



# The Public School Choice Act of 2015

Ark. Code Ann. § 6-18-1903

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 § 6-18-1906

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# Public School Choice Program

- 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 the Arkansas Department of Education (ADE) Rules Governing The Public School Choice Act of 2015.

# Resident/Nonresident

## § 6-18-1902

- “Resident District” means the school district in which the student resides as determined by § 6-18-202 :
  - “Resides” means to be physically present and to maintain a permanent place of abode for an average of no less than four (4) calendar days and nights per week for a primary purpose other than school attendance.
- “ Nonresident district” means a school district other than a student’s resident district.

# Who shall participate?

- Each school district shall participate.
- Any or all school districts may receive applications.
- The nonresident district shall respond to each application.

# General Provisions

- Student transfers accepted under previous school choice acts are not void.
- A student may have only one transfer per school year.
- A student may return to the resident district at any time during the school year.
- If a student returns to the resident, the transfer is voided and the student must reapply to transfer again.
- A transfer student may complete all remaining school years at the nonresident district.

# Application For Transfer

- Applications must be submitted no later than May 1<sup>st</sup> to begin in the fall semester.
- The nonresident district shall notify the resident district that it has received an application for transfer.
- The nonresident district shall place a date and time stamp on the application reflecting the date/time received.

# Rules

- The local board shall adopt specific standards for acceptance and rejection of applications:
  - (a) standard may include without limitation the capacity of the program, class, grade level, or school building;
  - (b) standard may include a lack of capacity if the district has reached at least ninety percent (90%) of the maximum student population in a program, class, grade level, or school building;
  - (c) a statement giving priority to applicants who has a sibling.
- School districts are not required to add teachers, staff, or classrooms, or exceed the standards required by law.

## ...Rules (cont'd.)

- Accept credits toward graduation.
- Award a diploma.
- Make public announcements over the broadcast media and either in the print media or on the Internet to inform parents of the availability of the program , application deadline.
- Provide the procedure and requirement to participate in the program.
- Shall not discriminate on the basis of gender, national origin, race, ethnicity, religion or disability.



# Accepting or Rejecting Applications

- Before accepting or rejecting an application, the nonresident district shall determine if one of the limitations under Ark. Code Ann. § 6-18-1906, ADE Rules Governing The Public School Choice Act of 2015, or the local district's resolution apply.
- By July 1 the nonresident district shall notify the parent and the resident district in writing that the applicant was accepted or rejected.

# Applicant Rejected

- The nonresident district shall notify the applicant and the resident district in writing of the rejection and the reason for rejection. Some reasons for rejection include:
  - the application was received after the deadline;
  - the applicant is serving a expulsion from another district;
  - the transfer will require the school to add teachers, staff, or classrooms or exceed standards;
  - the transfer will cause the resident district to exceed three percent (3%) loss of enrollment to school choice; or
  - the resident district claims a conflict with a provision of an enforceable desegregation court order or a district's court-approved desegregation plan.

# Applicant Accepted

- NONRESIDENT DISTRICT SHALL:
  - (a) notify the applicant in writing of acceptance;
  - (b) state in writing a reasonable deadline by which the student shall enroll and after which the acceptance notification is null;
  - (c) notify the resident district in writing of the acceptance.

# Resident District

- Resident district shall keep records of the applicants of students that were unable to transfer, including the date/time the application was stamped as received by the nonresident district.
- The resident district shall give priority for transfer in the first school year in which the district is no longer subject to § 6-18-1906(B)(1) and section 7.02 of these rules in the order that the resident district receives notices of student application (note of date/time the nonresident district received the application)

# Limitation of Transfers

- A school district claims a conflict of the school choice provisions with an enforceable desegregation court order or a district's court-approved desegregation plan.
- The maximum limit on school choice transfers from a school district is not more than three percent (3%) of the enrollment as of October 15 of the immediately preceding school year.
  - A student eligible to transfer to a nonresident district under § 6-15-430(c)(1), § 6-18-227, or § 6-21-812 shall not count against the cap of 3% of the resident or nonresident district.
  - Siblings who are counted in the numerator as transfer students shall count as one (1) student.
  - Annually by December 15, the ADE shall report to each school district the net maximum number of school choice transfers for the next school year.

# Appeal Process - Applicant

- A student whose application for transfer is rejected by the nonresident district may request a hearing before the State Board of Education to reconsider transfer.
- A request for a State Board of Education hearing shall:
  - be made in writing and be postmarked no later than ten (10) calendar days after receiving notice of rejection;
  - Include the basis for appealing the decision of the nonresident district shall be submitted in writing;
  - include a copy of the notice of the written rejection from the nonresident district; and
  - the request shall be mailed to the Office of the Commissioner.
- The student or student's parent may submit supporting documentation that the transfer would be in the best education, social, or psychological interest of the student.
- The student or student's parent must also mail a copy of the written appeal to the superintendent of the nonresident school district.

