

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

As Engrossed: H3/27/17

A Bill

SENATE BILL 416

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
9 CONCERNING THE OPERATION AND FUNDING OF PUBLIC
10 CHARTER SCHOOLS; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO AMEND PROVISIONS OF THE ARKANSAS CODE
15 CONCERNING THE OPERATION AND FUNDING OF
16 PUBLIC CHARTER SCHOOLS.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-23-103(2), concerning the definition of
22 "application" under the Arkansas Quality Charter School Act of 2013, is
23 amended to read as follows:

24 (2) "Application" means the proposal for obtaining conversion
25 public charter school status, or open-enrollment public charter school
26 status, ~~or limited public charter school status;~~
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28 SECTION 2. Arkansas Code § 6-23-103(8), concerning the definition of
29 "limited public charter school", is repealed.

30 ~~(8) "Limited public charter school" means a public school that~~
31 ~~has converted to operating under the terms of a limited public charter~~
32 ~~approved by the local school district board of directors and the authorizer;~~
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34 SECTION 3. Arkansas Code § 6-23-103(13), concerning the definition of
35 "public charter school" under the Arkansas Quality Charter Schools Act of
36 2013, is amended to read as follows:



1 (13) "Public charter school" means a conversion public charter
2 school, or an open-enrollment public charter school, or a limited public
3 charter school.

4
5 SECTION 4. Arkansas Code § 6-23-105, concerning public charter school
6 probation or charter modification, revocation, or denial of renewal, is
7 amended to add an additional subsection to read as follows:

8 (e)(1)(A) Immediately upon the revocation of a charter by the
9 authorizer, the public charter school shall:

10 (i) Transfer to the department all state funds held
11 by the public charter school, which the department shall hold in
12 receivership; and

13 (ii) Provide to the department a detailed accounting
14 of all accounts payable due from the state funds and any additional
15 information or records requested by the department concerning the
16 disbursement of the state funds.

17 (B) The department shall hold funds received under
18 subdivision (e)(1)(A) of this section in a separate fund and shall expend the
19 funds only with prior approval of the Commissioner of Education.

20 (C) If the State Board of Education reverses the
21 revocation, the department shall return any funds remaining in receivership
22 to the public charter school.

23 (2)(A) The department shall establish a procedure for a claimant
24 to file a claim for disbursement from the state funds.

25 (B) The determination of the department concerning the
26 disbursement of the state funds is final and may not be appealed.

27 (3) If funds remain in receivership for which no legitimate,
28 documented claim has been made to the department within one (1) calendar year
29 after the revocation, the remaining funds shall be transferred to the Public
30 School Fund.

31 (4) The state board may promulgate rules to implement this
32 subsection.

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34 SECTION 5. Arkansas Code § 6-23-302(c)(5)(A), concerning a description
35 in the application for an open-enrollment public charter school of the
36 facility to be used, is amended to read as follows:

1 (5)(A) Describe in general terms the area within the boundaries
 2 of the school district where the applicant intends to obtain a facility to be
 3 used for the open-enrollment public charter school ~~and state the facility's~~
 4 ~~current use.~~

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 6 SECTION 6. Arkansas Code § 6-23-306(14)(B)(ii)(a), concerning charter
 7 school enrollment preference, is amended to read as follows:

8 (a)(1) Children of the founding members and
 9 children of full-time employees and teachers of the eligible entity.

10 (2) The number of enrollment preferences
 11 granted to children of founding members and children of full-time employees
 12 and teachers shall not exceed ten percent (10%) of the total number of
 13 students enrolled in the open-enrollment public charter school; and

14
 15 SECTION 7. Arkansas Code § 6-23-310 is amended to read as follows:
 16 6-23-310. Status report.

17 The authorizer shall report ~~on the status of the open-enrollment public~~
 18 ~~charter school programs~~ to the General Assembly each biennium and to the
 19 House Committee on Education and the Senate Committee on Education during the
 20 interim between regular sessions of the General Assembly:

21 (1) The status of the open-enrollment public charter school
 22 programs; and

23 (2) A summary of the authorizing activities in the preceding
 24 year, including without limitation the number and type of charters approved,
 25 denied, and amended.

26
 27 SECTION 8. Arkansas Code § 6-23-501(a)(1)-(4), concerning charter
 28 school funding, is amended to read as follows:

29 (a)(1) An open-enrollment public charter school shall receive funds
 30 equal to the amount that a public school would receive under § 6-20-2305(a)
 31 and (b) as well as any other funding that a public charter school is entitled
 32 to receive under law or under rules promulgated by the State Board of
 33 Education.

34 (2)(A) For the first year of operation, and the first year
 35 operating under a new license, the first year adding a new campus, and for
 36 ~~the first year the open-enrollment public charter school adds~~ in any year a

1 ~~new~~ grade is added at any campus, the foundation funding and enhanced
2 educational funding for an open-enrollment public charter school is
3 determined as follows:

4 (i) The initial funding estimate shall be based on
5 enrollment as of July 1 of the current school year;

6 (ii) In December, funding will be adjusted based
7 upon the first quarter average daily membership; and

8 (iii) A final adjustment will be made after the
9 current three-quarter average daily membership is established.

10 (B) For the second year and each school year thereafter,
11 the previous year's average daily membership will be used to calculate
12 foundation funding and any enhanced educational funding amounts.

13 (3) National school lunch state categorical funding under § 6-
14 20-2305(b)(4) shall be provided to an open-enrollment public charter school
15 as follows:

16 (A) For the first year of operation, the first year
17 operating under a new license, the first year adding a new campus, and in any
18 year when a grade is added at any campus, free or reduced-price meal
19 eligibility data as reported by October 1 of the current school year will be
20 used to calculate the national school lunch state categorical funding under
21 the state board rules governing special needs funding; and

22 (B) For the second year and each school year of operation
23 thereafter, the previous year's October 1 national school lunch student count
24 as specified in state board rules governing special needs funding will be
25 used to calculate national school lunch state categorical funding for the
26 open-enrollment public charter school.

27 (4) Professional development funding under § 6-20-2305(b)(5)
28 shall be provided to an open-enrollment public charter school for the first
29 year of operation, the first year operating under a new license, the first
30 year adding a new campus, and in any year in which a grade is added at any
31 campus as follows:

32 (A)(i) In the first year of operation the open-enrollment
33 public charter school shall receive professional development funding based
34 upon the initial projected enrollment student count as of July 1 of the
35 current school year multiplied by the per-student professional development
36 funding amount under § 6-20-2305(b)(5) for that school year.

1 (ii) For the second year and each school year
2 thereafter, professional development funding will be based upon the previous
3 year's average daily membership multiplied by the per-student professional
4 development funding amount for that school year.

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6 SECTION 9. Arkansas Code § 6-23-908(b)(2), concerning charter school
7 funding, is amended to read as follows:

8 (2) For an open-enrollment public charter school in its first
9 year of operation, the first year operating under a new license, the first
10 year adding a new campus, or ~~for an open-enrollment public charter school~~
11 that adds in any year a new grade is added at any campus, the funding from
12 the program shall be determined using the method under § 6-23-501(a)(2)(A).

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14 /s/A. Clark

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17 **APPROVED: 04/05/2017**
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