

Stricken language would be deleted from and underlined language would be added to present law.
Act 768 of the Regular Session

State of Arkansas *As Engrossed: S3/29/23 S3/30/23 S3/30/23*
94th General Assembly **A Bill**
Regular Session, 2023

SENATE BILL 400

By: Senators A. Clark, L. Chesterfield, Dees, J. English, Flippo, B. Johnson, G. Leding, M. McKee,
Stone, C. Tucker, D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015;
TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
CHOICE ACT; TO ENSURE A STUDENT WHO TRANSFERS TO A
NONRESIDENT DISTRICT IS AFFORDED CERTAIN
OPPORTUNITIES AND RIGHTS; AND FOR OTHER PURPOSES.

Subtitle

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

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

SECTION 1. Arkansas Code § 6-18-227, concerning the Arkansas
Opportunity Public School Choice Act, is amended to add an additional
subsection to read as follows:

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

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

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

(2)(A) However, a student who transfers to another public school



or a nonresident school district under this section shall complete a Changing Schools/Athletic Participation form as defined by the Arkansas Activities Association.

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

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

(ii) Arkansas Activities Association.

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Arkansas Code § 6-18-1904, concerning general provisions for student transfers under the Public School Choice Act of 2015, is amended to add an additional subsection to read as follows:

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

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

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

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

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

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

(ii) Arkansas Activities Association.

(C)(i) Before a student is eligible to participate in an extracurricular activity at the public school or nonresident school district to which he or she transfers, the Changing Schools/Athletic Participation

form submitted by the student as required under subdivision (f)(2)(B) of this section shall be signed by the:

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

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

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

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

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

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

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

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

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

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

/s/A. Clark

APPROVED: 4/12/23