

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S4/3/23
A Bill

HOUSE BILL 1604

By: Representative Barker
By: Senators J. Bryant, A. Clark

For An Act To Be Entitled

AN ACT TO REQUIRE THAT A PETITION OF A STUDENT TO TRANSFER FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT BE PLACED ON THE AGENDA OF A SCHOOL DISTRICT BOARD OF DIRECTORS FOR REVIEW AND APPROVAL; TO CREATE A PROCESS WHEREBY A DENIAL OF A TRANSFER PETITION MAY BE APPEALED; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THAT A PETITION OF A STUDENT TO TRANSFER FROM ONE SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT BE PLACED ON THE AGENDA OF A SCHOOL DISTRICT BOARD OF DIRECTORS FOR REVIEW AND APPROVAL.

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

SECTION 1. Arkansas Code § 6-18-316 is amended to read as follows:
6-18-316. Transfer on petition of student.

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

(b) Forms for use in transferring ~~children~~ a student from one (1) school district to another shall be provided by the Division of Elementary



and Secondary Education.

(c)(1) A transfer petition received by a school district under this section shall be placed on the agenda of the next regular monthly meeting of the school district board of directors or a specially called meeting of the school district board of directors, whichever occurs first, unless otherwise provided by this section.

(2) At least five (5) days before a regular monthly meeting of a school district board of directors or a specially called meeting of a school district board of directors, whichever occurs first, the superintendent of the school district shall notify the school district board of directors regarding:

(A) All transfer petitions received under this section;
and

(B)(i) The superintendent's recommendation concerning each transfer petition received under this section.

(ii) If a student's transfer petition is recommended by a school district superintendent for denial, the school district superintendent shall provide a written explanation of the reasons for the recommendation to the:

(a) School district board of directors; and
(b) Parent, legal guardian, or person standing in loco parentis to the student.

(3) Each transfer petition received by a school district under this section and placed on the agenda of a school district board of directors as required under subdivision (c)(1) of this section shall:

(A) Be considered individually; and
(B) Receive a separate vote by the school district board of directors.

(4) A parent, legal guardian, or person standing in loco parentis to a student who submits a petition for a transfer under this section shall be given at least five (5) minutes to present the student's case for a transfer to a school district board of directors.

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

(i) The school district superintendent; or

(ii) An individual member of the school district board of directors.

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

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

~~(e)(d)~~ After ~~the~~ a petition for a transfer has been approved by ~~the~~ a school district board of directors of the resident district and ~~the~~ a school district board of directors of the receiving district, copies of approved transfers shall be filed by the receiving district with the ~~office:~~

(1) Office of the county clerk, ~~with the administrative;~~

(2) Administrative offices of the respective school districts, ~~;~~ and ~~with the division~~

(3) Division.

~~(d)(e)~~ ~~This legal~~ The transfer of a student from one (1) school district to another ~~places:~~

(1) Places the responsibility for the education of the student on the receiving district; and ~~permits~~

(2) Permits the receiving district to count ~~these children in a~~ student who transfers under this section for purposes of average daily membership for state aid purposes.

~~(e)(f)~~ This section does not transfer the local tax money from ~~the~~ a resident district.

~~(f)(1)(g)(1)~~ Upon approval of ~~the~~ a petition to transfer by ~~the~~ a resident district, the receiving district may also enter into a tuition agreement with either the resident district or the ~~parents of the child or children~~ parent, legal guardian, or person standing in loco parentis to the transferring student involved whereby the resident district or the ~~parents~~ parent, legal guardian, or person standing in loco parentis to the transferring student will make tuition payments to the receiving district to compensate the receiving district for local taxes not received on behalf of the ~~child or children involved~~ transferring student.

(2) The annual amount of the tuition shall not exceed the average amount of local property tax per pupil collected in the receiving district in the preceding year.

~~(g)~~(h) Student petitions for transfers granted under ~~the provisions of~~ this section shall be reviewed at the end of four (4) years by the school districts involved to determine whether ~~the~~ a tuition agreement, if one exists, should be renewed.

~~(h)~~(i) Student petitions for transfers granted under this section constitute an independent agreement between the resident district and the receiving district and are not subject to the provisions and limitations of other student transfer laws.

/s/Barker

APPROVED: 4/12/23