

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 482

By: Senator K. Hammer  
By: Representative Hawk

## For An Act To Be Entitled

AN ACT CONCERNING PUBLIC SCHOOL CHOICE IN THE STATE OF ARKANSAS; TO REPEAL THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO AMEND THE LAW RELATING TO TRANSFERS OF STUDENTS BETWEEN PUBLIC SCHOOLS AND SCHOOL DISTRICTS; TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2015; AND FOR OTHER PURPOSES.

## Subtitle

TO REPEAL THE ARKANSAS OPPORTUNITY PUBLIC SCHOOL CHOICE ACT; TO AMEND THE LAW RELATING TO TRANSFERS OF STUDENTS BETWEEN PUBLIC SCHOOLS AND SCHOOL DISTRICTS; 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 Arkansas Code § 6-18-227 is repealed.

~~6-18-227. Arkansas Opportunity Public School Choice Act—Definitions.~~

~~(a)(1) This section may be referred to and cited as the “Arkansas Opportunity Public School Choice Act”.~~

~~(2)(A) The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work.~~

~~(B) The General Assembly:~~

~~(i) Recognizes that the Arkansas Constitution, as~~



~~interpreted by the Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002), makes education a paramount duty of the state;~~

~~(ii) Finds that the Arkansas Constitution requires the state to provide an adequate education;~~

~~(iii) Further finds that a student should not be compelled against the wishes of the parent, guardian, or the student, if the student is 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~~

~~(iv) Shall make available a public school choice option in order to give a student the opportunity to attend a public school or school district not in need of Level 5 — Intensive support under § 6-15-2913 or § 6-15-2915 or that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.~~

~~(3) The General Assembly further finds that giving more options to parents and students with respect to where the students attend public school will increase the responsiveness and effectiveness of the state’s schools, since teachers, administrators, and school district board members will have added incentives to satisfy the educational needs of the students who reside in the district.~~

~~(4) A public school choice program is hereby established to enable a student to transfer, subject to the restrictions in this section, from a:~~

~~(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 to another public school district in the state that is not classified as in need of Level 5 — Intensive support under § 6-15-2913 or § 6-15-2915; or~~

~~(B) Public school that has a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules to a public school that does not have a rating of “F” under §§ 6-15-2105 and 6-15-2106 and state board rules.~~

~~(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 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) 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.~~

~~(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 or 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.~~

~~(B) Application for the opportunity public school choice option under this section shall:~~

~~(i) Be provided by the Division of Elementary and Secondary Education; and~~

~~(ii) Contain a notice that a transfer under this section:~~

~~(a) Operates as an irrevocable choice for at~~

~~least one (1) entire school year; and~~

~~(b) Remains in effect until the student completes high school, except as otherwise provided by law.~~

~~(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 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 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.~~

~~(B)(i) The parent or guardian of a 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 may:~~

~~(a) Apply to enroll the student in a legally allowable public school district that is not classified as a public school district in need of Level 5 — Intensive Support under § 6-15-2913 or § 6-15-2915; or~~

~~(b)(1) Apply to enroll the student in 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 and that is nearest the legal residence of the student.~~

~~(2) If there is no 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, the student may apply to enroll in a nonresident public school district and, if accepted, be placed in a public school that does not have a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules.~~

~~(ii) The school district under subdivision (b)(3)(B)(i) of this section shall accept the student and report the student for purposes of funding under applicable state law.~~

~~(C)(i) Students with disabilities who are eligible to receive services from the school district under federal or state law, including students receiving additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, and who participate in the public school choice program, remain eligible to receive services from the school district as provided by federal or state law.~~

~~(ii) Any funding for a student under subdivision (b)(3)(C)(i) of this section shall be transferred to the public school or school district to which the student transfers.~~

~~(c)(1)(A) The receiving public school or school district under this section may transport students to and from the transferring public school or school district, and the cost of transporting students shall be the responsibility of the transferring public school district except as provided under subdivisions (c)(1)(B) and (c)(2) of this section.~~

~~(B) A transferring public school or school district is not required to spend more than four hundred dollars (\$400) per student per school year for transportation required under subdivision (c)(1)(A) of this section.~~

