

# **HEARING PROCEDURES**

- 2-5.01.5 Upon receipt of the written appeal, the Division of Elementary and Secondary Education shall notify the nonresident and resident districts of the appeal. Both districts may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student's application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the districts receive notice of the student or parent's appeal. Any response shall be mailed to:

Office of the Commissioner  
 ATTN: Arkansas Public School Choice Act Appeals  
 Four Capitol Mall  
 Little Rock, AR 72201

- 2-5.01.6 The Division shall notify the student or student's parent, the nonresident district, and the resident district of the date, time, and location of the hearing before the State Board of Education.
- 2-5.01.7 As part of the review process, the student or student's parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.
- 2-5.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education's decision.

## **2-6.00 STATE BOARD HEARING PROCEDURES**

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 2-5.00 of these rules:

- 2-6.01 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.
- 2-6.02 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. If the resident district chooses to participate in the hearing, they shall have like time to present an opening statement after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of the party, allow additional time to present their opening statements.
- 2-6.03 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. If the resident district chooses to participate

in the hearing, they shall have like time to present their case after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of the party, allow additional time to present their cases.

- 2-6.04 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 2-6.05 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C). Documents offered by the responding party shall be clearly marked in sequential numbers (1, 2, 3).
- 2-6.06 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 2-6.07 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 2-6.08 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. All discussion shall take place in an open meeting. The State Board shall provide a written decision to the Division of Elementary and Secondary Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

# **SCHOOL CHOICE STATUTES AND ACTS**

West's Arkansas Code Annotated

Title 6. Education

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015

A.C.A. T. 6, Subt. 2, Ch. 18, Subch. 19, Refs & Annos  
Currentness

A.C.A. T. 6, Subt. 2, Ch. 18, Subch. 19, Refs & Annos, AR ST T. 6, Subt. 2, Ch. 18, Subch. 19,  
Refs & Annos

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

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West's Arkansas Code Annotated  
Title 6. Education (Refs & Annos)  
Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)  
Chapter 18. Students  
Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1901

§ 6-18-1901. Title--Legislative findings

Effective: March 20, 2015

Currentness

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

(b) The General Assembly finds that:

(1) The students in Arkansas's public schools and their parents will become more informed about and involved in the public educational system if students and their parents are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no right school for every student, and permitting students to choose from among different schools with differing assets will increase the likelihood that some at-risk students will stay in school and that other, more motivated students will find their full academic potential;

(2) 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 because teachers, administrators, and school district board members will have added incentive to satisfy the educational needs of the students who reside in the district; and

(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 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 school district.

### **Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 2, eff. March 20, 2015.

### Notes of Decisions (3)

A.C.A. § 6-18-1901, AR ST § 6-18-1901

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

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West's Arkansas Code Annotated

Title 6. Education (Refs & Annos)

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1902

§ 6-18-1902. Definitions

Effective: March 20, 2015

Currentness

As used in this subchapter:

- (1) “Nonresident district” means a school district other than a student's resident district;
- (2) “Parent” means a student's parent, guardian, or other person having custody or care of the student;
- (3) “Resident district” means the school district in which the student resides as determined under § 6-18-202; and
- (4) “Transfer student” means a public school student in kindergarten through grade twelve (K-12) who transfers to a nonresident district through a public school choice option under this subchapter.

**Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 3, eff. March 20, 2015.

A.C.A. § 6-18-1902, AR ST § 6-18-1902

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.



West's Arkansas Code Annotated

Title 6. Education (Refs & Annos)

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1903

§ 6-18-1903. Public school choice program established

Effective: March 20, 2015

Currentness

(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, subject to the limitations under § 6-18-1906.

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

(c) This subchapter does not require a school district to add teachers, staff, or classrooms or in any way to exceed the requirements and standards established by existing law.

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

(i) Resides in the same household; and

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

(D) Shall not include an applicant's:

(i) Academic achievement;

(ii) Athletic or other extracurricular ability;

(iii) English proficiency level; or

(iv) 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) 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 program;

(2) Application deadline; and

(3) Requirements and procedure for nonresident students to participate in the program.

### **Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 4, eff. March 20, 2015.

A.C.A. § 6-18-1903, AR ST § 6-18-1903

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

West's Arkansas Code Annotated

Title 6. Education (Refs & Annos)

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1904

§ 6-18-1904. General provisions

Effective: July 24, 2019

Currentness

(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 2013, § 6-18-1901 et seq., is not voided by this subchapter and shall be treated as a transfer under this subchapter.

(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 during the school year.

(B) If a transfer student returns to his or her resident district 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 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 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 (c)(2) of this section may complete all remaining school years at the nonresident 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 nonresident district may enter into a written agreement with the student, the student's parent, or the 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.

### **Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 5, eff. March 20, 2015; Acts of 2017, Act 1066, §§ 1, 2, eff. Aug. 1, 2017; Acts of 2019, Act 315, § 266, eff. July 24, 2019.

### Notes of Decisions (3)

A.C.A. § 6-18-1904, AR ST § 6-18-1904

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

West's Arkansas Code Annotated

Title 6. Education (Refs & Annos)

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1905

§ 6-18-1905. Application for a transfer

Effective: July 24, 2019

Currentness

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

(1) To the nonresident district with a copy to the student's resident district;

(2)(A) On a form approved by the Division of Elementary and Secondary Education.

(B) If a student has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, then the student's parent or guardian shall file an application for transfer under this section within fifteen (15) days of the parent's or guardian's arrival on the military base, which shall include without limitation the parent's or guardian's:

(i) Military transfer orders; and

(ii) Proof of residency on the military base; and

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

(B) However, if a student has a parent or guardian who is an active-duty member of the military, then the student's application for a transfer under this section is not subject to the May 1 deadline under subdivision (a)(3)(A) of this section if the student's parent or legal guardian:

(i) Has been transferred to and resides on a military base; and

(ii) Provides military transfer orders that confirm the date of transfer to the military base.

(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:

(1) One (1) of the limitations under § 6-18-1906 applies to the application; and

(2)(A) The resident district has met its numerical net maximum limit on school choice transfers under § 6-18-1906.

(B) The nonresident district shall contact the resident district to determine whether the resident district has met its net maximum limit under subdivision (d)(2)(A) of this section.

(C) In determining whether a resident district has met its net maximum limit on school choice transfers under subdivision (d)(2)(A) of this section, the 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) If the resident district has met its numerical net maximum limit on school choice transfers, the nonresident district shall issue a rejection of the affected school choice application.

(E)(i) If an applicant under this section has been rejected due to the numerical net maximum limit, then the applicant shall retain priority for a transfer under this subchapter until July 1 and be reconsidered when the resident district is no longer at the numerical net maximum limit.

(ii) The resident district shall promptly notify the nonresident district when it is no longer at its numerical net maximum limit.

(e)(1) Except as provided in subdivision (e)(4) of this section, by July 1 of the school year in which the student seeks to enroll in a nonresident district under this subchapter, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student's application has been accepted or rejected.

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

(3) If the application is accepted, the superintendent of the nonresident district shall state in the notification letter a reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null.

(4) The July 1 deadline under subdivision (e)(1) of this section does not apply in the case of an application received from a student who has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base.

### **Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 6, eff. March 20, 2015; Acts of 2017, Act 1066, § 3, eff. Aug. 1, 2017; Acts of 2019, Act 910, § 1579, eff. July 1, 2019; Acts of 2019, Act 171, §§ 3, 4, eff. July 24, 2019; Acts of 2019, Act 754, §§ 2, 3, eff. July 24, 2019.

