

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 570

By: Senator J. English
By: Representative Cozart

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL
CHOICE ACT; TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE ARKANSAS OPPORTUNITY
PUBLIC SCHOOL CHOICE ACT AND THE PUBLIC
SCHOOL CHOICE ACT OF 2015.

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

SECTION 1. Arkansas Code § 6-18-227(a)(2)(B)(iii), concerning the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(iii) Further finds that a student should not be compelled against the wishes of the parent, guardian, or the student, if the student is ~~over~~ eighteen (18) years of age or older, to remain in a public school district classified by the State Board of Education as a school district in need of Level 5 – Intensive support under § 6-15-2913 or §6-15-2915 or a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules; and

SECTION 2. Arkansas Code § 6-18-227(b)(1), concerning 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 ~~over~~ eighteen (18) years of age or older, a student may transfer from his or her resident district or public school to another school district or public school 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 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

(B)~~(i)~~ Except as provided in ~~subdivision (b)(1)(B)(ii)~~ subsection (m) of this section, the parent, guardian, or student, if the student is ~~over~~ eighteen (18) years of age or older, has notified both the sending resident and receiving 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.

~~(ii)(a) 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 may submit a request for transfer under this section at any time during the calendar year.~~

~~(b) An application for transfer under subdivision (b)(1)(B)(ii)(a) of this section shall:~~

~~(1) Be filed with the nonresident school district within fifteen (15) days of the parent’s or guardian’s arrival on the military base;~~

~~(2) Include the parent’s or guardian’s military transfer orders; and~~

~~(3) Include the parent’s or guardian’s proof of residency on the military base.~~

SECTION 3. Arkansas Code § 6-18-227(b)(2)(A), concerning 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 ~~over~~ eighteen (18) years of age or older, timely makes application under a provision of law governing attendance in or transfer to another public school or school district other than the student’s assigned school or resident district.

(ii)(a) Except as provided in ~~subdivision (b)(2)(A)(ii)(b)~~ subsection (m) 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 (m) of this section ~~for a student who has a parent or guardian who is an active-duty member of the military and who resides on a military base~~ is effective immediately upon the nonresident district’s written notification of an acceptance approval ~~of the accepting school board at its next meeting.~~

SECTION 4. Arkansas Code § 6-18-227(b)(3)(A), concerning the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(3)(A) For each student enrolled in or assigned to a public school district that is 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 a public school that has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules, a school district shall:

(i) Timely notify the parent, guardian, or student, if the student is ~~over~~ eighteen (18) years of age or older, as soon as practicable after the designation is made, of all options available under this section; and

(ii)(a) Offer the parent, guardian, or student, if the student is ~~over~~ eighteen (18) years of age or older, an opportunity to submit an application no earlier than January 1 and no later than May 1 to enroll the student in the upcoming school year in any public school district that is not classified by the state board as a public school district in need of Level 5 – Intensive support under §§ 6-15-2913 and 6-15-2915 or a public school within the resident district that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.

(b) The opportunity to continue

attending the public school or school district that the student transfers to under this section remains in effect until the student graduates from high school.

SECTION 5. Arkansas Code § 6-18-227(d)(2)(A) and (B), concerning the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(2)(A)(i) 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.

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

(a) ~~the~~ The school district has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards of accreditation, state rules, or other applicable federal regulations; and

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

~~(B) The race or ethnicity of a student shall not be used to deny a student the ability to attend a school in the student’s school district of choice~~ A school district receiving transfers under this section shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.

SECTION 6. Arkansas Code § 6-18-227(d)(4), concerning the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(4) An applicant shall not request a hearing before the state board if his or her application for a transfer is rejected due to the application not being timely received by both the resident district and nonresident district.

(5) The division shall promulgate rules governing the use of school capacity as a basis for denying admission under this section.

SECTION 7. 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 shall be eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a:

(A) Uniformed service member in full-time active-duty status as defined by Title 10, Title 32, Title 33, or Title 42 of United States Code;

(B) Surviving spouse of a uniformed service member;

(C) Reserve component uniformed service member during the period six (6) months before until six (6) months after a Title 10, Title 32, Title 42, or state active duty mobilization and service; or

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

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

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

(4) If a student eligible for transfer under this subsection seeks to attend a public school in a nonresident district, the student's parent, legal guardian, or person standing in loco parentis to the student, or the student if the student is eighteen (18) years of age or older, shall submit an application approved by the division to the student's nonresident district and resident district by regular mail, email, or in person, which shall include a copy of the:

(A) Identification card of the student's parent, legal guardian, person standing in loco parentis to the student, or the student if the student is eighteen (18) years of age or older, which qualifies the student under this section; and

(B) Official orders, assignment notification, or notice of mobilization of the student's parent, legal guardian, or person standing in loco parentis to the student.

(5) An application deadline required under this section shall not apply to a student eligible for transfer under this subsection.

SECTION 8. Arkansas Code § 6-18-1903(c), concerning the Public School

Choice Act of 2015, is amended to read as follows:

~~(c)(1) This subchapter does not require a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law~~ 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) The school district has reached the maximum student-to-teacher ratio allowed under federal law, state law, the rules for standards for accreditation, state rules, or other applicable federal regulations; 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.

SECTION 9. Arkansas Code § 6-18-1905(a), concerning an application for a transfer under the Public School Choice Act of 2015, is amended to read as follows:

(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 ~~a parent or guardian of a student to file~~ in-person filing of an application ~~in person.~~

(3) If a student seeks to attend a school in a nonresident 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;

(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, except as otherwise provided for dependents of uniformed service members and uniformed service veterans under this subchapter.

~~(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 10. Arkansas Code § 6-18-1905, concerning an application for a transfer under the Public School Choice Act of 2015, is amended to add an additional subsection to read as follows:

(f)(1) For each application received under this section, the nonresident 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 receipt of the application.

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