

ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING PUBLIC CHARTER SCHOOLS
~~April 2016~~ _____

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1.00 REGULATORY AUTHORITY AND PURPOSE

~~1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Public Charter Schools.~~

1.021 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-23-101 et seq., 25-15-201 et seq., ~~and Acts 846 and 1200 of 2015.~~

2.00 LEGISLATIVE AND REGULATORY INTENT

2.01 It is the intent of the Arkansas General Assembly, and of these rules, to provide opportunities for teachers, parents, pupils, and community members to establish and maintain public schools that operate independently from the existing structure of local school districts as a method to accomplish the following:

2.01.1 Improve student learning;

2.01.2 Increase learning opportunities for all students, with special emphasis on expanding learning experiences for students who are identified as low-achieving;

2.01.3 Encourage the use of different and innovative teaching methods;

2.01.4 Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

2.01.5 Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system; and

2.01.6 Hold the schools established under this chapter accountable for meeting measurable student achievement standards.

~~Source: Ark. Code Ann. § 6-23-102~~

3.00 DEFINITIONS

- 3.01 "Academic Eligibility" means qualified for selection or admission based upon academic performance.
- 3.02 "Adult education charter school" means a charter school for individuals at least nineteen (19) years of age that offers a high school diploma program and an industry certification program simultaneously to students. *Source: Ark. Code Ann. § 6-23-103(1)*
- 3.03 "Affected School District" means each public school district from which an open-enrollment public charter school or adult education public charter school is expected to draw students for the purposes of enrollment; the public school district in which the open-enrollment public charter school or adult education public charter school will be located; and each public school district that is contiguous to the public school district in which the open-enrollment or adult education public charter school will be located.
- 3.04 "Athletic Eligibility" means qualified for selection or admission based upon athletic performance or upon athletic eligibility requirements set forth by the Arkansas Activities Association.
- 3.05 "Application" means the proposal by a public-school district or eligible entity for obtaining conversion public charter school status, or open-enrollment public charter school status, ~~or adult education charter school status.~~
- 3.06 "Authorizer" means an entity that authorizes a charter, which may be either the:
- 3.06.1 ~~Department of Education~~ Division of Elementary and Secondary Education; or
- 3.06.2 State Board of Education acting under Ark. Code Ann. § 6-23-703 and Section 9~~10~~.0 of these rules. *Source: Ark. Code Ann. § 6-23-103(3)*
- 3.07 "Average daily membership" means the total number of days of school attended plus the total number of days absent by students in kindergarten through grade twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth. Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board of Education under the Standards for Accreditation of

Arkansas Public Schools and School Districts may be counted for average daily membership. *Source: ~~Current rule as modified by Ark. Code Ann. § 6-20-2303(3)~~*

3.08 "Charter," or "charter contract" means a performance-based contract for an initial five-year period between the authorizer and an approved applicant for public charter school status that exempts the public charter school from state and local rules, regulations, policies, and procedures specified in the contract and from the provisions of Title 6 of the Arkansas Code specified in the contract. *Source: ~~Ark. Code Ann. § 6-23-103(4)~~*. The initial charter or charter contract may be renewed as set forth in these rules. For the purposes of these rules, the initial five-year period of a charter begins to run on the July 1 following approval of the charter unless otherwise specified by the authorizer. The period for any subsequent renewal of an initial charter shall begin to run on the July 1 following approval of the renewal.

3.09 "Charter school office" means the Division of Elementary and Secondary Education's Charter School Office.

3.10 "Commissioner" means the Commissioner of Elementary and Secondary Education.

3.09¹¹ "Conversion public charter school" means a public school that has converted to operating under the terms of a charter approved by the local school board and the authorizer. *Source: ~~Ark. Code Ann. § 6-23-103(5)~~*

3.10¹² "Debt" means any financial obligation incurred by a public charter school which will not be paid in full within 365 days from the date on which the financial obligation is incurred. *Source: ~~Current rule as modified herein.~~*

3.12³ "Division" means the Arkansas Department of Education's Division of Elementary and Secondary Education, unless otherwise specified.