A.C.A. § 6-18-1905, AR ST § 6-18-1905

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Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1906

§ 6-18-1906. Limitations

Effective: July 24, 2019

Currentness

(a)(1) If the provisions of this subchapter conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan, either of which explicitly limits the transfer of students between school districts, the provisions of the order or plan shall govern.

(2) Annually by January 1, a school district that claims a conflict under subdivision (a)(1) of this section shall submit proof from a federal court to the Division of Elementary and Secondary Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan that explicitly limits the transfer of students between school districts.

(3) Proof submitted under subdivision (a)(2) of this section shall contain the following:

(A) Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and

(B) Documentation showing the specific language the school district believes limits its participation in the school choice provisions of this subchapter.

(4)(A) Within thirty (30) calendar days of receipt of proof under subdivision (a)(2) of this section, the division shall notify the school district whether it is required to participate in the school choice provisions of this subchapter.

(B) The division may reject incomplete submissions.

(C) If the division does not provide a written exemption to the school district, then the school district shall be required to participate in the school choice provisions of this subchapter.

(5) The division shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of this subchapter.

(6) The State Board of Education may review a decision of the division upon written petition of the affected school district and may affirm or reverse the decision of the division under the rules promulgated by the state board to implement this subsection.

(b)(1)(A) There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district, under this section of not more than three percent (3%) of the enrollment that exists in the school district as of October 1 of the immediately preceding school year.

(B) If the application for a transfer that causes the school district to meet or exceed the three-percent numerical net maximum limit under subdivision (b)(1)(A) of this section is on behalf of a sibling group, then the school district shall allow all siblings in the sibling group to exercise school choice under this subchapter.

(C) A student eligible to transfer to a nonresident district under § 6-15-430(c)(1), the Arkansas Opportunity Public School Choice Act, § 6-18-227, § 6-18-233, or § 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.

(2) Annually by December 15, the division shall report to each school district the net maximum number of school choice transfers for the next school year.

(3) If a student is unable to transfer due to the limits under this subsection, the resident district shall give the student priority for a transfer in the first school year in which the district is no longer subject to subdivision (b)(1) of this section in the order that the resident district receives

notices of applications under § 6-18-1905, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

### **Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 6, eff. March 20, 2015; Acts of 2017, Act 988, § 2, eff. Aug. 1, 2017; Acts of 2017, Act 1066, § 4, eff. Aug. 1, 2017; Acts of 2018 (2nd Ex. Sess.), Act 9, § 1, eff. June 14, 2018; Acts of 2018 (2nd Ex. Sess.), Act 14, § 1, eff. June 14, 2018; Acts of 2019, Act 910, §§ 1580 to 1582, eff. July 1, 2019; Acts of 2019, Act 754, § 4, eff. July 24, 2019.

### Notes of Decisions (34)

#### A.C.A. § 6-18-1906, AR ST § 6-18-1906

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

West's Arkansas Code Annotated

Title 6. Education (Refs & Annos)

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1907

§ 6-18-1907. Rules--Appeal--Data collection and reporting

Effective: August 1, 2017

Currentness

- (a) The State Board of Education may promulgate rules to implement this subchapter.
- (b)(1) A student whose application for a transfer under § 6-18-1905 is rejected by the nonresident district may request a hearing before the state board to reconsider the transfer.
- (2)(A) A request for a hearing before the state board 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 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 on appeal, the state board shall notify the parent, the nonresident district, and the resident district of the basis for the state board's decision.

**Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2017, Act 1066, § 5, eff. Aug. 1, 2017.

A.C.A. § 6-18-1907, AR ST § 6-18-1907

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Chapter 18. Students

Subchapter 19. Public School Choice Act of 2015 (Refs & Annos)

A.C.A. § 6-18-1908

§ 6-18-1908. Effective date

Effective: March 20, 2015

Currentness

The provisions of this subchapter are effective immediately.

**Credits**

Acts of 2013, Act 1227, § 6, eff. April 16, 2013; Acts of 2015, Act 560, § 7, eff. March 20, 2015.

A.C.A. § 6-18-1908, AR ST § 6-18-1908

The constitution and statutes are current through the 2020 First Extraordinary Session and the 2020 Fiscal Session of the 92nd Arkansas General Assembly and changes made by the Arkansas Code Revision Commission received through July 10, 2020.

# **SCHOOL CHOICE RULES**

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING PUBLIC SCHOOL CHOICE  
January 2020**

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING PUBLIC SCHOOL CHOICE**

**CHAPTER 1:  
REGULATORY AUTHORITY, PURPOSE, AND DEFINITIONS**

**1-1.00 REGULATORY AUTHORITY AND PURPOSE**

- 1-1.01 These rules shall be known as the Division of Elementary and Secondary Education Rules Governing Public School Choice.
- 1-1.02 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Ark. Code Ann. §§6-1-106, 6-18-227 and 6-18-1901 et seq., as amended by Acts 171 and 754 of 2019.
- 1-1.03 The purpose of these Rules is to set forth the process and procedures necessary to administer the Public School Choice Act of 2015 and the Opportunity Public School Choice Act.

**1-2.00 DEFINITIONS**

As used in these rules:

- 1-2.01 “Division” means the Division of Elementary and Secondary Education.
- 1-2.02 “Eligible District” means a public school district that has been classified by the State Board of Education as a district in need of Level 5—intensive support.
- 1-2.03 “Eligible School” means a public school that has a rating of “F” under Ark. Code Ann. §§6-15-2105 and 6-15-2106.
- 1-2.04 “Military Family” means the family of a student whose parent or guardian is an active duty member of the military who has been transferred to and resides on a military base.
- 1-2.05 “Nonresident District” means:
- 1-2.05.1 Under the Public School Choice Act of 2015, a school district other than a student’s resident district to which a student transfers or seeks to transfer.
  - 1-2.05.2 Under the Opportunity School Choice Act, a public school district, or open-enrollment public charter school, to which a student transfers or seeks to transfer.

- 1-2.06 “Nonresident or receiving school” means the public school to which a student transfers or seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227. A nonresident or receiving school may be a public school within the resident district, a public school within a nonresident district, or an open-enrollment public charter school.
- 1-2.07 “Parent” means a student’s parent, guardian, or other person having custody or care of the student;
- 1-2.08 “Resident district” means the school district in which the student resides as determined under Ark. Code Ann. § 6-18-202 and from which the student seeks to transfer.
- 1-2.09 “Resident or transferring school” means the public school in which the student is enrolled at the time of application and from which the student seeks to transfer under the provisions of Ark. Code Ann. § 6-18-227.
- 1-2.10 “Sibling” means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care; and
- 1-2.11 “Transfer student” means a public school student in kindergarten through grade twelve (12) who transfers to a nonresident district through a public school choice option.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING PUBLIC SCHOOL CHOICE**

