

1 State of Arkansas
2 95th General Assembly
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4

A Bill

SENATE BILL 624

5 By: Senators B. Davis, J. Dotson
6 By: Representative McCollum
7

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

Subtitle

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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.

5
 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(d)(2)(A)(ii), concerning a lack of
 20 capacity claimed by a school district under the Arkansas Opportunity Public
 21 School Choice Act, is amended to read as follows:

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

24 (a)(1) The school district nonresident school
 25 has reached the maximum student-to-teacher ratio allowed under federal law,
 26 state law, the rules for standards for accreditation Rules Governing the
 27 Standards for Accreditation for Arkansas Public Schools and School Districts,
 28 state rules, or other applicable federal regulations.

29 (2) A school district may claim a lack
 30 of capacity if, on the date the application for opportunity school choice
 31 option is made under this section, ninety-five percent (95%) or more of the
 32 seats at the grade level in which the student would be assigned at the
 33 nonresident school are filled; and

34 (b) The claim is consistent with state and
 35 federal law.

36

1 SECTION 5. Arkansas Code § 6-18-227(g), concerning credits towards
 2 graduation for transferring students under the Arkansas Opportunity Public
 3 School Choice Act, is amended to read as follows:

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

7 (2) The receiving district or public school within a student's
 8 resident school district that accepts a transferring student shall award a
 9 diploma to a ~~nonresident~~ student who transfers to the receiving school
 10 district or public school within the student's resident school district if
 11 the student meets the receiving district's or public school's graduation
 12 requirements.

13
 14 SECTION 6. Arkansas Code § 6-18-227(i), concerning requirements for
 15 students transferring under the Arkansas Opportunity Public School Choice
 16 Act, is amended to read as follows:

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

19 (A) Any student participating in the opportunity public
 20 school choice option shall:

21 (i) Remain in attendance throughout the school year;

22 and

23 (ii) Comply fully with the school's code of conduct;

24 and

25 (B) The parent or guardian of each student participating
 26 in the opportunity public school choice option shall comply fully with the
 27 receiving public school's or school district's parental involvement
 28 requirements.

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

31
 32 SECTION 7. Arkansas Code § 6-18-1901(b)(3), concerning legislative
 33 findings under the Public School Choice Act of 2015, is amended to read as
 34 follows:

35 (3) These benefits of enhanced quality and effectiveness in our
 36 public schools justify permitting a student to apply for admission to a

1 school in any ~~school~~ resident or nonresident district beyond the school
 2 district in which the student resides, provided that the transfer by the
 3 student does not conflict with an enforceable judicial decree or court order
 4 remedying the effects of past racial segregation in the resident school
 5 district or nonresident school district.

6
 7 SECTION 8. Arkansas Code § 6-18-1903 is amended to read as follows:

8 6-18-1903. Public school choice program established.

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

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

16 (2) Each school district shall:

17 (A) Establish a policy that allows an enrolled student to
 18 transfer to another public school within a student's resident or nonresident
 19 district; and

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

23 (c)(1) A school district shall not deny a student the ability to
 24 attend a school in the student's school district of choice under this section
 25 unless there is a lack of capacity at the school in the student's school
 26 district of choice.

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

29 (A)(i) The ~~school district~~ nonresident school has reached
 30 the maximum student-to-teacher ratio allowed under federal law, state law,
 31 the ~~rules for standards for accreditation~~ Rules Governing the Standards for
 32 Accreditation for Arkansas Public Schools and School Districts, state rules,
 33 or other applicable federal regulations.

34 (ii) A school district may claim a lack of capacity
 35 if, on the date the application for public school choice is made under this
 36 subchapter, ninety-five percent (95%) or more of the seats at the grade level

1 in which the student would be assigned at the nonresident school are filled;
 2 and

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

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

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

10 (2) The standards:

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

13 ~~(B) May include a claim of a lack of capacity by a school~~
 14 ~~district only if the school district has reached at least ninety percent~~
 15 ~~(90%) of the maximum authorized student population in a program, class, grade~~
 16 ~~level, or school building;~~

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

19 (i) Resides in the same household; and

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

22 ~~(D)~~(B) Shall not include an applicant's:

23 (i) Academic achievement;

24 (ii) Athletic or other extracurricular ability;

25 (iii) English proficiency level; or

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

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

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

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

36 (2) Award a diploma to a ~~nonresident~~ student who transfers under

1 this subchapter if the student meets the nonresident district's or public
2 school's graduation requirements.

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

- 7 (1) Availability of the public school choice program;
8 (2) Application deadline; and
9 (3) Requirements and procedure for ~~nonresident~~ students to
10 participate in the public school choice program.

11
12 SECTION 9. Arkansas Code § 6-18-1904 is amended to read as follows:
13 6-18-1904. General provisions – Definitions.

14 (a) The transfer of a student under ~~the Arkansas Public School Choice~~
15 ~~Act of 1989, § 6-18-206 [repealed], or~~ the Public School Choice Act of 2015,
16 § 6-18-1901 et seq., is not voided by this subchapter and shall be treated as
17 a transfer under this subchapter.

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

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

23 (B) If a transfer student returns to his or her resident
24 district or the public school within his or her resident district from which
25 he or she transferred or enrolls in a private or home school, the student's
26 transfer is voided, and the student shall reapply if the student seeks a
27 future school choice transfer.

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

31 (2) A present or future sibling of a student who continues
32 enrollment in the nonresident district or another public school within his or
33 her resident district under this subsection and applies for a school choice
34 transfer under § 6-18-1905 may enroll in the nonresident district or the
35 other public school within his or her resident district if the nonresident
36 district or the public school has the capacity to accept the sibling without

1 adding teachers, staff, or classrooms or exceeding the regulations, rules, or
2 standards established by law.

