

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

A Bill

HOUSE BILL 1674

5 By: Representative Tucker
6 By: Senator Elliott
7

For An Act To Be Entitled

9 AN ACT TO CREATE A COMMUNITY PUBLIC EDUCATION BOARD;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO CREATE A COMMUNITY PUBLIC EDUCATION
14 BOARD.
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 6-23-103(3), concerning the definition of
21 "authorizer", is amended to read as follows:

22 (3) "Authorizer" means an entity that authorizes a charter,
23 which may be ~~either the~~:

24 (A) The Department of Education; ~~or~~

25 (B) The State Board of Education acting under § 6-23-703;

26 or

27 (C) A community public education board acting under § 6-
28 23-1105;
29

30 SECTION 2. The introductory language of Arkansas Code § 6-23-701(a),
31 concerning public charter school authorizers, is amended to read as follows:

32 (a) Except as provided in § 6-23-1105, The the Department of Education
33 is the designated public charter authorizer with jurisdiction and authority
34 over all public charters issued in this state to take the following action on
35 a proposed or established public charter:
36



1 SECTION 3. Arkansas Code § 6-23-701(d)(3)(B), concerning authorization
2 of charters for public charter schools, is amended to read as follows:

3 (B) A decision of the department is final except as
4 provided under §§ 6-23-703 and 6-23-1105.

5
6 SECTION 4. Arkansas Code § 6-23-701(e), concerning public charter
7 school authorizers, is amended to read as follows:

8 (e) The department shall be the primary authorizer of public charters
9 except as provided under §§ 6-23-703 and 6-23-1105.

10
11 SECTION 5. Arkansas Code § 6-23-703 is amended to read as follows:
12 6-23-703. State Board of Education optional review.

13 (a)(1) On a motion approved by a majority vote, the State Board of
14 Education may exercise a right of review of a charter determination made by
15 the Department of Education at the next regularly scheduled state board
16 meeting after receiving notice provided under § 6-23-702(b).

17 (2) If a community public education board reverses under § 6-23-
18 1105 the approval of a new charter or of an amendment to an existing charter
19 by the public charter authorizing panel, the state board may, on a motion
20 approved by a majority vote, conduct a de novo hearing of the decision of the
21 community public education board.

22 (b) If the state board votes to review a final decision made by the
23 department under subdivision (a)(1) of this section or by the community
24 public education board under subdivision (a)(2) of this section, the state
25 board shall:

26 (1) State the specific additional information the state board
27 requires from the department, community public education board, public
28 charter school, public charter school applicant, or affected school district;

29 (2) Conduct a full hearing regarding:

30 (A) a final decision by the department under § 6-23-
31 701(a); or

32 (B) If a community public education board reverses under §
33 6-23-1105 the approval of a new charter or of an amendment to an existing
34 charter by the public charter authorizing panel, the decision of the
35 community public education board; and

36 (3) Hold the hearing at the earlier of:

1 (A) The next regularly scheduled state board meeting
 2 following the state board meeting during which the state board voted to
 3 authorize a review; or

4 (B) A special board meeting called by the state board.

5 (c)(1) At the conclusion of the hearing, the state board may issue a
 6 final decision by state board vote.

7 (2) The state board may decide by majority vote of the quorum
 8 to:

9 (A) For a hearing conducted regarding a final decision by
 10 the department under § 6-23-701(a), Affirm affirm or reverse the decision of
 11 the department;

12 (B)(i) For a hearing conducted regarding a final decision
 13 by the community public education board under § 6-23-1105, affirm or reverse
 14 the decision of the community public education board.

15 (ii) The state board may only reverse the decision
 16 of the community public education board if the state board issues an opinion
 17 that sets forth written findings that the decision of the community public
 18 education board was arbitrary;

19 (C) Take other lawful action on the public charter; or

20 ~~(C)(D)~~(i) Request additional information from the
 21 department, community public education board, public charter school, public
 22 charter school applicant, or affected school district, if needed.

23 (ii) If the state board requests additional
 24 information under subdivision ~~(e)(2)(C)(i)~~ (c)(2)(D)(i) of this section, the
 25 state board shall hold a subsequent hearing at the earlier of:

26 (a) The next regularly scheduled state board
 27 meeting; or

28 (b) A special board meeting called by the
 29 state board.