**CHAPTER 2:  
THE ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 2015**

**2-1.00 ESTABLISHMENT OF PUBLIC SCHOOL CHOICE PROGRAM**

- 2-1.01 A public school choice program is established to enable a student in kindergarten through grade twelve (12) to attend a school in a nonresident district, subject to the limitations under Ark. Code Ann. § 6-18-1906 and Section 2-4.00 of these rules.
- 2-1.02 Each school district shall participate in a public school choice program consistent with Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.
- 2-1.03 These rules do not require a school district to add teachers, staff, or classrooms, or in any way to exceed the requirements and standards established by existing law.
- 2-1.04 The board of directors of a public school district shall adopt by resolution specific standards for acceptance and rejection of applications under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules. The standards:
- 2-1.04.1 May include without limitation the capacity of a program, class, grade level, or school building;
  - 2-1.04.2 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 under federal law, state law, the rules for standards of accreditation, or other applicable regulations;
  - 2-1.04.3 Shall include a statement that priority will be given to an applicant who has a sibling or stepsibling who:
    - 2-1.04.3.1 Resides in the same household; and
    - 2-1.04.3.2 Is already enrolled in the nonresident district by choice.
  - 2-1.04.4 Shall not include an applicant's:
    - 2-1.04.4.1 Academic achievement;
    - 2-1.04.4.2 Athletic or other extracurricular ability;

- 2-1.04.4.3 English proficiency level; or
- 2-1.04.4.4 Previous disciplinary proceedings, except that an expulsion from another district may be included under Ark. Code Ann. § 6-18-510.
- 2-1.04.5 A school district receiving transfers under the Public School Choice Act of 2015 and these rules shall not discriminate on the basis of gender, national origin, race, ethnicity, religion, or disability.
- 2-1.05 A nonresident district shall:
  - 2-1.05.1 Accept credits toward graduation that were awarded by another district; and
  - 2-1.05.2 Award a diploma to a nonresident student if the student meets the nonresident district's graduation requirements.
- 2-1.06 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:
  - 2-1.06.1 Availability of the program;
  - 2-1.06.2 Application deadline;
  - 2-1.06.3 Requirements and procedure for nonresident students to participate in the program; and
  - 2-1.06.4 The primary point of contact at the District for school choice questions.

## **2-2.00 GENERAL PROVISIONS**

- 2-2.01 The transfer of a student under the Arkansas Public School Choice Act of 1989 (Ark. Code Ann. § 6-18-206 [repealed]) or the Public School Choice Act of 2013, is not voided by Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules and shall be treated as a transfer under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.
  - 2-2.01.1 Districts that are subject to a federal court order requiring the districts to abide by the provisions of the Arkansas Public School Choice Act of 1989 and the corresponding rules are not subject to the requirements of the Public School Choice Act of 2015 or these rules.

- 2-2.02 A student may accept only one (1) school choice transfer per school year.
- 2-2.02.1 A student who accepts a public school choice transfer may return to his or her resident district during the school year.
  - 2-2.02.2 If a transferred student returns to his or her resident district 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.
- 2-2.03 A transfer student attending a nonresident school under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules may complete all remaining school years at the nonresident district.
- 2-2.03.1 A present or future sibling of a student who continues enrollment in the nonresident district under Section 2-2.03 of these rules and applies for a school choice transfer under Ark. Code Ann. § 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 and standards established by law.
  - 2-2.03.2 A present or future sibling of a student who continues enrollment in the nonresident district and who enrolls in the nonresident district under Section 2.03 of these rules may complete all remaining years at the nonresident district.
- 2-2.04 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.
- 2-2.04.1 The nonresident district may enter into a written agreement with the student, the student's parent, or the resident district to provide the transportation.
- 2-2.05 For purposes of determining a school district's state aid, a transfer student is counted as part of the average daily membership of the nonresident district where the transfer student is enrolled.

### **2-3.00 APPLICATION FOR TRANSFER**

- 2-3.01 If a student seeks to attend a school in a nonresident district, the student's parent shall submit an application:
- 2-3.01.1 To the nonresident district with a copy to the student's resident district;

- 2-3.01.2 On the form approved by the Division; and
  - 2-3.01.3 Postmarked no later than May 1 of the year in which the student seeks to begin the fall semester at the nonresident district.
- 2-3.02 Both the resident district and the nonresident 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.
- 2-3.03 Before accepting or rejecting an application, a nonresident district shall determine whether:
- 2-3.03.1 One of the limitations under Ark. Code Ann. § 6-18-1906 and Chapter 2, Section 2-4.00 of these rules applies to the application; and
  - 2-3.03.2 The resident district has met its numerical net maximum limit on school choice transfers under Ark. Code Ann. § 6-18-1906.
    - 2-3.03.2.1 The nonresident district shall contact the resident district to determine whether the resident district has met its net maximum limit on school choice transfers.
    - 2-3.03.2.2 In determining whether a resident district has met its net maximum limit on school choice transfers, the nonresident district shall review and make a determination on each application in the order in which the application was received by the nonresident district.
    - 2-3.03.2.3 If the resident district has met its numerical net maximum limit on school choice transfers, the nonresident district shall issue a rejection of the affected school choice application.
    - 2-3.03.2.4 If an applicant under this section has been rejected due to the numerical net maximum limit, then the applicant shall retain priority for a transfer under these rules until July 1 and be reconsidered when the resident district is no longer at the numerical net maximum limit.
    - 2-3.03.2.5 The resident district shall promptly notify the nonresident district when it is no longer at its numerical net maximum limit.

2-3.03.2.6 Nothing in this section shall be construed to require a student transfer before the end of the school year.

2-3.04 Except as provided in Chapter 4, Section 4-2.00 of these rules, by July 1 of the school year in which the student seeks to enroll in a nonresident district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules, the superintendent of the nonresident district shall notify the parent and the resident district in writing as to whether the student's application has been accepted or rejected.

2-3.04.1 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the reason for the rejection.

2-3.04.2 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter a reasonable deadline by which the student shall enroll in the nonresident district and after which the acceptance notification is null.

## **2-4.00 LIMITATIONS**

2-4.01 If the provisions of Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan, either of which explicitly limits the transfer of students between school districts, the provisions of the order or plan shall govern.

2-4.01.1 Annually by January 1, a school district that claims a conflict under Section 2-4.01 of these rules submit proof from a federal court to the Division of Elementary and Secondary Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan that explicitly limits the transfer of students between school districts.

2-4.01.2 A school district shall provide the information required under Section 2-4.01.1 of these rules to:

Office of the Commissioner  
ATTN: Arkansas Public School Choice Act  
Four Capitol Mall  
Little Rock, AR 72201

2-4.01.3 Proof submitted under Section 2-4.01.1 of these rules shall contain the following:

- 2-4.01.3.1 Documentation that the desegregation order or court-approved desegregation plan is still active and enforceable; and
  - 2-4.01.3.2 Documentation showing the specific language the school district believes limits its participation in the school choice provisions of the Public School Choice Act of 2015.
- 2-4.01.4 Within thirty (30) calendar days of receipt of proof submitted under Section 2-4.01.1, the Division shall notify the school district whether it is required to participate in the school choice provisions of the Public School Choice Act of 2015.
- 2-4.01.4.1 The Division may reject incomplete submissions.
  - 2-4.01.4.2 If the Division does not provide a written exemption to the school district, then the district shall be required to participate in the school choice provisions of the Public School Choice Act of 2015.
- 2-4.01.5 The Division shall maintain on its website a list of school districts that are not required to participate in the school choice provisions of the Public School Choice Act of 2015.
- 2-4.01.6 The State Board of Education may review a decision of the Division upon written petition of the affected school district and may affirm or reverse the decision of the Division.
- 2-4.02 There is established a numerical net maximum limit on school choice transfers each school year from a school district, less any school choice transfers into the school district under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules of not more than three percent (3%) of the enrollment that exists in the school district as of October 1 of the immediately preceding school year.
- 2-4.02.1 If the application for a transfer that causes the school district to meet or exceed the three percent (3%) numerical net maximum limit under Section 2-4.02 is on behalf of a sibling group, then the school district shall allow all siblings in the sibling group to exercise school choice under Arkansas Code, Title 6, Chapter 18, Subchapter 19 and these rules.
  - 2-4.02.2 A student eligible to transfer to a nonresident district under Ark. Code Ann. §§ 6-18-227, 6-18-233, or 6-21-812 shall not count against the cap of three percent (3%) of the resident or nonresident district.



