

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

Call Item 4

A Bill

SENATE BILL 76

5 By: Senator Bryles
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS CHARTER SCHOOL ACT
10 OF 1999; AND FOR OTHER PURPOSES.
11

Subtitle

13 AN ACT TO AMEND THE ARKANSAS CHARTER
14 SCHOOL ACT OF 1999.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 (1) "Charter" means a performance-based contract for an initial
22 three-year period that converts a public school to a charter school or
23 authorizes the creation and conditional operation of an open-enrollment
24 charter school, which exempts the charter school from state and local rules,
25 regulations, policies, and procedures specified in the contract and from the
26 provisions of ~~§ 6-1-101 et seq.~~ Title 6 of the Arkansas Code specified in the
27 contract;
28

29 SECTION 2. Arkansas Code § 6-23-204 is amended to read as follows:
30 6-23-204. Charter renewal.

31 The State Board of Education is authorized to renew charters on a one-
32 year or multiyear basis, not to exceed ~~three (3)~~ five (5) years, for local
33 schools after the initial three-year period if the renewal is approved by the
34 local school board.
35

36 SECTION 3. Arkansas Code § 6-23-302(c) and (d), pertaining to the



1 petition for an open-enrollment charter school, is amended to read as
2 follows:

3 (c) The petition shall:

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

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

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

13 (iii) The notice shall not be published in the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

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

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

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

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

35 (3) Outline the proposed performance criteria that will be used
36 during the initial three-year period of the open-enrollment charter school

1 operation to measure its progress in improving student learning and meeting
 2 or exceeding the state education goals;

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

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

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

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

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

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

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

29
 30 SECTION 4. Arkansas Code § 6-23-304 is amended to read as follows:
 31 6-23-304. Requirements - Preference for certain districts.

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

1 (b) The state board shall give preference in approving an application
 2 for a charter school to be located in any public school district:

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

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

7 (c)(1) The state board may grant no more than a total of twelve (12)
 8 charters for open-enrollment charter schools, and no more than three (3) of
 9 such charters may be granted in any single congressional district in the
 10 state.

11 (2) The state board may grant additional charters for open-
 12 enrollment charter schools in a congressional district if the open-enrollment
 13 charter schools will serve an educationally underserved student population as
 14 indicated by:

15 (A) The percentage of students who qualify for free or
 16 reduced-price lunches being above the average for the state; or

17 (B) The percentage of students not reading at grade level
 18 being above the average for the state.

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

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

24
 25 SECTION 5. Arkansas Code § 6-23-307 is amended to read as follows:

26 6-23-307. Renewal of charter.

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

31
 32 SECTION 6. Arkansas Code § 6-23-402 is amended to read as follows:

33 6-23-402. Enrollment numbers and deadline.

34 (a) An open-enrollment charter school may enroll a number of students
 35 not to exceed the number of students specified in its charter or the initial
 36 funding projected enrollment as of April 15 preceding the school year in

1 which the students are to attend.

2 ~~(b)(1) Any student enrolling in an open enrollment charter school~~
 3 ~~shall enroll in that school by April 15 of the school year prior to the~~
 4 ~~school year during which the student will be enrolled in the open enrollment~~
 5 ~~charter school.~~

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

9 ~~(e)(b)~~ Open-enrollment charter schools shall keep records of
 10 attendance in accordance with the law and submit quarterly attendance reports
 11 to the Department of Education.

12
 13 SECTION 7. Arkansas Code § 6-23-501 is amended to read as follows:

14 6-23-501. Funding for open-enrollment charter schools.

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

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

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

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

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

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

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

36 (c) Open-enrollment charter schools may receive gifts and grants from

1 private sources in whatever manner is available to public school districts.

2
 3 SECTION 8. Arkansas Code § 6-23-601(a), concerning petitions for
 4 limited charter school status, is amended to read as follows:

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

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

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

16
 17 SECTION 9. Arkansas Code § 6-21-108(b)(1), concerning the authority of
 18 school districts to donate property, is amended to read as follows:

19 (b)(1) If the board of directors for a school district determines that
 20 any real estate owned or controlled by the district is not required for the
 21 present or anticipated future needs of the school district and that the
 22 donation thereof would serve a beneficial educational service for the pupils
 23 of the district, then the school district is also empowered and authorized to
 24 donate property or any part thereof to a publicly supported charter school,
 25 institution of higher education or a vocational-technical or community
 26 college, or any entity thereof, for any of the following limited purposes:

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

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

34
 35 SECTION 10. Arkansas Code § 6-20-402(a)(1)(B), concerning limitations
 36 of school district indebtedness, is amended to read as follows:

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

6
 7 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the
 8 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 9 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 10 current system of education in the state to be unconstitutional because it is
 11 both inequitable and inadequate; and the Arkansas Supreme Court set forth the
 12 test for a constitutional system to be one in which the state has an
 13 “absolute duty” to provide an “equal opportunity to an adequate education”;
 14 the Arkansas Supreme Court instructed the General Assembly to undertake
 15 actions as necessary to provide an opportunity for an adequate and equitable
 16 education for the children of Arkansas; and that charter schools are methods
 17 by which the state may improve educational opportunities in the state; that
 18 it is necessary to immediately allow the State Board of Education the
 19 opportunity to extend the charter schools for renewal. Therefore, an
 20 emergency is declared to exist and this act being immediately necessary for
 21 the preservation of the public peace, health, and safety shall become
 22 effective on:

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

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

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

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