

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2005 of the Regular Session

As Engrossed: S3/14/05 H4/01/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SENATE BILL 1130

4
5 By: Senators Bryles, Argue, Baker, Bisbee, Capps, Glover, Higginbothom, G. Jeffress, Lavery, Malone,
6 Miller, Salmon, T. Smith, Wilkinson, Womack

7 By: Representatives Elliott, Anderson, Berry, Bolin, Bright, Childers, Clemons, Dickinson, Dunn,
8 Glidewell, R. Green, Hardwick, Harris, J. Hutchinson, T. Hutchinson, Jeffrey, Kenney, Key, Mack,
9 Mahony, M. Martin, Matayo, Mathis, Medley, Nichols, Norton, Pace, Pyle, Rankin, Roebuck,
10 Rosenbaum, Thompson, Thyer, Walters, *Davis, Goss, Hardy*

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12
13 **For An Act To Be Entitled**

14 AN ACT TO AMEND THE CHARTER SCHOOL LAW; AND FOR
15 OTHER PURPOSES.

16
17 **Subtitle**

18 AN ACT TO AMEND THE CHARTER SCHOOL LAW.
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code 6-20-402(a)(1)(B), concerning limitations of
24 school districts indebtedness, is amended to read as follows:

25 (B) School districts or charter schools may enter into
26 public-private partnerships whereby the school district or charter school
27 enters into lease purchase agreements for school buildings built by the
28 private entities with facilities bonds exempt from federal taxes under 26
29 U.S.C § 142(A)(13) as in existence on January 1, 2003.
30

31 SECTION 2. Arkansas Code § 6-23-103(1), concerning definitions related
32 to charter schools, is amended to read as follows:

33 "(1) "Charter" means a performance-based contract for an initial
34 ~~three-year~~ five-year period that converts a public school to a charter school
35 or authorizes the creation and conditional operation of an open-enrollment



1 charter school, which exempts the charter school from state and local rules,
2 regulations, policies, and procedures specified in the contract and from the
3 provisions of § 6-1-101 et seq. specified in the contract;

4 SECTION 3. Arkansas Code 6-23-105(d), concerning the procedure for
5 charter modification or probation, is amended to read as follows:

6 (d)(1) The procedure adopted under this section shall provide an
7 opportunity for a hearing to the persons operating the charter school and to
8 the parents of students enrolled in the school.

9 (2) The hearing shall be held at the facility at which the charter
10 school is operated at the location of the regular or special meeting of the
11 State Board of Education. The State Board shall provide sufficient written
12 notice of the time and location of the hearing.

13
14 SECTION 4. Arkansas Code § 6-23-106, concerning charter schools impact
15 on school desegregation efforts, is amended add an additional subsection to
16 read as follows:

17 (c) The State Board of Education shall not approve any charter school
18 under this subchapter or any other act or any combination of acts which
19 hampers, delays, or in any manner negatively affects the desegregation
20 efforts of a school district or districts in this state.

21
22 SECTION 5. Arkansas Code § 6-23-201(a), concerning petitions for
23 conversion charter school status, is amended to read as follows:

24 (a)(1) Any public school district may petition the State Board of
25 Education for charter school status, known as a conversion charter school, in
26 accordance with a schedule approved by the state board.

27 (2) A public school petition for conversion charter status may
28 include, but shall not be limited to, the following purposes:

29 (A) Adopting research-based school or instructional
30 designs, or both, that focus on improving student and school performance;

31 (B) Addressing school improvement status resulting from
32 sanctions listed in § 6-15-207(c)(8) and 6-15-429(a) and (b); or

33 (C) Partnering with other districts or schools to address
34 students' needs in a geographical location or multiple locations.

35
36 SECTION 6. Arkansas Code § 6-23-204 is amended to read as follows:

1 6-23-204. Charter renewal.

2 The State Board of Education is authorized to renew charters on a one-
3 year or multiyear basis, not to exceed ~~three (3)~~ five (5) years, for local
4 schools after the initial ~~three-year~~ five-year period if the renewal is
5 approved by the local school board.

6
7 *SECTION 7.* Arkansas Code § 6-23-302(c)(1)(C), concerning the petition
8 for an open-enrollment charter school, is amended to read as follows:

9 (C)(i) Within seven (7) calendar days following the first
10 publication of notice required under subdivision (c)(1)(B) of this section,
11 letters announcing the public hearing shall be sent to the superintendents
12 *and school board members* of each of the school districts from which the
13 charter school is likely to draw students for the purpose of enrollment and
14 the superintendents *and school board members* of any district that is
15 contiguous to the district in which the open-enrollment charter school will
16 be located.

17 *(ii) The letters to the school board members*
18 *required in subdivision (c)(1)(C)(i) shall only be required for each school*
19 *board ~~members~~ member whose name and mailing address are provided by the*
20 *superintendent of an affected school district or the Department of Education*
21 *upon the request of the petitioner;*

22
23 *SECTION 8.* Arkansas Code § 6-23-304(b) through (c), concerning
24 preference for charter schools in certain school districts, is amended to
25 read as follows:

26 (b) The state board shall give preference in approving an
27 application for a charter school to be located in any public school district:

28 (1) Where the percentage of students who qualify for free or
29 *reduced price lunches is above the average for the state; ~~or~~*

30 (2) ~~Where the percentage of students not reading at grade level~~
31 ~~is above the average for the state district has been classified by the State~~
32 ~~Board as in academic distress under § 6-15-428; or~~

33 (3) Where the district has been classified by the Department of
34 Education as showing the greatest need for school improvement under § 6-15-
35 426.