- 2-4.02.3 Annually by December 15, the Division of Elementary and Secondary Education shall report to each school district the net maximum number of school choice transfers for the next school year.
- 2-4.02.4 If a student is unable to transfer due to the limits under Section 2-4.02 of these rules, the resident district shall give the student priority for a transfer in the first school year in which the district is no longer subject to Ark. Code Ann. § 6-18-1906(b)(1) and Section 2-4.02 of these rules in the order that the resident district receives notices of applications under Ark. Code Ann. § 6-18-1905 and Section 2-3.00 of these rules, as evidenced by a notation made by the district on the applications indicating date and time of receipt.

## **2-5.00 APPEAL AND REPORTING**

- 2-5.01 A student whose application for a transfer under Ark. Code Ann. § 6-18-1905 and Section 2-3.00 of these rules is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider the transfer.
- 2-5.01.1 A request for a hearing before the State Board of Education shall be in writing and shall be postmarked no later than ten (10) calendar days, excluding weekends and legal holidays, after the student or the student's parent receives a notice of rejection of the application under Ark. Code Ann. § 6-18-1905 and Section 2-3.00 of these rules and shall be mailed to:
- Office of the Commissioner  
ATTN: Arkansas Public School Choice Act Appeals  
Four Capitol Mall  
Little Rock, AR 72201
- 2-5.01.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the student or student's parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.
- 2-5.01.3 In its written appeal, the student or student's parent shall state his or her basis for appealing the decision of the nonresident district.
- 2-5.01.4 The student or student's parent shall submit, along with its written appeal, a copy of the notice of rejection from the nonresident school district.

- 2-5.01.5 Upon receipt of the written appeal, the Division of Elementary and Secondary Education shall notify the nonresident and resident districts of the appeal. Both districts may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student's application by mailing such response to the State Board of Education. Such response shall be postmarked no later than ten (10) days after the districts receive notice of the student or parent's appeal. Any response shall be mailed to:

Office of the Commissioner  
 ATTN: Arkansas Public School Choice Act Appeals  
 Four Capitol Mall  
 Little Rock, AR 72201

- 2-5.01.6 The Division shall notify the student or student's parent, the nonresident district, and the resident district of the date, time, and location of the hearing before the State Board of Education.
- 2-5.01.7 As part of the review process, the student or student's parent may submit supporting documentation that the transfer would be in the best educational, social, or psychological interest of the student.
- 2-5.01.8 If the State Board of Education overturns the determination of the nonresident district on appeal, the State Board of Education shall notify the parent, the nonresident district, and the resident district of the basis for the State Board of Education's decision.

## **2-6.00 STATE BOARD HEARING PROCEDURES**

The following procedures shall apply to hearings conducted by the State Board of Education pursuant to Ark. Code Ann. § 6-18-1907 and Section 2-5.00 of these rules:

- 2-6.01 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board.
- 2-6.02 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident school district. If the resident district chooses to participate in the hearing, they shall have like time to present an opening statement after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of the party, allow additional time to present their opening statements.
- 2-6.03 Each party shall be given twenty (20) minutes to present their cases, beginning with the nonresident school district. If the resident district chooses to participate

in the hearing, they shall have like time to present their case after the nonresident district. The Chairperson of the State Board may, for good cause shown and upon request of the party, allow additional time to present their cases.

- 2-6.04 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to appear in person before the State Board as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration or deposition.
- 2-6.05 For the purposes of the record, documents offered during the hearing by the appealing party shall be clearly marked in sequential, alphabetic letters (A,B,C). Documents offered by the responding party shall be clearly marked in sequential numbers (1, 2, 3).
- 2-6.06 The nonresident school district shall have the burden of proof in proving the basis for denial of the transfer.
- 2-6.07 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 2-6.08 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. All discussion shall take place in an open meeting. The State Board shall provide a written decision to the Division of Elementary and Secondary Education, the appealing party, the nonresident district and the resident district within fourteen (14) days of announcing its decision under this section.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING PUBLIC SCHOOL CHOICE**

**CHAPTER 3:  
THE OPPORTUNITY SCHOOL CHOICE ACT**

**3-1.00 GENERAL REQUIREMENTS**

- 3-1.01 Upon the request of a parent or guardian, or the student if the student is over eighteen (18) years of age, a student may transfer from his or her resident district or public school to another school district or public school under these rules if, at the time of the request either:
- 3-1.01.1 The resident public school district is an eligible school district which has been classified by the State Board of Education as a public school district in need of Level 5—intensive support; or
  - 3-1.02.2 The resident public school is an eligible school which has a rating of “F” under Ark. Code Ann. §§6-15-2105 and 6-15-2106.
- 3-1.02 Except as provided in Chapter 4, Section 4-1.01 of these rules, the parent or guardian, or the student if the student is over eighteen (18) years of age, must notify the Division and both the transferring and receiving school districts of the request to transfer no later than May 1 of the year before the student intends to transfer.
- 3-1.03 Each school district board of directors shall offer the Opportunity Public School Choice option within the public schools. The Opportunity Public School Choice option shall be offered in addition to other existing choice programs.
- 3-1.04 The parent or guardian of a student, or the student if the student is over eighteen (18) years of age, enrolled in or assigned to an eligible public school or school district may choose as an alternative to enroll the student in a legally allowable public school or school district that is not classified as a public school district in need of Level 5—intensive support or a public school that does not have a rating of “F” and that is nearest to the student’s legal residence. That school or school district shall accept the student and report the student for purposes of the funding under applicable state law.
- 3-1.05 Within thirty (30) days from receipt of an application from a student seeking admission under these rules, the superintendent of the nonresident district shall

notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity Public School Choice application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

- 3-1.05.1 If the application is accepted, the superintendent of the nonresident district shall state in the notification letter the deadline by which the student must enroll in the receiving school.
- 3-1.05.2 If the application is rejected, the superintendent of the nonresident district shall state in the notification letter the specific reasons for the rejection.
- 3-1.05.3 A school district shall not deny a student the ability to transfer to a nonresident school under these rules unless there is a lack of capacity at the nonresident school.
- 3-1.05.4 A lack of capacity may be claimed by a school district only if the nonresident school has reached the maximum student-to-teacher ratio allowed under federal law, state law, the Rules Governing the Standards for Accreditation, or other applicable regulations. For the purposes of these rules, a school district may claim a lack of capacity if, as of the date the application for opportunity school choice is made, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.
- 3-1.05.5 The race or ethnicity of a student shall not be used to deny a student the ability to attend a nonresident school under these rules.
- 3-1.05.6 Pursuant to Section 3-4.00 of this Chapter, a parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school to the State Board of Education after the student or the student's parent or guardian receives written notice from the nonresident district that admission has been denied.
- 3-1.05.7 If any provision of these rules conflicts with a federal desegregation court order applicable to a school district, the federal desegregation court order shall govern.

