the official orders, assignment notification, or~~
9 ~~notice of mobilization of the a student's parent, legal guardian, or person~~
10 ~~standing in loco parentis may be requested as proof of eligibility under this~~
11 ~~section.~~

12 ~~(c) An application deadline required under this subchapter shall not~~
13 ~~apply to a school transfer under this section.~~

14 ~~(d)(c) A student eligible for a school transfer under this section~~
15 ~~shall be permitted:~~

16 ~~(1) Permitted only one (1) school transfer per academic year~~
17 ~~under this section; and~~

18 ~~(2) Entitled to elect to transfer under this subchapter at any~~
19 ~~time during the school year.~~

20 ~~(e)(d) The parent, legal guardian, or person standing in loco parentis~~
21 ~~to of a student eligible for a school transfer under this section shall be~~
22 ~~responsible for the transportation of his or her child to and from a~~
23 ~~nonresident district.~~

24
25
26
27
28
29
30
31
32
33
34
35
36