

**ARKANSAS SENATE**  
87th General Assembly - Regular Session, 2009  
**Amendment Form**

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**Subtitle of Senate Bill No. 814**

"TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS CODE CONCERNING PUBLIC  
SCHOOL EDUCATION."

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**Amendment No. 1 to Senate Bill No. 814.**

Amend Senate Bill No. 814 as originally introduced:

Add as a cosponsor of the bill:  
Representative Abernathy

AND

Page 2, delete lines 17 through 25 and substitute:  
"each year of this determination.

(2)(A) However, at any time, the department may immediately notify a public school or school district failing to meet standards for accreditation for elementary and secondary schools when the failure is discovered by the department under § 6-15-202(i).

(B) A public school or school district notified by the department of the public school's or school district's failure to meet the standards for accreditation due to actions taken under § 6-15-202(i) shall have the same period of time to appeal to the state board as provided under § 6-15-203(b)(3)."

AND

Delete SECTION 8 of the bill in its entirety

AND

Page 6, delete lines 30 through 34 and substitute:

"(B)(i) At any time after March 30, the department may identify a school district as being in fiscal distress if the department discovers that a fiscal condition of a school district negatively impacts the continuation of educational services by the school district.

(ii) The department immediately shall provide the same notice required under subdivision (a)(1)(A)(i) to the school district identified under this subdivision (a)(1)(B)."



AND

Page 7, line 12, delete "September 30" and substitute "August 31"

AND

Page 7, delete lines 19 through 32 and substitute:

"(i) Students who:  
(a) ~~reside~~ Reside within the boundaries of the school district ~~and~~;  
(b) ~~who are~~ Are enrolled in a public school operated by the school district; and  
(c) Are enrolled in a curriculum that fulfills the requirements established by the state board under the Standards for Accreditation of Arkansas Public Schools and School Districts;  
(ii) Legally transferred students living outside the school district but are:  
(a) ~~attending~~ Attending a public school in the school district under a provision of the Arkansas Code; and  
(b) Are enrolled in a curriculum that fulfills the requirements established by the state board under the Standards for Accreditation of Arkansas Public Schools and School Districts;  
(iii) Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the state board under the Standards for Accreditation of Arkansas Public Schools and School Districts; or  
(iii)(iv) Students who are eligible to attend and who reside within the boundaries of a school district and are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program."

AND

Page 8, delete lines 15-17 and substitute:

"(ii) Multiplied by the ratio of the uniform rate of tax to the school district's total millage rate in effect as of January 1 of the fiscal year prior to the current funding year."

AND

Delete SECTION 17 of the bill in its entirety

AND

Page 9, line 6, delete "student"

AND

Page 9, line 9, delete "student" and substitute "~~student~~ state categorical"

AND

Page 9, line 13, delete "identified"

AND

Page 9, line 18, delete "identified"

AND

Page 9, line 23, delete "identified"

AND

Page 9, delete lines 26 through 31 and substitute:

(B)(i) Funding National school lunch state categorical funding under this subdivision (b)(4) ~~for national school lunch students~~ shall be based on the ~~percentage determined in § 6-20-2303(12) multiplied by the number of the previous school year's enrolled students~~ number of national school lunch students for the immediately preceding school year determined under § 6-20-2303(12)(A)."

AND

Page 10, line 12, delete "student"

AND

Page 10, line 14, delete "student"

AND

Page 10, delete lines 15 and 16 and substitute:

"the immediately preceding school year, due to a percentage change in national school lunch students, the department shall adjust the funding to the school district in a transitional three-year period."

AND

Page 10, line 18, delete "student"

AND

Page 10, delete line 23 and substitute:

"immediately preceding year, adjusted for changes to the funding rates in § 6-20-2305(b)(4)(A)."

AND

Page 10, line 25, delete "student"

AND

Page 10, line 33, delete "received by the school district;" and substitute

":

AND

Page 10, line 36, delete "received by the school district;" and substitute ":

AND

Page 11, line 4, delete "received by the school district;" and substitute ":

AND

Page 11, delete line 17 and substitute:

"SECTION 18. Arkansas Code § 6-23-103(8), concerning the definition of an "open-enrollment public charter school" is amended to read as follows:

(8)(A) "Open-enrollment public charter school" means a public school that:

~~(A)(i) That is~~ Is operating under the terms of a charter granted by the state board on the application of an eligible entity; ~~and~~

~~(B)(ii) That may~~ May draw its students from any public school district in this state; and

(iii) Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on the effective date of this subdivision (8)(A)(iii).

