

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

As Engrossed: S3/5/25

## A Bill

SENATE BILL 205

By: Senator A. Clark

By: Representative McCollum

### 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 CLARIFY THAT A STUDENT MAY TRANSFER BETWEEN SCHOOLS WITHIN THE STUDENT'S RESIDENT DISTRICT UNDER THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT AND THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND FOR OTHER PURPOSES.

### Subtitle

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

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

SECTION 1. Arkansas Code § 6-18-202(g), concerning a student's ability to transfer to another school district, 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;

(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) and (2)(A), concerning the eligibility requirements to participate in the public school choice program under the Arkansas Opportunity Public School Choice Act, are 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 he or she 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

(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, if applicable, 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.

(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 or other public school within the student's resident school district's written notification of an acceptance.

SECTION 3. Arkansas Code § 6-18-227(g), concerning the acceptance of a transferring student's credits toward graduation under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(g)(1) A receiving district and 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 public school district or public school.

(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 district or public school if the student meets the receiving district's or public school's graduation requirements.

SECTION 4. Arkansas Code § 6-18-227(i), concerning excused absences of students under the Arkansas Opportunity Public School Choice Act, is amended to read as follows:

(i)(1) Unless excused by the receiving school district or public school 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 5. 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 resident or nonresident school 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 6. Arkansas Code § 6-18-1903(a), concerning the establishment of a public school choice program under the Public School Choice Act of 2015, is amended to read as follows:

(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.

SECTION 7. Arkansas Code § 6-18-1903(e), concerning the transfer of credits toward graduation and upon a transfer under the Public School Choice Act of 2015, is amended to read as follows:

(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 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 public school's or nonresident district's graduation requirements.

SECTION 8. Arkansas Code § 6-18-1904(b)-(f), concerning requirements of students who transfer school districts or schools under the Public School Choice Act of 2015, is amended to read as follows:

(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 his or her 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 other public school within his or her resident district if the district or 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 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 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~~ In the event 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 a 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 within his or her resident district 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 within his or her resident district 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 the transfer student's 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; 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 schools 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 receiving 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 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.

(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 student's 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 another 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 the 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 applied 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 the resident district if a student applied to transfer to another public school within his or her resident district.

(d) Before accepting or rejecting an application, a nonresident district or a resident district if a student applied 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 the 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 applied 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 applied to transfer to another public school within his or her resident district and after which the acceptance notification is null.

(4) [Repealed.]

(f)(1) For each application received under this section, the nonresident district or the resident district if the student applied 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.

SECTION 10. Arkansas Code § 6-18-1907(b), concerning rules promulgated by the State Board of Education 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 the student applied 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 receives a notice of rejection of the application under § 6-18-1905.

(B) As part of the review process, the student or the student's parent 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 the 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 eligibility for dependents of uniformed service members and uniformed service veterans to transfer schools or school districts 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 a different public school within a 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 transportation of a student who is a dependent of a uniformed service member or a uniformed service veteran 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 transferred to a nonresident district.

*/s/A. Clark*