

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 117

5 By: Senator Burnett
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE OPEN ENROLLMENT PUBLIC
9 CHARTER SCHOOL CAPITAL GRANT PROGRAM; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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14 TO ESTABLISH THE OPEN ENROLLMENT PUBLIC
15 CHARTER SCHOOL CAPITAL GRANT PROGRAM.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 6, Chapter 23, is amended to add an
21 additional subchapter to read as follows:
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23 Subchapter 7 - Open Enrollment Public Charter School Capital Grant
24 Program
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26 6-23-701. Definitions.

27 As used in this subchapter:

28 (1) "Academic facility" means a building or space, including
29 related areas such as the physical plant and grounds, that is part of an
30 institution in which students receive instruction;

31 (2) "Maintenance, repair, and renovation" means an activity or
32 improvement to an academic facility and, if necessary, related areas such as
33 the physical plant and grounds that maintains, conserves, or protects the
34 state of condition or efficiency of the academic facility;

35 (3) "National school lunch students" has the same meaning as in
36 § 6-20-2303; and



1 (4) "New construction" means an improvement to an academic
2 facility and, if necessary, related areas such as the physical plant and
3 grounds, that improves the state of condition or efficiency of the academic
4 facility.

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6 6-23-702. Purposes of grants.

7 An open enrollment public charter school may apply for and the Division
8 of Public School Academic Facilities and Transportation may grant moneys from
9 the Open Enrollment Public Charter School Capital Grant Program Fund for one
10 (1) or more of the following purposes:

11 (1) The maintenance, repair, renovation, and new construction of
12 academic facilities;

13 (2) The cost of acquiring a site and constructing and equipping
14 an academic facility on that site;

15 (3) The purchase of instructional materials, technology systems,
16 and other academic equipment; and

17 (4) The repayment of debt incurred by an open enrollment public
18 charter school for one (1) or more of the purposes identified in subdivisions
19 (1)-(3) of this section.

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21 6-23-703. Application for grant.

22 (a) The board of directors of an open enrollment public charter school
23 may request a grant from the Open Enrollment Public Charter School Capital
24 Grant Program under this subchapter by filing a formal application with the
25 Division of Public School Academic Facilities and Transportation using the
26 form and in the manner required by rules of the Commission for Arkansas
27 Public School Academic Facilities and Transportation.

28 (b) The application shall contain the following information without
29 limitation:

30 (1) The open enrollment public charter school's:

31 (A) Name;

32 (B) Local education agency number; and

33 (C) Location;

34 (2) A certified copy of the written resolution of the board that
35 includes without limitation:

36 (A) The board's authorization for filing the application;

1 and

2 (B) The date and place of the meeting of the board at
3 which the action was taken;

4 (3) The proposed use for the proceeds of the grant;

5 (4) The amount of the grant requested and supporting evidence
6 upon which the amount is based; and

7 (5) Additional information required by the division.

8 (c) The open enrollment public charter school shall:

9 (1) Execute the application in duplicate;

10 (2) File the original with the division; and

11 (3) Retain one (1) copy in the files of the open enrollment
12 public charter school.

13 (d) Within a reasonable time after its receipt of an application for a
14 grant from the Open Enrollment Public Charter School Capital Grant Program
15 under this subchapter, the division shall review the accuracy and merits of
16 the application and either:

17 (1) Approve the application for the full amount of the grant
18 request;

19 (2) Approve the application for a grant of a lesser amount than
20 the amount requested; or

21 (3) Reject the application.

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23 6-23-704. Administration – Regulations.

24 (a)(1) The Division of Public School Academic Facilities and
25 Transportation shall administer the Open Enrollment Public Charter School
26 Capital Grant Program in a manner that awards a grant and monitors the use of
27 a grant according to the stated purpose of the grant.

28 (2) This section is not intended to subject a grant applicant to
29 rules similar to those applicable to school districts under the Arkansas
30 Public School Academic Facilities Funding Act, § 6-20-2501 et seq., and the
31 Arkansas Public School Academic Facilities Act, § 6-21-801 et seq.

32 (b) The Commission for Arkansas Public School Academic Facilities and
33 Transportation shall promulgate rules to implement this subchapter.

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35 SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
36 amended to add an additional section to read as follows:

1 19-5-1249. Open Enrollment Public Charter School Capital Grant Program
2 Fund.

3 (a) There is created on the books of the Treasurer of State, the
4 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
5 fund to be known as the "Open Enrollment Public Charter School Capital Grant
6 Program Fund".

7 (b) The fund shall consist of those general revenues as may be
8 authorized by law and other nonfederal funds as may be provided by law.

9 (c) The fund shall be used for distributing grants for programs
10 providing assistance to open enrollment public charter schools concerning
11 academic facilities and equipment and the repayment of debt incurred relating
12 to academic facilities and equipment under the Open Enrollment Public Charter
13 School Capital Grant Program established in § 6-23-701 et seq., and as may
14 otherwise be provided by law.

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16 SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. For the school year
17 2013-2014, an open enrollment public charter school is eligible to apply for
18 and receive a grant under this act only if the open enrollment public charter
19 school:

20 (1) Has been in existence for five (5) or more years before
21 applying for the grant;

22 (2) Has a student population of which sixty percent (60%) or
23 more are students who are national school lunch students;

24 (3) Provides transportation for its students to and from school;
25 and

26 (4) Has a record of academic success as defined by the
27 Department of Education.

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30 **APPROVED: 04/11/2013**