

Arkansas Department of Education Rules Governing School Choice Act 2015



Keyth Howard
Arkansas Department of Education

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Keyth Howard Arkansas Department of Education

Program Advisor, Equity Assistance Center---24 years of service

University of Central Arkansas***Football*****Championship Team

Graduate of North Little Rock Northeast High, UCA, and UALR

Phi Beta Sigma Fraternity, Certified EEO Investigator since 2004

Expertise in Title VI, IX, 504, Bullying, Complaint Investigation, School Choice

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PUBLIC SCHOOL CHOICE ACT OF 2015

ACT 560 OF 2015 AMENDED ARK. CODE ANN. §
6-18-1901 ET SEQ. THE ACT WENT INTO
EFFECT ON MARCH 20, 2015. THE ACT SETS
THE NEW APPLICATION DEADLINE AT MAY 1,
2015 AND EACH MAY 1 THEREAFTER

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**THE FOLLOWING SCHOOL DISTRICTS
PROVIDED THE ARKANSAS DEPARTMENT OF
EDUCATION WITH NOTICE THAT THE
SCHOOL DISTRICTS HAVE CONFLICTS WITH
THE PUBLIC SCHOOL CHOICE ACT OF 2015**

**DUE TO ACTIVE DESEGREGATION ORDERS OR
ACTIVE COURT-APPROVED DESEGREGATION
PLANS. CLICK ON THE NAME OF THE SCHOOL
DISTRICT TO REVIEW THE DOCUMENTATION
PROVIDED BY EACH SCHOOL DISTRICT.**

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CAMDEN FAIRVIEW SCHOOL DISTRICT
CUTTER MORNING STAR SCHOOL DISTRICT
EL DORADO SCHOOL DISTRICT
FOUNTAIN LAKE SCHOOL DISTRICT
HOPE SCHOOL DISTRICT
HOT SPRINGS SCHOOL DISTRICT
JACKSONVILLE/NORTH PULASKI SCHOOL DISTRICT
JESSIEVILLE SCHOOL DISTRICT
JUNCTION CITY SCHOOL DISTRICT
LAFAYETTE COUNTY SCHOOL DISTRICT
LAKE HAMILTON SCHOOL DISTRICT
LAKESIDE SCHOOL DISTRICT
MOUNTAIN PINE SCHOOL DISTRICT
PULASKI COUNTY SPECIAL SCHOOL DISTRICT
TEXARKANA SCHOOL DISTRICT

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(THE FOLLOWING TIMELINE APPLIES TO THE
ARKANSAS PUBLIC SCHOOL CHOICE ACT OF
2015.

MAY 1-PARENTS MUST SUBMIT SCHOOL
CHOICE APPLICATIONS TO THE
NONRESIDENT DISTRICT. THE
NONRESIDENT DISTRICT SHALL NOTIFY THE
RESIDENT DISTRICT OF THE FILING OF THE
APPLICATION.

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**NOTE: UNDER ARK. CODE ANN. § 6-18-1905,
PARENTS MUST SUBMIT APPLICATIONS BY**

MAY 1

**AND THE NONRESIDENT DISTRICT HAS THE
RESPONSIBILITY OF NOTIFYING THE
RESIDENT DISTRICT OF THE FILING OF THE
APPLICATION.**

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**JULY 1 THE SUPERINTENDENT OF
THE NONRESIDENT DISTRICT SHALL NOTIFY
THE PARENT AND RESIDENT DISTRICT IN
WRITING AS TO WHETHER THE STUDENT'S
APPLICATION HAS BEEN ACCEPTED OR
REJECTED.**

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NOTE: ARK. CODE ANN. § 6-18-1905 REQUIRES THAT DETERMINATION TO BE MADE BY JULY 1. AS NOTED ABOVE, THE NONRESIDENT DISTRICT HAS THE RESPONSIBILITY OF NOTIFYING THE RESIDENT DISTRICT OF THE FILING OF THE APPLICATION. ADDITIONALLY, A NONRESIDENT DISTRICT THAT RECEIVES AN APPLICATION SHALL, UPON RECEIPT OF THE APPLICATION, PLACE A DATE AND TIME STAMP ON THE APPLICATION THAT REFLECTS THE DATE AND TIME THE NONRESIDENT DISTRICT RECEIVED THE APPLICATION.

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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. BEFORE APPROVING OR REJECTING AN APPLICATION, A NONRESIDENT DISTRICT SHALL DETERMINE WHETHER ANY OF THE LIMITATIONS UNDER ARK. CODE ANN. § 6-18-1906 APPLY TO THE APPLICATION

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2.00 AUTHORITY

2.01 THE ARKANSAS STATE BOARD OF
EDUCATION PROMULGATED THESE RULES
PURSUANT TO THE
AUTHORITY GRANTED TO IT BY ARK. CODE ANN.
§ 6-18-1901 ET SEQ., AS AMENDED BY ACT
560 OF 2015, AND ARK. CODE ANN. §§ 6-11-105
AND 25-15-201 ET SEQ.