# Appeal Process – Nonresident District

- The nonresident district :
  - may submit, in writing, any additional information, evidence, or arguments supporting its rejection of the student’s application;
  - the response shall be postmarked no later than ten (10) days after the nonresident district receives the student or parent’s appeal;
  - the response of the nonresident district shall be mailed to the Office of the Commissioner; and
  - the nonresident district must also mail a copy of the response to the student or student’s parent.

# Appeal Outcome

- 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.



# Desegregation Conflict

- If a school district claims a conflict, the district shall immediately submit proof from a federal court to the Department of Education that the school district has a genuine conflict under an active desegregation order or active court-approved desegregation plan with the inter-district school choice provisions.
- The provisions of the desegregation order shall govern.

# Conflict Submissions

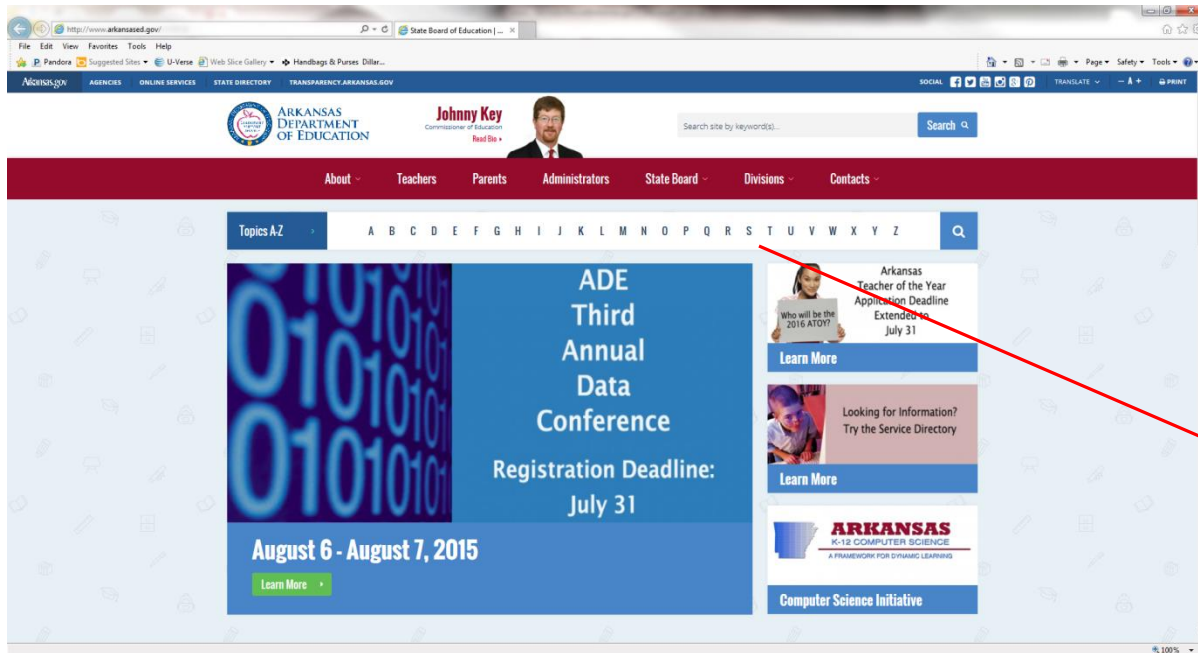
- By January 1, 2016 a school district is required to provide the ADE notice that the district is subject to a desegregation or desegregation-related order.
- A school district subject to a desegregation or desegregation-related order shall include in the written notice to the department:
  - a copy of the court’s desegregation or desegregation-related order;
  - the case heading and case number of each case in which the order was entered;
  - the name and location of each court with jurisdiction over such orders; and
  - a description of the school choice student transfer obligations related to such order to which the school district may be subject.
- A school district that is released from court supervision related to a desegregation order shall promptly notify the department.
- A district that fails to meet the requirements of this section is in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.
- All written notifications received from districts will be posted on the department’s website under School Choice.

# Transportation

- Transportation to and from the school is the parent or the student responsibility.
- The nonresident district may enter into a written agreement with the student, parent or the resident district.

