

Standard School Choice

Exemption

By March 31 of each year, the Board shall determine if the District is subject to a desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation. A District that determines it is subject to such an order or mandate may declare an exemption from the provisions of the School Choice Act of 2013 (the Act) codified at A.C.A. § 6-18-1901 et seq. If the District determines it is eligible for exemption, it will notify the Arkansas Department of Education (ADE) by April 1 whether or not it will declare an exemption from the Act. If the District has previously declared an exemption from the Act and chooses to no longer exercise its exemption option, it shall notify the ADE by April 1 of the District's decision to participate in the school choice provisions of the Act. If the District chooses to exercise its exemption option, it should notify the superintendents of each of its geographically contiguous school districts of its decision. Each decision regarding exemption is binding for one-year from the date the District notifies the ADE of the declaration of exemption.¹

Definition:

For the purpose of this policy, "sibling" means each of two (2) or more children having a common parent in common by blood, adoption, marriage, or foster care.

School Choice Transfers Out of the District

The District shall date and time stamp all applications for school choice transfer out of the District as they are received in the District's central office. By August 1, the District shall approve all such applications unless the approval would cause the District to have a net enrollment loss (students transferring out minus those transferring in) of more than 3% of the previous year's student enrollment. By June 1 of each year, the ADE shall determine and notify the District of the net number of allowable choice transfers. For the purpose of determining the 3% cap, siblings are counted as one student.

If, prior to August 1, the District receives sufficient copies of requests from its students to transfer to other districts to trigger the 3% cap, it shall notify each parent from which it has received a school choice application and the district the student applied to transfer to that it has tentatively reached the limitation cap. The District will use confirmations of approved choice applications from receiving districts to make a final determination of what applications it received that exceeded the limitation cap and notify each district that was the recipient of an application to that effect.²

Any applications for transfer out of the District which are denied due to the 3% limitation cap shall be given priority for a choice transfer the following year in the order in which the District received the original application.

School Choice Transfers Into the District

Capacity Determination and Public Pronouncement

The Board of Directors will adopt a resolution containing the capacity standards the District will use in determining whether to accept or deny a school choice application from another district's resident student. The resolution will contain the acceptance determination criteria identified by academic program, class, grade level, and individual school. The school is not

obligated to add any teachers, other staff, or classrooms to accommodate choice applications. In determining the capacity of the District to accept choice applications, the Board of Directors shall consider the probable, locally generated growth in student enrollment based on recent District enrollment history.³

The District shall advertise in appropriate broadcast media and either print media or on the Internet to inform students and parents in adjoining districts of the range of possible openings available under the School Choice program. The public pronouncements shall state the application deadline and the requirements and procedures for participation in the program. Such pronouncements shall be made in the spring, but in no case later than April 1.⁴

Application Process

The student's parent shall submit a school choice application on a form approved by the ADE to both the student's resident district and to this district which must be postmarked or hand delivered on or before the June 1 preceding the fall semester the applicant would begin school in the District. The District shall date and time stamp all applications as they are received in the District's central office. Applications postmarked or hand delivered on or after June 2 will not be accepted. Statutorily, preference is required to be given to siblings (as defined in this policy) of students who are already enrolled in the District. Therefore, siblings whose applications fit the capacity standards approved by the Board of Directors may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

The approval of any application for a choice transfer into the District is potentially limited by the applicant's resident district's statutory limitation of losing no more than 3% of its past year's student enrollment due to choice. As such, any District approval of a choice application prior to August 1 is provisional pending a determination that the resident district's 3% cap has not been reached.

The superintendent will consider all properly submitted applications for School Choice. By August 1, the superintendent shall notify the parent and the student's resident district, in writing, of the decision to accept or reject the application.

Accepted Applications

Applications which fit within the District's stated capacity standards shall be provisionally accepted, in writing, with the notification letter stating:

- A reasonable timeline by which the student shall enroll in the District by taking the steps detailed in the letter, including submission of all required documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the District's stated capacity standards, the acceptance shall be null and void.⁵
- Instructions for the renewal procedure for succeeding school years.⁶

Students whose applications have been accepted and who have enrolled in the District, are

eligible to continue their enrollment until completing his/her secondary education. Continued enrollment is conditioned upon the student meeting applicable statutory and District policy requirements and the renewal procedure for succeeding school years is followed. Any student who has been accepted under choice and who either fails to initially enroll under the timelines and provisions provided in this policy or who chooses to return to his/her resident district voids the transfer and must reapply if, in the future, the student seeks another school choice transfer. A subsequent transfer application will be subject to the capacity standards applicable to the year in which the application is considered by the District.

