

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/18/21

A Bill

SENATE BILL 251

5 By: Senator J. English
6 By: Representative Lowery
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING SCHOOL DISTRICT WAIVERS; TO AMEND
11 PROVISIONS OF THE ARKANSAS CODE CONCERNING PUBLIC
12 CHARTER SCHOOL CHARTERS, ENROLLMENT, AUTHORIZATION,
13 AND FACILITY FUNDING; AND FOR OTHER PURPOSES.
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Subtitle

16 TO AMEND PROVISIONS OF THE ARKANSAS CODE
17 CONCERNING SCHOOL DISTRICT WAIVERS; AND
18 TO AMEND PROVISIONS OF THE ARKANSAS CODE
19 CONCERNING PUBLIC CHARTER SCHOOL
20 CHARTERS, ENROLLMENT, AUTHORIZATION, AND
21 FACILITY FUNDING.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 6-15-103(b), concerning school district
28 waivers, is amended to read as follows:

29 (b) The petition for all or some of the waivers granted to an open-
30 enrollment public charter school that is submitted by a public school
31 district shall include without limitation:

32 (1) The name of the open-enrollment public charter school that
33 has the requested waiver; and

34 ~~(2) A copy of the waivers granted to the open enrollment public~~
35 ~~charter school; and~~

36 ~~(3)~~(2) A list of the waivers that the public school district



1 seeks to have granted.

2

3 SECTION 2. Arkansas Code § 6-15-103(c)(1), concerning school district
4 waivers, is amended to read as follows:

5 (c)(1)(A) The state board shall ~~grant, in whole or in part, or deny,~~
6 ~~in whole or in part, grant or deny, in whole or in part,~~ a petition for a
7 waiver submitted by a public school district within ninety (90) days of
8 receiving the petition.

9 (B)(i) The Division of Elementary and Secondary Education
10 may request additional information if necessary.

11 (ii) If the division determines that additional
12 information is necessary, the state board shall grant or deny, in whole or in
13 part, the petition for a waiver within ninety (90) days of receiving the
14 requested additional information.

15

16 SECTION 3. Arkansas Code § 6-15-103(d), concerning school district
17 waivers, is amended to read as follows:

18 (d) ~~The Division of Elementary and Secondary Education~~ division may
19 promulgate rules to implement this section.

20

21 SECTION 4. Arkansas Code § 6-15-2302(a), concerning the definition of
22 "general business manager", is amended to read as follows:

23 (a) As used in this section, "general business manager" means a chief
24 financial officer or business manager, however the position is titled, who:

25 (1) Is an employee of the public school district or is
26 contracted to perform financial services;

27 (2) Is responsible for the fiscal operations of the public
28 school district; and

29 ~~(2)(3)~~ Performs his or her duties under the direction of the
30 superintendent ~~of schools~~ of the public school district.

31

32 SECTION 5. Arkansas Code § 6-17-2202(1), concerning the definition of
33 "classified employee", is amended to read as follows:

34 (1)(A) "Classified employee" means any employee of a public
35 school district in Arkansas who performs work for the school district and who
36 is not required to hold a valid teaching license issued by the State Board of

1 Education as a condition of employment.

2 (B) "Classified employee" does not include a nonlicensed
3 teacher; and

4
5 SECTION 6. Arkansas Code § 6-20-1913(a), concerning the definition of
6 "general business manager", is amended to read as follows:

7 (a) As used in this subchapter, "general business manager" means a
8 chief financial officer or business manager, however the position is titled,
9 who:

10 (1) Is an employee of a public school district or has contracted
11 to perform financial services;

12 (2) Is responsible for the fiscal operations of a public school
13 district; and

14 ~~(2)~~(3) Performs duties under the direction of a superintendent
15 of a public school district.

16
17 SECTION 7. Arkansas Code § 6-23-104, concerning requirements for and
18 revisions to charter forms for public charter schools, is amended to add an
19 additional subsection to read as follows:

20 (c) An open-enrollment public charter school shall post the most
21 recent version of the written contract on the website of the open-enrollment
22 public charter school by August 1 each year.

23
24 SECTION 8. Arkansas Code § 6-23-105(a), concerning the basis and
25 procedure for public charter school probation or charter modification,
26 revocation, or denial of renewal, is amended to read as follows:

27 (a)(1) The authorizer may place a public charter school on probation
28 or may modify, revoke, transfer, assign, or deny renewal of its charter if
29 the authorizer determines that the persons operating the public charter
30 school:

31 (A) Committed a material violation of the charter,
32 including failure to satisfy accountability provisions prescribed by the
33 charter;

34 (B) Failed to satisfy generally accepted accounting
35 standards of fiscal management;

36 (C) Failed to comply with this chapter or other applicable

1 law or rule; or

2 (D) Failed to meet academic or fiscal performance criteria
3 deemed appropriate and relevant for the public charter school by the
4 authorizer.

5 (2) The ~~charter~~ authorizer may allow the voluntary assignment of
6 a public charter school upon petition by the public charter school to the
7 ~~charter~~ authorizer.

8 (3)(A) If the authorizer transfers or assigns the charter of a
9 public charter school to an eligible entity ~~under subdivision (a)(1) of this~~
10 ~~section~~, the authorizer shall not hold the applicant responsible for any
11 activity that occurred before the transfer or assignment, which includes
12 without limitation any disciplinary action taken by the authorizer.

