

Stricken language would be deleted from and underlined language would be added to present law.
Act 913 of the Regular Session

State of Arkansas
95th General Assembly
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As Engrossed: H4/7/25

A Bill

HOUSE BILL 1945

By: Representative McCollum

By: Senators B. Davis, J. Dotson

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015; TO ALLOW A STUDENT TO TRANSFER TO ANOTHER PUBLIC SCHOOL WITHIN HIS OR HER RESIDENT DISTRICT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND TO ALLOW A STUDENT TO TRANSFER TO ANOTHER PUBLIC SCHOOL WITHIN HIS OR HER RESIDENT DISTRICT.

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

SECTION 1. Arkansas Code § 6-18-202(g), concerning the interpretation of the law concerning student attendance requirements, is amended to read as follows:

(g) This section shall not be construed to restrict a student's ability to:

(1) Participate in a tuition agreement with a nonresident school district for any tuition or fees that also apply to students assigned to the school district;

(2) Officially transfer to ~~another~~ a nonresident school district or another public school within a resident or nonresident school district pursuant to the Public School Choice Act of 2015, § 6-18-1901 et seq.; or



(3) Attend school as an international exchange student placed with a host family by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act, § 6-18-1701 et seq.

SECTION 2. Arkansas Code § 6-18-227(b)(1), concerning the transfer of a student to another school district or public school under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(b)(1) Upon the request of a parent, guardian, or student, if the student is eighteen (18) years of age or older, a student may transfer from his or her resident district or public school to ~~another~~ a nonresident school district or another public school within his or her resident school district under this section if, at the time of the request under this subdivision (b)(1):

(A) Either:

(i) The resident public school district has been 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~~

(ii) The ~~resident~~ public school in which the student is enrolled has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules, as allowed in subdivision (b)(3)(B)(i)(b) of this section; ~~and~~ or

(iii) The parent, legal guardian, or student if the student is eighteen (18) years of age or older believes it is in the best interest of the student to transfer to a nonresident school district or another public school within his or her resident school district; and

(B) Except as provided in subsection (n) of this section, the parent, guardian, or student, if the student is eighteen (18) years of age or older, has notified both the resident and nonresident school districts of the request for a transfer no earlier than January 1 and no later than May 1 of the school year before the school year in which the student intends to transfer.

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

(2)(A)(i) For the purposes of continuity of educational choice, a transfer under this section shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until the student completes high school or the parent, guardian, or student, if the student is eighteen (18) years of age or older, timely makes application under a provision of law governing attendance in or transfer to another public school within the student's resident school district or a nonresident school district other than the student's assigned school or resident district.

(ii)(a) Except as provided in subsection (n) of this section, a transfer under this section is effective at the beginning of the next academic year.

(b) A transfer of a student eligible under subsection (n) of this section is effective immediately upon the ~~nonresident district's~~ written notification of an acceptance from the nonresident district or other public school within the student's resident school district.

SECTION 4. Arkansas Code § 6-18-227(d)(2)(A)(ii), concerning a lack of capacity claimed by a school district under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

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

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

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

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

SECTION 4. Arkansas Code § 6-18-227(g), concerning credits towards graduation for transferring students under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

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

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

SECTION 5. Arkansas Code § 6-18-227(i), concerning requirements for students transferring under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

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

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

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

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

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

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

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

(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~~ resident or nonresident 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 resident school district or nonresident school district.

SECTION 7. Arkansas Code § 6-18-1903 is amended to read as follows:
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 or another public school within a resident district, subject to the limitations under § 6-18-1906.

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

(2) Each school district shall:

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

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

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

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

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

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

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

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

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

(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 or other public school within the resident district by choice; and~~

~~(D)(B) 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 or another public school within 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 or another public school within a resident district shall:

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

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

this subchapter if the student meets the nonresident district's or public school'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 and within the school district of the:

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

SECTION 8. Arkansas Code § 6-18-1904 is amended to read as follows:
6-18-1904. General provisions – Definitions.

(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 2015, § 6-18-1901 et seq., 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 or the public school within his or her resident district from which he or she transferred during the school year.

(B) If a transfer student returns to his or her resident district or the public school within his or her resident district from which he or she transferred 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 or another public school within the student's resident district 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 or another public school within his or her resident district under this subsection and applies for a school choice transfer under § 6-18-1905 may enroll in the nonresident district or the other public school within his or her resident district if the nonresident district or the public school has the capacity to accept the sibling without

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

(3) A present or future sibling of a student who continues enrollment in the nonresident district or another public school within his or her resident district and who enrolls in the nonresident district or the other public school within his or her resident district under subdivision (c)(2) of this section may complete all remaining school years at the nonresident district or the other public school within his or her resident 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~~ If a student transfers to a nonresident district under this subchapter, the nonresident district may enter into a written agreement with the student, the student's parent, or the transfer student's resident district to provide the transportation.

(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 if the student transfers to a nonresident district under this subchapter.

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

(A) Denied participation in an extracurricular activity at the public school within his or her resident district 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 within his or her resident district 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 within his or her resident district 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 within his or her resident district 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 if the student transfers to a nonresident district under this subchapter; 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, or the superintendent of the student's resident district if the student is transferring to another public school within his or her resident district, shall sign the Changing Schools/Athletic Participation form unless there is demonstrable evidence:

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

(b) The student is transferring to the public school within his or her resident district or the 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 within his or her resident district or nonresident ~~school~~ district under this subchapter and is enrolled in the receiving school district or 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.

SECTION 9. Arkansas Code § 6-18-1905 is amended to read as follows:

6-18-1905. Application for transfer.

(a)(1) An 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, or a student who is eighteen (18) years of age or older, 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 in-person filing of an application.

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

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

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

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

(C) 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 or other public school within the student's resident district, except as otherwise provided for dependents of uniformed service members and uniformed service veterans under this subchapter.

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

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

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

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

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

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

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

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

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

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

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

SECTION 10. Arkansas Code § 6-18-1907(b), concerning rules promulgated under the Public School Choice Act of 2015, is amended to read as follows:

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

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

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

(B) As part of the review process, ~~the~~ a student or a parent or legal guardian of the student 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 or resident district if the student applied to transfer to another public school within his or her resident district on appeal, the state board shall notify the parent, the nonresident district, if applicable, and the resident district of the basis for the state board's decision.

(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's not being timely received by both the resident district and nonresident district, if applicable.

SECTION 11. Arkansas Code § 6-18-1909(b), concerning an application of a child who is a dependent of certain uniformed service members under the Public School Choice Act of 2015, is amended to read as follows:

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

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

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

SECTION 12. Arkansas Code § 6-18-1909(e), concerning the transportation of a child who is a dependent of certain uniformed service members and who transfers under the Public School Choice Act of 2015, is

amended to read as follows:

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

/s/McCollum

APPROVED: 4/21/25