

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 767

5 By: Senator Teague
6

For An Act To Be Entitled

8 AN ACT TO ALLOW EXISTING PUBLIC SCHOOL CHOICE
9 TRANSFERS UNDER § 6-18-206 TO CONTINUE; TO SUSPEND
10 FUTURE TRANSFERS UNDER § 6-18-206 UNTIL A COURT
11 RESOLUTION; TO AMEND THE ARKANSAS OPPORTUNITY PUBLIC
12 SCHOOL CHOICE ACT OF 2004; TO DECLARE AN EMERGENCY;
13 AND FOR OTHER PURPOSES.
14

Subtitle

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17 TO ALLOW EXISTING PUBLIC SCHOOL CHOICE
18 TRANSFERS UNDER § 6-18-206 TO CONTINUE;
19 TO SUSPEND FUTURE TRANSFERS UNDER § 6-18-
20 206 UNTIL A COURT RESOLUTION; TO AMEND
21 PUBLIC SCHOOL CHOICE LAW; AND TO DECLARE
22 AN EMERGENCY.
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
28 to add an additional section to read as follows:

29 6-18-107. Continuity of education for public school choice students.

30 (a) As used in this section:

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

33 (2) "Resident district" means the school district where the
34 student resides as determined under § 6-18-202.

35 (b) If a public school choice request is approved by a nonresident
36 district under a provision of law that is later declared unconstitutional by



1 a court or is repealed, the student may continue to attend school in the
 2 nonresident district until the student completes his or her secondary
 3 education.

4 (c) A present or future sibling of a student who continues enrollment
 5 in the nonresident district under this section may enroll in or continue
 6 enrollment in the nonresident district until the sibling completes his or her
 7 secondary education, if the district has the capacity to accept the sibling
 8 without adding teachers, staff, or classrooms, or exceed the regulations and
 9 standards established in law.

10 (d) The enrollment of a student in a nonresident district under this
 11 section is subject to:

12 (1) The nonresident district's written policies for renewal of
 13 the transfer; and

14 (2) Other provisions of law concerning attendance and enrollment
 15 in public schools.

16
 17 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. The General Assembly
 18 finds that the constitutionality of certain provisions of the Arkansas Public
 19 School Choice Act of 1989, § 6-18-206, are currently in litigation on appeal
 20 to the Eighth Circuit Court of Appeals. Therefore, a school district shall
 21 not approve a transfer request under § 6-18-206 until the Attorney General
 22 determines that a final decision in the litigation upholds the
 23 constitutionality of the statute. The Department of Education shall notify
 24 the superintendent and school board of each school district of the Attorney
 25 General's determination.

26
 27 SECTION 3. Arkansas Code § 6-18-227(b)(1)(A), concerning the
 28 requirements for public school choice transfer under the Arkansas Opportunity
 29 Public School Choice Act of 2004, is amended to read as follows:

30 (A) The resident public school has been designated
 31 ~~pursuant to § 6-15-2103~~ as a:

32 (i) ~~level~~ Level 1 school for two (2) or more
 33 consecutive school years under § 6-15-2103; or

34 (ii) Needs improvement - priority school for two (2)
 35 or more consecutive years under the state's accountability program for school
 36 districts in compliance with the Elementary and Secondary Education Act of

1 1965, 20 U.S.C. § 6301 et seq., as it existed on January 1, 2013, and has not
2 met the criteria for release from the needs improvement - priority school
3 status; and

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5 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that the constitutionality of
7 certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-
8 206, has been called into question by a federal court but that the order is
9 stayed while the decision is being appealed; that thousands of public school
10 students currently are attending public schools in nonresident school
11 districts under that law; that there is now uncertainty among school
12 districts, public schools, parents, and students about the viability of those
13 transfers and transfers for the 2013-2014 school year; that the deadline for
14 requesting transfers under the law is July 1; and that this act is
15 immediately necessary to resolve that uncertainty before the 2013-2014 school
16 year and provide continuity of education for transferred students.
17 Therefore, an emergency is declared to exist, and this act being immediately
18 necessary for the preservation of the public peace, health, and safety shall
19 become effective on:

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

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

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