36 (c)(1) *The state board and may grant no more than a total of ~~twelve~~*

1 ~~(12) twenty-four (24) charters for open-enrollment charter schools, and no~~
2 ~~more than three (3) of such charters may be granted in any single~~
3 ~~congressional district in the state a charter applicant's school campus shall~~
4 ~~be limited to a single open-enrollment charter school per charter except as~~
5 ~~allowed in subdivision (c)(3) of this section.~~

6 (2) The State Board's authority to approve the twenty-four (24)
7 charters for open-enrollment status shall be phased in according to the
8 following schedule:

9 (A) For the 2005-2006 school year, no more than four (4)
10 of such charters may be granted per congressional district in the state;

11 (B) For the 2006-2007 school year, no more than five (5)
12 of such charters may be granted per congressional district in the state; and

13 (C) For the 2007-2008 school year, no more than six (6) of
14 such charters may be granted per congressional district in the state.

15 (3)(A) The General Assembly hereby recognizes by established
16 relevant demonstrated educational accountability measures that the Knowledge
17 Is Power Program (KIPP) Delta College Preparatory open-enrollment charter
18 school has through innovative ideas and techniques improved student learning;
19 increased learning opportunities for all students; and created special
20 emphasis on expanded learning experiences for students who were previously
21 identified as low-achieving.

22 (B) As a result, the Knowledge Is Power Program
23 instructional program is recognized as an effective method for meeting the
24 statutory purpose and intent of the Arkansas Charter School Act, § 6-23-102,
25 closing the achievement gap in public schools for economically disadvantaged,
26 racial and ethnic subgroups, § 6-15-401 et seq. and § 6-15-1601 et seq., and
27 otherwise providing an alternative proven adequate and equitable education to
28 Arkansas students.

29 (C) Therefore, any charter applicant that receives an
30 approved open-enrollment charter under (c)(1) may petition the State Board
31 for additional licenses to establish open-enrollment charter school in any of
32 the various congressional districts in Arkansas provided that the applicant
33 meets the following conditions:

34 (i) The approved open-enrollment charter petitioner
35 is sponsored by and approved by the Knowledge Is Power Program; and

36 (ii) The approved open-enrollment charter petitioner

1 has not been subject to any disciplinary action by the State Board; has not
 2 been classified as in school improvement, academic or fiscal distress; and
 3 has not had its open-enrollment charter placed on probation, suspended or
 4 revoked; and

5 (iii) The State Board of Education determines in
 6 writing by majority of a quorum of the board present that the open-enrollment
 7 charter petitioner has generally established the educational program results
 8 and criteria set forth subdivision (c)(3) of this section.

9 (d) When approving open-enrollment charter applications, the State
 10 Board shall take into consideration successful instructional programs offered
 11 by traditional public schools in the jurisdiction where the open-enrollment
 12 charter is proposed, so as not to replicate existing effective programs, but
 13 to offer alternative methods of delivery to serve students who are currently
 14 underserved in the traditional district.

15 (e) No private or parochial elementary or secondary school shall be
 16 eligible for open-enrollment charter school status.

17
 18 SECTION 9. Arkansas Code § 6-23-307 is amended to read as follows:
 19 6-23-307. Renewal of charter.

20 After the initial ~~three-year~~ five-year period of an open-enrollment
 21 charter, the State Board of Education is authorized to renew these charters
 22 on a one-year or multiyear basis, not to exceed ~~three (3) years per each~~
 23 ~~charter renewal~~ five (5) years.

24 SECTION 10. Arkansas Code § 6-23-402 is amended to read as follows:
 25 6-23-402. Enrollment numbers and deadline.

26 (a) An open-enrollment charter school may enroll a number of students
 27 not to exceed the number of students specified in its charter.

28 (b)(1) Any student enrolling in an open-enrollment charter school
 29 shall enroll in that school by ~~April 15~~ July 1 of the school year prior to
 30 the school year during which the student will be enrolled in the open-
 31 enrollment charter school.

32 (2) However, if a student enrolled by ~~April 15~~ July 1 should no
 33 longer choose to attend the open-enrollment charter school, the open-
 34 enrollment charter school may enroll a replacement student.

35 (c) Open-enrollment charter schools shall keep records of attendance
 36 in accordance with the law and submit quarterly attendance reports to the

1 Department of Education.

2

3 SECTION 11. Arkansas Code § 6-23-501(a), concerning funding for open-
4 enrollment charter schools, is amended to read as follows:

5 (a)(1) An open-enrollment charter school shall receive funds equal to
6 the amount that a public school would receive under ~~§ 6-20-2005(a) and (b)~~ §
7 6-20-2305(a) and (b) as well as any other funding that a charter school is
8 entitled to receive under law or pursuant to rules promulgated by the State
9 Board of Education.

10 (2) Funding for an open-enrollment charter school shall be based
11 upon the current year three-quarter average daily membership of the open-
12 enrollment charter school as follows:

13 (A) The initial funding estimate for each school year
14 shall be based on enrollment as of ~~April 15~~ July 1 preceding the school year
15 in which the students are to attend;

16 (B) In December, funding will be adjusted based on the
17 first quarter average daily membership; and

18 (C) A final adjustment will be made after the current year
19 three-quarter average daily membership is established.

20 (3) Funding for an open-enrollment charter school shall be paid
21 in twelve (12) equal installments each fiscal year.

22

23 SECTION 12. Arkansas Code § 6-23-601(a)(3), concerning petitions for
24 limited charter school status, is amended to read as follows:

25 (3) A limited charter shall be initially established for a
26 period of no more than ~~three (3)~~ five (5) years and may be renewed on a one-
27 year or multiyear basis, not to exceed ~~three (3)~~ five (5) years per charter
28 renewal.

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30 /s/ Bryles, et al

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APPROVED: 04/11/2005

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