13 (B) After the authorizer transfers or assigns a charter to
14 an eligible entity ~~under subdivision (a)(1) of this section~~, the authorizer
15 shall:

16 (i) Issue a new local education agency number as
17 required under § 25-6-107; and

18 (ii) Not issue an annual report as required under §
19 6-15-2101 until the eligible entity to which the charter was transferred has
20 completed at least one (1) school year.

21

22 SECTION 9. Arkansas Code § 6-23-105(c), concerning the basis and
23 procedure for public charter school probation or charter modification,
24 revocation, or denial of renewal, is amended to read as follows:

25 (c) The authorizer shall adopt a procedure to be used for placing a
26 public charter school on probation or modifying, revoking, transferring,
27 assigning, or denying renewal of the public charter school's charter.

28

29 SECTION 10. Arkansas Code § 6-23-105(e), concerning the basis and
30 procedure for public charter school probation or charter modification,
31 revocation, or denial of renewal, is amended to read as follows:

32 (e)(1)(A) Immediately upon the revocation, transfer, or assignment of
33 an open-enrollment charter by the authorizer, an open-enrollment public
34 charter school shall:

35 ~~(i) Transfer to the division all state funds held by~~
36 ~~the public charter school, which the division shall hold in receivership; and~~

1 ~~(ii)~~(i) Provide to the division a detailed
2 accounting of all accounts payable due from the state funds held by the open-
3 enrollment public charter school and any additional information or records
4 requested by the division concerning the disbursement of the state funds;

5 (ii) Provide the division with a comprehensive list
6 of all banking information and accounts in which the open-enrollment public
7 charter school holds state or federal funds;

8 (iii) Receive prior approval from the division for
9 an expenditure over five hundred dollars (\$500); and

10 (iv) Work in coordination with the division to draft
11 a charter closure plan.

12 (B)(i) ~~The division shall hold funds received under~~
13 ~~subdivision (e)(1)(A) of this section in a separate fund and shall expend the~~
14 ~~funds only with prior approval of the Commissioner of Elementary and~~
15 ~~Secondary Education~~ Immediately upon the state board's affirmation of a
16 revocation, assignment, or transfer, the open-enrollment public charter
17 school shall transfer all state and federal funds held by the open-enrollment
18 public charter school to the division.

19 (ii) The division shall hold funds received under
20 subdivision (e)(1)(B)(i) of this section in receivership in a separate fund
21 and shall expend the funds only with prior approval of the Commissioner of
22 Elementary and Secondary Education.

23 (C) ~~If the State Board of Education reverses the~~
24 ~~revocation, transfer, or assignment, the division shall return any funds~~
25 ~~remaining in receivership to the public charter school.~~

26 (2)(A) The division shall establish a procedure for a claimant
27 to file a claim for disbursement from the state funds.

28 (B) The determination of the division concerning the
29 disbursement of the state funds is final and may not be appealed.

30 (3) If funds remain in receivership for which no legitimate,
31 documented claim has been made to the division within one (1) calendar year
32 after the revocation, transfer, or assignment the remaining funds shall be
33 transferred to the ~~Public School Fund~~;

34 (A) Entity that received the public charter school under a
35 transfer or assignment if the public charter school was transferred or
36 assigned; or

1 (B) Public School Fund in all other instances.

2 (4) The state board may promulgate rules to implement this
3 subsection.

4
5 SECTION 11. Arkansas Code § 6-23-402(b), concerning enrollment numbers
6 of and the deadline for enrollment in open-enrollment public charter schools,
7 is amended to add an additional subdivision to read as follows:

8 (3) An open-enrollment public charter school shall have a policy
9 concerning whether the open-enrollment public charter school will enroll
10 students after July 30.

11
12 SECTION 12. Arkansas Code § 6-23-703(a) and (b), concerning State
13 Board of Education optional review, are amended to read as follows:

14 (a) On a motion approved by a majority vote, the State Board of
15 Education may exercise a right of review of a charter determination made by
16 the ~~Division of Elementary and Secondary Education~~ charter authorizer at the
17 next regularly scheduled state board meeting after receiving notice provided
18 under § 6-23-702(b).

19 (b) If the state board votes to review a final decision made by the
20 ~~division~~ charter authorizer, the state board shall:

21 (1) State the specific additional information the state board
22 requires from the ~~division~~ Division of Elementary and Secondary Education,
23 public charter school, public charter school applicant, or affected school
24 district;

25 (2) Conduct a full hearing regarding a final decision by the
26 division under § 6-23-701(a); and

27 (3) Hold the hearing at the earlier of:

28 (A) The next regularly scheduled state board meeting
29 following the state board meeting during which the state board voted to
30 authorize a review; or

31 (B) A special board meeting called by the state board.

32
33 SECTION 13. Arkansas Code § 6-23-908(g), concerning the Open-
34 Enrollment Public Charter School Facilities Funding Aid Program, is amended
35 to read as follows:

36 (g) The ~~Commission for Arkansas Public School Academic Facilities and~~

1 ~~Transportation~~ Division of Elementary and Secondary Education may promulgate
2 rules to implement this section.

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/s/J. English