

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 458

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015;
TO PROVIDE SCHOOL CHOICE FOR CHILDREN OF UNIFORMED
SERVICES FAMILIES; TO AMEND ACTS 2023, NO. 237, TO
AMEND THE ELIGIBILITY OF CHILDREN OF ACTIVE DUTY
UNIFORMED SERVICES PERSONNEL TO PARTICIPATE IN THE
ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT
PROGRAM; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF
2015; AND TO AMEND THE ELIGIBILITY OF
CHILDREN OF ACTIVE DUTY UNIFORMED
SERVICES PERSONNEL TO PARTICIPATE IN THE
ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM
ACCOUNT PROGRAM.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

(1) The State of Arkansas has demonstrated a strong commitment to uniformed service families;

(2) The influx of new uniformed service families and the turnover of the current force complicates the challenges faced by uniformed service families in determining the best education program to meet their children's educational needs, especially in light of the limited available and affordable family housing options;



(3) Resident public school districts have generally rejected uniformed service families' requests to permit their children to attend a public school within the public school district in which they will live upon the availability of permanent housing, which doubles the number of school transitions children of uniformed service families undergo during a typical three-year assignment;

(4) Effective school transitions for children of uniformed service families are further adversely impacted when uniformed service families arrive after the May 1 deadline by which students must apply for school transfers, and removing this deadline for children of uniformed service families addresses a growing problem in the Little Rock Air Force Base off-base community and proactively interdicts a major problem in the Fort Smith area with the anticipated arrival of the F-35 and F-16 training center personnel;

(5) Separating the public school district commitment from the housing decisions of uniformed service families by providing uniformed service families with a public school to public school choice option for their children relieves the conflict faced by the uniformed service families and maximizes the potential for educational success for children of uniformed service families; and

(6) By amending portions of relevant law to change the term "military" to instead read "uniformed services", the General Assembly can ensure better continuity of access to educational programs for children of all uniformed service families and alignment among all school choice programs in the State of Arkansas.

SECTION 2. Arkansas Code § 6-18-1902 is amended to read as follows:
6-18-1902. Definitions.

As used in this subchapter:

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

(2) "Parent" means a student's parent, guardian, or other person having custody or care of the student;

(3) "Resident district" means the school district in which the student resides as determined under § 6-18-202; ~~and~~

(4) "Transfer student" means a public school student in

kindergarten through grade twelve (K-12) who transfers to a nonresident district through a public school choice option under this subchapter;

(5) "Uniformed service member" means an active or reserve component member of the:

(A) United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;

(B) National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(C) United States Commissioned Corps of the Public Health Service; and

(6) "Uniformed service veteran" means a former uniformed service member who has been discharged under conditions other than dishonorable.

SECTION 3. Arkansas Code § 6-18-1905(a)(3), concerning an application submitted by a student seeking to attend a school in a nonresident district, is amended to read as follows:

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

(A) To the nonresident district and to the student's resident district;

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

~~(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:~~

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

~~(b) Proof of residency on the military base;~~

and

~~(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.~~

~~(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)(C)(i) of this section if the student's parent or legal guardian:~~

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

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

SECTION 4. Arkansas Code § 6-18-1905(d) and (e), concerning the acceptance or rejection of an application to attend a school in a nonresident district, are amended to read as follows:

(d) Before accepting or rejecting an application, a nonresident district shall determine whether:

~~(1) One (1) of the limitations limitation under § 6-18-1906 applies to the application; and~~

~~(2)(A) The resident district has met its numerical net maximum limit on school choice transfers under § 6-18-1906.~~

~~(B) The nonresident district shall contact the resident district to determine whether the resident district has met its net maximum limit under subdivision (d)(2)(A) of this section.~~

~~(C) In determining whether a resident district has met its net maximum limit on school choice transfers under subdivision (d)(2)(A) of this section, the nonresident district shall review and make a determination on each application in the order in which the application was received by the nonresident district.~~

~~(D) If the resident district has met its numerical net maximum limit on school choice transfers, the nonresident district shall issue a rejection of the affected school choice application.~~

~~(E)(i) If an applicant under this section has been rejected due to the numerical net maximum limit, then the applicant shall retain priority for a transfer under this subchapter until July 1 and be reconsidered when the resident district is no longer at the numerical net maximum limit.~~

~~(ii) The resident district shall promptly notify the nonresident district when it is no longer at its numerical net maximum limit.~~

(e)(1) ~~Except as provided in subdivision (e)(4) of this section, by~~ By July 1 of the school year in which ~~the~~ a student seeks to enroll in a nonresident district under this subchapter, the superintendent of the nonresident district shall notify the student's parent or guardian and the resident district in writing as to whether the student's application has been accepted or rejected.

(2) If ~~the~~ an application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for rejection.

(3) If ~~the~~ an application is accepted, the superintendent of the nonresident district shall state in the notification letter a reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null.

~~(4) The July 1 deadline under subdivision (e)(1) of this section does not apply in the case of an application received from a student who 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.~~

SECTION 5. Arkansas Code Title 6, Chapter 18, Subchapter 19, is amended to add an additional section to read as follows:

6-18-1909. Public school choice for dependent of uniformed service member and uniformed service veteran.

(a) A child shall be eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a:

(1) Uniformed service member in full-time active-duty status;

(2) Surviving spouse of a uniformed service member;

(3) Reserve component uniformed service member during the period six (6) months before until six (6) months after a Title 10, Title 32, or state active duty mobilization and service; or

(4) Uniformed service veteran who is returning to civilian status at the conclusion of the uniformed service veteran's active duty status.

(b) If a student eligible under subsection (a) of this section seeks to attend a school in a nonresident 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 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.

(c) An application deadline required under this subchapter shall not apply to a school transfer under this section.

(d) A student eligible for a school transfer under this section shall be permitted only one (1) school transfer per academic year under this section.

(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.

SECTION 6. Arkansas Code § 6-18-2506(a)(3)(A)(i)(e), as amended by Acts 2023, No. 237, and concerning a student's initial eligibility to participate in the Arkansas Children's Educational Freedom Account Program, is amended to read as follows:

(e) A child of active-duty ~~military~~ uniformed service personnel, as identified under Title 10 ~~or~~, Title 32, Title 33, or Title 42 of the United States Code;

SECTION 7. Arkansas Code § 6-18-2506(a)(3)(B)(i)(c)(2), as amended by Acts 2023, No. 237, and concerning a student's eligibility for the 2024-2025 school year to participate in the Arkansas Children's Educational Freedom Account Program based on the status of his or her parent, legal guardian, or person standing in loco parentis to the student, is amended to read as follows:

(2) In the ~~military reserves~~ uniformed service reserve components;