A.C.A. Tit. 6, Subtit. 2., Ch. 18, Subch. 19 Note

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

Tit. 6, Subtit. 2., Ch. 18, Subch. 19 Note

Annotations

Notes

Effective Dates.

Acts 2013, No. 1227, § 7: Apr. 16, 2013. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that certain provisions of the Arkansas Public School Choice Act of 1989, *§ 6-18-206*, have been found to be unconstitutional by a federal court; that thousands of public school students are currently attending public schools in nonresident school districts under that law; that there is now uncertainty about the viability of those transfers and future transfers; that this act repeals the disputed provisions of that law while preserving the opportunity for public school choice; and that this act is immediately necessary to resolve the uncertainty in the law before the 2013-2014 school year and preserve existing student transfers. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2015, No. 560, § 8: Mar. 20, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that public school choice is effective in meeting the needs of students; that the current school choice provisions are about to expire; and that this act is immediately necessary to ensure that students have public school choice options for the 2015-2016 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2017, No. 1066, § 6: Emergency clause failed to pass. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that public school choice is effective in meeting the

needs of students; that the current school choice provisions pose risks of students' being denied school choice without clarification of a school district's responsibility regarding its desegregation obligations; and that this act is immediately necessary to ensure that students have public school choice options for the 2017-2018 school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2019, No. 910, § 6346(b): July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019."

Research References & Practice Aids

U. Ark. Little Rock L. Rev.

Nikki L. Cox, Note: School Integration Reform — A Call for Desegregation Policies That Are More Than Skin Deep, *36 U. Ark. Little Rock L. Rev. 123 (2013)*.

End of Document

A.C.A. § 6-18-1901

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1901. Title — Legislative findings.

(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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 2*.

Annotations

Notes

Amendments.

The 2015 amendment substituted "2015" for "2013" at the end of (a).

Case Notes

In General.

Relevant precedent did not support proposition that parent's ability to choose where his or her child is educated within the public school system is a fundamental right or liberty, and accordingly, appellants failed to prove that they had a protected liberty interest; further, the Public School Choice Act of 2013, *§ 6-18-1901* et seq., did not create a property interest in exercising public school choice because appellants did not have more than a mere subjective expectancy of school choice under the Act. Stevenson v. Blytheville Sch. Dist. #5, *800 F.3d 955 (8th Cir. 2015)* .

School districts' motion to terminate their desegregation agreement was properly denied because the districts had not shown evidence of full compliance, and the change in the law, i.e., the repeal of the Arkansas School Choice Act of 1989 and enactment of the Arkansas Public School Choice Act of 2013, *§ 6-18-1901* et seq., was not enough to warrant termination of the agreement; even assuming a relevant change in the law, the districts, which asked for full termination of the agreement, failed to show that the purported change affected the entire agreement. *Davis v. Hot Springs Sch. Dist., 833 F.3d 959 (8th Cir. 2016)* .

End of Document

A.C.A. § 6-18-1902

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1902. Definitions.

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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 3*.

Annotations

Notes

Amendments.

The 2015 amendment inserted "in kindergarten through grade twelve (K-12)" in (4).

End of Document

A.C.A. § 6-18-1903

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

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

(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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 4*.

Annotations

Notes

Amendments.

The 2015 amendment inserted “in kindergarten through grade twelve (K-12)” in (a); and inserted (d)(2)(B) and redesignated the remaining subdivisions accordingly.

End of Document

A.C.A. § 6-18-1904

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1904. General provisions.

(a) The transfer of a student under the Arkansas Public School Choice Act of 1989, *§ 6-18-206* [repealed], or the Public School Choice Act of 2015, *§ 6-18-1901* et seq., is not voided by this subchapter and shall be treated as a transfer under this subchapter.

(b)

(1) A 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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 5*; *2017, No. 1066, §§ 1*, 2; *2019, No. 315, § 266*.

Annotations

Notes

Amendments.

The 2015 amendment inserted “or the Public School Choice Act of 2013” in (a); in (c)(2), inserted “and applies for a school choice transfer under *§ 6-18-1905*”, deleted “or continue enrollment in” following “may enroll in”, and deleted “until the sibling of the transfer student completes his or her secondary education” preceding “if the district”; and added (c)(3).