3-1.06 For each student enrolled in or assigned to an eligible public school or school district under these rules, a school district shall:

- 3-1.06.1 Timely notify the parent or guardian, or the student if the student is over eighteen (18) years of age, as soon as practicable after the designation is made, of all options available under these rules; and
  - 3-1.06.2 Offer the parent or guardian, or the student if the student is over eighteen (18) years of age, an opportunity to enroll the student in any public school or school district that has not been classified by the State Board of Education as a public school or school district in need of Level 5—intensive support or does not have a rating of “F”.
  - 3-1.06.3 The opportunity to continue attending the nonresident public school or district to which the student has transferred shall remain in force until the student graduates from high school.
- 3-1.07 For the purposes of continuity of educational choice, a transfer under this Chapter shall operate as an irrevocable election for each subsequent entire school year and shall remain in force until:
- 3-1.07.1 The student completes high school; or,
  - 3-1.07.2 The parent or guardian, or student if the student is over eighteen (18) years of age, 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.
- 3-1.08 Except as provided in Chapter 4, Section 4-1.03 of these Rules, a transfer under this Chapter is effective at the beginning of the next academic year.
- 3-1.09 Students with disabilities who are eligible to receive services from the transferring 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 Opportunity Public School Choice Act program, shall remain eligible to receive services from the receiving school district as provided by state or federal law. Any funding for the student shall be transferred to the school district to which the student transfers.
- 3-1.10 The receiving public school or school district 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 or school district except as provided under Sections 3-1.10.1 and 3-1.10.2 of these rules.

- 3-1.10.1 A transferring public school or school district shall not be required to spend more than four hundred dollars (\$400) per student per school year for transportation required under Section 3-1.10 of these rules.
- 3-1.10.2 Upon the transferring public school district's removal from classification as a public school district in need of Level 5—intensive support or the transferring public school's receipt of a rating other than "F," 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 transportation shall be the responsibility of the parent or guardian or of the receiving public school district if the receiving public school district agrees to bear the transportation costs.
- 3-1.11 Unless excused by the school for illness or other good cause:
- 3-1.11.1 Any student participating in the Opportunity Public School Choice option shall remain in attendance throughout the school year and shall comply fully with the receiving school's code of conduct; and
- 3-1.11.2 The parent or guardian of each student participating in the Opportunity Public School Choice option shall comply fully with the receiving school's parental involvement requirements.
- 3-1.11.3 A participant who fails to comply with this section shall forfeit the Opportunity School Choice option.
- 3-1.12 A receiving district shall accept credits toward graduation that were awarded by another district.
- 3-1.13 The receiving district shall award a diploma to a student transferred under these rules if the student meets the receiving district's graduation requirements.
- 3-1.14 A district under the Public School Choice program 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, the application deadline, and the requirements and procedure for nonresident students to participate in the program.

### **3-2.00 REPORTING REQUIREMENTS**

3-2.01 The Division of Elementary and Secondary Education shall develop an annual report on student participation in public school choice and opportunity school choice and deliver the report to the State Board of Education, the Governor, the House Committee on Education, the Senate Committee on Education, and the Legislative Council at least sixty (60) days prior to the convening of the regular session of the General Assembly.

3-2.02 The annual report shall include without limitation:

3-2.02.1 The number of public school students participating in:

3-2.02.1.1 Public School Choice under Ark. Code Ann. § 6-18-1901 et seq.; and

3-2.02.1.2 Opportunity School Choice under Ark. Code Ann. § 6-18-227, disaggregated by whether the transfer was from within a public school district or outside a public school district.

3-2.02.2 Aggregate data of the race and gender of students participating in public school choice and opportunity school choice.

3-2.03 Each public school district shall annually report to the Division:

3-2.03.1 The number of students applying for a transfer to a nonresident school district under Public School Choice;

3-2.03.2 The number of students applying for a transfer to a nonresident school within the resident district under Opportunity School Choice; and

3-2.03.3 The number of students applying for a transfer to a nonresident school outside of the resident district under Opportunity School Choice.

3-2.04 The school district shall report the data required by Section 3-2.03 above through its cycle reports as prescribed by the Commissioner of Education.

### **3-3.00 FUNDING CONSIDERATIONS**

3-3.01 For the 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 receiving district.



3-3.02 The maximum Opportunity Public School Choice funds granted for an eligible student shall be calculated based on applicable state law.

3-3.03 The public school that provides services to students with disabilities shall receive funding as determined by applicable federal and state law.

### **3-4.00 APPEAL PROCEDURES**

3-4.01 A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal a school district's decision to deny admission to a nonresident school due to a lack of capacity to the State Board of Education pursuant to this section.

3-4.02 The student or the student's parent or guardian (hereinafter the appealing party) must present a written appeal to the State Board of Education via certified mail, return receipt requested, no later than ten (10) calendar days, excluding weekends and legal holidays, after the appealing party receives notice of rejection from the superintendent of the nonresident district in accordance with Section 3-1.05 of this Chapter.

3-4.02.1 The written appeal should be sent to:

Office of the Commissioner  
ATTN: Opportunity School Choice Appeal  
Four Capitol Mall  
Little Rock, Arkansas 72201

3-4.02.2 Contemporaneously with the filing of the written appeal with the Office of the Commissioner, the appealing party must also mail a copy of the written appeal to the superintendent of the nonresident school district.

3-4.02.3 In its written appeal, the appealing party shall state his or her basis for appealing the decision of the nonresident district.

3-4.02.4 The appealing party must submit, along with its written appeal, a copy of the rejection letter from the nonresident district.

3-4.02.5 Any request for a hearing before the State Board of Education must be made in the written appeal.

3-4.03 The nonresident district may submit, in writing, any additional information, evidence or arguments supporting its rejection of the student's application by mailing such response via certified mail, return receipt requested to the State Board of Education no later than ten (10) days after receiving the appealing party's written appeal.

- 3-4.03.1 Any response from the nonresident district should be sent to:  
Office of the Commissioner  
ATTN: Opportunity School Choice Appeal  
Four Capitol Mall  
Little Rock, Arkansas 72201
- 3-4.03.2 Contemporaneously with the filing of the written response with the Office of the Commissioner, the nonresident district must also mail a copy of the written response to the appealing party.
- 3-4.03.3 If the appealing party did not request a hearing before the State Board of Education, the nonresident district may request a hearing in its response.
- 3-4.04 If a hearing is requested by either party, the State Board of Education shall schedule the hearing for the next regularly scheduled State Board of Education meeting in accordance with its procedures for the submission of agenda items.
- 3-4.05 If no hearing is requested by either party, the State Board of Education shall consider the appeal during its next regularly scheduled State Board of Education meeting in accordance with its procedures for the submission of agenda items.
- 3-4.06 State Board of Education Hearing Procedures
- 3-4.06.1 All persons wishing to testify before the State Board of Education shall first be placed under oath by the Chairperson of the State Board of Education.
- 3-4.06.2 Each party shall have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the nonresident district. The Chairperson of the State Board of Education may, for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.
- 3-4.06.3 Each party will be given twenty (20) minutes to present their cases, beginning with the nonresident district. The Chairperson of the State Board of Education may, for good cause shown and upon request of either party, allow either party additional time to present their cases.
- 3-4.06.4 The State Board of Education, at its discretion, shall have the authority to require any person associated with the application to

appear in person before the State Board of Education as a witness during the hearing. The State Board of Education may accept testimony by affidavit, declaration, or deposition.

