

Document: A.C.A. § 6-18-1901**A.C.A. § 6-18-1901****Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated **Title 6 Education** **Subtitle 2. Elementary And Secondary Education Generally** **Chapter 18 Students** **Subchapter 19-- Public School Choice Act of 2015**

6-18-1901. Title -- Legislative findings.

(a) This subchapter shall be known and may be cited as the "Public School Choice Act of 2015".

(b) The General Assembly finds that:

(1) The students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some at-risk students will stay in school and that other, more motivated students will find their full academic potential;

(2) Giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state's schools because teachers, administrators, and school district board members will have added incentive to

satisfy the educational needs of the students who reside in the district; and

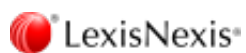
(3) These benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any school district beyond the school district in which the student resides, provided that the transfer by the student does not conflict with an enforceable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

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 2.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1902**A.C.A. § 6-18-1902****Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated Title 6 Education Subtitle 2. Elementary And Secondary Education Generally Chapter 18 Students Subchapter 19-- Public School Choice Act of 2015

6-18-1902. Definitions.

As used in this subchapter:

- (1) "Nonresident district" means a school district other than a student's resident district;
- (2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;
- (3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; and
- (4) "Transfer student" means a public school student in kindergarten through grade twelve (K-12) who transfers to a nonresident district through a public school choice option under this subchapter.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 3.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1903**A.C.A. § 6-18-1903****Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated Title 6 Education Subtitle 2. Elementary And Secondary Education Generally Chapter 18 Students Subchapter 19-- Public School Choice Act of 2015

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

- (a)** A public school choice program is established to enable a student in kindergarten through grade twelve (K-12) to attend a school in a nonresident district, subject to the limitations under § 6-18-1906.
- (b)** Each school district shall participate in a public school choice program consistent with this subchapter.
- (c)** This subchapter does not require a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law.
- (d)**
- (1)** The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under this subchapter.
- (2)** The standards:

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

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

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

(i) Resides in the same household; and

(ii) Is already enrolled in the nonresident district by choice; and

(D) Shall not include an applicant's:

(i) Academic achievement;

(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 receiving transfers under this subchapter shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.

(e) A nonresident district shall:

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

(2) Award a diploma to a nonresident student if the student meets the nonresident district'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 of the:

(1) Availability of the program;

(2) Application deadline; and

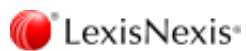
(3) Requirements and procedure for nonresident students to participate in the program.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 4.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1904**A.C.A. § 6-18-1904**[Copy Citation](#)

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated Title 6 Education Subtitle 2. Elementary And Secondary Education Generally Chapter 18 Students Subchapter 19-- Public School Choice Act of 2015

6-18-1904. General provisions.

(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 2013, 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 during the school year.

(B) If a transferred student returns to his or her resident district or enrolls in a private or home school, the student's transfer is voided, and the student shall reapply if the student seeks a future school choice transfer.

(c)

(1) A transfer student attending a nonresident school under this subchapter may complete all remaining school years at the nonresident district.

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

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

(d)

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

(2) The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.

(3) [Repealed.]

(e) For purposes of determining a school district's state aid, a transfer student is counted as a part of the average daily membership of the nonresident district where the transfer student is enrolled.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 5; 2017, No. 1066, §§ 1, 2.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1905

A.C.A. § 6-18-1905**Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated Title 6 Education Subtitle 2. Elementary And Secondary Education Generally Chapter 18 Students Subchapter 19-- Public School Choice Act of 2015

6-18-1905. Application for a transfer.

(a) If a student seeks to attend a school in a nonresident district, the student's parent shall submit an application:

(1) To the nonresident district, which shall notify the resident district of the filing of the application within ten (10) calendar days of receipt of the application;

(2) On a form approved by the Department of Education; and

(3) Postmarked no later than May 1 of the year in which the student seeks to begin the fall semester at the nonresident district.

(b) A nonresident district that receives an application under subsection (a) of this section shall, upon receipt of the application, place a date and time stamp on the application that reflects the date and time the nonresident district received the application.

(c) A nonresident district shall review and make a determination on each application in the order

in which the application was received by the nonresident district.

(d) Before accepting or rejecting an application, a nonresident district shall determine whether one of the limitations under § 6-18-1906 applies to the application.