~~(2) Upon the transferring public school district's removal from classification as a public school district in need of Level 5 — Intensive support under § 6-15-2913 or §6-15-2915 or the transferring public school's receipt of a rating other than "F" under §§ 6-15-2105 and 6-15-2106 and state board rules, the transportation costs shall no longer be the responsibility of the transferring public school or school district, and the student's transportation and the costs of the transportation shall be the responsibility of the parent or guardian or of the receiving public school~~

~~district if the receiving public school or school district agrees to bear the transportation costs.~~

~~(d)(1)(A) A school district board of directors shall offer the opportunity public school choice option to public schools in the school district of the school district board of directors.~~

~~(B) The opportunity public school choice option shall be offered in addition to other existing choice programs.~~

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

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

~~(D) If the parent or guardian of the student has applied to attend a school within the student's resident district, the resident district shall notify the parent or guardian of the student in writing as to whether the student's application has been accepted or rejected by July 1.~~

~~(E) For each application received under subdivision (b)(1)(B)(ii) of this section, the nonresident district or resident district shall notify the parent or guardian of the student in writing as to whether the student's application has been accepted or rejected within fifteen (15) calendar days of the application's being received.~~

~~(3) A student or the student's parent or guardian may appeal a school district's decision to deny admission to a school in the student's school district of choice due to lack of capacity to the state board by postmarking or delivering the appeal within ten (10) days after the student or the student's parent or guardian receives a written notice from the school district of choice that admission has been denied.~~

~~(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.~~

~~(e)(1) This section and all student choice options created in this section shall not be subject to any other limitation or restriction provided by law.~~

~~(2) If any part of this section conflicts with a federal desegregation court order applicable to a school district, the federal desegregation court order shall govern.~~

~~(f)(1) The division shall develop an annual report on student participation in public school choice and opportunity school choice and deliver the report to the state board, the Governor, the House Committee on Education, the Senate Committee on Education, and the Legislative Council at least sixty (60) days before the convening of the regular session of the General Assembly.~~

~~(2) The annual report required under subdivision (f)(1) of this section shall include without limitation:~~

~~(A) The number of public school students participating in:~~

~~(i) Public school choice under the Public School Choice Act of 2015, § 6-18-1901 et seq.; and~~

~~(ii) Opportunity public school choice under this section, disaggregated by whether the transfer under this section was from within a public school district or outside a public school district; and~~

~~(B) Aggregate data of the race and gender of students participating in public school choice and opportunity school choice.~~

~~(3) Each public school district shall report to the division annually the information necessary to complete the report required under~~

~~subdivision (f)(1) of this section.~~

~~(g)(1) A receiving district shall accept credits toward graduation that were awarded by another district.~~

~~(2) The receiving district shall award a diploma to a nonresident student if the student meets the receiving district's graduation requirements.~~

~~(h) For purposes of determining a school district's state funding, the nonresident student shall be counted as a part of the average daily membership of the district to which the student has transferred.~~

~~(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 parental involvement requirements.~~

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

~~(j)(1) The maximum opportunity public school choice funds granted for an eligible student shall be calculated based on applicable state law.~~

~~(2) A public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.~~

~~(k)(1) The state board shall adopt any rules necessary for the implementation of this section under the Arkansas Administrative Procedure Act, §25-15-201 et seq., including rules pertaining to the consideration of a school district's enrollment capacity.~~

~~(2) However, the state board shall not establish a numerical net maximum on school choice transfers into or from a public school district, unless required to do so according to an enforceable desegregation court order or a district's court approved desegregation plan.~~

~~(1) A district under the public school choice program under this~~

~~section shall request public service announcements to be made over the broadcast media and in the print media at such times and in such a manner as to inform parents or guardians of students in adjoining districts of the availability of the program under this section, the application deadline, and the requirements and procedure for nonresident students to participate in the program under this section.~~

~~(m)(1) A student who transfers to another public school or a nonresident school district under this subchapter shall not be:~~

~~(A) Denied participation in an extracurricular activity at the public school or nonresident school district to which he or she transfers based exclusively on his or her decision to transfer to the public school or nonresident school district; or~~

