

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H12/29/03 H12/31/03

Call Item 4

A Bill

HOUSE BILL 1059

5 By: Representatives Key, King
6 By: Senator Bryles
7

For An Act To Be Entitled

10 AN ACT TO AMEND THE CHARTER SCHOOL LAW; AND FOR
11 OTHER PURPOSES.

Subtitle

14 AN ACT TO AMEND THE CHARTER SCHOOL LAW.

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

19 SECTION 1. Arkansas Code § 6-23-103(1), concerning definitions used in
20 the Arkansas Charter School Act of 1999, is amended to read as follows:

21 (1) "Charter" means a performance-based contract for an initial three-
22 year period that converts a public school to a charter school or authorizes
23 the creation and conditional operation of an open-enrollment charter school,
24 which exempts the charter school from state and local rules, regulations,
25 policies, and procedures specified in the contract and from the provisions of
26 ~~§ 6-1-101 et seq.~~ Title 6 of the Arkansas Code specified in the contract;

28 SECTION 2. Arkansas Code § 6-23-204 is amended to read as follows:
29 6-23-204. Charter renewal.

30 The State Board of Education is authorized to renew charters on a one-
31 year or multiyear basis, not to exceed ~~three (3)~~ five (5) years, for local
32 schools after the initial three-year period if the renewal is approved by the
33 local school board.
34

35 SECTION 3. Arkansas Code § 6-23-302(c) and (d), pertaining to the
36 petition for an open-enrollment charter schools, is amended to read as



1 follows:

2 (c) The petition shall:

3 (1)(A) Describe the results of a public hearing called by the
4 petitioner for the purpose of assessing support of an application to initiate
5 a petition for charter school status.

6 (B)(i) Notice of the public hearing shall be published
7 once a week for three (3) consecutive weeks in a newspaper having general
8 circulation in each school district from which the charter school is likely
9 to draw students for the purpose of enrollment.

10 (ii) The last publication of notice shall be no less
11 than seven (7) days prior to the public meeting.

12 (iii) The notice shall not be published in the
13 classified or legal notice section of the newspaper.

14 (iv) The notice shall be published in no less than
15 ten-point size and shall be no less than two by four inches (2" x 4") or four
16 by two inches (4" x 2").

17 (C)(i) Within seven (7) calendar days following the first
18 publication of notice required under subdivision (c)(1)(B) of this section,
19 letters announcing the public hearing shall be sent to the superintendents
20 and school board members of each of the school districts from which the
21 charter school is likely to draw students for the purpose of enrollment and
22 the superintendents and school board members of any district that is
23 contiguous to the district in which the open-enrollment charter school will
24 be located;

25 (ii) The letters to the school board members
26 required in subdivision (c)(1)(C)(i) ~~shall only be required for each school~~
27 ~~board member whose name and mailing address are provided by the~~
28 ~~superintendent of an affected school district upon the request of the~~
29 ~~petitioner~~ may be mailed to the address of the office of the superintendent
30 of the affected school district;

31 (2) Describe a plan for academic achievement that addresses how
32 the open-enrollment charter school will improve student learning and meet the
33 state education goals;

34 (3) Outline the proposed performance criteria that will be used
35 during the initial three-year period of the open-enrollment charter school
36 operation to measure its progress in improving student learning and meeting

1 or exceeding the state education goals;

2 (4) List the specific provisions of ~~§ 6-1-101 et seq.~~ Title 6 of
3 the Arkansas Code and the specific rules and regulations promulgated by the
4 state board from which the open-enrollment charter school seeks to be
5 exempted;

6 (5)(A) Describe the facility to be used for the open-enrollment
7 charter school and state the facility's current use and the facility's use
8 for the immediately preceding three (3) years.

9 (B) If the facility to be used for an open-enrollment
10 charter school is a public school district facility, the open-enrollment
11 charter school must operate in the facility in accordance with the terms
12 established by the board of directors of the public school district in an
13 agreement governing the relationship between the open-enrollment charter
14 school and the public school district.

