

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1691

4
5 By: Representative Ormond
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE ENHANCED OPPORTUNITY FOR
10 STUDENTS IN ARKANSAS TO GAIN THE KNOWLEDGE AND
11 SKILLS NECESSARY FOR POSTSECONDARY EDUCATION,
12 TECHNICAL EDUCATION, OR THE WORLD OF WORK; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO PROVIDE ENHANCED OPPORTUNITY
16 FOR STUDENTS IN ARKANSAS TO GAIN THE
17 KNOWLEDGE AND SKILLS NECESSARY FOR
18 POSTSECONDARY EDUCATION, TECHNICAL
19 EDUCATION, OR THE WORLD OF WORK.
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an
26 additional subchapter to read as follows:

27 6-13-1601. Findings and intent.

28 (a) The purpose of this subchapter is to provide enhanced opportunity
29 for students in Arkansas to gain the knowledge and skills necessary for
30 postsecondary education, technical education, or the world of work.

31 (b) The General Assembly finds that the State Constitution requires
32 the state to maintain a general, suitable, and efficient system of free
33 public schools and adopt all suitable means to secure to the people the
34 advantages and opportunities of education.

35 (c) The Department of Education shall make available education
36 certificates in order to give parents and guardians the opportunity for their



1 children to attend a public or private school that will provide the child
2 with an equal opportunity to obtain an adequate education in compliance with
3 the requirements imposed by the Arkansas Supreme Court’s decision in Lake
4 View.

5
6 6-13-1602. Certified schools.

7 (a) Before January 1, 2004, the State Board of Education shall review
8 all public and private schools in the state and determine if the schools meet
9 all state standards necessary to provide students with an equal opportunity
10 for an adequate education.

11 (b) The State Board of Education shall designate schools that meet all
12 state standards necessary to provide students with an equal opportunity or an
13 adequate education as “certified schools”.

14 (c) The State Board of Education shall maintain a list of all
15 certified schools in the state and provide a copy of the list to parents upon
16 request.

17 (d)(1) The State Board of Education and the Department of Education
18 shall ensure and shall have the authority to undertake all measures necessary
19 to ensure that there is a public certified school available for every child
20 ages five (5) to eighteen (18) years in the state and shall require that the
21 public certified school that is available to the child provide transportation
22 for any child choosing the attend the public certified school.

23 (2) Any child ages five (5) to eighteen (18) years that does not
24 receive an education certificate for school attendance may attend the nearest
25 available public certified public school.

26
27 6-13-1603. Education certificate program.

28 Parents or guardians of any child ages five (5) to eighteen (18) years
29 shall receive from the Department of Education an education certificate for
30 their child to enroll in any certified school in the state if they request an
31 education certificate no later than July 1 for the school in which the
32 student intends to use the education certificate.

33
34 6-13-1604. Students in juvenile detention facilities.

35 The provisions of this subchapter do not apply to a student who is
36 enrolled in a school operating for the purpose of providing educational

1 services to youth in a juvenile detention facility as defined by § 6-20-104.

2
3 6-13-1605. Renewal.

4 (a) For purposes of continuity of educational choice, the education
5 certificate shall be renewed until the student graduates from high school or
6 no longer attends school in grades kindergarten through twelve (K-12).

7 (b) All certified schools accepting education certificates from the
8 state shall provide locations and times to take all statewide assessments
9 required by state law.

10 (c) Students with disabilities who are eligible to receive services
11 from the school district in the student's assigned school district under
12 federal or state law, and who participate in the education certificate
13 program, shall remain eligible to receive services from schools that were
14 provided by the student's assigned school district by the certified school as
15 provided by federal or state law.

16
17 6-13-1606. Private school eligibility.

18 (a) To be eligible to participate in the education certificate
19 program, a private school may be sectarian or nonsectarian, and shall:

20 (1) Be located in Arkansas;

21 (2)(A) Demonstrate fiscal soundness by being in operation for at
22 least one (1) school year or provide the Department of Education with a
23 statement by a certified public accountant confirming that the private school
24 desiring to participate has sufficient capital or credit to operate the
25 school for the upcoming year and serve the number of students anticipated
26 with expected revenues from tuition and other sources that may be reasonably
27 expected.

28 (B) In lieu of a statement, a surety bond or letter of
29 credit for the amount equal to the education certificate funds for any
30 quarter may be filed with the Department of Education;

31 (3) Except for the first year of implementation, notify the
32 Department of Education of its intent to participate in the program under
33 this subchapter no later than May 1 of the school year preceding the school
34 year in which it intends to participate. The notice shall specify the grade
35 levels and services that the private school has available for the education
36 certificate program;

1 (4) Comply with the antidiscrimination provisions of 42 USC
 2 2000d as it existed on January 1, 2003;

3 (5) Meet state and local health and safety laws and codes;

4 (6)(A) Accept education certificate students on an entirely
 5 random and religious-neutral basis without regard to the student's past
 6 academic history.