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3.00 DEFINITIONS

AS USED IN THESE RULES:

3.01 “NONRESIDENT DISTRICT” MEANS A SCHOOL DISTRICT OTHER THAN A STUDENT’S RESIDENT DISTRICT;

3.02 “PARENT” MEANS A STUDENT’S PARENT, GUARDIAN, OR OTHER PERSON HAVING CUSTODY OR CARE OF THE STUDENT;

3.03 “RESIDENT DISTRICT” MEANS THE SCHOOL DISTRICT IN WHICH THE STUDENT RESIDES AS DETERMINED UNDER ARK. CODE ANN. § 6-18-202;

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3.04 “SIBLING” MEANS EACH OF TWO (2) OR
MORE CHILDREN HAVING A PARENT IN COMMON
BY

BLOOD, ADOPTION, MARRIAGE, OR FOSTER
CARE; AND

3.05 “TRANSFER STUDENT” MEANS A PUBLIC
SCHOOL STUDENT IN KINDERGARTEN THROUGH
GRADE

TWELVE (12) WHO TRANSFERS TO A
NONRESIDENT DISTRICT THROUGH A PUBLIC
SCHOOL CHOICE

;

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4.03 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.

4.04 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:

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4.04.1 MAY INCLUDE WITHOUT LIMITATION THE
CAPACITY OF A PROGRAM, CLASS, GRADE
LEVEL, OR SCHOOL BUILDING;

4.04.2 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

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4.04.3 SHALL INCLUDE A STATEMENT THAT
PRIORITY WILL BE GIVEN TO AN APPLICANT
WHO

HAS A SIBLING OR STEPSIBLING WHO:

4.04.3.1 RESIDES IN THE SAME HOUSEHOLD;
AND

4.04.3.2 IS ALREADY ENROLLED IN THE
NONRESIDENT DISTRICT BY CHOICE.

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- 4.04.4 SHALL NOT INCLUDE AN APPLICANT'S:
- 4.04.4.1 ACADEMIC ACHIEVEMENT;
 - 4.04.4.2 ATHLETIC OR OTHER
EXTRACURRICULAR ABILITY;
 - 4.04.4.3 ENGLISH PROFICIENCY LEVEL; OR
 - 4.04.4.4 PREVIOUS DISCIPLINARY PROCEEDINGS,
EXCEPT THAT AN EXPULSION
FROM ANOTHER DISTRICT MAY BE INCLUDED
UNDER ARK. CODE
ANN. § 6-18-510.
- 4.04.5 A SCHOOL DISTRICT RECEIVING
TRANSFERS UNDER THE PUBLIC.

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4.04.5 A SCHOOL DISTRICT
RECEIVING TRANSFERS UNDER
THE PUBLIC SCHOOL CHOICE ACT
OF
2013 AND THESE RULES SHALL NOT
DISCRIMINATE ON THE BASIS OF
GENDER, NATIONAL
ORIGIN, RACE, ETHNICITY,
RELIGION, OR DISABILITY.

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4.05 A NONRESIDENT DISTRICT SHALL:
4.05.1 ACCEPT CREDITS TOWARD GRADUATION
THAT WERE AWARDED BY ANOTHER DISTRICT;
AND.

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4.05.2 AWARD A DIPLOMA TO A NONRESIDENT
STUDENT IF THE STUDENT MEETS THE
NONRESIDENT DISTRICT'S GRADUATION
REQUIREMENTS.

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4.06 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:

4.06.1 AVAILABILITY OF THE PROGRAM;

4.06.2 APPLICATION DEADLINE; AND

4.06.3 REQUIREMENTS AND PROCEDURE FOR
NONRESIDENT STUDENTS TO PARTICIPATE IN THE
PROGRAM.

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5.02.2 IF A TRANSFERRED STUDENT RETURNS TO HIS OR HER RESIDENT DISTRICT, THE STUDENT'S TRANSFER IS VOIDED, AND THE STUDENT SHALL REAPPLY IF THE STUDENT SEEKS A FUTURE SCHOOL CHOICE TRANSFER.

5.03 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.

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5.03.1 A PRESENT OR FUTURE SIBLING OF A STUDENT WHO CONTINUES ENROLLMENT IN THE NONRESIDENT DISTRICT UNDER SECTION 5.03 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.

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5.03.2 A PRESENT OR FUTURE SIBLING OF A STUDENT WHO CONTINUES ENROLLMENT IN THE NONRESIDENT DISTRICT AND WHO ENROLLS IN THE NONRESIDENT DISTRICT UNDER SECTION 5.03 OF THESE RULES MAY COMPLETE ALL REMAINING YEARS AT THE NONRESIDENT DISTRICT.

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5.04 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.

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5.04.1 THE NONRESIDENT DISTRICT MAY ENTER INTO A WRITTEN AGREEMENT WITH THE STUDENT, THE STUDENT'S PARENT, OR THE RESIDENT DISTRICT TO PROVIDE THE TRANSPORTATION.