A present or future sibling, as defined in this policy, of a student who continues enrollment in this District may enroll in the District until the sibling of the transfer student completes his/her secondary education. Applications of siblings of presently enrolled choice students are subject to the provisions of this policy including the capacity standards applicable to the year in which the sibling's application is considered by the District.

Students whose applications have been accepted and who have enrolled in the district shall not be discriminated against on the basis of gender, national origin, race, ethnicity, religion, or disability.

Rejected Applications

The District may reject an application for a transfer into the District under school choice if its acceptance would exceed the capacity standards specified by the Board of Director's resolution. However, the decision to accept or reject an application may not be based on the student's previous academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings other than a current expulsion.⁷

An application may be provisionally rejected if it is for an opening that was included in the District's capacity resolution, but was provisionally filled by an earlier applicant. If the provisionally approved applicant subsequently does not enroll in the District, the provisionally rejected applicant could be provisionally approved and would have to meet the acceptance requirements to be eligible to enroll in the district.

Rejection of applications shall be in writing and shall state the reason(s) for the rejection. A student whose application was rejected may request a hearing before the State Board of Education to reconsider the application which must be done, in writing to the State Board within 10 days of receiving the rejection letter from the District.

Facilities Distress Choice Applications

There are a few exceptions from the provisions of the rest of this policy that govern choice transfers triggered by facilities distress. Any student attending a school district that has been identified as being in facilities distress may transfer under the provisions of this policy, but with the following three differences.

- The transfer is only available for the duration of the time the student's resident district remains in distress;
- The student is not required to meet the June 1 application deadline; and

□ The student's resident district is responsible for the cost of transporting the student to this District's school.

Opportunity School Choice

Transfers Into or Within the District⁸

For the purposes of this section of the policy, a “lack of capacity”⁹ is defined as when the receiving school has reached the maximum student-to-teacher ratio allowed under federal or state law, the ADE Rules for the Standards of Accreditation, or other applicable rules. There is a lack of capacity if, as of the date of the application for Opportunity School Choice, ninety-five percent (95%) or more of the seats at the grade level at the nonresident school are filled.

Unless there is a lack of capacity⁹ at the District’s school or the transfer conflicts with the provisions of a federal desegregation order applicable to the District, a student who is enrolled in or assigned to a school classified by the ADE to be in academic distress is eligible to transfer to the school closest to the student’s legal residence that is not in academic distress. The student’s parent or guardian, or the student if over the age of eighteen (18), must successfully completed the necessary application process by July 30 preceding the initial year of desired enrollment.

Within thirty (30) days from receipt of an application from a student seeking admission under this policy, the Superintendent shall notify in writing the parent or guardian, or the student if the student is over eighteen (18) years of age, whether the Opportunity School Choice application has been accepted or rejected. The notification shall be sent via First-Class Mail to the address on the application.

If the application is accepted, the notification letter shall state the deadline by which the student must enroll in the receiving school or the transfer will be null and void.

If the District rejects the application, the District shall state in the notification letter the specific reasons for the rejection.⁹¹⁰ A parent or guardian, or the student if the student is over eighteen (18) years of age, may appeal the District’s decision to deny the application to the State Board of Education. The appeal must be in writing 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 notice of rejection was received from the District.

A student’s enrollment under Opportunity School Choice is irrevocable for the duration of the school year and is renewable until the student completes high school or is beyond the legal age of enrollment. This provision for continuing eligibility under Opportunity Choice does not negate the student's right to apply for transfer to a district other than the student's assigned school or resident district under the Standard Choice provisions of this policy.

The District may, but is not obligated to provide transportation to and from the transferring district.^{10 11}

Transfers out of, or within, the District⁸

If a District school or the District has been classified by the ADE as being in academic distress the District shall timely notify the parent, guardian, or student, if the student is over eighteen (18) years of age, as soon as practicable after the academic distress designation is made of all options available under Opportunity Choice. The District shall 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 ADE as a public school or school district in academic distress.