7 (B) The school may give preference in accepting
 8 applications to siblings of students who have already been accepted on a
 9 random and religious-neutral basis;

10 (7) Be designated as a certified school by the Department of
 11 Education;

12 (8) Employ or contract with teachers who hold a baccalaureate or
 13 higher degree, or have at least three (3) years of teaching experience in
 14 public or private schools, or have special skills, knowledge, or expertise
 15 that qualifies them to provide instruction in subjects taught;

16 (9) Comply with all state laws relating to private schools;

17 (10) Accept as full tuition and fees the amount provided by the
 18 state for each student;

19 (11) Agree not to compel any student attending the private
 20 school on an education certificate to profess a specific ideological belief,
 21 to pray, or to worship; and

22 (12) Adhere to the tenets of its published disciplinary
 23 procedures before the expulsion of any education certificate student.

24 (b) A private school that fails to comply with this section shall
 25 forfeit its designation as a certified school.

26
 27 6-13-1607. Obligation of program participation.

28 (a) Any student participating in the education certificate program
 29 shall remain in attendance throughout the school year, unless excused by the
 30 school for illness or other good cause, and shall comply fully with the
 31 school's code of conduct.

32 (b) The parent or guardian of each student participating in the
 33 education certificate program shall comply fully with the school's parental
 34 involvement requirements, unless excused by the school for illness or other
 35 good cause.

36 (c) The parent or guardian shall ensure that the student participating

1 in the education certificate program takes all statewide assessments required
 2 by state law.

3 (d) A parent or student who fails to comply with this section shall
 4 forfeit the student's eligibility to participate in the education certificate
 5 program.

6
 7 6-13-1608. Education certificate funding and payment.

8 (a)(1) The education certificate granted for an eligible student shall
 9 be four thousand dollars (\$4,000).

10 (2)(A) Following annual notification on July 1 of the number of
 11 participants, the Department of Education shall set aside the calculated
 12 amount of moneys from each public school district's State Equalization
 13 Funding allocation and transfer that amount of appropriation to the special
 14 line item established by the Chief Fiscal Officer of the State for the
 15 education certificate program.

16 (B) The calculated amount of education certificate awarded
 17 to each eligible student in the district shall be made available for
 18 quarterly disbursement to the parents or guardians of participating students.

19 (C)(i) The Chief Fiscal Officer of the State may establish
 20 a special line item appropriation by a transfer from the appropriation
 21 provided for State Equalization Funding from which to pay the participants of
 22 the education certificate program authorized in this subchapter.

23 (ii) The amount of the special line item
 24 appropriation shall be that amount certified by the Department of Education
 25 to the Chief Fiscal Officer of the State.

26 (iii) The Chief Fiscal Officer of the State shall
 27 notify the Auditor of State of the transfers.

28 (b)(1) The Department of Education shall make education certificate
 29 program payments in four equal amounts no later than September 1, November 1,
 30 February 1, and April 1 of each year in which the education certificate
 31 program is in force.

32 (2) The initial payment shall be made after the Department of
 33 Education's verification of admission acceptance and compliance with all
 34 requirements of this subchapter.

35 (3) Subsequent payments shall be made upon verification of
 36 continued enrollment, attendance at the private school, and compliance with

1 all requirements of this subchapter.

2 (4) Payment shall be by individual warrant, made payable to the
3 student's parent or guardian, and mailed by the Department of Education to
4 the private school of the parent's or guardian's choice.

5 (5) The parent or guardian shall restrictively endorse the
6 warrant to the private school.

7 (6)(A) If a student transfers during the school year to another
8 certified school, the student's education certificate, less a pro rata
9 portion for the days the student was enrolled in the transferring school,
10 shall be refunded to the Department of Education by the public or private
11 school and the Department of Education shall issue a voucher in an amount
12 equal to the remaining balance to the certified school to which the student
13 transferred.

14 (B) If a student quits attending a certified school during
15 the school year, the student's education certificate, less a pro rata portion
16 for the days the student was enrolled in the school, shall be refunded to the
17 Department of Education by the public or private school.

18
19 6-13-1609. Liability.

20 No liability shall arise on the part of the state based on any grant or
21 use of a education certificate.

22
23 6-13-1610. Rules.

24 (a) The State Board of Education may adopt rules and regulations
25 necessary to implement this subchapter.

26 (b) However, the inclusion of eligible private schools within options
27 available to Arkansas public school students does not expand the regulatory
28 authority of the state, its officers, or any school district to impose any
29 additional regulation of private schools beyond those reasonably necessary to
30 enforce this subchapter.

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