The 2017 amendment inserted “or enrolls in a private or home school” in (b)(2)(B); and repealed former (d)(3).

The 2019 amendment substituted “regulations, rules, or standards” for “regulations and standards” in (c)(2).

Case Notes

Relationship to Other Law.

Repeal of *§ 6-18-206* mooted parents' lawsuit, and Public School Choice Act of 2013 afforded parents' children full prospective relief they sought in lawsuit. *Teague v. Cooper, 720 F.3d 973 (8th Cir. 2013)* .

A.C.A. § 6-18-1905

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1905. Application for transfer.

(a)

(1) An application under this section shall be accepted no earlier than January 1 and no later than May 1 each year.

(2)

(A) Each school district shall have a policy stating the method by which a parent or guardian of a student may submit a school choice application, including without limitation:

(i) Regular mail;

(ii) Email; and

(iii) Hand delivery.

(B) A public school district shall not require a parent or guardian of a student to file an application in person.

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

(A) To the nonresident district and to the student's resident district;

(B)

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

(ii) 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:

(a)

Military transfer orders; and

(b)

Proof of residency on the military base; and

(C)

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

(ii) 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)(C)(i) of this section if the student's parent or legal guardian:

(a)

Has been transferred to and resides on a military base; and

(b)

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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 6*; *2017, No. 1066, § 3*; *2019, No. 171, §§ 3*, 4; *2019, No. 754, §§ 2*, 3; *2019, No. 910, § 1579*; *2021, No. 490, § 6*.

Annotations

Notes

Amendments.

The 2015 amendment substituted "which shall notify the resident district of the filing of the application" for "with a copy to the resident district" in (a)(1); substituted "May 1" for "June 1" in (a)(3); inserted (b), (c), and (d); redesignated former (b) as (e); substituted "July 1" for "August 1" in (e)(1); and deleted (e)(3)(B) [former (b)(3)(B)].

The 2017 amendment added "within ten (10) calendar days of receipt of the application" to (a)(1).

The 2019 amendment by No. 171 added the (a)(2)(A) designation; added (a)(2)(B); added the (a)(3)(A) designation; added (a)(3)(B); added "Except as provided in subdivision (e)(4) of this section" in (e)(1); and added (e)(4).

The 2019 amendment by No. 754 substituted "with a copy to the student's resident district" for "which shall notify the resident district of the filing of the application within ten (10) calendar days of receipt of the application" in (a)(1); in (b), substituted "Both the nonresident district and the resident district shall" for "A nonresident district that receives an application under subsection (a) of this section shall" and "each district" for "the nonresident district"; redesignated part of (d) as (d)(1); and added (d)(2).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (a)(2) [now (a)(2)(A)].

The 2021 amendment added (a)(1) and (2) and redesignated former (a) as (a)(3); inserted "or guardian" in (a)(3) in the introductory language; substituted "and" for "with a copy" in (a)(3)(A); inserted "or delivered" in (a)(3)(C)(i); and substituted "(a)(3)(C)(i)" for "(a)(3)(A)" in (a)(3)(C)(ii).

End of Document

A.C.A. § 6-18-1906

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1906. Limitations.

(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) [repealed], 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.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 6*; *2017, No. 988, § 2*; *2017, No. 1066, § 4*; *2018 (2nd Ex. Sess.), No. 9, § 1*; *2018 (2nd Ex. Sess.), No. 14, § 1*; *2019, No. 754, § 4*; *2019, No. 910, §§ 1580*-1582.

Annotations

Notes

Amendments.

The 2015 amendment added (a)(2) and redesignated (a) as (a)(1); deleted former (b) and redesignated former (c) as present (b); substituted “enrollment that exists in the school district as of October 15 of the” for “school district's three-quarter average daily membership for the” in (b)(1)(A); deleted “and siblings who are counted in the denominator as part of the average daily membership shall count as one (1) student” at the end of (b)(1)(B); added (b)(1)(C); in (b)(2), substituted “December 15” for “June 1” and “next school year” for “current school year”; and, in (b)(3), substituted “the first school year in which the district is no longer subject to subdivision (b)(1) of this section” for “the following year”.