- 3-4.06.5 Every witness may be subject to questioning by the State Board of Education.
- 3-4.06.6 The nonresident district shall have the burden of proof in proving the basis for the denial of the transfer.
- 3-4.06.7 The State Board of Education may sustain the rejection of the nonresident district or grant the appeal.
- 3-4.06.8 The State Board of Education may announce its decision immediately after hearing all arguments and evidence or may take the matter under advisement. All discussion shall take place in an open meeting. The State Board of Education shall provide a written decision to the Division of Elementary and Secondary Education, the appealing party, and the nonresident district within fourteen (14) calendar days of announcing its decision under this section.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING PUBLIC SCHOOL CHOICE**

**CHAPTER 4:  
SCHOOL CHOICE FOR MILITARY FAMILIES**

**4-1.0 OPPORTUNITY SCHOOL CHOICE FOR MILITARY FAMILIES**

4-1.01 If a student has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base, then the student's parent or guardian may submit a request for an Opportunity School Choice transfer under this Chapter and Chapter 3 of these Rules at any time during the calendar year.

4-1.02 An application for transfer under Opportunity School Choice under this Chapter shall:

4-1.02.1 Be filed with the nonresident school district within fifteen (15) days of the parents or guardians' arrival on the military base;

4-1.02.2 Include the parent's or guardian's military transfer orders; and

4-1.02.3 Include the parent's or guardian's proof of residency on the military base.

4-1.03 A transfer under this Chapter for a student who has a parent or guardian who is an active-duty member of the military and who resides on a military base is effective upon the approval of the accepting school board at its next meeting.

**4-2.00 PUBLIC SCHOOL CHOICE FOR MILITARY FAMILIES**

4-2.01 If a student has a parent or guardian who is an active duty member of the military and who has been transferred to and resides on a military base, then the student's parent or guardian may file an application for a Public School Choice transfer under this Chapter and Chapter 2 of these Rules within fifteen (15) days of the parent's or guardian's arrival on the military base, which shall include without limitation the parent's or guardian's:

4-2.01.1 Military transfer orders; and

4-2.01.2 Proof of residency on the military base.

4-2.02 A military family's application for a transfer under the Public School Choice Act of 2015 is not subject to the May 1 deadline under Chapter 2, Section 2-3.01.3 of these Rules if the student's parent or legal guardian:

4-2.02.1 Has been transferred to and resides on a military base; and

4-2.02.2 Provides military transfer orders that confirm the date of transfer to the military base.

4-2.03 The July 1 deadline under Chapter 2, Section 2-3.04 of these Rules does not apply in the case of an application received from a student who has a parent or guardian who is an active-duty member of the military and who has been transferred to and resides on a military base.

3 %

## Enrollment Count by District (2020-2021)

District LEA	District Description	Total Enrollment	3% School Choice
6040700	ACADEMICS PLUS PUBLIC CHARTER SCHOOLS	1,645	49
1701000	ALMA SCHOOL DISTRICT	3,250	98
0501000	ALPENA SCHOOL DISTRICT	473	14
6091000	ARK. SCHOOL FOR THE BLIND	85	3
6092000	ARK. SCHOOL FOR THE DEAF	100	3
1002000	ARKADELPHIA SCHOOL DISTRICT	1,786	54
0440700	ARKANSAS ARTS ACADEMY	1,204	36
0444700	ARKANSAS CONNECTIONS ACADEMY	2,836	85
6043700	ARKANSAS VIRTUAL ACADEMY	3,872	116
4701000	ARMOREL SCHOOL DISTRICT	406	12
4101000	ASHDOWN SCHOOL DISTRICT	1,348	40
5801000	ATKINS SCHOOL DISTRICT	931	28
7401000	AUGUSTA SCHOOL DISTRICT	330	10
7301000	BALD KNOB SCHOOL DISTRICT	1,151	35
5401000	BARTON SCHOOL DISTRICT	696	21
3201000	BATESVILLE SCHOOL DISTRICT	3,059	92
6301000	BAUXITE SCHOOL DISTRICT	1,594	48
1601000	BAY SCHOOL DISTRICT	592	18
5201000	BEARDEN SCHOOL DISTRICT	488	15
7302000	BEEBE SCHOOL DISTRICT	3,180	95
6302000	BENTON SCHOOL DISTRICT	5,422	163
0401000	BENTONVILLE SCHOOL DISTRICT	17,970	539
0502000	BERGMAN SCHOOL DISTRICT	1,052	32
0801000	BERRYVILLE SCHOOL DISTRICT	1,832	55
3001000	BISMARCK SCHOOL DISTRICT	937	28
2901000	BLEVINS SCHOOL DISTRICT	458	14
4702000	BLYTHEVILLE SCHOOL DISTRICT	1,716	51
4201000	BOONEVILLE SCHOOL DISTRICT	1,158	35
7303000	BRADFORD SCHOOL DISTRICT	425	13
4801000	BRINKLEY SCHOOL DISTRICT	426	13
1603000	BROOKLAND SCHOOL DISTRICT	2,757	83
6303000	BRYANT SCHOOL DISTRICT	9,214	276
1605000	BUFFALO IS. CENTRAL SCH. DIST.	730	22
4304000	CABOT SCHOOL DISTRICT	10,171	305
4901000	CADDO HILLS SCHOOL DISTRICT	550	17
3301000	CALICO ROCK SCHOOL DISTRICT	362	11
5204000	CAMDEN FAIRVIEW SCHOOL DISTRICT	2,229	67
6056700	CAPITAL CITY LIGHTHOUSE ACADEMY	161	5
4303000	CARLISLE SCHOOL DISTRICT	625	19
6802000	CAVE CITY SCHOOL DISTRICT	1,172	35
3212000	CEDAR RIDGE SCHOOL DISTRICT	685	21
1702000	CEDARVILLE SCHOOL DISTRICT	743	22
5502000	CENTERPOINT SCHOOL DISTRICT	979	29
2402000	CHARLESTON SCHOOL DISTRICT	820	25
4802000	CLARENDON SCHOOL DISTRICT	448	13
3601000	CLARKSVILLE SCHOOL DISTRICT	2,436	73
1305000	CLEVELAND COUNTY SCHOOL DISTRICT	692	21
7102000	CLINTON SCHOOL DISTRICT	1,238	37
1201000	CONCORD SCHOOL DISTRICT	409	12
2301000	CONWAY SCHOOL DISTRICT	9,849	295
1101000	CORNING SCHOOL DISTRICT	818	25
5707000	COSSATOT RIVER SCHOOL DISTRICT	906	27
0302000	COTTER SCHOOL DISTRICT	743	22