Additionally, the District 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.¹²

Notes: ¹ If your district doesn't meet the provisions of this paragraph, delete it and, for your master copy of the policy, renumber the remaining footnotes accordingly. If the district is subject to a desegregation order and chooses to exercise its **exemption** option, leave the paragraph in the policy, but delete the next to the last two sentences and add, "The district chooses to exercise its exemption option and it shall notify the superintendents of each of its geographically contiguous school districts of its decision. The exemption prohibits the District from accepting any Standard school choice applications from students wishing to transfer into the District as well as all applications from students wishing to transfer out of the District through Standard school choice. While the District is exempt from the provisions of the Act, this does not exempt it from the transfer provisions of Opportunity School Choice triggered by a school or district being in academic distress. " You will also need to delete all of the remaining portions of the policy. Note that the policy requires the resident district declaring itself exempt to notify its contiguous districts to that effect. This is not statutorily required, but is advocated by Commissioner's Memo Com-13-061 and we believe it is necessary if potential receiving districts are going to be able to intelligently inform parents who have applied to their school.

If your district meets the provisions of this paragraph and chooses to **participate** in the choice program, leave the paragraph in the policy, but delete the next to the last two sentences and add, "The district chooses to participate in the Act and it shall notify the ADE of the District's decision to participate in the school choice provisions of the Act."

² The "shalls" used in this paragraph are not statutorily required (Act 1227 simply doesn't address the issue), but without notification to both the parent and the potential receiving district, there is no way for either one to know when the cap has been reached.

³ For the Resolution, see Form 4.5F. As stated in the paragraph, the determination of capacity can be very specific. Districts that are really wanting choice students can choose to hold back no spots for growth even if the additional choice students requires adding staff. Once it's established, your application of "capacity" must be consistent; you can't choose to add a teacher due to accepting a student, but refuse to add a staff member because the applicant requires special education.

Districts that can hardly keep up with their locally generated growth can choose to strictly limit their choice slots. It should be helpful to districts that the timeline for determining

acceptance is now August first rather than 30 days after the application is filed as was the case in the previous choice law. Board members note that once the resolution has been made, the Board's role in determining acceptance is finished and no further board action is required to accept school choice students.

4 The statute does not stipulate a date and you can choose your own, but it should give parents a reasonable opportunity to submit their application . While the statute gives districts a choice between advertising in print or on the Internet, it also doesn't prohibit advertising in both. To help inform parents before they try to apply so they will know in advance if it's actually a possibility that their child could be accepted, we suggest either including your capacity resolution in the public announcements or state where the resolution can be picked up.

5 Consider the following about the timing of your acceptance of an application and why it's important to provisionally accept each application until the notification letter is returned to you. The later you accept an application, the more confident you can be about accepting or denying based on capacity. (For example, have as many students as usual moved into your district and were they in the expected grade level patterns?) However, an earlier, **provisional**, acceptance, such as July 1, gives you more time to determine through the use of your acceptance notification letter whether the student's reality matches the information supplied on the application.

For example, would the applicant have been held back in 3rd grade in the resident school and the parent is trying to keep that from happening by transferring. While you may have an opening in 4th grade (the grade the parent would have applied for), you may not have an opening in 3rd grade and so would need to deny the application once the paperwork was submitted.

Another example would be an application for a kindergarten choice transfer. When reviewing the completed paperwork, you discover the child is medically fragile and will require additional staff to meet the student's needs. Provisional acceptance gives you the time and opportunity to reconsider your acceptance and still meet the August 1 deadline.

6 Simply stating that the student will complete the renewal application, available at the student's administration office by XXX date is the cleanest way to meet the statute's requirement and allows the form to be amended as necessary without having to amend the policy. The renewal instructions are included in form 4.5F3.

7 You are required to hold a hearing about the student's expulsion. (See A.C.A. § 6-18-510) It is possible that the expulsion was for a disciplinary infraction that does not result in expulsion in your district. If this is the case, you have the choice of whether or not to admit the student under school choice due to the resident district's expulsion of the student.

8 Only include "or within" if your district has more than one school with the same grade(s).

9 The capacity standards under "Opportunity Choice" are much stricter than under "Standard Choice" standards and are limited to what is stated in the policy. Additionally, by Rule, you are required to base your decision on 95% of capacity at the time of the application with no provision for consideration of your district's normal growth.

10 The student or his/her parents may appeal to the State Board a decision to deny admission.

11 Sending districts are required to spend up to \$400/year to transport the student. The statute and the Rules are unclear. They both state that receiving districts **may** transport opportunity choice students, but sending districts **shall** pay up to \$400/year to transport the student. The policy's language makes no attempt to settle the discrepancy. The financial responsibility of the transferring district goes away when the school/district is no longer in academic distress. At that time the statute states that the receiving district may choose to pay for the transportation.

12 Opportunity Choice does not give you the option contained in Standard Choice of advertising on the Internet in place of print media.