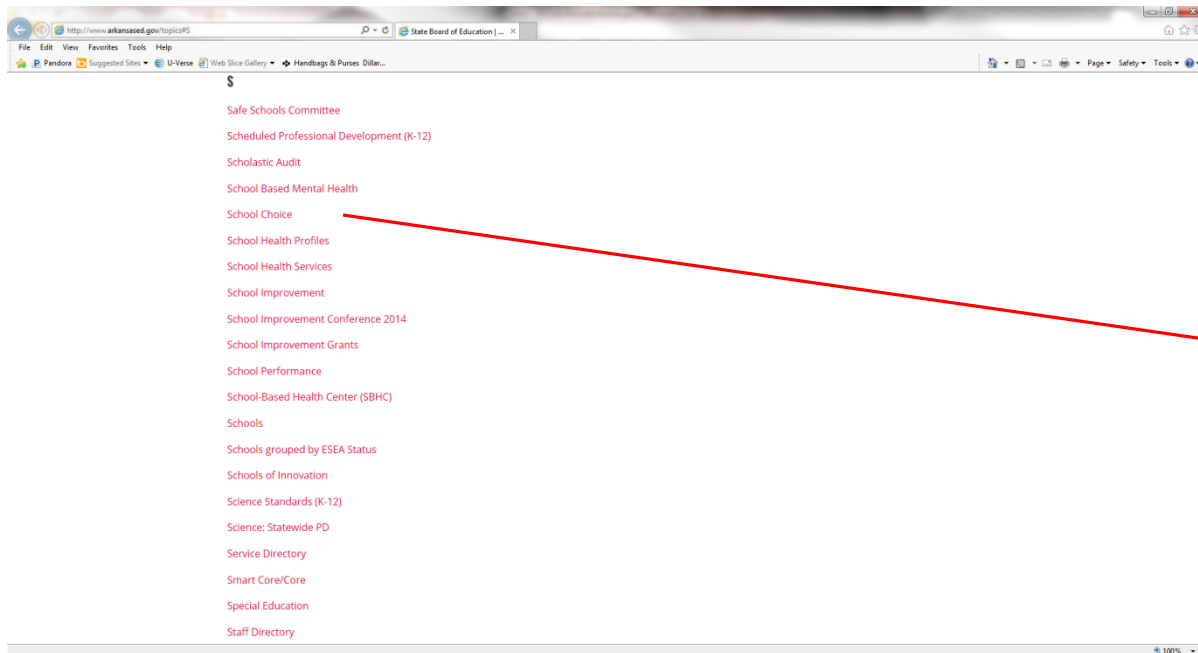
# Timelines

- January 1, 2016 – School districts notify ADE of Desegregation Settlement Agreement
- May 1 – Application Submission Deadline
- July 1 – Nonresident District notifies parent & resident district of application decision
- September 30 – All Public School Choice Data should be entered
- December 15 – ADE notifies school districts of the Net Maximum of school choice transfers



Go to the ADE website

Select the letter "S"



Select "School Choice"

- Commissioner's Memo regarding the Public School Choice Act of 2015
- School Choice Law
- School Choice Rules
- School Choice Application
- Three Percent Cap Calculation – 2015
- School Districts that have conflicts with the law due to active desegregation court orders or active court-approved desegregation plans

What is on the  
ADE School  
Choice Page?

# 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.

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.

[Hot Springs School District](#)  
[Fountain Lake School District](#)  
[Jessieville School District](#)  
[Lakeside School District](#)  
[Mountain Pine School District](#)  
[Lake Hamilton School District](#)  
[Forrest City School District](#)  
[Camden Fairview School District](#)  
[El Dorado School District](#)  
[Hope School District](#)  
[Pulaski County Special School District](#)  
[Junction City School District](#)  
[Lafayette County School District](#)  
[Blytheville School District](#)  
[Brinkley School District](#)  
[Cutter Morning Star School District](#)  
[Dollarway School District](#)  
[Texarkana School District](#)