3.14³⁴ "Eligible entity" means:

- 3. 14³⁴.1 A public institution of higher education;
- 3. 14³⁴.2 A private nonsectarian institution of higher education;
- 3. 14³⁴.3 A governmental entity; or

3.1134.4 An organization that:

3.1134.4.1 Is nonsectarian in its program, admissions policies, employment practices, and operations, and

3.1134.4.2 Has applied for tax-exempt status under § 501(c)(3) of the Internal Revenue Code of 1986. The eligible entity must obtain status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

Source: Ark. Code Ann. § 6-23-103(6)

3.1245 “Founding member” means any individual who is either:

3.1245.1 A member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school; or

3.1245.2 A member of the initial governing non-advisory board of the open-enrollment public charter school.

Source: Ark. Code Ann. § 6-23-103(7)

3.1356 “Letter of Intent” means a written notice submitted to the ~~Department of Education~~ Charter School Office that a public school district or an eligible entity intends to file a charter school application. The letter of intent shall be submitted by the established deadline on forms provided by the ~~Department of Education~~ Division of Elementary and Secondary Education. *Source: Current rule.*

3.1467 “License” means the authority granted by the authorizer to an already-existing open-enrollment or adult education public charter sponsoring entity for the purpose of establishing another open-enrollment or adult education public charter school(s) provided the applicant for a charter license(s) meets the following minimum conditions: (1) maintains an existing open-enrollment or adult education public charter school charter from the authorizer; and (2) meets the requirements of Section 6.05 or ~~Section 10.03~~ 11.03 of these rules.

3.1578 “Local school board” means a board of directors exercising the control and management of a public school district. For the purposes of these rules, “local school board” also refers to the board of directors of a school district where a

public charter school will be physically located. *Source: ~~Current rule and Ark. Code Ann. § 6-23-103(9)~~*

- 3.1689 “Net assets” refers to the status of particular items upon the occurrence of the dissolution, nonrenewal, or revocation of the charter, with the purpose being to identify publicly-funded unencumbered assets as property of the state at that point. Specifically, “net assets” refer to any unencumbered asset for which public funds were spent. *Source: ~~Attorney General Opinion No. 2007-204~~*

3.47920 “Open-enrollment public charter school” means a public school that:

- 3.47920.1 Is operating under the terms of a charter granted by the authorizer on the application of an eligible entity;
- 3.47920.2 May draw its students from any public school district in this state; and
- 3.47920.3 Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009.
- 3.47920.4 “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 April 10, 2009.

Source: ~~Ark. Code Ann. § 6-23-103(10)~~

- 3.1820 “Parent” means any parent, legal guardian, or other person having custody or charge of a school-age child. *Source: ~~Ark. Code Ann. § 6-23-103(11)~~*

- 3.4921 “Public school” means a school that is part of a public school district under the control and management of a local school board. *Source: ~~Ark. Code Ann. § 6-23-103(12)~~*

- 3.202 “Public charter school” means a conversion public charter school; or an open-enrollment public charter school; ~~or an adult education charter school.~~

- 3.243 “Sectarian” means of or relating to a particular religious sect. *Source: Black’s Law Dictionary, 8th Ed., 2004.*

3.224 "Short-term Line of Credit" means any financial obligation or obligations incurred by a public charter school as the result of an agreement by a lender or potential creditor to advance funds of ten thousand dollars (\$10,000.00) or more in the form of:

3.224.1 A loan (or combination of loans) that is payable in full in less than three hundred sixty-five (365) days from the date on which the financial obligation is incurred; or

3.224.2 A loan (or combination of loans) that does not define a date certain at which the loan is payable in full.

4.00 RULES APPLICABLE TO ALL PUBLIC CHARTER SCHOOLS

4.01 Charter Form for Public Charter Schools – Requirements – Revision

4.01.1 A charter for a public charter school shall:

4.01.1.1 Be in the form of a written contract signed by the Commissioner **of Education** and the chief operating officer of the public charter school;

4.01.1.2 Satisfy the requirements of Title 6, Chapter 23 of the Arkansas Code and of these rules; and

4.01.1.3 Ensure that the information required under Ark. Code Ann. § 6-23-404 is consistent with the information provided in the application and any modification that the authorizer may require.