2403000	COUNTY LINE SCHOOL DISTRICT	495	15
1901000	CROSS COUNTY SCHOOL DISTRICT	607	18
0201000	CROSSETT SCHOOL DISTRICT	1,569	47
2601000	CUTTER-MORNING STAR SCHOOL DISTRICT	634	19
7503000	DANVILLE SCHOOL DISTRICT	771	23
7504000	DARDANELLE SCHOOL DISTRICT	2,075	62
0402000	DECATUR SCHOOL DISTRICT	537	16
5106000	DEER/MT. JUDEA SCHOOL DISTRICT	399	12
6701000	DEQUEEN SCHOOL DISTRICT	2,295	69
0901000	DERMOTT SCHOOL DISTRICT	367	11
5901000	DES ARC SCHOOL DISTRICT	557	17
0101000	DEWITT SCHOOL DISTRICT	1,154	35
3102000	DIERKS SCHOOL DISTRICT	504	15
6094000	DIVISION OF YOUTH SERVICES SCHOOL SYSTEM	124	4
3502000	DOLLARWAY SCHOOL DISTRICT	907	27
5802000	DOVER SCHOOL DISTRICT	1,224	37
2202000	DREW CENTRAL SCHOOL DISTRICT	1,109	33
2104000	DUMAS SCHOOL DISTRICT	1,084	33
1802000	EARLE SCHOOL DISTRICT	430	13
5301000	EAST END SCHOOL DISTRICT	611	18
5608000	EAST POINSETT CO. SCHOOL DIST.	584	18
7001000	EL DORADO SCHOOL DISTRICT	4,121	124
7201000	ELKINS SCHOOL DISTRICT	1,269	38
1408000	EMERSON-TAYLOR-BRADLEY SCHOOL DISTRICT	1,079	32
4302000	ENGLAND SCHOOL DISTRICT	621	19
6047700	ESTEM PUBLIC CHARTER SCHOOL	3,180	95
0802000	EUREKA SPRINGS SCHOOL DISTRICT	572	17
6055700	EXALT ACADEMY OF SOUTHWEST LITTLE ROCK	518	16
7202000	FARMINGTON SCHOOL DISTRICT	2,572	77
7203000	FAYETTEVILLE SCHOOL DISTRICT	10,151	305
4501000	FLIPPIN SCHOOL DISTRICT	845	25
2002000	FORDYCE SCHOOL DISTRICT	748	22
4102000	FOREMAN SCHOOL DISTRICT	534	16
6201000	FORREST CITY SCHOOL DISTRICT	2,107	63
6601000	FORT SMITH SCHOOL DISTRICT	13,839	415
4603000	FOUKE SCHOOL DISTRICT	1,057	32
2602000	FOUNTAIN LAKE SCHOOL DISTRICT	1,316	39
6061700	FRIENDSHIP ASPIRE ACADEMY LITTLE ROCK	210	6
3544700	FRIENDSHIP ASPIRE ACADEMY PINE BLUFF	316	9
3545700	FRIENDSHIP ASPIRE ACADEMY SOUTHEAST PINE BLUFF	73	2
6640700	FUTURE SCHOOL OF FORT SMITH	229	7
4602000	GENOA CENTRAL SCHOOL DISTRICT	1,172	35
0403000	GENTRY SCHOOL DISTRICT	1,444	43
3002000	GLEN ROSE SCHOOL DISTRICT	998	30
4708000	GOSNELL SCHOOL DISTRICT	1,208	36
6052700	GRADUATE ARKANSAS CHARTER	91	3
0404000	GRAVETTE SCHOOL DISTRICT	1,860	56
0803000	GREEN FOREST SCHOOL DISTRICT	1,366	41
2303000	GREENBRIER SCHOOL DISTRICT	3,568	107
2807000	GREENE COUNTY TECH SCHOOL DISTRICT	3,525	106
7204000	GREENLAND SCHOOL DISTRICT	743	22
6602000	GREENWOOD SCHOOL DISTRICT	3,726	112
1003000	GURDON SCHOOL DISTRICT	689	21
2304000	GUY-PERKINS SCHOOL DISTRICT	297	9
7240700	HAAS HALL ACADEMY	1,407	42



6603000	HACKETT SCHOOL DISTRICT	730	22
0203000	HAMBURG SCHOOL DISTRICT	1,616	48
0701000	HAMPTON SCHOOL DISTRICT	503	15
6304000	HARMONY GROVE SCH DIST(SALINE)	1,221	37
5205000	HARMONY GROVE SCHOOL DISTRICT (OUACHITA)	899	27
5602000	HARRISBURG SCHOOL DISTRICT	1,099	33
0503000	HARRISON SCHOOL DISTRICT	2,706	81
5903000	HAZEN SCHOOL DISTRICT	532	16
1202000	HEBER SPRINGS SCHOOL DISTRICT	1,537	46
5803000	HECTOR SCHOOL DISTRICT	623	19
5403000	HELENA/ WEST HELENA SCHOOL DISTRICT	1,147	34
0601000	HERMITAGE SCHOOL DISTRICT	424	13
6804000	HIGHLAND SCHOOL DISTRICT	1,597	48
3809000	HILLCREST SCHOOL DISTRICT	415	12
0445700	HOPE ACADEMY OF NORTHWEST ARKANSAS	37	1
2903000	HOPE SCHOOL DISTRICT	2,286	69
6703000	HORATIO SCHOOL DISTRICT	775	23
2603000	HOT SPRINGS SCHOOL DISTRICT	3,629	109
3804000	HOXIE SCHOOL DISTRICT	820	25
4401000	HUNTSVILLE SCHOOL DISTRICT	2,182	65
3840700	IMBODEN CHARTER SCHOOL DISTRICT	61	2
3306000	IZARD COUNTY CONSOLIDATED SCHOOL DISTRICT	557	17
3405000	JACKSON CO. SCHOOL DISTRICT	845	25
6050700	JACKSONVILLE LIGHTHOUSE CHARTER	801	24
6004000	JACKSONVILLE NORTH PULASKI SCHOOL DISTRICT	3,781	113
5102000	JASPER SCHOOL DISTRICT	746	22
2604000	JESSIEVILLE SCHOOL DISTRICT	807	24
1608000	JONESBORO SCHOOL DISTRICT	6,341	190
7003000	JUNCTION CITY SCHOOL DISTRICT	654	20
5440700	KIPP DELTA PUBLIC SCHOOLS	1,205	36
5503000	KIRBY SCHOOL DISTRICT	407	12
3704000	LAFAYETTE COUNTY SCHOOL DISTRICT	513	15
2605000	LAKE HAMILTON SCHOOL DISTRICT	4,251	128
0903000	LAKESIDE SCHOOL DIST(CHICOT)	898	27
2606000	LAKESIDE SCHOOL DIST(GARLAND)	3,413	102
3604000	LAMAR SCHOOL DISTRICT	1,304	39
6605000	LAVACA SCHOOL DISTRICT	793	24
3810000	LAWRENCE COUNTY SCHOOL DISTRICT	919	28
0506000	LEAD HILL SCHOOL DISTRICT	366	11
3904000	LEE COUNTY SCHOOL DISTRICT	678	20
7205000	LINCOLN SCHOOL DISTRICT	1,007	30
6041700	LISA ACADEMY	3,342	100
6001000	LITTLE ROCK SCHOOL DISTRICT	20,745	622
4301000	LONOKE SCHOOL DISTRICT	1,587	48
4202000	MAGAZINE SCHOOL DISTRICT	520	16
3003000	MAGNET COVE SCHOOL DIST.	736	22
1402000	MAGNOLIA SCHOOL DISTRICT	2,586	78
3004000	MALVERN SCHOOL DISTRICT	1,905	57
2501000	MAMMOTH SPRING SCHOOL DISTRICT	458	14
4712000	MANILA SCHOOL DISTRICT	995	30
6606000	MANSFIELD SCHOOL DISTRICT	715	21
1804000	MARION SCHOOL DISTRICT	3,911	117
5604000	MARKED TREE SCHOOL DISTRICT	465	14
2803000	MARMADUKE SCHOOL DISTRICT	648	19
5404000	MARVELL-ELAINE SCHOOL DISTRICT	330	10

