

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1673

5 By: Representative Tucker  
6 By: Senator Elliott  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING APPLICATIONS FOR OR AMENDMENTS OF  
10 PUBLIC CHARTERS UNDER THE ARKANSAS QUALITY CHARTER  
11 SCHOOLS ACT OF 2013; TO ESTABLISH A MORATORIUM ON THE  
12 GRANTING OF ADDITIONAL CHARTERS OR THE AMENDMENT OF  
13 EXISTING CHARTERS TO EXPAND ENROLLMENT OF OPEN-  
14 ENROLLMENT PUBLIC CHARTER SCHOOLS LOCATED IN OR  
15 DRAWING STUDENTS FROM A PUBLIC SCHOOL DISTRICT UNDER  
16 STATE CONTROL; AND TO REMOVE A PREFERENCE FOR OPEN-  
17 ENROLLMENT PUBLIC CHARTER SCHOOLS TO BE LOCATED IN  
18 PUBLIC SCHOOL DISTRICTS THAT ARE IN SCHOOL  
19 IMPROVEMENT, ACADEMIC DISTRESS, OR FISCAL DISTRESS;  
20 AND FOR OTHER PURPOSES.  
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22

## Subtitle

23 CONCERNING APPLICATIONS FOR OR AMENDMENTS  
24 OF PUBLIC CHARTERS UNDER THE ARKANSAS  
25 QUALITY CHARTER SCHOOLS ACT OF 2013.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. Arkansas Code § 6-23-303 is amended to read as follows:

32 6-23-303. Authorization for an open-enrollment public charter school.

33 (a) Except as provided in subsection (b) of this section, ~~As~~ as  
34 requested by the applicant for an open-enrollment public charter school, the  
35 authorizer shall review the application for an open-enrollment public charter  
36 school and may approve any application that:



1 (1) Provides a plan for academic achievement that addresses how  
 2 the open-enrollment public charter school proposes to improve student  
 3 learning and meet the state education goals;

4 (2) Includes a set of performance criteria that will be used  
 5 during the initial five-year period of the open-enrollment public charter  
 6 school's operation to measure its progress in meeting its academic  
 7 performance goals;

8 (3) Includes a proposal to directly and substantially involve  
 9 the parents of students to be enrolled in the open-enrollment public charter  
 10 school, the licensed employees, and the broader community in carrying out the  
 11 terms of the open-enrollment charter;

12 (4) Includes an agreement to provide an annual report to  
 13 parents, the community, and the authorizer that demonstrates the progress  
 14 made by the open-enrollment public charter school during the previous  
 15 academic year in meeting its academic performance objectives;

16 (5) Includes a detailed budget, a business plan, and a  
 17 governance plan for the operation of the open-enrollment public charter  
 18 school; and

19 (6) Establishes the eligible entity's status as a tax-exempt  
 20 organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to  
 21 the first day of its operation with students.

22 (b) The authorizer shall not approve an application for:

23 (1) A charter for an open-enrollment public charter school when  
 24 the following public school districts are under the authority of the State  
 25 Board of Education or the Commissioner of Education:

26 (A) The public school district in which the open-  
 27 enrollment public charter school is or will be located; or

28 (B) A public school district from which the open-  
 29 enrollment public charter school is likely to draw the most students; and

30 (2) An amendment to an existing charter for an open-enrollment  
 31 public charter school that provides for an expansion of the enrollment of the  
 32 open-enrollment public charter school when the following public school  
 33 districts are under the authority of the state board or the commissioner:

34 (A) The public school district in which the open-  
 35 enrollment public charter school is or will be located; or

36 (B) The public school district from which the open-

1 enrollment public charter school during the previous school year drew the  
 2 most students.

3  
 4 SECTION 2. Arkansas Code § 6-23-304(b), concerning preferences for  
 5 approving an application for an open-enrollment public charter school, is  
 6 amended to read as follows:

7 (b) The authorizer shall give preference in approving an application  
 8 for an open-enrollment public charter school to be located in any public  
 9 school district+.

10 ~~(1) When when the percentage of students who qualify for free or~~  
 11 ~~reduced-price lunches is above the average for the state+;~~

12 ~~(2) When the district has been classified by the state board as~~  
 13 ~~in academic distress under § 6-15-428; or~~

14 ~~(3) When the district has been classified by the Department of~~  
 15 ~~Education as in some phase of school improvement status under § 6-15-426 or~~  
 16 ~~some phase of fiscal distress under the Arkansas Fiscal Assessment and~~  
 17 ~~Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is~~  
 18 ~~a result of administrative fiscal mismanagement, as determined by the state~~  
 19 ~~board.~~