

SUMMARY OF AMENDMENTS

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING PUBLIC SCHOOL CHOICE

The amendments incorporate the provisions of Act 490 of 2021, which changes provisions of both the Opportunity Public School Choice (Ark. Code Ann. § 6-18-227) and the Public School Choice Act of 2015 (Ark. Code Ann. § 6-18-1901 et seq.). The amendments establish a school choice application “window” of January 1 through May 1 to provide a consistent application period statewide. Concerning Opportunity School Choice, the amendments clarify that an applicant whose student is enrolled in a school with a letter grade of “F” may seek to transfer to another school in his/her resident district that does not have that grade, and if none are available, to another school district for possible enrollment in a school in the nonresident district that does not have a letter grade of “F.” The amendments also incorporate the Act’s requirement that school districts must have a policy concerning the means by which it will accept school choice applications (e.g., in person, via facsimile, Email, regular mail), but prohibits districts from requiring in-person filing only. The amendments also provide that an applicant has no right to appeal a denial to the State Board of Education when the reason for the denial was that the application was not timely filed (i.e., by May 1) with the appropriate school district(s). The State Board hearing procedures also were changed to simplify them, and technical/clerical changes also were made.

POST-PUBLIC COMMENT

Amendments were made to the proposed rules to make them mirror the applicable law. Technical changes also were made.