3 (3) A present or future sibling of a student who continues
4 enrollment in the nonresident district or another public school within his or
5 her resident district and who enrolls in the nonresident district or the
6 other public school within his or her resident district under subdivision
7 (c)(2) of this section may complete all remaining school years at the
8 nonresident district or the other public school within his or her resident
9 district.

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

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

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

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

24 (A) Denied participation in an extracurricular activity at
25 the public school within his or her resident district or nonresident district
26 to which he or she transfers based exclusively on his or her decision to
27 transfer to the public school or nonresident district; or

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

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

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

1 (i) Public school within his or her resident
 2 district or nonresident ~~school~~ district to which the student transfers under
 3 this section; and

4 (ii) Arkansas Activities Association.

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

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

12 (b) Superintendent of the nonresident ~~school~~
 13 district to which the student transfers if the student transfers to a
 14 nonresident district under this subchapter; and

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

17 (ii) The superintendent of a student's resident
 18 ~~school~~ district and the superintendent of the nonresident ~~school~~ district to
 19 which a student transfers, or the superintendent of the student's resident
 20 district if the student is transferring to another public school within his
 21 or her resident district, shall sign the Changing Schools/Athletic
 22 Participation form unless there is demonstrable evidence:

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

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

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

34 (E)(i) Public school district personnel and registered
 35 volunteers, as defined by the Arkansas Registered Volunteers Program Act, §
 36 6-22-101 et seq., shall not recruit students to the public school at which

1 they are employed or volunteer for athletic purposes.

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

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

13
14 SECTION 10. Arkansas Code § 6-18-1905 is amended to read as follows:

15 6-18-1905. Application for transfer.

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

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

- 22 (i) Regular mail;
- 23 (ii) Email; and
- 24 (iii) Hand delivery.

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

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

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

33 (A) To the nonresident district and to the student's
34 resident district, or only to the resident district if the student is
35 applying to transfer to another public school within his or her resident
36 district;

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

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

8 (b) Both the nonresident district and the resident district, or only
9 the resident district if a student applies to transfer to another public
10 school within his or her resident district, shall, upon receipt of the
11 application submitted under subsection (a) of this section, place a date and
12 time stamp on the application that reflects the date and time ~~each~~ the
13 nonresident district or resident district if a student applies to transfer to
14 another public school within his or her resident district received the
15 application.

16 (c) A nonresident district or a resident district if a student applies
17 to transfer to another public school within his or her resident district
18 shall review and make a determination on each application in the order in
19 which the application was received by the nonresident district or resident
20 district.

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

25 (e)(1) By July 1 of the school year in which a student seeks to enroll
26 in a nonresident district or a resident district if a student seeks to enroll
27 in another public school within his or her resident district under this
28 subchapter, the superintendent of the nonresident district or the
29 superintendent of the resident district if the student applies to transfer to
30 another public school within his or her resident district shall notify the
31 student's parent or guardian and the resident district, if applicable, in
32 writing as to whether the student's application has been accepted or
33 rejected.

34 (2) If an application is rejected, the superintendent of the
35 nonresident district or the superintendent of the resident district if the
36 student applies to transfer to another public school within his or her

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

3 (3) If an application is accepted, the superintendent of the
4 nonresident district or the superintendent of the resident district if the
5 student applies to transfer to another public school within his or her
6 resident district shall state in the notification letter a reasonable
7 deadline by which the student shall enroll in the nonresident district or the
8 resident district if the student applies to transfer to another public school
9 within his or her resident district and after which the acceptance
10 notification is null.

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

17 (2) A transfer of the student is effective immediately upon the
18 nonresident district's or resident district's written notification of an
19 acceptance.

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

23 (2) The data received by the secretary under subdivision (g)(1)
24 of this section shall be published annually on the Division of Elementary and
25 Secondary Education website.

26

27 SECTION 11. Arkansas Code § 6-18-1907(b), concerning rules promulgated
28 under the Public School Choice Act of 2015, is amended to read as follows:

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

34 (2)(A) A request for a hearing before the state board under
35 subdivision (b)(1) of this section shall be in writing and shall be
36 postmarked no later than ten (10) days after the student or the student's

1 parent or legal guardian, as applicable, receives a notice of rejection of
2 the application under § 6-18-1905.

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

7 (3) If the state board overturns the determination of the
8 nonresident district or resident district if the student applied to transfer
9 to another public school within his or her resident district on appeal, the
10 state board shall notify the parent, the nonresident district, if applicable,
11 and the resident district of the basis for the state board's decision.

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

16
17 SECTION 12. Arkansas Code § 6-18-1909(b), concerning an application of
18 a child who is a dependent of certain uniformed service members under the
19 Public School Choice Act of 2015, is amended to read as follows:

20 (b) If a student eligible under subsection (a) of this section seeks
21 to attend a school in a nonresident district or another public school within
22 his or her resident district, the student's parent, legal guardian, or person
23 standing in loco parentis to the student shall submit an application approved
24 by the Division of Elementary and Secondary Education by regular mail,
25 electronic mail, or in person to the student's nonresident district, if
26 applicable, and resident district, which includes:

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

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

33
34 SECTION 13. Arkansas Code § 6-18-1909(e), concerning the
35 transportation of a child who is a dependent of certain uniformed service
36 members and who transfers under the Public School Choice Act of 2015, is

1 amended to read as follows:

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

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