

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 179

5 By: Senators A. Clark, J. English
6 By: Representatives Cozart, Gates
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE A SCHOOL DISTRICT SUBJECT TO A
10 DESEGREGATION ORDER TO NOTIFY THE DEPARTMENT OF
11 EDUCATION AND TO PROVIDE A COPY OF THE DESEGREGATION
12 ORDER; TO AMEND THE PUBLIC SCHOOL CHOICE ACT OF 2013;
13 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
14
15

Subtitle

16
17 TO REQUIRE A SCHOOL DISTRICT SUBJECT TO A
18 DESEGREGATION ORDER TO NOTIFY THE
19 DEPARTMENT OF EDUCATION AND TO PROVIDE A
20 COPY OF THE DESEGREGATION ORDER; TO AMEND
21 THE PUBLIC SCHOOL CHOICE ACT OF 2013; AND
22 TO DECLARE AN EMERGENCY.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 6-13-113. School district desegregation orders – Orders.

30 (a) By January 1, 2016, a school district that is subject to a
31 desegregation order or desegregation-related order shall notify the
32 Department of Education in writing.

33 (b) A school district that is subject to a desegregation order or a
34 desegregation-related order shall include in the written notice to the
35 department:

36 (1) A copy of the desegregation order or desegregation-related



1 order;

2 (2) The case heading and case number of each court case in which
3 the order was entered;

4 (3) The name and location of each court that maintains
5 jurisdiction over the order; and

6 (4) A description of the school choice student transfer
7 desegregation obligations, if any, that the school district is subject to,
8 related to the order.

9 (c) A school district that is released from court supervision related
10 to a desegregation order or desegregation-related order shall promptly notify
11 the department.

12 (d) A school district that fails to meet the requirements of this
13 section is in violation of the Standards for Accreditation of Arkansas Public
14 Schools and School Districts.

15 (e) The department shall post on the department’s website all written
16 notifications received as required by this section.

17
18 SECTION 2. Arkansas Code § 6-18-1901(a), concerning the Public School
19 Choice Act of 2013, is amended to read as follows:

20 (a) This subchapter shall be known and may be cited as the “Public
21 School Choice Act of ~~2013~~ 2015”.

22
23 SECTION 3. Arkansas Code § 6-18-1902(4), concerning the definition of
24 transfer student, is amended to read as follows:

25 (4) “Transfer student” means a public school student in kindergarten
26 through grade twelve (12) who transfers to a nonresident district through a
27 public school choice option under this subchapter.

28
29 SECTION 4. Arkansas Code § 6-18-1903(a)-(d), concerning the public
30 school choice program, are amended to read as follows:

31 (a) A public school choice program is established to enable a student
32 in kindergarten through grade twelve (12) to attend a school in a nonresident
33 district, subject to the limitations under § 6-18-1906.

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

36 (c) This subchapter does not require a school district to add teachers,

1 staff, or classrooms or in any way to exceed the requirements and standards
2 established by existing law.

3 (d)(1) The board of directors of a public school district shall adopt
4 by resolution specific standards for acceptance and rejection of applications
5 under this subchapter.

6 (2) The standards:

7 (A) May include without limitation the capacity of a
8 program, class, grade level, or school building;

9 (B) May include a claim of a lack of capacity by a school
10 district only if the school district has reached at least ninety percent
11 (90%) of the maximum authorized student population in a program, class, grade
12 level, or school building;

13 (C) Shall include a statement that priority will be given
14 to an applicant who has a sibling or stepsibling who:

15 (i) Resides in the same household; and

16 (ii) Is already enrolled in the nonresident district
17 by choice; and

18 ~~(C)~~ (D) Shall not include an applicant's:

19 (i) Academic achievement;

20 (ii) Athletic or other extracurricular ability;

21 (iii) English proficiency level; or

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

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

27
28 SECTION 5. Arkansas Code § 6-18-1904(a)-(c), concerning general
29 provisions, are amended to read as follows:

30 (a) The transfer of a student under the Arkansas Public School Choice
31 Act of 1989, § 6-18-206 [repealed], or the Public School Choice Act of 2013,
32 is not voided by this subchapter and shall be treated as a transfer under
33 this subchapter.

34 (b)(1) A student may accept only one (1) school choice transfer per
35 school year.

36 (2)(A) A student who accepts a public school choice

1 transfer may return to his or her resident district during the school year.

2 (B) If a transferred student returns to his or her
 3 resident district, the student’s transfer is voided, and the student shall
 4 reapply if the student seeks a future school choice transfer.

5 (c)(1) A transfer student attending a nonresident school under this
 6 subchapter may complete all remaining school years at the nonresident
 7 district.

8 (2) A present or future sibling of a student who continues
 9 enrollment in the nonresident district under this subsection and applies for
 10 a school choice transfer under § 6-18-1905 may enroll in ~~or continue~~
 11 ~~enrollment in the nonresident district until the sibling of the transfer~~
 12 ~~student completes his or her secondary education,~~ if the district has the
 13 capacity to accept the sibling without adding teachers, staff, or classrooms
 14 or exceeding the regulations and standards established by law.

15 (3) A present or future sibling of a student who continues
 16 enrollment in the nonresident district and who enrolls in the nonresident
 17 district under subdivision (c)(2) of this section may complete all remaining
 18 school years at the nonresident district.

19
 20 SECTION 6. Arkansas Code §§ 6-18-1905 and 6-18-1906 are amended to
 21 read as follows:

22 6-18-1905. Application for a transfer.

23 (a) If a student seeks to attend a school in a nonresident district,
 24 the student’s parent shall submit an application:

25 (1) To the nonresident district ~~with a copy to~~ ,which shall
 26 notify the resident district of the filing of the application;

27 (2) On a form approved by the Department of Education; and

28 (3) Postmarked no later than ~~June~~ May 1 of the year in which the
 29 student seeks to begin the fall semester at the nonresident district.