4.01.2 Any revision or amendment of the charter for a public charter school may be made only with the approval of the authorizer.

Source: ~~Ark. Code Ann. § 6-23-104~~

4.02 Authorizer Hearing Notice Requirements

4.02.1 For applications for a public charter school, the public charter school applicant shall submit its application according to a schedule set forth by the State Board of Education.

4.02.2 For renewal requests for a public charter school, the public charter school applicant shall submit its renewal request according to a schedule set forth by the State Board of Education.

~~4.02.3 Requests seeking amendments to current charters will be heard at the authorizer meetings in February and October of each year.~~

4.02.43 For requests seeking authorizer approval for a change in the physical location of a public charter school, the public charter school applicant shall submit such request not later than thirty-five (35) days prior to the date of the authorizer meeting at which the request will be heard. For open-enrollment or adult education public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school is located.

4.02.-43.1 For the purposes of these rules, a change in the physical location of a public charter school means a relocation of a public charter school from its present location.

4.02.-43.2 Requests for a change in the physical location of a public charter school shall include maps of the present and proposed future locations of the charter school, and shall identify the local public school district in which the proposed future location will be located.

4.02.-43.3 Not later than seven (7) days after receipt of the request to change the physical location of a public charter school, the Commissioner of Education may, in writing, require the public charter school, the local school district and the Department of Education Division of Elementary and Secondary Education to submit additional information, including without limitation a desegregation analysis, concerning the proposed change in the physical location of the public charter school. Should the Commissioner of Education require the submission of such additional information, he or she shall modify the deadlines contained in Sections 4.04.4, 4.04.5, 4.04.6 of these rules accordingly.

4.02.54 For requests seeking authorizer approval for other amendments to a public school charter, the public charter school applicant shall submit such

request not later than thirty-five (35) days prior to the date of the authorizer meeting at which the request will be heard. For open-enrollment public charter schools, each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

4.02.65 For requests seeking authorizer approval for licenses for an existing open-enrollment or adult education public charter school, the open-enrollment or adult education public charter school applicant shall submit such request for license not later than thirty-five (35) days prior to the date of the authorizer meeting at which the request will be heard. Each such request shall be contemporaneously sent by the applicant to the superintendent of the local school district in which the public charter school will be located.

4.02.76 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner ~~of Education~~ or his or her designee may waive the requirements set forth in Sections 4.02.3 through Sections 4.02.65 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner ~~of Education~~ or his or her designee. If the Commissioner ~~of Education~~, or his or her designee, grants such a waiver, he or she shall also adjust the resulting deadlines for local school districts and ~~Department of Education~~ Division of Elementary and Secondary Education staff contained in Sections 4.04.5 and 4.04.6 of these rules.

4.03 Basis and Procedure for Public Charter School Probation or Charter Modification, Revocation or Denial of Renewal

4.03.1 The authorizer may place a public charter school on probation or may modify, revoke, transfer, assign or deny renewal of its charter if the authorizer determines that the persons operating the public charter school:

4.03.1.1 Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;