~~(B) Disciplined in any manner based exclusively on the exercise of his or her right to transfer to another public school or a nonresident school district under this subchapter.~~

~~(2)(A) However, a student who transfers to another public school or a nonresident school district under this section 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 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 or nonresident school district to which he or she transfers, the Changing Schools/Athletic Participation form submitted by the student as required under subdivision (m)(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; 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 shall sign the Changing Schools/Athletic Participation form unless there is demonstrable evidence:~~

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

~~(b) The student is transferring to the public school or 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 or nonresident school district under this section 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 (m)(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.~~

~~(n)(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 the 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 2. Arkansas Code § 6-18-316(a), concerning transfers on petition of a student, is amended to read as follows:

(a)(1) Upon the petition of a student residing in one (1) school district, the resident district, to transfer to another school district, the receiving district, the board of directors of the resident district may enter into an agreement with the board of directors of the receiving school district transferring the student to the receiving district for purposes of education.

(2) Upon receipt of a petition of a student under subdivision (a)(1) of this section, a resident district shall notify a receiving district

if the student petitioning to transfer was expelled, or if expulsion is pending, from the resident district.

SECTION 3. Arkansas Code § 6-18-316(c)(5), concerning a school district's authority to a student's petition to transfer from one school district to another school district, is amended to read as follows:

(5)(A) A school district board of directors may adopt a resolution that delegates its authority to approve a petition for a transfer received under this section to:

- (i) The school district superintendent; or
- (ii) An individual member of the school district

board of directors.

(B) If a school district has delegated its authority under subdivision (c)(5)(A) of this section and the petition for transfer is approved, the school district board of directors shall take no further action on the petition to transfer.

~~(B)(i)(C)(i)~~ ~~However, a~~ A school district board of directors shall not delegate its authority to deny a petition for a transfer received under this section.

(ii) If a petition for a transfer received under this section is denied, the parent, legal guardian, or person standing in loco parentis to the student who submitted a petition for a transfer may appeal the decision of the school district board of directors to the State Board of Education.

(D) The state board shall not overturn on appeal a determination of the nonresident district denying a petition for transfer if the nonresident district can demonstrate:

(i) Either at the time of the nonresident district's decision regarding the student's petition for transfer or at the time of the state board's hearing of the appeal, the nonresident district reached at least ninety percent (90%) of the maximum:

(a) Teacher caseload allowed under state law or State Board of Education rules;

(b) Average student-to-teacher ratio per grade level allowed under state law or state board rules; or

(c) Capacity of the classroom the student

would be required to attend; or

(ii) At the time of the petition for a transfer or of the state board's hearing of the appeal, the student petitioning for the transfer was expelled, or expulsion was pending, from a private school, a public school district, or an open-enrollment public charter school.

SECTION 4. Arkansas Code § 6-18-316, concerning the petition of a student to transfer from one school district to another school district, is amended to add additional subsections to read as follows:

(j) A nonresident district may deny a petition for a transfer under this section if:

(1) The nonresident district reached at least ninety percent (90%) of the:

(A) Maximum student-to-teacher ratio allowed under federal law or per grade level as established in state board rules; or

(B) Maximum capacity of the classroom the student would be required to attend; or

(2) At the time of the petition for a transfer, the student petitioning for the transfer was expelled, or expulsion was pending, from a private school, a public school district, or an open-enrollment public charter school.

(k) A student enrolled in a nonresident district under this section shall be subject to all policies of the nonresident district, including without limitation attendance policies, discipline policies, and the student handbook.

(1)(1) A transfer approved under this section may be immediately revoked after its approval by a receiving district if, after enrollment, the student:

(A) Is found to have excessively violated the nonresident district policies or student handbook, resulting in disciplinary action;

(B) Is deemed truant by a court of competent jurisdiction;  
or

(C) Is expelled by the nonresident district for a violation of the student conduct policies or student handbook adopted by the nonresident district.

(2)(A) A transfer that is revoked by a receiving district under

subdivision (1)(1) of this section shall be considered void on the date of revocation.

