

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 767

By: Senator Teague

## For An Act To Be Entitled

AN ACT TO ALLOW EXISTING PUBLIC SCHOOL CHOICE TRANSFERS UNDER § 6-18-206 TO CONTINUE; TO SUSPEND FUTURE TRANSFERS UNDER § 6-18-206 UNTIL A COURT RESOLUTION; TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT OF 2004; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO ALLOW EXISTING PUBLIC SCHOOL CHOICE TRANSFERS UNDER § 6-18-206 TO CONTINUE; TO SUSPEND FUTURE TRANSFERS UNDER § 6-18-206 UNTIL A COURT RESOLUTION; TO AMEND PUBLIC SCHOOL CHOICE LAW; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended to add an additional section to read as follows:

6-18-107. Continuity of education for public school choice students.

(a) As used in this section:

(1) "Nonresident district" means a school district other than a student's resident district; and

(2) "Resident district" means the school district where the student resides as determined under § 6-18-202.

(b) If a public school choice request is approved by a nonresident district under a provision of law that is later declared unconstitutional by



a court or is repealed, the student may continue to attend school in the nonresident district until the student completes his or her secondary education.

(c) A present or future sibling of a student who continues enrollment in the nonresident district under this section may enroll in or continue enrollment in the nonresident district until the sibling completes his or her secondary education, if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms, or exceed the regulations and standards established in law.

(d) The enrollment of a student in a nonresident district under this section is subject to:

(1) The nonresident district's written policies for renewal of the transfer; and

(2) Other provisions of law concerning attendance and enrollment in public schools.

SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. The General Assembly finds that the constitutionality of certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-206, are currently in litigation on appeal to the Eighth Circuit Court of Appeals. Therefore, a school district shall not approve a transfer request under § 6-18-206 until the Attorney General determines that a final decision in the litigation upholds the constitutionality of the statute. The Department of Education shall notify the superintendent and school board of each school district of the Attorney General's determination.

SECTION 3. Arkansas Code § 6-18-227(b)(1)(A), concerning the requirements for public school choice transfer under the Arkansas Opportunity Public School Choice Act of 2004, is amended to read as follows:

(A) The resident public school has been designated ~~pursuant to § 6-15-2103~~ as a:

(i) ~~level~~ Level 1 school for two (2) or more consecutive school years under § 6-15-2103; or

(ii) Needs improvement - priority school for two (2) or more consecutive years under the state's accountability program for school districts in compliance with the Elementary and Secondary Education Act of

1965, 20 U.S.C. § 6301 et seq., as it existed on January 1, 2013, and has not met the criteria for release from the needs improvement - priority school status; and

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the constitutionality of certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-206, has been called into question by a federal court but that the order is stayed while the decision is being appealed; that thousands of public school students currently are attending public schools in nonresident school districts under that law; that there is now uncertainty among school districts, public schools, parents, and students about the viability of those transfers and transfers for the 2013-2014 school year; that the deadline for requesting transfers under the law is July 1; and that this act is immediately necessary to resolve that uncertainty before the 2013-2014 school year and provide continuity of education for transferred students. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.