

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representatives Cunningham, Baker and Malone**
5 **By: Senator Mahony**

A Bill

ACT 1126 OF 1995
HOUSE BILL 1934

For An Act To Be Entitled

8 "AN ACT TO AMEND CHAPTER 10 OF SUBTITLE 2 OF TITLE 6 OF
9 THE ARKANSAS CODE TO ESTABLISH A PROCEDURE WHEREBY LOCAL
10 SCHOOLS MAY BE PERMITTED TO BECOME CHARTER SCHOOLS AND TO
11 OPERATE UNDER THE CHARTER PROVISIONS RATHER THAN UNDER
12 STATE AND LOCAL RULES, REGULATIONS, POLICIES, AND
13 PROCEDURES; AND FOR OTHER PURPOSES."

Subtitle

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16 "TO ESTABLISH PROCEDURE WHEREBY LOCAL
17 SCHOOLS MAY BECOME CHARTER SCHOOLS."

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

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21 SECTION 1. Chapter 10 of Subtitle 2 of Title 6 of the Arkansas Code is
22 amended by adding a new section at the end to read as follows:

23 "6-10-115. Charter Schools.

24 (a) It is the intent of the General Assembly that this code section
25 provide a means whereby local schools may choose to substitute a binding
26 performance based contract approved by both state and local boards of
27 education, called a charter, for state and local rules, regulations, policies,
28 and procedures and the applicability of the other provisions of this title.

29 (b) For purposes of this code section, the term:

30 (1) Charter means a performance based contract between the
31 state board, a local board of education and a local school, the terms of which
32 are approved by the local board and the state board for an initial three-year
33 period. Each performance based contract will exempt a school from state and
34 local rules, regulations, policies, and procedures specified in the contract
35 and from the provisions of this title specified in the contract.

36 (2) Charter school means a public school that is operating

1 under the terms of a charter granted by the state board.

2 (3) Local board means a board of directors exercising the
3 control and management of a local school system.

4 (4) Local school means a public school building site in
5 Arkansas which is under the management and control of a local board of
6 directors.

7 (5) Petition means a proposal to enter into a performance based
8 contract between the state board and a local school whereby the local school
9 obtains charter school status.

10 (6) State board means the State Board of Education.

11 (7) Parent means any parent, legal guardian or other person
12 having custody or charge of a student enrolled in a local school.

13 (c) Any local school may petition the state board for charter school
14 status in accordance with a schedule approved by the state board. Such
15 petitions must:

16 (1) Be approved by the local board of education;

17 (2) Be approved by the organization representing the majority of
18 teachers if the school district has concluded a written policy agreement
19 covering personnel policies, salaries, and educational matters of mutual
20 concern with that organization;

21 (3) Be freely agreed to by at least two-thirds of the certified
22 employees at the school initiating the petition, voting by secret ballot;

23 (4) Be freely agreed to by at least two-thirds of the parents
24 present at a meeting called for the purpose of deciding whether to initiate
25 the petition. Notice of the meeting shall be distributed to parents of all
26 students enrolled at the local school initiating the petition and shall be
27 published in a newspaper having general circulation in the school district at
28 least two weeks prior to the date of the meeting;

29 (5) Describe a plan for school improvement that addresses how the
30 school proposes to work toward improving student learning and meeting the
31 national and state education goals;

32 (6) Outline proposed performance criteria that will be used
33 during the initial three-year period of the charter to measure progress of the
34 school in improving student learning and in meeting the national and state
35 education goals;

1 (7) Describe how the certified employees and parents of students
2 enrolled in the school will be involved in developing the petition, developing
3 and implementing the improvement plan, and identifying performance criteria;

4 (8) Describe how the concerns of certified employees and parents
5 of students enrolled in the school will be solicited and addressed in
6 evaluating the effectiveness of the improvement plan; and

7 (9) Describe the specific provisions of this title and the
8 specific rules and regulations from which the local school will be exempt.

9 (d) The state board is authorized and directed to establish rules and
10 regulations for charter schools. Each year, the state board must review
11 petitions for charter school status received from local schools. As long as a
12 proposed charter school does not have a segregative effect on student
13 assignments, the state board is directed to approve such petitions and to
14 grant charter school status to local schools whose petitions, in the opinion
15 of the state board:

16 (1) Provide a plan for improvement at the school level for
17 improving student learning and for meeting the national and state education
18 goals;

19 (2) Include a set of performance based objectives and student
20 achievement objectives for the term of the charter and the means for measuring
21 those objectives on at least a yearly basis;

22 (3) Include an agreement to provide a yearly report to parents,
23 the community, the local board, and the state board which indicates the
24 progress made by the charter school in the previous year in meeting the
25 performance objectives; and

26 (4) Include a proposal to directly and substantially involve the
27 parents of students enrolled in the school as well as the certified employees
28 and the broader community in the process of creating the petition and in
29 carrying out the terms of the charter.

30 (e) The state board may allow local schools to resubmit petitions for
31 charter school status if the original petition was, in the opinion of the
32 state board, deficient in one or more respects. The Department of Education
33 may provide technical assistance to the certified employees of local schools
34 in the creation or modification of these petitions.

35 (f) The state board will include in the terms of each charter:

1 (1) A mechanism for declaring the charter null and void if at
2 least two-thirds of the certified employees of the school request the state
3 board to withdraw the charter or if, at any time, in the opinion of the state
4 board, the school enjoying charter school status fails to fulfill the terms of
5 the charter;

6 (2) Clear performance based and student achievement objectives
7 and the means to measure those objectives on at least a yearly basis;

8 (3) A mechanism for updating the terms of each charter, agreed to
9 by all parties and subject to the approval of at least two-thirds of the
10 certified employees, based upon the yearly progress reports given the state
11 board by the charter school.

12 (g) Any request for petition to obtain charter school status sent by a
13 local school to a local school board shall be forwarded by the local school
14 board to the State Board of Education. If a local school board disapproves a
15 local school_s request for petition, the local school board must inform the
16 faculty of the local school of the reasons for such disapproval, and a copy of
17 these reasons must be forwarded to the state board. The state board may, at
18 its discretion, request a hearing to receive further information from the
19 local school board and the local school faculty. *This hearing shall be for*
20 *informational purposes only. The State Board may not approve any charter*
21 *school petition unless it has been approved by the local school board.*

22 (h) The state board is authorized to renew charters on a one-year or
23 multiyear basis, not to exceed three years, for local schools after the
24 initial three-year period, provided all parties to the original charter
25 approve such renewal with a vote of at least two-thirds of the certified
26 employees.

27 (i) The state board will report on the status of the charter school
28 program to the General Assembly each biennium and to the Joint Interim
29 Committee on Education during the interim between General Assemblies."
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31 SECTION 2. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Rep. Cunningham, et al

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APPROVED: 4-10-95

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