

Stricken language would be deleted from and underlined language would be added to present law.
Act 490 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/8/21
A Bill

SENATE BILL 147

By: Senator J. English
By: Representative Lowery

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
CHOICE ACT; TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE ARKANSAS OPPORTUNITY
PUBLIC SCHOOL CHOICE ACT; AND TO AMEND
PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE PUBLIC SCHOOL CHOICE ACT
OF 2015.

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

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

(B)(i) Except as provided in subdivision (b)(1)(B)(ii) of
this section, the parent, guardian, or student, if the student is over
eighteen (18) years of age, has notified ~~the Division of Elementary and
Secondary Education and~~ both the sending and receiving school districts of
the request for a transfer no earlier than January 1 and no later than May 1
of the ~~year before~~ school year before the school year in which the student
intends to transfer.



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

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

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

(B)(i) The parent or guardian of a student enrolled in or assigned to a public school district that is classified by the state board as a public school district in need of Level 5 – Intensive support under § 6-15-2913 or § 6-15-2915 or a public school that ~~does not have~~ has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules may ~~choose as an alternative to enroll the student in a legally allowable public school district that is not classified as a public school district in need of Level 5 – Intensive support under § 6-15-2913 or § 6-15-2915 or a public school that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules and that is nearest to the student’s legal residence;~~

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

(b)(1) Apply to enroll the student in a public school within the resident district that does not have a rating of "F" under §§ 6-15-2015 and 6-15-2106 and state board rules and that is nearest the legal residence of the student.

(2) If there is no public school within the resident district that does not have a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules, the student may apply to enroll in a nonresident public school district and, if accepted, be placed in a public school that does not have a rating of "F" under §§ 6-15-2015 and 6-15-2106

and state board rules.

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

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

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

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

SECTION 5. Arkansas Code § 6-18-227(d)(3), concerning the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

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

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

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

(2)(A) Each school district shall have a policy stating the method by which a parent or guardian of a student may submit a school choice

application, including without limitation:

(i) Regular mail;

(ii) Email; and

(iii) Hand delivery.

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

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

~~(1)(A)~~ To the nonresident district ~~with a copy~~ and to the student's resident district;

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

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

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

~~(ii)(b)~~ Proof of residency on the

military base; and

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

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

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

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

SECTION 7. Arkansas Code § 6-18-1907(b), concerning rules and appeals under the Public School Choice Act of 2015, is amended to add an additional

subdivision to read as follows:

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

/s/J. English

APPROVED: 3/25/21