## Equity Assistance

[Constitutionally Protected Prayer](#) ▶

[School Choice](#) ▶

[Discipline Policies/Student Handbooks](#) ▶

[Minority Teacher and Administration Recruitment](#) ▶

[Equity Compliance Report](#) ▶

## Related Links

[Commissioner's Memo COM-15-062: Arkansas Public School Choice Act of 2015](#) ▶

[Commissioner's Memo COM-15-070: Garland County School Choice](#) ▶

## Related Files

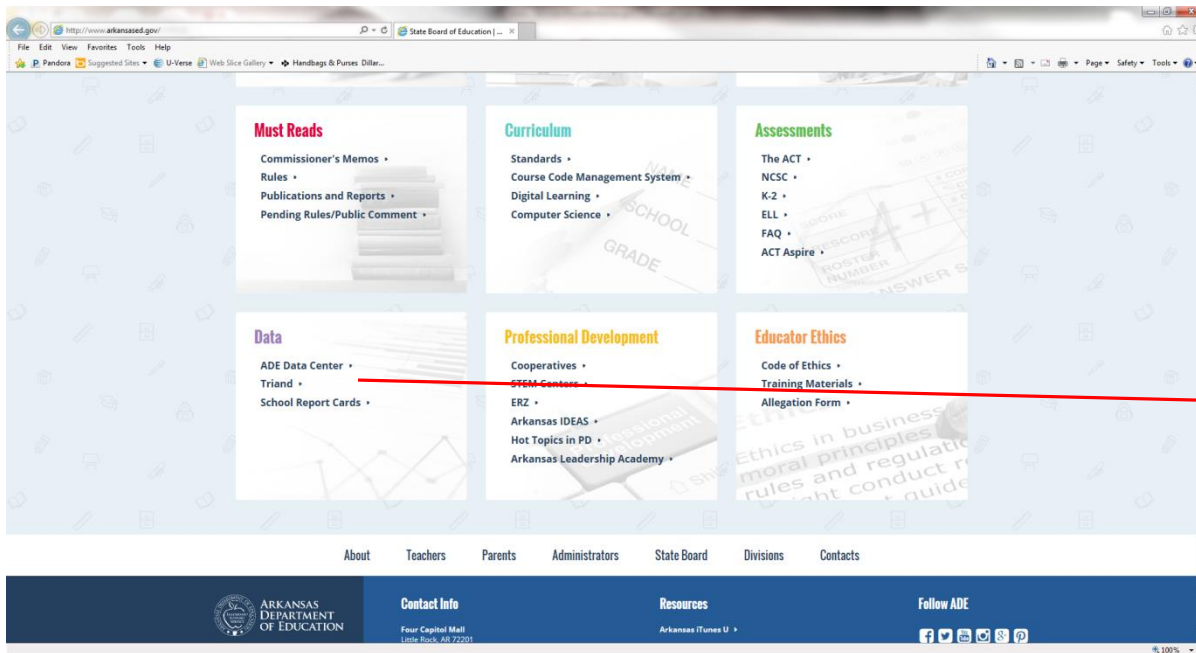
[School Choice Laws](#) ▶

[School Choice Rules](#) ▶

[School Choice Application Form](#) ▶

[Act 560 of 2015](#) ▶

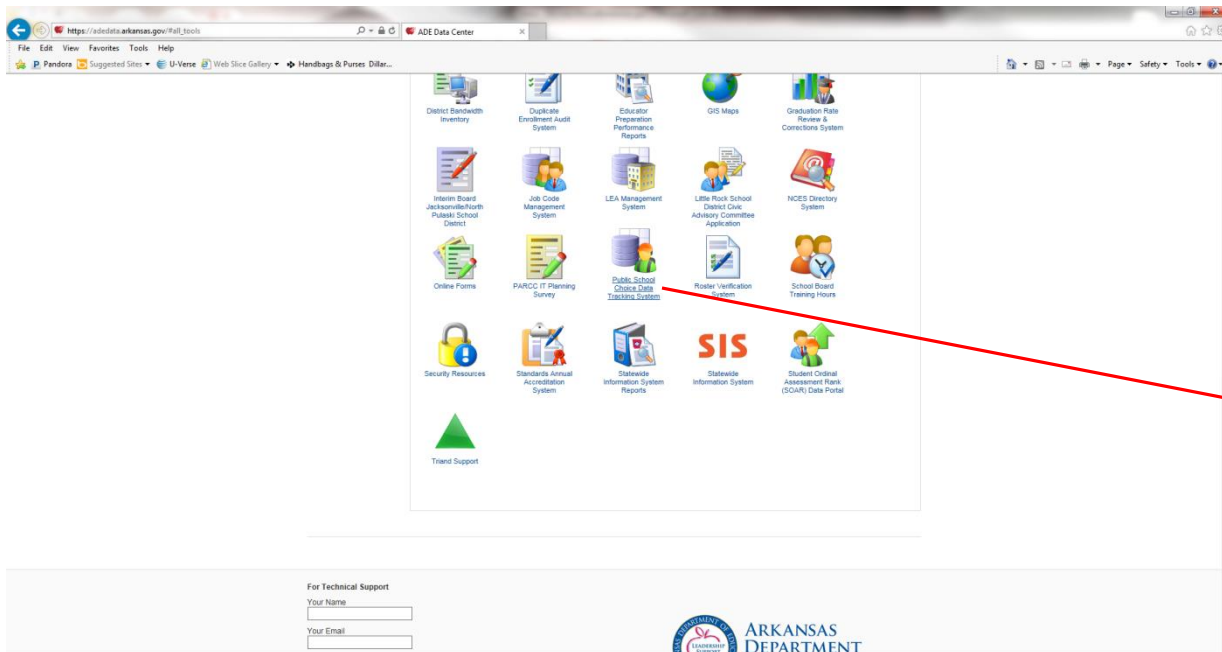
[Three Percent Cap Calculation - 2015](#) ▶



Go to the ADE website

Scroll down to the bottom of the ADE Homepage

Select “ADE Data Center”



Select “Public School Choice Data Tracking System”