

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S2/8/01*  
**A Bill**

**Act 463 of 2001**  
SENATE BILL 322

5 By: Senator Brown  
6 By: Representative D. Elliott  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE SELECTION PROCESS FOR ADMISSION TO  
11 A CHARTER SCHOOL IN A SCHOOL DISTRICT UNDER COURT  
12 ORDERED DESEGREGATION; AND FOR OTHER PURPOSES.  
13

14 **Subtitle**

15 AN ACT TO AMEND THE SELECTION PROCESS  
16 FOR ADMISSION TO A CHARTER SCHOOL IN A  
17 SCHOOL DISTRICT UNDER COURT ORDERED  
18 DESEGREGATION.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code 6-23-306 is amended to read as follows:  
24 6-23-306. Contents of charters.

25 Contents of charters granted under this chapter shall:

- 26 (1) Describe the educational program to be offered;  
27 (2) Specify the period for which the charter or any charter  
28 renewal is valid;  
29 (3) Provide that the continuation or renewal of the charter is  
30 contingent on acceptable student performance on assessment instruments adopted  
31 by the State Board of Education and on compliance with any accountability  
32 provision specified by the charter, by a deadline, or at intervals specified  
33 by the charter;  
34 (4) Establish the level of student performance that is considered  
35 acceptable for purposes of subdivision (3) of this section;  
36 (5) Specify any basis, in addition to a basis specified by this

1 chapter, on which the charter school may be placed on probation or its charter  
2 revoked or on which renewal of the charter may be denied;

3 (6) ~~Prohibit~~ Except as provided in subdivisions (6)(A) and (6)  
4 (B) of this subsection, prohibit discrimination in admission policy on the  
5 basis of sex, national origin, race, ethnicity, religion, disability, or  
6 academic or athletic eligibility, ~~although the~~

7 (A) The charter may allow a weighted lottery to be used in  
8 the student selection process when necessary to comply with Title VI of the  
9 Federal Civil Rights Act of 1964, Title IX of the Federal Education Amendments  
10 of 1972, the equal protection clause of the Fourteenth Amendment of the United  
11 States Constitution, a court order, or a federal or state law requiring  
12 desegregation; and the

13 (B) The charter may provide for the exclusion of a student  
14 who has been expelled from another public school district in accordance with  
15 this title;

16 (7) Specify the grade levels to be offered;

17 (8) Describe the governing structure of the program;

18 (9) Specify the qualifications to be met by professional  
19 employees of the program;

20 (10) Describe the process by which the persons providing the  
21 program will adopt an annual budget;

22 (11) Describe the manner in which the annual audit of the  
23 financial and programmatic operations of the program is to be conducted,  
24 including the manner in which the persons providing the program will provide  
25 information necessary for the public school district in which the program is  
26 located to participate;

27 (12) Describe the facilities to be used, including the terms of  
28 the facility utilization agreement if the facility for the charter school is  
29 owned or leased from a sectarian organization;

30 (13) Describe the geographical area, school district, or school  
31 attendance area to be served by the program;

32 (14)(A) Specify methods for applying for admission, enrollment  
33 criteria, and student recruitment and selection processes.

34 (B) ~~Provided, however, that~~ Except as provided in  
35 subdivision (14)(C) of this subsection, if more eligible students apply for a  
36 first-time admission than the charter school is able to accept, the charter

1 must require the charter school ~~must~~ to use a random, anonymous student  
2 selection method which shall be described in the charter application;

3 (C) The charter may allow use of weighted lottery in the  
4 student selection process when necessary to comply with Title VI of the  
5 Federal Civil Rights Act of 1964, Title IX of the Federal Education Amendments  
6 of 1972, the equal protection clause of the Fourteenth Amendment of the United  
7 States Constitution, a court order, or a federal or state law requiring  
8 desegregation;

9 (15) Include a statement that the eligible entity will not  
10 discriminate on the basis of race, sex, national origin, ethnicity, religion,  
11 age, or disability in employment decisions including hiring and retention of  
12 administrators, teachers, and other employees whose salaries or benefits are  
13 derived from any public moneys.

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15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
16 Assembly that current charter school enrollment requirements do not allow  
17 charter schools located in districts under court ordered desegregation to  
18 select students in a manner necessary for compliance with the court order;  
19 that desegregation efforts could be hampered; and this act is immediately  
20 necessary to facilitate compliance. Therefore, an emergency is declared to  
21 exist and this act being immediately necessary for the preservation of the  
22 public peace, health and safety shall become effective on the date of its  
23 approval by the Governor. If the bill is neither approved nor vetoed by the  
24 Governor, it shall become effective on the expiration of the period of time  
25 during which the Governor may veto the bill. If the bill is vetoed by the  
26 Governor and the veto is overridden, it shall become effective on the date the  
27 last house overrides the veto.

28 /s/ Brown

31 APPROVED: 2/28/2001