30 (3) A decision made by the state board is final with no right of
 31 appeal.

32 (d) The state board may promulgate rules as necessary to implement
 33 this section.

34
 35 SECTION 6. Arkansas Code Title 6, Chapter 23, is amended to add an
 36 additional subchapter to read as follows:

1 Subchapter 11 - Community Public Education Board

2
3 6-23-1101. Creation.

4 (a) A community public education board shall be created for a public
5 school district when at least ten percent (10%) of the students eligible to
6 attend a school in the public school district based on residency are enrolled
7 in open-enrollment public charter schools in the state.

8 (b) The community education board shall continue in existence until
9 two (2) school years after the number of students eligible to attend a school
10 in the public school district based on residency but who are enrolled in
11 open-enrollment public charter schools in the state falls below ten percent
12 (10%).

13 (c) A student enrolled in a private school shall not be counted as a
14 student eligible to attend a school in the public school district under
15 subsections (a) and (b) of this section.

16
17 6-23-1102. Membership - Vacancies.

18 (a)(1)(A) A community public education board created under § 6-23-1101
19 shall be composed of the same number of members as the public school
20 district's board of directors.

21 (B) If the public school district does not have an elected
22 board of directors due to the State Board of Education assuming authority
23 over the public school district, the number of members of the community
24 public education board shall be the same number of members as the last
25 elected public school district's board of directors.

26 (2) Members of the community public education board shall serve
27 on a voluntary basis without compensation.

28 (b)(1) Except as provided in subdivision (b)(2) of this section,
29 members of the community public education board shall be elected to a term of
30 office of three (3) years in length and with the expiration of such terms so
31 arranged that, as nearly as possible, an equal number of positions are filled
32 each year.

33 (2) The terms of office of the initial members of the community
34 public education board shall be staggered as evenly as possible between one
35 (1) year, two (2) years, and three (3) years, as determined by lot at the
36 community public education board's first meeting.

1 (c)(1) A person is eligible to be a member of the community public
 2 education board if he or she:

3 (A) Is a resident and qualified elector of the public
 4 school district in which the community public education board is created; and

5 (B) If the election is by zone, a resident and qualified
 6 elector of the zone.

7 (2) A person who is elected to be a member of the community
 8 public education board is not eligible for employment with any kindergarten
 9 through grade twelve (K-12) educational institution, including without
 10 limitation:

11 (A) A public school district;

12 (B) An open-enrollment public charter school; and

13 (C) A private school that serves any grade in kindergarten
 14 through grade twelve (K-12).

15 (d) A vacancy shall occur on a community public education board and be
 16 filled in the same manner that a vacancy occurs on a public school district
 17 board of directors and is filled under §§ 6-13-611 - 6-13-613.

18
 19 6-23-1103. Election.

20 (a)(1) The members of the community public education board shall be
 21 elected in the same manner as the public school district's board of
 22 directors, whether by zone, at large, or a combination thereof.

23 (2) If the public school district does not have an elected board
 24 of directors due to the State Board of Education assuming authority over the
 25 public school district, the members of the community public education board
 26 shall be elected in the same manner as the last election of the public school
 27 district's board of directors, whether by zone, at large, or a combination
 28 thereof.

29 (b)(1)(A) The election of the community public education board shall
 30 be held on the first Tuesday following the first Monday in November of each
 31 year.

32 (B) The election of the community public education board
 33 may be printed on the same ballot as the general election ballot.

34 (C) The polling sites for the election for the community
 35 public education board shall be the same as the polling sites for the general
 36 election.

1 (2) The Department of Education shall reimburse the county for
 2 the cost of the election of the community public education board in the same
 3 manner public school districts reimburse the county for the cost of a school
 4 election under § 6-14-118.

5 (c) The procedure for the election of a community public education
 6 board, including without limitation candidate filing requirements under § 6-
 7 14-111, shall be the same as that for school elections under § 6-14-101 et
 8 seq. insofar as the procedure is not in conflict with this subchapter.

9
 10 6-23-1104. Powers and duties - Meetings.