(e)

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

(2) If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for rejection.

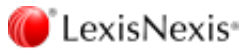
(3) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter a reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 6; 2017, No. 1066, § 3.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1906**A.C.A. § 6-18-1906****Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated Title 6 Education Subtitle 2. Elementary And Secondary Education Generally Chapter 18 Students Subchapter 19-- Public School Choice Act of 2015

6-18-1906. Limitations.

(a)

(1) If the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan, either of which explicitly limits the transfer of students between school districts, the provisions of the order or plan shall govern.

(2) Annually by January 1, a school district that claims a conflict under subdivision (a)(1) of this section shall submit proof from a federal court to the Department of Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan that explicitly limits the transfer of students between school districts.

(3) Proof submitted under subdivision (a)(2) of this section shall contain the following:

(A) Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and

(B) Documentation showing the specific language the school district believes limits its participation in the school choice provisions of this subchapter.

(4)

(A) Within thirty (30) calendar days of receipt of proof under subdivision (a)(2) of this section, the department shall notify the school district whether it is required to participate in the school choice provisions of this subchapter.

(B) The department may reject incomplete submissions.

(C) If the department does not provide a written exemption to the school district, then the school district shall be required to participate in the school choice provisions of this subchapter.

(5) The department shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of this subchapter.

(6) The State Board of Education may review a decision of the department upon written petition of the affected school district and may affirm or reverse the decision of the department under the rules promulgated by the state board to implement this subsection.

(b) (1) (A) There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, under this section of not more than three percent (3%) of the enrollment that exists in the school district as of October 15 of the immediately preceding school year.

(B) For the purpose of determining the percentage of school choice transfers under this subsection, siblings who are counted in the numerator as transfer students shall count as one (1) student.

(C) A student eligible to transfer to a nonresident district under § 6-15-430(c)(1) [repealed], the Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227, § 6-18-233, or § 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.

(2) Annually by December 15, the department shall report to each school district the net

maximum number of school choice transfers for the next school year.

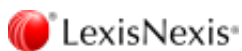
(3) If a student is unable to transfer due to the limits under this subsection, the resident district shall give the student priority for a transfer in the first school year in which the district is no longer subject to subdivision (b)(1) of this section in the order that the resident district receives notices of applications under § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 6; 2017, No. 988, § 2; 2017, No. 1066, § 4.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document: A.C.A. § 6-18-1907**A.C.A. § 6-18-1907****Copy Citation**

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

Arkansas Code Annotated **Title 6 Education** **Subtitle 2. Elementary And Secondary Education Generally** **Chapter 18 Students** **Subchapter 19-- Public School Choice Act of 2015**

6-18-1907. Rules -- Appeal.

(a) The State Board of Education may promulgate rules to implement this subchapter.

(b)

(1) A student whose application for a transfer under § 6-18-1905 is rejected by the nonresident district may request a hearing before the state board to reconsider the transfer.

(2)

(A) A request for a hearing before the state board shall be in writing and shall be postmarked no later than ten (10) days after the student or the student's parent receives a notice of rejection of the application under § 6-18-1905.

(B) As part of the review process, the parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.

(3) If the state board overturns the determination of the nonresident district on appeal, the state board shall notify the parent, the nonresident district, and the resident district of the basis for the state board's decision.

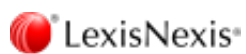
(c) [Repealed.]

History

Acts 2013, No. 1227, § 6; 2017, No. 1066, § 5.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.



Document:A.C.A. § 6-18-1908

A.C.A. § 6-18-1908[Copy Citation](#)

Current through all laws of the 2017 Regular Session and 2017 First Extraordinary Session, including changes and corrections by the Arkansas Code Revision Commission.

[Arkansas Code Annotated](#) [Title 6 Education](#) [Subtitle 2. Elementary And Secondary Education Generally](#) [Chapter 18 Students](#) [Subchapter 19-- Public School Choice Act of 2015](#)

6-18-1908. Effective date.

The provisions of this subchapter are effective immediately.

History

Acts 2013, No. 1227, § 6; 2015, No. 560, § 7.

Arkansas Code of 1987 Annotated Official Edition

© 2018 by the State of Arkansas All rights reserved.



[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright ©
2018
LexisNexis. All
rights
reserved.

