

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Senator G. Baker

# A Bill

SENATE BILL 795

## For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE MAXIMUM NUMBER OF STUDENTS  
9 ALLOWED TO ATTEND AN OPEN-ENROLLMENT PUBLIC CHARTER  
10 SCHOOL THAT PRIMARILY USES A VIRTUAL TECHNOLOGY  
11 TEACHING METHOD; TO DECLARE AN EMERGENCY; AND FOR  
12 OTHER PURPOSES.

## Subtitle

16 TO ESTABLISH THE MAXIMUM NUMBER OF  
17 STUDENTS ALLOWED TO ATTEND AN OPEN-  
18 ENROLLMENT PUBLIC CHARTER SCHOOL THAT  
19 PRIMARILY USES A VIRTUAL TECHNOLOGY  
20 TEACHING METHOD AND TO DECLARE AN  
21 EMERGENCY.

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

26 SECTION 1. Arkansas Code § 6-13-1601(4)(B), concerning the definition  
27 of "average daily membership", is amended to add an additional subdivision to  
28 read as follows:

29 (B) Students who may be counted for average daily  
30 membership are:

31 (i) Students who reside within the boundaries of the  
32 school district and who are enrolled in a public school operated by the  
33 school district or a private school for special education students, with  
34 their attendance resulting from a written tuition agreement approved by the  
35 Department of Education;

36 (ii) Legally transferred students living outside the



1 school district but attending a public school in the school district; ~~and~~

2 (iii) Students who reside within the boundaries of  
3 the school district and who are enrolled in the Arkansas National Guard Youth  
4 Challenge Program, so long as the students are participants in the program;  
5 and

6 (iv) Students who reside within the boundaries of  
7 the school district who are enrolled in an open-enrollment public charter  
8 school that uses Internet, long-distance, or virtual technology as the  
9 primary method of teaching if the students attended a public school in the  
10 school district immediately before enrolling in the open-enrollment public  
11 charter school that uses Internet, long-distance, or virtual technology as  
12 the primary method of teaching.

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14 SECTION 2. Arkansas Code § 6-23-402(a), concerning enrollment numbers  
15 for open-enrollment public charter schools, is amended to read as follows:

16 (a)(1) An open-enrollment public charter school may enroll a number of  
17 students not to exceed the number of students specified in its charter.

18 (2) An open-enrollment public charter school existing as of June  
19 31, 2010, that uses Internet, long-distance, or virtual technology as the  
20 primary method of teaching may specify an enrollment number in the charter of  
21 not more than:

22 (A) One thousand five hundred (1,500) students enrolled in  
23 grades kindergarten through twelve (K-12) for the 2011-2012 academic year  
24 with no more than five hundred (500) of the students enrolled having been  
25 home-schooled under § 6-15-501 et seq. or enrolled in a private school during  
26 the 2010-2011 academic year;

27 (B) Two thousand (2,000) students enrolled in grades  
28 kindergarten through twelve (K-12) for the 2012-2013 academic year with no  
29 more than five hundred (500) of the students enrolled having been home-  
30 schooled under § 6-15-501 et seq. or enrolled in a private school during the  
31 2011-2012 academic year; and

32 (C) Two thousand five hundred (2,500) students enrolled in  
33 grades kindergarten through twelve (K-12) for the 2013-2014 academic year  
34 with no more than five hundred (500) of the students enrolled having been  
35 home-schooled under § 6-15-501 et seq. or enrolled in a private school during  
36 the 2012-2013 academic year.

1           (3) A student may enroll in an open-enrollment public charter  
2 school regardless of the enrollment limitations under subdivision (a)(2) of  
3 this section if the student has a sibling currently attending yhe open-  
4 enrollment public charter school due to a medical condition or military  
5 family status under § 6-27-102.

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7           SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly of the State of Arkansas that the state has developed  
9 policies of providing educational opportunities through charter schools,  
10 public school choice, and distance learning; that many more public school  
11 students would benefit from charter schools, public school choice, and  
12 distance learning opportunities; and that this act is immediately necessary  
13 so teh Department of Education will have time to review charter amendments,  
14 so that public school students will have time to enroll in a charter school  
15 covered under this act before the 2011-2012 school year, and so the  
16 Department of Education can properly distribute foundation funding on a per-  
17 student basis to ensure an adequate education for all public school students.  
18 Therefore, an emergency is declared to exist and this act being immediately  
19 necessary for the preservation of the public peace, health, and safety shall  
20 become effective on:

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

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

25           (3) If the bill is vetoed by the Governor and the veto is  
26 overridden, the date the last house overrides the veto.

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