2305000	MAYFLOWER SCHOOL DISTRICT	1,019	31
6102000	MAYNARD SCHOOL DISTRICT	500	15
7403000	MCCRORY SCHOOL DISTRICT	551	17
2105000	MCGEHEE SCHOOL DISTRICT	1,140	34
3302000	MELBOURNE SCHOOL DISTRICT	815	24
5703000	MENA SCHOOL DISTRICT	1,717	52
3211000	MIDLAND SCHOOL DISTRICT	433	13
3104000	MINERAL SPRINGS SCHOOL DISTRICT	372	11
2203000	MONTICELLO SCHOOL DISTRICT	1,671	50
4902000	MOUNT IDA SCHOOL DISTRICT	447	13
0303000	MOUNTAIN HOME SCHOOL DISTRICT	3,881	116
2607000	MOUNTAIN PINE SCHOOL DISTRICT	614	18
6901000	MOUNTAIN VIEW SCHOOL DISTRICT	1,547	46
1703000	MOUNTAINBURG SCHOOL DISTRICT	650	20
2306000	MT. VERNON/ENOLA SCHOOL DISTRICT	499	15
1704000	MULBERRY/PLEASANT VIEW BI-COUNTY SCHOOLS	412	12
3105000	NASHVILLE SCHOOL DISTRICT	1,878	56
1503000	NEMO VISTA SCHOOL DISTRICT	458	14
1611000	NETTLETON SCHOOL DISTRICT	3,411	102
5008000	NEVADA SCHOOL DISTRICT	392	12
3403000	NEWPORT SCHOOL DISTRICT	1,067	32
0304000	NORFORK SCHOOL DISTRICT	456	14
6002000	NORTH LITTLE ROCK SCHOOL DISTRICT	7,610	228
0504000	OMAHA SCHOOL DISTRICT	356	11
4713000	OSCEOLA SCHOOL DISTRICT	1,037	31
5706000	OUACHITA RIVER SCHOOL DISTRICT	715	21
3005000	OUACHITA SCHOOL DISTRICT	488	15
6505000	OZARK MOUNTAIN SCHOOL DISTRICT	728	22
2404000	OZARK SCHOOL DISTRICT	1,737	52
6205000	PALESTINE-WHEATLEY SCH. DIST.	779	23
7309000	PANGBURN SCHOOL DISTRICT	762	23
2808000	PARAGOULD SCHOOL DISTRICT	3,071	92
4203000	PARIS SCHOOL DISTRICT	992	30
7007000	PARKERS CHAPEL SCHOOL DIST.	773	23
0407000	PEA RIDGE SCHOOL DISTRICT	2,216	66
5303000	PERRYVILLE SCHOOL DISTRICT	884	27
1104000	PIGGOTT SCHOOL DISTRICT	795	24
3541700	PINE BLUFF LIGHTHOUSE ACADEMY	222	7
3505000	PINE BLUFF SCHOOL DISTRICT	2,799	84
6103000	POCAHONTAS SCHOOL DISTRICT	1,937	58
5804000	POTTSVILLE SCHOOL DISTRICT	1,768	53
2703000	POYEN SCHOOL DISTRICT	521	16
7206000	PRAIRIE GROVE SCHOOL DISTRICT	2,045	61
5006000	PRESCOTT SCHOOL DISTRICT	913	27
6003000	PULASKI COUNTY SPECIAL SCHOOL DISTRICT	11,424	343
1203000	QUITMAN SCHOOL DISTRICT	733	22
1106000	RECTOR SCHOOL DISTRICT	554	17
0442700	RESPONSIVE ED SOLUTIONS NORTHWEST ARK CLASSICAL ACADEMY	1,048	31
6053700	RESPONSIVE ED SOLUTIONS PREMIER HIGH SCHOOL OF LITTLE ROCK	125	4
6062700	RESPONSIVE ED SOLUTIONS PREMIER HIGH SCHOOL OF NORTH LITTLE ROCK	136	4
4706000	RIVERCREST SCHOOL DISTRICT	1,083	32
1613000	RIVERSIDE SCHOOL DISTRICT	748	22
7307000	RIVERVIEW SCHOOL DISTRICT	1,158	35
0405000	ROGERS SCHOOL DISTRICT	15,355	461
7310000	ROSE BUD SCHOOL DISTRICT	746	22

5805000	RUSSELLVILLE SCHOOL DISTRICT	5,212	156
2502000	SALEM SCHOOL DISTRICT	850	26
6060700	SCHOLARMADE ACHIEVEMENT PLACE OF ARKANSAS	363	11
4204000	SCRANTON SCHOOL DISTRICT	451	14
6502000	SEARCY COUNTY SCHOOL DISTRICT	728	22
7311000	SEARCY SCHOOL DISTRICT	3,947	118
2705000	SHERIDAN SCHOOL DISTRICT	4,103	123
7104000	SHIRLEY SCHOOL DISTRICT	325	10
0406000	SILOAM SPRINGS SCHOOL DISTRICT	4,174	125
3806000	SLOAN-HENDRIX SCHOOL DISTRICT	701	21
7008000	SMACKOVER-NORPHLET SCHOOL DISTRICT	1,032	31
1507000	SOUTH CONWAY COUNTY SCHOOL DISTRICT	2,364	71
5504000	SOUTH PIKE COUNTY SCHOOL DISTRICT	711	21
7105000	SOUTH SIDE SCHOOL DISTRICT(VANBUREN)	493	15
3209000	SOUTHSIDE SCHOOL DISTRICT (INDEPENDENCE)	1,984	60
2906000	SPRING HILL SCHOOL DISTRICT	568	17
7207000	SPRINGDALE SCHOOL DISTRICT	21,882	656
4003000	STAR CITY SCHOOL DISTRICT	1,376	41
7009000	STRONG-HUTTIG SCHOOL DISTRICT	294	9
0104000	STUTTGART SCHOOL DISTRICT	1,565	47
4605000	TEXARKANA SCHOOL DISTRICT	3,880	116
6058700	THE EXCEL CENTER	127	4
5605000	TRUMANN SCHOOL DISTRICT	1,468	44
7510000	TWO RIVERS SCHOOL DISTRICT	765	23
0505000	VALLEY SPRINGS SCHOOL DISTRICT	831	25
1612000	VALLEY VIEW SCHOOL DISTRICT	2,873	86
1705000	VAN BUREN SCHOOL DISTRICT	5,406	162
2307000	VILONIA SCHOOL DISTRICT	2,963	89
2503000	VIOLA SCHOOL DISTRICT	383	11
6401000	WALDRON SCHOOL DISTRICT	1,399	42
0602000	WARREN SCHOOL DISTRICT	1,529	46
3509000	WATSON CHAPEL SCHOOL DISTRICT	2,148	64
7208000	WEST FORK SCHOOL DISTRICT	907	27
1803000	WEST MEMPHIS SCHOOL DISTRICT	5,060	152
1204000	WEST SIDE SCHOOL DIST(CLEBURNE)	442	13
7509000	WESTERN YELL CO. SCHOOL DIST.	351	11
1602000	WESTSIDE CONS. SCH DIST(CRAIGH	1,743	52
3606000	WESTSIDE SCHOOL DIST(JOHNSON)	582	17
7304000	WHITE CO. CENTRAL SCHOOL DIST.	794	24
3510000	WHITE HALL SCHOOL DISTRICT	2,906	87
1505000	WONDERVIEW SCHOOL DISTRICT	430	13
1304000	WOODLAWN SCHOOL DISTRICT	547	16
1905000	WYNNE SCHOOL DISTRICT	2,568	77
4502000	YELLVILLE-SUMMIT SCHOOL DISTRICT.	876	26