(B) Upon revocation of a transfer under this subsection, the legal responsibility for the education of the student shall return to his or her resident district, unless the responsibility is assigned to another school district or entity under state or federal law or division rules.

SECTION 5. Arkansas Code § 6-18-1901(a), concerning the title of the Public School Choice Act of 2015, is amended to read as follows:

(a) This subchapter shall be known and may be cited as the “Public School Choice Act ~~of 2015~~”.

SECTION 6. Arkansas Code § 6-18-1902(2), concerning the definition of "parent" under the Public School Choice Act of 2015, is amended to read as follows:

(2) “Parent” means a student’s parent, legal guardian, person standing in loco parentis to the student, or other person having custody or care of the student;

SECTION 7. Arkansas Code § 6-18-1902(5), concerning the definition of a "uniformed service member" under the Public School Choice Act of 2015, is amended to read as follows:

(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; or

(D) Arkansas National Guard serving under United States Code Title 10 or Title 32 orders; and

SECTION 8. Arkansas Code § 6-18-1903 is amended to read as follows:  
6-18-1903. Public school choice program established.

(a) ~~A public~~ Public school choice program is programs established to enable a student in kindergarten through grade twelve (K-12) to attend a school ~~in a nonresident~~ or school district other than a student's resident district or zoned school, subject to the requirements of this subchapter and limitations under § 6-18-1906.

(b) Each school district shall participate in ~~a public school choice program~~ programs consistent with this subchapter.

(c) A parent of a student, or the student if the student is eighteen (18) years of age or older, may apply to transfer to:

(1) A nonresident district; or

(2) A school in his or her resident district for which the student is not zoned, under the circumstances established by subsection (d) of this section.

(d)(1) A parent of a student enrolled in or assigned to a public school district that is classified by the State Board of Education as a public school district in need of Level 5 – Intensive support under § 6-15-2913 or § 6-15-2915 and state board rules may apply to enroll his or her child in a legally allowable public school district that is not classified by the state board as a public school district in need of Level 5 – Intensive support.

(2)(A) A parent of a student enrolled in or assigned to a public school that has a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules may apply to enroll his or her child in 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 and that is nearest the legal residence of the student.

(B) If there is no 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, the parent of the student may apply to enroll his or her child in a nonresident district and, if accepted, be placed in a public school that does not have a rating of "F" under §§ 6-15-2105 and 6-15-2106 and state board rules.

~~(e)(1)~~ (e)(1) A school district shall not deny a student the ability to attend a school in the student's school district of choice or school of choice within the student's resident district under this section unless there:

~~(A) There is a lack of capacity at the school in the student's school district of choice; or~~

~~(B) The student is expelled, or pending expulsion, from a private school, a public school district, or an open-enrollment public charter school.~~

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

(A) The school district has reached ninety percent (90%) of the maximum:

(i) Teacher caseload allowed under state law or state board rules;

(ii) Average student-to-teacher ratio allowed under federal law, state law, the rules for standards for accreditation, or state board rules;; or ~~other applicable federal regulations~~

(iii) Capacity of the classroom the student would be required to attend; and

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

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

~~(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)(g)(1) Shall include a statement that~~ A school district shall give priority will be given to an a school choice applicant who has a sibling or stepsibling who:

~~(i)(A)~~ (A) Resides in the same household; and

~~(ii)(B)~~ (B) Is already enrolled in the nonresident district by choice; and.

~~(D)(2) Shall A school district shall not include deny an applicant's applicant based on:~~

~~(i)(A) Academic achievement;~~

~~(ii)(B) Athletic or other extracurricular ability;~~

~~(iii)(C) English proficiency level; or~~

~~(iv)(D) Previous disciplinary proceedings, except that an expulsion from another district may be included under § 6-18-510.~~

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

~~(e)(h) A nonresident district shall:~~

~~(1) Accept credits toward graduation that were awarded by another district; and~~

~~(2) Award a diploma to a nonresident student if the student meets the nonresident district'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 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.~~

(i) Each public school district shall adopt policies necessary to comply with this subchapter and provide the policies to parents by:

(1) Posting the policies on the public school district website;

(2) Including the policies in the public school district handbook; and

(3) Utilizing other means of disseminating the policies to parents.