15 (C) If the facility that will be used for the charter
16 school is owned by or leased from a sectarian organization, the terms of the
17 facility agreement must be disclosed to the state board; and

18 (6) Include a detailed budget and a governance plan for the
19 operation of the open-enrollment charter school.

20 (d)(1) The petition shall be first reviewed ~~and approved~~ by the local
21 board of the district where the proposed open enrollment will operate.

22 (2) *However, if the local board disapproves the petition, the*
23 *petitioners shall have an immediate right to proceed with a written notice of*
24 *appeal to the state board, which shall hold a hearing within forty-five (45)*
25 *calendar days after receipt of the notice of appeal and where all interested*
26 *parties may appear and present relevant information regarding the proposed*
27 *open-enrollment charter school petition.*

28
29 SECTION 4. Arkansas Code § 6-23-304 is amended to read as follows:

30 6-23-304. Requirements - Preference for certain districts.

31 (a) The State Board of Education may approve or deny an application
32 based on criteria adopted by the state board, which shall include criteria
33 relating to improving student performance and encouraging innovative programs
34 and written findings or statements received by the board from any public
35 school district likely to be affected by the charter school.

36 (b) The state board shall give preference in approving an application

1 for a charter school to be located in any public school district:

2 (1) Where the percentage of students who qualify for free or
3 reduced price lunches is above the average for the state; or

4 (2) Where the percentage of students not reading at grade level
5 is above the average for the state.

6 (c) The state board may grant no more than a total of ~~twelve (12)~~
7 twenty-four (24) charters for open-enrollment charter schools, and no more
8 than ~~three (3)~~ six (6) of such charters may be granted in any single
9 congressional district in the state.

10 (d)~~(1)~~ No private or parochial elementary or secondary school shall be
11 eligible for open-enrollment charter school status.

12 ~~(2) No open enrollment charter school shall be located in a school~~
13 ~~district with an enrollment of fewer than five hundred (500) students at the~~
14 ~~time that the state board initially approves the charter.~~

15
16 SECTION 5. Arkansas Code § 6-23-307 is amended to read as follows:

17 6-23-307. Renewal of charter.

18 After the initial three-year period of an open-enrollment charter, the
19 State Board of Education is authorized to renew these charters on a one-year
20 or multiyear basis, not to exceed ~~three (3)~~ five (5) years per each charter
21 renewal.

22
23 SECTION 6. Arkansas Code § 6-23-402 is amended to read as follows:

24 6-23-402. Enrollment numbers and deadline.

25 (a) An open-enrollment charter school may enroll a number of students
26 not to exceed the number of students specified in its charter or the initial
27 funding projected enrollment as of April 15 preceding the school year in
28 which the students are to attend.

29 ~~(b)(1) Any student enrolling in an open enrollment charter school~~
30 ~~shall enroll in that school by April 15 of the school year prior to the~~
31 ~~school year during which the student will be enrolled in the open enrollment~~
32 ~~charter school.~~

33 ~~(2) However, if a student enrolled by April 15 should no longer~~
34 ~~choose to attend the open enrollment charter school, the open enrollment~~
35 ~~charter school may enroll a replacement student.~~

36 ~~(e)~~(b) Open-enrollment charter schools shall keep records of

1 attendance in accordance with the law and submit quarterly attendance reports
2 to the Department of Education.

3
4 SECTION 7. Arkansas Code § 6-23-501 is amended to read as follows:

5 6-23-501. Funding for open-enrollment charter schools.

6 (a)(1) An open-enrollment charter school shall receive funds equal to
7 the minimum state and local revenue per average daily membership as defined
8 in § 6-20-303.

