

**ARKANSAS SENATE**  
89th General Assembly - Fiscal Session, 2014  
**Amendment Form**

JBC 02/26/14 (1)

---

**Subtitle of Senate Bill No. 48**

AN ACT FOR THE DEPARTMENT OF EDUCATION - GRANTS AND AID TO LOCAL SCHOOL DISTRICTS  
APPROPRIATION FOR THE 2014-2015 FISCAL YEAR.

---

**Amendment No. 2 to Senate Bill No. 48**

Amend Senate Bill No. 48 as originally introduced:

Page 13, delete SECTION 24 in its entirety and substitute the following:

" SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. OPEN-ENROLLMENT VIRTUAL CHARTER SCHOOL PROVISIONS.

(a)(1) Regardless of any provision of law to the contrary, ~~no a school district or public charter school shall receive state~~ remits to the Department of Education the foundation funding amount for the 2014-2015 school year and each school year thereafter for those students a student who are included is counted in the school district's or public charter school's average daily membership for the previous school year but who are is attending any an open-enrollment public virtual charter school that uses internet, long-distance, or virtual technology as the primary method of teaching.

(2)(A) Beginning with the 2013-2014 school year, for each new student enrolled pursuant to subdivision (d) of this section, an open-enrollment public virtual charter school shall:

(i) Maintain a record of each school district the newly enrolled student attended by quarter in the school year immediately before enrolling in the open-enrollment public virtual charter school; and

(ii) Update the record maintained in subdivision (a)(2)(A) of this section quarterly.

(B) Quarterly, beginning April 1, 2014, an open-enrollment public virtual charter school shall submit to the department a copy of all records required under subdivision (a)(2)(A) of this section.

(3) Beginning April 1, 2014, an open-enrollment public virtual charter school shall not receive per-student state foundation funding aid for a new student enrolled pursuant to subdivision (d) of this section if the open-enrollment public virtual charter school does not maintain and submit the record required in subdivision (a)(2) of this section.

(b) As of school year 2012-13, the State Board of Education has approved a maximum enrollment of 500 for the open-enrollment public virtual charter school.



(c) Beginning in school year 2013-14 and thereafter, for an open-enrollment public charter granted to a virtual school, the school ~~shall be allowed to~~ may enroll an eligible student in any grade, kindergarten through grade twelve (K-12), up to a total school enrollment of three thousand (3,000) students.

(d)(1) ~~Students that become enrolled~~ A student is eligible to enroll in the additional two thousand five hundred (2,500) additional slots authorized by subsection (c) of this Section section if the student must be was enrolled in an Arkansas public school, other than an open-enrollment public virtual charter school, for the first three quarters of the prior school year.

(2) Subdivision (d)(1) does not apply to a student who is enrolling in kindergarten.

(e) A student who is enrolled in an open-enrollment public virtual charter school on or before January 1, 2014 is presumed to be legally enrolled.

(f) The provisions of this section shall be in effect only from July 1, 2013 2014 through June 30, 2014 2015."

and

Page 18, insert an additional SECTION immediately following SECTION 35 to read as follows:

" SECTION 36. Section 24 of uncodified Act 1309 of 2013 is amended to read as follows:

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. OPEN-ENROLLMENT VIRTUAL CHARTER SCHOOL PROVISIONS.

(a)(1) Regardless of any provision of law to the contrary, ~~no~~ a school district or public charter school shall receive state remit to the Department of Education the foundation funding amount for the 2013-2014 school year and each school year thereafter for those students a student who are included is counted in the school district's or public charter school's average daily membership for the previous school year but who are is attending any an open-enrollment public virtual charter school that uses internet, long-distance, or virtual technology as the primary method of teaching.

(2)(A) Beginning with the 2013-2014 school year, for each new student enrolled pursuant to subdivision (d) of this section, an open-enrollment public virtual charter school shall:

(i) Maintain a record of each school district the newly enrolled student attended by quarter in the school year immediately before enrolling in the open-enrollment public virtual charter school; and

(ii) Update the record maintained in subdivision (a)(2)(A) of this section quarterly.

(B) Quarterly, beginning April 1, 2014, an open-enrollment public virtual charter school shall submit to the department a copy of all records required under subdivision (a)(2)(A) of this section.

(3) Beginning April 1, 2014, an open-enrollment public virtual charter school shall not receive per-student state foundation funding

aid for a new student enrolled pursuant to subdivision (d) of this section if the open-enrollment public virtual charter school does not maintain and submit the record required in subdivision (a)(2) of this section.

(b) As of school year 2012-13, the State Board of Education has approved a maximum enrollment of 500 for the open-enrollment public virtual charter school.

(c) Beginning in school year 2013-14 and thereafter, for an open-enrollment public charter granted to a virtual school, the school ~~shall be allowed to~~ may enroll an eligible student in any grade, kindergarten through grade twelve (K-12), up to a total school enrollment of three thousand (3,000) students.

~~(d)(1) Students that become enrolled~~ A student is eligible to enroll in the additional two thousand five hundred (2,500) additional slots authorized by subsection (c) of this Section section if the student must be was enrolled in an Arkansas public school, other than an open-enrollment public virtual charter school, for the first three quarters of the prior school year.

(2) Subdivision (d)(1) does not apply to a student who is enrolling in kindergarten.

(e) A student who is enrolled in an open-enrollment public virtual charter school on or before January 1, 2014 is presumed to be legally enrolled.

(f) The provisions of this section shall be in effect only from July 1, 2012 2013 through June 30, 2013 2014."

And

Page 19, delete SECTION 38 in its entirety and substitute the following:

" SECTION 38. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2014 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that SECTION 36 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2014 could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that SECTION 36 in this Act shall be in full force and effect from and after the date of its passage and approval. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2014; with the exception that SECTION 36 in this Act shall be in full force and effect from and after the date of its passage and approval."

And appropriately renumber the SECTION numbers of the bill.

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

By: Joint Budget Committee

By: Senator J. Key

MAH/MAH - 02-26-2014 10:18:40

MAH174

\_\_\_\_\_  
Secretary