(B) "Open-enrollment public charter school" also possesses the same meaning as given the term "charter school" in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on the effective date of this subdivision (8)(B);

SECTION 19. Arkansas Code § 6-23-104(a)(1), concerning requirements for the form of the charter for public charter schools, is amended to read as follows:

(a) A charter for a public charter school shall:

(1) Be in the form of a written contract signed by the ~~Commissioner of Education~~ Chair of the State Board of Education and the chief operating officer of the public charter school;

SECTION 20. Arkansas Code § 6-23-302(c)(1)(C), concerning an application for an open-enrollment public charter school, is amended to read as follows:

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

~~(ii) The letters to the school board members required in subdivision (c)(1)(C)(i) of this section shall only be required for each~~

~~school board member whose name and mailing address is provided by the superintendent of an affected school district or by the Department of Education upon the request of the applicant.~~

~~(iii)(ii)~~ An affected school district may submit written comments concerning the application to the state board to be considered at the time of the state board's review of the application;

SECTION 21. Arkansas Code § 6-23-304(c)(6), concerning the requirements for open-enrollment charter school applications, is amended to read as follows:

(6) Therefore, any charter applicant that receives an approved open-enrollment public charter may petition the state board for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas provided that the applicant meets the following conditions, subject to the normal application, review, and approval process of the state board:

(A) The approved open-enrollment public charter applicant has demonstrated success in student achievement gains, ~~as defined by the state board~~ and has received in the category of annual school improvement or annual school performance a rating of three (3), four (4), or five (5) under § 6-15-2101 et seq.; ~~and~~

(B) The approved open-enrollment public charter applicant has not:

(i) Been subject to any disciplinary action by the state board;

(ii) Been classified as in school improvement or academic or fiscal distress; and

(iii) Had its open-enrollment public charter placed on probation, suspended, or revoked; ~~and~~

(C) The approved open-enrollment public charter school has operated as an open-enrollment public charter school for at least two (2) consecutive school years; and

~~(C)(D)~~ The state board determines in writing by majority of a quorum of the state board present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in this subdivision (c)(6).

SECTION 22. Arkansas Code § 6-23-306(6), concerning the contents of the charter of an open-enrollment public charter school, is amended to read as follows:

~~(6)(A) Prohibit~~ Except as provided under subdivisions (6)(A)(i) and (ii) of this section, prohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows:

~~(A)(i)~~ The open-enrollment public charter may allow a weighted lottery to be used in the student selection process when necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring desegregation; and

~~(B)(ii)~~ The open-enrollment public charter may

provide for the exclusion of a student who has been expelled from another public school district in accordance with this title;.

(B) Additionally, the state board may grant a charter with admissions policies that are consistent with federal law or regulation;

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

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

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

~~(A) The initial funding estimate for each school year shall be based on enrollment as of July 30 preceding the school year in which the students are to attend;~~

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

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

(2)(A) For the first year of operation and for the first year the open-enrollment public charter school adds a new grade, the funding for an open-enrollment public charter school is determined as follows:

(i) The initial funding estimate shall be based on enrollment as of July 30 preceding the school year in which the students are to attend classes;

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

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

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

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

(A) For the first year of operation, free or reduced-price meal eligibility data as reported by October 1 of the current school year will be used to calculate the national school lunch state categorical funding under the state board rules governing special needs funding; and

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

(4) Professional development funding under § 6-20-2305(b)(5) shall be provided to an open-enrollment public charter school for the first year of operation as follows:

(A)(i) In the first year of operation the open-enrollment public charter school shall receive professional development funding based

upon the initial projected enrollment student count as of July 30 of the preceding school year in which the students are to attend, multiplied by the per-student professional development funding amount under § 6-20-2305(b)(5) for that school year.

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

(5) The Department of Education shall distribute other categorical funding under § 6-20-2305(a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the state board.

(6) An open-enrollment public charter school shall not be denied foundation funding, enhanced educational funding, or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the department the number of students eligible for funding as specified in applicable rules.

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

SECTION 24. Arkansas Code § 6-23-105(d)(1), concerning notice"

AND

Page 12, delete lines 32 through 35 and substitute:

"(2) The student agrees to physically attend the public school or open-enrollment public charter school for the purposes of taking:

(A) a distance learning course taught or offered through the public school or ~~charter school~~ open-enrollment public charter school; and

(B) State tests and assessments required for the particular course or courses taken by the student; and"

AND

Add the following section as the last section of the bill:

SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the school year that begins on July 1, 2009. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Broadway

CLR/CLR - 03-27-2009 16:26

CLR217

\_\_\_\_\_  
Secretary