9 (2) Funding for an open-enrollment charter school shall be based
10 upon the current year three-quarter average daily membership of the open-
11 enrollment charter school as follows:

12 (A) The initial funding estimate for each school year
13 shall be ~~based on enrollment as of April 15 preceding the school year in~~
14 ~~which the students are to attend~~ based on the projected enrollment as of
15 April 15 preceding the school year in which the students are to attend.
16 Under no circumstances may a projected enrollment be greater than the maximum
17 enrollment approved in any charter issued by the State Board of Education;

18 (B) In December, funding will be adjusted based on the
19 first quarter average daily membership; and

20 (C) A final adjustment will be made after the current year
21 three-quarter average daily membership is established.

22 (3) Funding for an open-enrollment charter school shall be paid
23 in twelve (12) ~~equal~~ installments each fiscal year.

24 (b) Except for state transportation aid funds, an open-enrollment
25 charter school may receive other state and federal aids, grants, and revenue
26 as may be provided by law.

27 (c) Open-enrollment charter schools may receive gifts and grants from
28 private sources in whatever manner is available to public school districts.

29
30 SECTION 8. Arkansas Code § 6-23-601(a), concerning petitions for
31 limited charter school status, is amended to read as follows:

32 (a)(1) Any public school may petition the State Board of Education for
33 a limited charter status for alternative comprehensive staffing and
34 compensation programs designed to enhance student and teacher performance and
35 improve employee salaries, opportunities, and incentives, to be known as a
36 limited charter school.

1 (2) A limited charter shall be for the purpose of instituting
2 alternative staffing practices in accordance with a schedule approved by the
3 state board.

4 (3) A limited charter shall be initially established for a
5 period of no more than three (3) years and may be renewed on a one-year or
6 multiyear basis, not to exceed ~~three (3)~~ five (5) years per charter renewal.

7
8 SECTION 9. Arkansas Code § 6-21-108(b)(1), concerning the authority of
9 school districts to donate property, is amended to read as follows:

10 (b)(1) If the board of directors for a school district determines that
11 any real estate owned or controlled by the district is not required for the
12 present or anticipated future needs of the school district and that the
13 donation thereof would serve a beneficial educational service for the pupils
14 of the district, then the school district is also empowered and authorized to
15 donate property or any part thereof to a publicly supported charter school,
16 institution of higher education or a vocational-technical or community
17 college, or any entity thereof, for any of the following limited purposes:

18 (A) Having the real property improved, upgraded,
19 rehabilitated, or enlarged by the donee; or

20 (B) Providing a publicly supported institution of higher
21 education or a vocational-technical or community college with the donated
22 property in which to hold classes for students who are from the district or
23 to educate pupils from within the donating school district even if students
24 from outside the district might also benefit.

25
26 SECTION 10. Arkansas Code § 6-20-402(a)(1)(B), concerning limitations
27 of school district indebtedness, is amended to read as follows:

28 (B) School district or charter school may enter into
29 public-private partnerships whereby the school district or charter school
30 enters into lease-purchase agreements for school buildings built by the
31 private entities with facilities bonds exempt from federal taxes under 26
32 U.S.C. § 142(a)(13), as in existence on January 1, 2003.

33
34 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
36 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the

1 current system of education in the state to be unconstitutional because it is
2 both inequitable and inadequate; and the Arkansas Supreme Court set forth the
3 test for a constitutional system to be one in which the state has an
4 “absolute duty” to provide an “equal opportunity to an adequate education”;
5 the Arkansas Supreme Court instructed the General Assembly to undertake
6 actions as necessary to provide an opportunity for an adequate and equitable
7 education for the children of Arkansas; and that charters schools are method
8 by which the state may improve educational opportunities in the state; that
9 it is necessary to immediately allow the State Board of Education the
10 opportunity to extent the chartered of schools up for renewal shortly.
11 Therefore, an emergency is declared to exist and this act being immediately
12 necessary for the preservation of the public peace, health, and safety shall
13 become effective on:

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

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

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

20 /s/ Key, et al
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