4.03.1.2 Failed to satisfy generally accepted accounting standards of fiscal management;

- 4.03.1.3 Failed to comply with this Title 6, Chapter 23 of the Arkansas Code or other applicable law or regulation; or
 - 4.03.1.4 Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the authorizer.
 - 4.03.1.5 Pursuant to the federal mandate contained in P.L. 111-117, 123 Stat. 3264, the authorizer will consider increases in student academic achievement for all groups of students described in Section 1111 (b)(2)(C)(v) of the Elementary and Secondary Education Act as a primary factor in determining whether to non-renew or revoke a public charter school's charter. However, any one of the circumstances listed in Sections 4.03.1.1 through 4.03.1.4 of these rules may be reason enough to non-renew or revoke a public charter school's charter.
- 4.03.2 Any action the authorizer may take under Ark. Code Ann. § 6-23-105 and Section 4.023 of these rules shall be based on the best interests of the public charter school's students, the severity of the violation, and any previous violation the public charter school may have committed.
- 4.03.3 The authorizer's procedures for placing a public charter school on probation or modifying, revoking, transferring, assigning, or denying renewal of the school's charter can be found in these rules as follows:
- 4.03.3.1 Conversion public charter schools: Sections ~~5.06 and~~ 5.07 and 5.00.
 - 4.03.3.2 Open-enrollment public charter schools: Sections ~~6.23 and~~ 6.24 and 6.00.
 - 4.03.3.3 Adult Education public charter schools: Sections ~~10.15 and~~ 10.16 and 11.
- 4.03.4 There is no further right of appeal beyond the determination of the authorizer except as set forth in Sections 89.00 and 910.00 of these Rules.

- 4.03.5 The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to any hearing concerning a public charter school.

Source: Ark. Code Ann. § 6-23-105.

4.04 Impact on School Desegregation Efforts

- 4.04.1 The applicants for a public charter school, the local school board for the district in which the proposed public charter school would be located, and the authorizer shall carefully review the potential impact of an application for a public charter school on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 4.04.2 The authorizer shall attempt to measure the likely impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.
- 4.04.3 The authorizer shall not approve any public charter school under Title 6, Chapter 23, or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state.
- 4.04.4 A public charter school or applicant shall provide to the ~~Department of Education~~ Division of Elementary and Secondary Education, with a copy to the local school board for the school district in which the public charter school is or will be located, a desegregation analysis carefully reviewing the potential impact of the public charter school's application or request on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:
- 4.04.4.1 In its application for a public charter school charter;
 - 4.04.4.2 In its renewal request for its existing public charter school charter;
 - 4.04.4.3 In its request to change the physical location of its existing charter school if required by the Commissioner *of Education* in accordance with Section 4.02.3 of these rules;

4.04.4.4 In any request to amend its existing charter to increase its enrollment cap or add grade levels; and

4.04.4.5 For an existing open-enrollment public charter school, in any request for a license.

4.04.5 The local school board of the school district in which the proposed public charter school is or will be located may provide to the ~~Department of Education~~ Division of Elementary and Secondary Education, with a copy to the public charter school or applicant, a desegregation analysis carefully reviewing the potential impact of an application for a public charter school, or a request under Section 4.04.4 above, on the efforts of a public school district or public school districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools:

4.04.5.1 Not later than twenty (20) days prior to the authorizer's consideration of an application of a public charter school;

4.04.5.2 Not later than twenty (20) days prior to the authorizer's consideration of a proposed renewal of a public charter school;

4.04.5.3 Not later than twenty (20) days prior to the authorizer's consideration of a change in the physical location of a public charter school if required by the Commissioner ~~of Education~~ in accordance with Section 4.02.3 of these rules;

4.04.5.4 Not later than twenty (20) days prior to the authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels; and

4.04.45.5 Not later than twenty (20) days prior to the authorizer's consideration of a proposed license for an existing open-enrollment public charter school.

4.04.5.6 Failure of the local school board of the district in which the proposed public charter school will be located to submit to the ~~Department of Education~~ Division of Elementary and

Secondary Education a desegregation analysis as set forth above shall result in a waiver of the local school board's right to submit such a desegregation analysis to the authorizer.