5.04.2 THE STATE BOARD OF EDUCATION MAY RESOLVE DISPUTES CONCERNING TRANSPORTATION ARISING UNDER SECTION 5.04 OF THESE RULES.

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6.00 APPLICATION FOR TRANSFER

6.01 IF A STUDENT SEEKS TO ATTEND A SCHOOL IN
A NONRESIDENT DISTRICT, THE STUDENT'S
PARENT

SHALL SUBMIT AN APPLICATION:

6.01.1 TO THE NONRESIDENT DISTRICT WHICH
SHALL NOTIFY THE RESIDENT DISTRICT OF THE
FILING OF THE APPLICATION;

6.01.2 ON THE FORM THAT IS ATTACHED TO THESE
RULES AS ATTACHMENT 1;

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AND

6.01.3 POSTMARKED NO LATER THAN MAY 1 OF THE YEAR IN WHICH THE STUDENT SEEKS TO BEGIN THE FALL SEMESTER AT THE NONRESIDENT DISTRICT.

6.02 A NONRESIDENT DISTRICT THAT RECEIVES AN APPLICATION UNDER SECTION 6.01 OF THESE RULES SHALL, UPON RECEIPT OF THE APPLICATION, PLACE A DATE AND TIME STAMP ON THE

APPLICATION THAT REFLECTS THE DATE AND TIME THE NONRESIDENT DISTRICT RECEIVED THE APPLICATION.

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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.

6.04 BEFORE ACCEPTING OR REJECTING AN APPLICATION, A NONRESIDENT DISTRICT SHALL DETERMINE

WHETHER ONE OF THE LIMITATIONS UNDER ARK. CODE ANN. § 6-18-1906 AND SECTION 7.00 OF THESE RULES APPLIES TO THE APPLICATION.

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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.

6.04 BEFORE ACCEPTING OR REJECTING AN APPLICATION, A NONRESIDENT DISTRICT SHALL DETERMINE

WHETHER ONE OF THE LIMITATIONS UNDER ARK. CODE ANN. § 6-18-1906 AND SECTION 7.00 OF THESE RULES APPLIES TO THE APPLICATION.

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6.05 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.

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**6.05.1 IF THE APPLICATION IS REJECTED,
THE SUPERINTENDENT OF THE
NONRESIDENT DISTRICT
SHALL STATE IN THE NOTIFICATION LETTER
THE REASON FOR THE REJECTION.**

**6.05.2 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.**

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**7.01.2 A SCHOOL DISTRICT SHALL PROVIDE
THE INFORMATION REQUIRED UNDER
SECTION**

**7.01.1 OF THESE RULES TO:
OFFICE OF THE COMMISSIONER
ATTN: ARKANSAS PUBLIC SCHOOL CHOICE
ACT**

**FOUR CAPITOL MALL
LITTLE ROCK, AR 72201**

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**7.02.1 FOR THE PURPOSE OF DETERMINING
THE PERCENTAGE OF SCHOOL CHOICE
TRANSFERS**

**UNDER SECTION 7.02 OF THESE RULES,
SIBLINGS WHO ARE COUNTED IN THE
NUMERATOR AS TRANSFER STUDENTS SHALL
COUNT AS ONE (1) STUDENT.**

**7.02.2 A STUDENT ELIGIBLE TO TRANSFER
TO A NONRESIDENT DISTRICT UNDER ARK.
CODE**

**ANN. §§ 6-15-430(C)(1), 6-18-227, OR 6-21-812
SHALL NOT COUNT AGAINST THE
CAP OF THREE PERCENT (3%) OF THE
RESIDENT OR NONRESIDENT DISTRICT.**



7.02.4 IF A STUDENT IS UNABLE TO TRANSFER DUE TO THE LIMITS UNDER SECTION 7.02 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 7.02 OF THESE RULES IN THE ORDER THAT THE RESIDENT DISTRICT RECEIVES NOTICES OF APPLICATIONS UNDER ARK. CODE ANN. § 6-18-1905 AND SECTION 6.00 OF THESE RULES, AS EVIDENCED BY A NOTATION MADE BY THE DISTRICT ON THE APPLICATIONS INDICATING DATE AND TIME OF RECEIPT.



**8.00 APPEAL, DATA COLLECTION AND
REPORTING**

**8.01 A STUDENT WHOSE APPLICATION FOR A
TRANSFER UNDER ARK. CODE ANN. § 6-18-
1905 AND**

**SECTION 6.00 OF THESE RULES IS REJECTED
BY THE NONRESIDENT DISTRICT MAY
REQUEST A**

**HEARING BEFORE THE STATE BOARD OF
EDUCATION TO RECONSIDER THE TRANSFER.**

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8.01.1 A REQUEST FOR A HEARING BEFORE THE STATE BOARD OF EDUCATION SHALL BE IN WRITING AND SHALL BE POST MARKED 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 § 6-18-1905 SECT. 6.00 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**