

## FREQUENTLY ASKED QUESTIONS

### What are the differences between Public School Choice and Opportunity School Choice?

	<b>Public School Choice</b>	<b>Opportunity School Choice</b>
<b>Law</b>	Ark. Code Ann. §6-18-1901 et seq.	Ark. Code Ann. §6-18-227
<b>Eligibility</b>	<p>Any student may apply for a Public School Choice transfer from the resident district to a district in which s/he does not reside <b>unless</b> one of the districts involved has claimed an exemption from participation in school choice pursuant to an active federal desegregation order.</p> <p>Students cannot use Public School Choice to transfer to a different school within their resident district.</p>	<p>A student may only use Opportunity School Choice:</p> <ul style="list-style-type: none"> <li>• To transfer from a public school that has a rating of “F” to a school that does not have a rating of “F” under Ark. Code Ann. §§6-15-2105 and 6-15-2106; or</li> <li>• To transfer from a school district that has been classified as a school district in need of Level 5-intensive support to a school district not classified in need of Level 5-intensive support under Ark. Code Ann. §§6-15-2913 or 6-15-2915.</li> </ul>
<b>Lack of Capacity</b>	A school district lacks capacity when it has reached at least <b>90%</b> of the maximum authorized student population in a program, class, grade level, or school building.	A school or district lacks capacity when it has reached at least <b>95%</b> of the maximum authorized student population in a program, class, grade level, or school building.
<b>Priority for Siblings</b>	Yes	No
<b>Application Period Begins</b>	January 1	January 1
<b>Deadline to Apply</b>	May 1	May 1

### What is “the Division” or “DESE”?

These terms refer to the Arkansas Department of Education Division of Elementary and Secondary Education.

### What does “lack of capacity” mean?

“Lack of capacity” means a district does not have space for a student because the district has reached at least at least 90% in the case of Public School Choice or at least 95% in the case of Opportunity School Choice of the maximum number of students allowed in a program, class, grade level, or school building. This is based on the student to teacher ratios set in the DESE Rules Governing Class Size and Teaching Load.

**What is my “resident district” or “nonresident district” for school choice?**

The resident district is the traditional public school district your student is assigned to attend based on where you live. The nonresident district is the district in which your family does not live. School choice is the process of requesting a transfer for your student from the district in which you live to a district in which you do not live.

**What is the difference between an interdistrict transfer and an intradistrict transfer?**

An interdistrict transfer is between two different school districts. An intradistrict transfer means a transfer between two schools within the same school district.

**How do I find out if my school has a letter grade of “F” or my district is in need of Level 5-intensive support?**

School letter grades are available on the Division’s My School Info website at <https://myschoolinfo.arkansas.gov>. Districts that are classified as in need of Level 5-intensive support are required to notify parents of this status and of the availability of the Opportunity School Choice option. Families may also find this information by contacting their resident district or by contacting the Division at the number listed at the end of this FAQ.

**Can I apply for both types of school choice transfers in the same year?**

Yes, if your student meets the eligibility requirements for both types of school choice. Your application for Public School Choice must be sent to both your resident and nonresident districts. Opportunity School Choice applications must be sent to both the resident and nonresident districts, but also must be sent to the Division of Elementary and Secondary Education (DESE) at the address below:

Division of Elementary and Secondary Education  
Attn: Legal Services Unit  
Four Capitol Mall  
Little Rock, AR 72201

**Why is gender and race/ethnicity information collected on this form?**

Information about a student’s gender, race, or ethnicity is collected for data reporting purposes. The data is reported annually to the House and Senate Education Committees, as required by Ark. Code Ann. §6-18-227(f)(2)(B). This information cannot be used by districts in deciding whether to accept or reject an application.

**Can a district deny my application for school choice?**

Yes. A district may deny an application if the district has reached capacity, if the district has claimed a conflict with participation in school choice due to an active federal desegregation court order, or in the case of Public School Choice, if the student’s resident district has reached its net maximum limit on school choice transfers. The net maximum limit on Public School Choice transfers is set at 3% of the student population of a district. Students who are denied a Public School Choice transfer due to the numerical net maximum limit retain priority for a transfer until July 1 and are reconsidered when the resident district is no longer at the numerical net maximum limit.

A district may not deny an application for school choice based on an applicant's previous academic achievement, athletic or extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings, with the exception of an expulsion from another district.

For more information, see the DESE Rules Governing Public School Choice. The Rules can be found on the Division website at <http://dese.ade.arkansas.gov/offices/legal/currentrules> or by contacting the Division at the number listed at the end of this FAQ document.

**What does “currently expelled” mean?**

When a school district expels a student, the expulsion is for a set period of time. During that period of time, the student is considered “currently expelled.” If a student is still within the time period of his/her expulsion, a nonresident district may deny his/her application for school choice transfer.

**Is there anything I can do if my application is denied?**

Families may appeal a denial to the State Board of Education. The deadlines and procedures for appealing are in the DESE Rules Governing Public School Choice. The Rules can be found on the Division website at <http://dese.ade.arkansas.gov/offices/legal/currentrules>.

If you feel the denial of your student's application is discriminatory, please contact the Division at the number listed at the end of this FAQ document.

**Can I request a specific school?**

Yes, but depending on the district's available space, you may be offered placement at a different school within the district of choice.

Opportunity School Choice allows a student to transfer to another district (an “interdistrict” transfer) or another specific school which may be in the resident district (an “intradistrict” transfer) or another district, so long as that school does not have a rating of “F” and the district is not in need of Level 5-intensive support. Under Opportunity School Choice, you should list the specific school you wish to attend. The district may be able to offer a different school placement if it lacks capacity at the requested school of choice.

Under Public School Choice, the transfer must be to another district (interdistrict). Although you may request a specific school, the district is not required to place you in the requested school. Districts may deny a request for a specific school while still granting the Public School Choice application for placement in a school not requested. Often, this is due to lack of capacity in the requested school.

**Can my district decide not to participate in school choice?**

No, however some districts may claim a conflict with participation in school choice due to an active federal desegregation court order or court approved plan. These districts must notify DESE of this conflict annually. DESE reviews these requests and the relevant court orders and

sends a letter to the district. These letters can be found on the Division's website at <http://dese.ade.arkansas.gov/offices/legal/school-choice> or by contacting the Division at the number listed at the end of this FAQ document.

**Are there special school choice opportunities available to students of military families?**

The deadline to apply for school choice is May 1, but military families may apply for school choice at any time during the year, so long as they meet the requirements below:

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 may submit a request for a school choice transfer under the Public School Choice Act of 2015 or the Opportunity School Choice Act. The application must be filed within fifteen (15) days of the parent's or guardian's arrival on the military base. The family must provide military transfer orders and proof of residency on the military base to the districts along with the school choice application.

**Where can I find more information?**

For more information, please see the DESE Rules Governing Public School Choice. The Rules can be found on the Division website at <http://dese.ade.arkansas.gov/offices/legal/currentrules> or by calling the Division at (501) 683-0087.