30 (b) A nonresident district that receives an application under
 31 subsection (a) of this section shall, upon receipt of the application, place
 32 a date and time stamp on the application that reflects the date and time the
 33 nonresident district received the application.

34 (c) A nonresident district shall review and make a determination on
 35 each application in the order in which the application was received by the
 36 nonresident district.

1 (d) Before accepting or rejecting an application, a nonresident
 2 district shall determine whether one of the limitations under § 6-18-1906
 3 applies to the application.

4 (e)(1) By August July 1 of the school year in which the student seeks
 5 to enroll in a nonresident district under this subchapter, the superintendent
 6 of the nonresident district shall notify the parent and the resident district
 7 in writing as to whether the student’s application has been accepted or
 8 rejected.

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

12 (3) If the application is accepted, the superintendent of the
 13 nonresident district shall state in the notification letter+

14 ~~(A) A a reasonable deadline by which the student shall~~
 15 ~~enroll in the nonresident district and after which the acceptance~~
 16 ~~notification is null; and~~

17 ~~(B) Instructions for the renewal procedures established by~~
 18 ~~the nonresident district.~~

19
 20 6-18-1906. Limitations.

21 (a)(1) If the provisions of this subchapter conflict with a provision
 22 of an enforceable desegregation court order or a district’s court-approved
 23 desegregation plan regarding the effects of past racial segregation in
 24 student assignment, the provisions of the order or plan shall govern.

25 (2) If a school district claims a conflict under subdivision
 26 (a)(1) of this section, the school district shall immediately submit proof
 27 from a federal court to the Department of Education that the school district
 28 has a genuine conflict under an active desegregation order or active court-
 29 approved desegregation plan with the interdistrict school choice provisions
 30 of this subchapter.

31 ~~(1) A school district annually may declare an exemption under this~~
 32 ~~section if the school district is subject to the desegregation order or~~
 33 ~~mandate of a federal court or agency remedying the effects of past racial~~
 34 ~~segregation.~~

35 ~~(2)(A) An exemption declared by a board of directors under this~~
 36 ~~subsection is irrevocable for one (1) year from the date the school district~~

1 ~~notifies the Department of Education of the declaration of exemption.~~

2 ~~(B) After each year of exemption, the board of directors~~
3 ~~may elect to participate in public school choice under this section if the~~
4 ~~school district's participation does not conflict with the school district's~~
5 ~~federal court ordered desegregation program.~~

6 ~~(3) A school district shall notify the department by April 1 if~~
7 ~~in the next school year the school district intends to:~~

8 ~~(A) Declare an exemption under this section; or~~

9 ~~(B) Resume participation after a period of exemption.~~

10 ~~(e)(1)(A)~~ (b)(1)(A) There is established a numerical net maximum limit
11 on school choice transfers each school year from a school district, less any
12 school choice transfers into the school district, under this section of not
13 more than three percent (3%) of the school district's three-quarter average
14 daily membership for the immediately preceding school year.

15 (B) For the purpose of determining the percentage of school
16 choice transfers under this subsection, siblings who are counted in the
17 numerator as transfer students shall count as one (1) student, ~~and siblings~~
18 ~~who are counted in the denominator as part of the average daily membership~~
19 ~~shall count as one (1) student.~~

20 (C) A student eligible to transfer to a nonresident
21 district under § 6-15-430(c)(1), § 6-18-227, or § 6-21-812 shall not count
22 against the cap of three percent (3%) of the resident or nonresident
23 district.

24 (2) Annually by ~~June~~ March 1, the department shall report to each
25 school district the net maximum number of school choice transfers for the
26 ~~current~~ next school year.

27 (3) If a student is unable to transfer due to the limits under
28 this subsection, the resident district shall give the student priority for a
29 transfer in the ~~following~~ first school year in which the district is no
30 longer subject to subdivision § (b)(1) of this section in the order that the
31 resident district receives notices of applications under § 6-18-1905, as
32 evidenced by a notation made by the district on the applications indicating
33 date and time of receipt.

34
35
36 SECTION 7. Arkansas Code § 6-18-1907(c), concerning data collection

1 and reporting, is amended to read as follows:

2 (c)(1) The department shall collect data from school districts on the
 3 number of applications for student transfers under this section and study the
 4 effects of school choice transfers under this subchapter, including without
 5 limitation the net maximum number of transfers and exemptions, on both
 6 resident and nonresident districts for up to two (2) years to determine if a
 7 racially segregative impact has occurred to any school district.

8 (2) A school district that fails to report the data required
 9 under subdivision (c)(1) of this section is in violation of the Standards for
 10 Accreditation of Arkansas Public Schools and School Districts.

11 (3) Annually by ~~October~~ January 1, the department shall report
 12 its findings from the study of the data under this subsection to the Senate
 13 Committee on Education and the House Committee on Education.

14
 15 SECTION 8. Arkansas Code § 6-18-1908 is amended to read as follows:
 16 6-18-1908. Effective date.

17 The provisions of this subchapter ~~shall remain in effect until July 1,~~
 18 2015 are effective immediately.

19
 20 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
 21 General Assembly of the State of Arkansas that public school choice is
 22 effective in meeting the needs of students; that the current school choice
 23 provisions are about to expire; and that this act is immediately necessary to
 24 ensure that students have public school choice options for the 2015-2016
 25 school year. Therefore, an emergency is declared to exist, and this act being
 26 immediately necessary for the preservation of the public peace, health, and
 27 safety shall become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
 30 the expiration of the period of time during which the Governor may veto the
 31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
 33 overridden, the date the last house overrides the veto.