The 2017 amendment by No. 988 inserted “*§ 6-18-233*” in (b)(1)(C).

The 2017 amendment by No. 1066 substituted “either of which explicitly limits the transfer of students between school districts” for “regarding the effects of past racial segregation in student assignment” in (a)(1); in (a)(2), substituted “Annually by January 1, a school district that claims a conflict under subdivision (a)(1) of this section shall submit” for “If a school district claims a conflict under subdivision (a)(1) of this section, the school district shall immediately submit” and substituted “that explicitly limits the transfer of students between school districts” for “with the interdistrict school choice provisions of this subchapter”; and added (a)(3) through (6).

The 2018 (2nd Ex. Sess.) amendment by identical acts Nos. 9 and 14 rewrote (b)(1)(B).

The 2019 amendment by No. 754 substituted “October 1” for “October 15” in (b)(1)(A).

The 2019 amendment by No. 910 substituted “Division of Elementary and Secondary Education” for “Department of Education” in (a)(2); and substituted “division” for “department” throughout the section.

Case Notes

Equal Protection.
Mootness.

Equal Protection.

School district's claim of exemption equally impacted all students, regardless of race, as no student could transfer out of the district because of the district's taking of the exemption under the Public School Choice Act of 2013, *§ 6-18-1901* et seq.; alternatively, even assuming that differential treatment existed upon which to base an equal protection claim, the district had at least a rational basis for believing that the 2013 Act authorized it to take an exemption. Stevenson v. Blytheville Sch. Dist. #5, *800 F.3d 955 (8th Cir. 2015)* .

Mootness.

Parents' appeal from the district court's denial of their motion for a preliminary injunction to require the school district to rescind its resolution to opt out of the Arkansas Public School Choice Act of 2013 for 2013-2014 school year was moot because by the motion's own terms, the time period in which the requested relief would have been effective had expired, and the mootness exception for claims capable of repetition, yet evading review, was inapplicable. Stevenson v. Blytheville Sch. Dist. #5, *762 F.3d 765 (8th Cir. 2014)* .

Appellants could potentially recover money damages for any constitutional violation arising from school district's alleged violation of the Public School Choice Act of 2013, *§ 6-18-1901* et seq.; therefore, the money-damages claims were not moot, and accordingly, the court addressed appellants' underlying due process and equal protection claims. Stevenson v. Blytheville Sch. Dist. #5, *800 F.3d 955 (8th Cir. 2015)* .

Research References & Practice Aids

Ark. L. Rev.

Brinkley Beecher Cook-Campbell, Comment: “Schoolhouse Block”: Why the Arkansas Public School Choice Act Should Be Improved but Not Eliminated, *67 Ark. L. Rev. 927 (2014)*.

Dorothy Vaughan Goodwin, Recent Developments: An Eighth Circuit Panel Addresses the Constitutionality of Blytheville School District #5's Declaring an Exemption to the Arkansas Public School Choice Act of 2013, *68 Ark. L. Rev. 863 (2015)*.

End of Document

A.C.A. § 6-18-1907

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1907. Rules — Appeal.

(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.

(4) A student is not permitted to request a hearing before the state board if his or her application for a transfer is rejected due to the application's not being timely received by both the resident district and nonresident district.

History

Acts 2013, No. 1227, § 6; *2017, No. 1066, § 5*; *2021, No. 490, § 7*.

Annotations

Notes

Amendments.

The 2017 amendment repealed former (c).

The 2021 amendment added (b)(4).

End of Document

A.C.A. § 6-18-1908

Current through all acts of the 2021 Regular Session, First Extraordinary Session, Extended Session, Second Extraordinary Session, and the 2022 Fiscal Session including corrections and edits by the Arkansas Code Revision Commission.

AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 18 Students > Subchapter 19 — Public School Choice Act of 2015

6-18-1908. Effective date.

The provisions of this subchapter are effective immediately.

History

Acts 2013, No. 1227, § 6; *2015, No. 560, § 7*.

Annotations

Notes

Amendments.

The 2015 amendment substituted “are effective immediately” for “shall remain in effect until July 1, 2015”.

End of Document