(j) A student enrolled in a nonresident district under this section shall be subject to all policies of the nonresident district, including without limitation attendance policies, discipline policies, and the nonresident district handbook.

(k)(1) A transfer approved under this subchapter may be immediately revoked after its approval by a public school district if, after enrollment,

the student:

(A) Is found to have excessively violated the nonresident district policies or student handbook, resulting in disciplinary action;

(B) Is deemed truant by a court of competent jurisdiction;

or

(C) Is expelled by the public school district for a violation of the student conduct policies or student handbook adopted by the public school district.

(2)(A) A transfer that is revoked by a public school district under subdivision (k)(1) of this section shall be considered void on the date of revocation.

(B) Upon revocation of a transfer under this subdivision, the legal responsibility for the education of the student shall return to his or her resident district or zoned school.

(1) The Division of Elementary and Secondary Education shall promulgate rules to implement this subchapter, which shall include without limitation rules governing grade band calculations for determining class size flexibility with grade band averages and increasing class size if additional teaching assistants or teaching aides are assigned.

SECTION 9. 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)(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 zoned school during the school year.

(B)(i) If a transfer student returns to his or her resident district or zoned school, enrolls in a private or home school, or is expelled from the nonresident district or school to which he or she transferred, the student's transfer is voided, and the student shall be required to reapply if the student seeks a future school choice transfer.

(ii) A student's eligibility to attend a school of choice under this subchapter shall not be voided by placement in a hospital, residential treatment facility, or other noneducational placement.

~~(e)(1)(d)~~ A transfer student attending a nonresident ~~school~~ district or school other than his or her zoned school under this subchapter may complete all remaining school years at the nonresident district or school other than his or her zoned school.

~~(2) A present or future sibling of a student who continues enrollment in the nonresident district under this subsection and applies for a school choice transfer under § 6-18-1905 may enroll in the nonresident district if the district 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 and who enrolls in the nonresident district under subdivision (e)(2) of this section may complete all remaining school years at the nonresident district.~~

~~(d)(1)(e)(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~~ or district where the transfer student is enrolled pursuant to a transfer under this subchapter.

(2) The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation, but is not otherwise responsible for transporting a nonresident district student.

~~(e)(f)~~ ~~For purposes of determining a school district's state aid, a~~ A transfer student ~~is~~ shall be counted as ~~a part of~~ in the average daily membership of the nonresident district where the transfer student is enrolled.

~~(f)(1)(g)(1)~~ A student who transfers to another public school or a nonresident district under this subchapter shall not be:

(A) Denied participation in an extracurricular activity at the public school 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 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 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 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; 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 shall sign the Changing Schools/Athletic Participation form unless there is demonstrable evidence:~~

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

~~(b) The student is transferring to the public school or 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 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.~~

(2) The administration at a nonresident district and resident district shall not refuse to sign or approve any extracurricular activity or sports form necessary for participation based on a student's or parent's decision to participate in school choice under this subchapter.

(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.

(h)(1) A student with a disability who is eligible to receive services from a public school district under federal or state law, including without limitation a student who receives additional funding through federal title programs specific to the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, and who participate in the public school choice program under this subchapter shall remain eligible to receive services from a public school district as required and provided by federal and state law.

(2) Any funding for a student under subdivision (h)(1) of this section shall be transferred to the public school or nonresident district to which the student transfers.

SECTION 10. Arkansas Code § 6-18-1905 is amended to read as follows:  
6-18-1905. Application for transfer.

(a)(1)(A) ~~Am~~ A school choice application under this section shall be accepted no earlier than January 1 and no later than ~~May 1~~ June 1 each year.

(B)(i) A student who moves into a new school district outside of the school choice application timeframe established by this section may submit a school choice application before he or she enrolls in

the new resident district and may request that his or her school choice application become effective immediately.

(ii) A school choice application submitted by a student under subdivision (a)(1)(B)(i) of this section shall include without limitation documentation indicating he or she moved into a new school district.