11 (a) The community public education board shall:

12 (1) Broadly examine the educational system in the geographic area
 13 of the public school district;

14 (2) Study and consider the following issues:

15 (A) How every student can obtain access to a public school
 16 that is achieving;

17 (B) How public schools can best meet the educational needs
 18 of their students;

19 (C) How to deliver education in the most cost-effective
 20 and fiscally efficient manner;

21 (D) How to respond to patterns that students with certain
 22 characteristics, including without limitation those related to achievement
 23 levels and demographics, are more likely to seek out open-enrollment public
 24 charter school options;

25 (E) How facilities should be modernized and spread across
 26 the geographic area of the public school district based on current
 27 demographics of the area and future demographic patterns; and

28 (F) How collaboration between traditional public schools
 29 and open-enrollment public charter schools can maximize the achievement of
 30 students and the fiscal efficiency of the system of public education within
 31 the geographic area of the public school district; and

32 (3) Submit quarterly reports to the:

33 (A) State Board of Education;

34 (B) Board of directors of the public school district in
 35 which the community public education board is created;

36 (C) Open-enrollment public charter schools that draw

1 students from within the geographic area of the public school district;

2 (D) Mayor of any municipality in which part of the
 3 municipality lies within the geographic area of the public school district;
 4 and

5 (E) County judge of any county in which part of the county
 6 lies within the geographic area of the public school district.

7 (b)(1) The community public education board shall meet:

8 (A) Monthly; and

9 (B) On the call of any three (3) members of the community
 10 public education board.

11 (2) All meetings of the community public education board shall
 12 be open meetings under the Freedom of Information Act of 1967, § 25-19-101 et
 13 seq.

14 (3)(A) If the public school district in which the community
 15 public education board is created lies primarily within a municipality, then
 16 that municipality shall provide a meeting space for the community public
 17 education board.

18 (B) If the public school district in which the community
 19 public education board is created does not lie primarily within a
 20 municipality, then the county within which the public school district
 21 primarily lies shall provide a meeting space for the community public
 22 education board.

23
 24 6-23-1105. Review of public charter authorizing panel approvals.

25 (a) The community public education board may review a decision of the
 26 public charter authorizing panel to approve:

27 (1) A new charter for an open-enrollment public charter school
 28 that will be located in or is likely to draw the most students from the
 29 public school district in which the community public education board is
 30 created; and

31 (2) An amendment to an existing charter for an open-enrollment
 32 public charter school that provides for an expansion of the enrollment of the
 33 open-enrollment public charter school that is located in, or in the previous
 34 school year drew the most students from, the public school district in which
 35 the community public education board is created.

36 (b)(1) The community public education board shall conduct a hearing on

1 the review under subsection (a) of this section.

2 (2) A hearing under this section conducted by the community
3 public education board shall be an open meeting under the Freedom of
4 Information Act of 1967, § 25-19-101 et seq.

5 (3) The Arkansas Administrative Procedure Act, § 25-15-201 et
6 seq., shall not apply to a hearing conducted under this section.

7 (4) All decisions of the community public education board shall
8 be made by a majority vote of the quorum.

9 (5) The community public education board shall notify in writing
10 the State Board of Education, public charter applicant, and open-enrollment
11 public charter school of the final decision made by the community public
12 education board within fourteen (14) calendar days of making a final
13 decision.

14 (c)(1) After the conclusion of the hearing, the community public
15 education board shall issue a final decision by majority vote of the quorum
16 to:

17 (A) Affirm the decision of the public charter authorizing
18 panel;

19 (B) Affirm the decision of the public charter authorizing
20 panel subject to certain lawful and reasonable conditions as determined by
21 the community public education board; or

22 (C) Reverse the decision of the public charter authorizing
23 panel insofar as the decision of the public charter authorizing panel allows
24 a public charter applicant to draw students from the geographic area of the
25 public school district.

26 (2)(A) A final decision of the community public education board
27 under subdivision (c)(1) of this section may incorporate a restriction on or
28 a denial of a public charter applicant's ability to admit students from the
29 geographic area of the public school district.

30 (B) A community public education board's authority to
31 affect a public charter applicant's application is limited to the students
32 who live in the geographic area of the public school district.

33 (3) The decision of the community public education board is
34 final unless the State Board of Education exercises its right of review under
35 § 6-23-703.

36