

State of Arkansas *As Engrossed: S3/13/13*  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1294

By: Representatives Hammer, Clemmer, Collins  
By: Senators E. Cheatham, J. Hutchinson

## For An Act To Be Entitled

AN ACT TO PRESERVE THE CONTINUITY OF EDUCATION FOR  
STUDENTS WHO ATTEND NONRESIDENT SCHOOLS UNDER THE  
ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989; TO DECLARE  
AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO PRESERVE THE CONTINUITY OF EDUCATION  
FOR STUDENTS WHO ATTEND NONRESIDENT  
SCHOOLS UNDER THE ARKANSAS PUBLIC SCHOOL  
CHOICE ACT OF 1989; AND TO DECLARE AN  
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended  
to add an additional section to read as follows:

6-18-107. Continuity of education for public school choice students.

(a) As used in this section:

(1) "Nonresident district" means a school district other than a  
student's resident district; and

(2) "Resident district" means the school district where the  
student resides as determined under § 6-18-202.

(b) If a public school choice request is approved by a nonresident  
district under a provision of law that is later declared unconstitutional by  
a court or is repealed, the student may continue to attend school in the  
nonresident district until the student completes his or her secondary



1 education.

2 (c) A present or future sibling of a student who continues enrollment  
3 in the nonresident district under this section may enroll in or continue  
4 enrollment in the nonresident district until the sibling completes his or her  
5 secondary education, if the district has the capacity to accept the sibling  
6 without adding teachers, staff, or classrooms, or exceed the regulations and  
7 standards established in law.

8 (d) The enrollment of a student in a nonresident district under this  
9 section is subject to:

10 (1) The nonresident district's written policies for renewal of  
11 the transfer; and

12 (2) Other provisions of law concerning attendance and enrollment  
13 in public schools.

14  
15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly of the State of Arkansas that the constitutionality of  
17 certain provisions of the Arkansas Public School Choice Act of 1989, § 6-18-  
18 206, has been called into question by a federal court but that the order is  
19 stayed while the decision is being appealed; that thousands of public school  
20 students currently are attending public schools in nonresident school  
21 districts under that law; that there is now uncertainty among school  
22 districts, public schools, parents, and students about the viability of those  
23 transfers and transfers for the 2013-2014 school year; that the deadline for  
24 requesting transfers under the law is July 1; and that this act is  
25 immediately necessary to resolve that uncertainty before the 2013-2014 school  
26 year and provide continuity of education for the transferred students.  
27 Therefore, an emergency is declared to exist, and this act being immediately  
28 necessary for the preservation of the public peace, health, and safety shall  
29 become effective on:

30 (1) The date of its approval by the Governor;

31 (2) If the bill is neither approved nor vetoed by the Governor,  
32 the expiration of the period of time during which the Governor may veto the  
33 bill; or

34 (3) If the bill is vetoed by the Governor and the veto is  
35 overridden, the date the last house overrides the veto.

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*/s/Hammer*

***APPROVED: 04/18/2013***

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