(2)(A) Each school district shall ~~have~~ adopt and make available to parents a policy or process 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 or another means of electronic delivery;

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~~ under this subchapter, 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 or resident district if the student seeks to transfer to a school within his or her resident district for which the student is not zoned;

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

(C) Postmarked or delivered no later than ~~May 1~~ June 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.

(4)(A) Upon a nonresident district's or resident district's receipt of a school choice application under this section, the nonresident district or resident district, as applicable, shall immediately stamp the school choice application with the date it was received.

(B) The date of receipt for school choice application purposes shall be:

(i) The postmarked date noted on a school choice application submitted by regular mail;

(ii) The date of delivery for a school choice application submitted by email or another form of electronic delivery; or

(iii) The date of delivery of the school choice application that was hand delivered.

(5)(A) By June 30, a school district shall render a decision either approving or rejecting a school choice application and send a notification letter to the applicant by either:

(i) Electronic mail; or

(ii) Certified mail.

(B) A school district shall render a decision either approving or rejecting a school choice application within fifteen (15) calendar days of receipt of the school choice application if the school choice application includes a request that the transfer become effective immediately.

(C) If a school district fails to provide a notification letter to a school choice applicant as required by subdivision (a)(5)(A) of this section, the school choice applicant for school choice under this section shall be deemed approved for the requested transfer.

~~(b) Both the nonresident district and the resident district shall, upon receipt of the application, place a date and time stamp on the application that reflects the date and time each district received the application.~~

~~(c) A 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) Before accepting or rejecting an application, a nonresident 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 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)(b) If an school choice application is rejected, the superintendent~~

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

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

~~(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.~~

(d)(1) A student or a student's parent may appeal to the State Board of Education a school district's decision to reject a school choice application under this subchapter due to a lack of capacity by postmarking or delivering the appeal within ten (10) days of receipt of a notification letter of rejection under this section.

(2) The state board shall not overturn on appeal the decision of a school district denying a transfer under this subchapter if the school district can demonstrate, either at the time of the school district's decision regarding the student's school choice application or at the time of the state board's hearing of the appeal, that the school district reached at least ninety percent (90%) of the maximum:

(A) Teacher caseload allowed under state law or state board rules;

(B) Average student-to-teacher ratio per grade level allowed under state law or state board rules; or

(C) Capacity of the classroom the student would be required to attend.

(e)(1) A transfer of a student under this subchapter is effective as of the first day of the school year beginning on or after July 1 of the year in which the student's school choice application is submitted.

(2) A parent or student, if the student is eighteen (18) years of age or older, may request that his or her transfer be effective immediately upon approval of the school district.

(f) This subchapter does not prevent a school district from approving a school choice application under this subchapter if, after a denial due to lack of capacity, the school district determines it has the capacity to accept a student applicant.

(g) This subchapter does not prevent a school district from:

(1) Approving a school choice application at any time between January 1 and June 30;

(2) Making a transfer requested under this subchapter effective immediately upon the school district's approval; or

(3) Establishing a policy to allow the acceptance of school choice applications under this subchapter at other times throughout the year.

SECTION 11. Arkansas Code § 6-18-1906, concerning limitations under the Public School Choice Act of 2015, is amended to add an additional subsection to read as follows:

(d) This section and all student choice options created by this subchapter shall not be subject to any other limitation or restriction provided by law.

SECTION 12. Arkansas Code § 6-18-1909 is amended to read as follows:

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

(a) A ~~child~~ 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:

(1) Uniformed service member in full-time active-duty status as defined by Title 10, Title 14, Title 32, Title 33, or Title 42 of the United States Code;

(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 14, Title 32, Title 42, 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)(b) A copy of the official orders, assignment notification, or notice of mobilization of the a student's parent, legal guardian, or person standing in loco parentis may be requested as proof of eligibility under this section.~~

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

~~(d)(c) A student eligible for a school transfer under this section shall be permitted:~~

~~(1) Permitted only one (1) school transfer per academic year under this section; and~~

~~(2) Entitled to elect to transfer under this subchapter at any time during the school year.~~

~~(e)(d) The parent, legal guardian, or person standing in loco parentis to of 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.~~