4.04.6 In accordance with Section 4.04 of these rules, the ~~Department of Education~~ Division of Elementary and Secondary Education staff shall submit to the authorizer, with copies to the public charter school or applicant and the local school board of the school district in which the public charter school is or will be located, a desegregation analysis:

4.04.6.1 Not later than ten (10) days prior to the authorizer's consideration of an application of a public charter school;

4.04.6.2 Not later than ten (10) days prior to the authorizer's consideration of a proposed renewal of a public charter school;

4.04.6.3 Not later than ten (10) days prior to the authorizer's consideration of a change in physical location of a public charter school if required by the Commissioner ~~of Education~~ Education in accordance with Section 4.02.3 of these rules;

4.04.6.4 Not later than ten (10) days prior to the authorizer's consideration of a proposed amendment to a public charter that includes an increased enrollment cap or the addition of grade levels;

4.04.6.5 Not later than ten (10) days prior to the authorizer's consideration of a proposed license for an existing open-enrollment public charter school; and

4.04.6.6 At any other time as directed by the authorizer or the Commissioner ~~of Education~~ Education.

4.04.6.7 The ~~Department of Education's~~ Division of Elementary and Secondary Education's desegregation analysis will include as attachments the desegregation analyses provided by the applicant or public charter school and the local school board in which the public charter school is or will be located.

Source: Ark. Code Ann. § 6-23-106

4.05 Observance of Anti-Discrimination Laws

4.05.1 All public charter schools shall observe and comply with all anti-discrimination laws, both federal and state, except where otherwise exempted under federal charter school law.

4.05.2 All public charter schools are responsible for meeting the requirements of the Individuals with Disabilities Education Act (IDEA) and these rules.

4.05.3 All public charter schools are responsible for meeting the requirements of Section 504 of the Rehabilitation Act.

Source: Current rules as modified

4.06 Reporting Requirements

4.06.1 Within ten (10) calendar days of the close of the first quarter of each school year, a public charter school shall submit a written report to the ~~Department of Education~~ Division of Elementary and Secondary Education that contains the following information for the current school year:

- 4.06.1.1 The number of applications for enrollment received;
- 4.06.1.2 The number of applicants with a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and
- 4.06.1.3 The number of applications for enrollment the public charter school denied and an explanation of the reason for each denial.

4.06.2 Within ten (10) calendar days of the close of the fourth quarter of each school year, a public charter school shall submit a written report to the ~~Department of Education~~ Division of Elementary and Secondary Education that contains the following information for the current school year:

- 4.06.2.1 The number of students in each of the following categories:

- 4.06.2.1.1 Students who dropped out of the public charter school during the school year;
 - 4.06.2.1.2 Students who were expelled during the school year by the public charter school;
 - 4.06.2.1.3 Students who were enrolled in the public charter school but for a reason other than those cited under Sections 4.06.2.1.1 and 4.06.2.1.2 did not complete the school year at the public charter school;
 - 4.06.2.1.4 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to another open-enrollment public charter school;
 - 4.06.2.1.5 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a private school;
 - 4.06.2.1.6 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a home school;
 - 4.06.2.1.7 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a school outside of Arkansas; and
 - 4.06.2.1.8 Students identified in Sections 4.06.2.1.1 through 4.06.2.1.3 who transferred to a traditional public school district within Arkansas.
 - 4.06.2.1.9 The report shall identify the dates of transfer for all students identified in Section 4.06.2.1.8.
- 4.06.2.2 For all students enrolled in the public charter school, the scores for assessments required under the ~~Arkansas~~ ADE 313-14

~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq. the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., including without limitation benchmark assessments and end-of-course assessments.~~

4.06.2.3 If there is any discrepancy in the number of students for whom scores are reported under Section 4.06.2.2 of these rules, and the number of students enrolled at the beginning of the school year, the public charter school shall explain in the report the reason for the discrepancy.

4.06.3 ~~The Department of Education~~ Division of Elementary and Secondary Education shall not exempt a public charter school from the reporting required under Section 4.06 of these rules.

4.06.4 The Division of Elementary and Secondary Education shall publish a copy of each report on the ~~department's~~ division's website.

4.06.5 If a public charter school fails to comply with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules, the ~~Department of Education~~ Division of Elementary and Secondary Education shall note the failure in the annual evaluation of the public charter school.

4.06.6 Every public charter school shall furnish any other information, record, or report requested by the ~~Department of Education~~ Charter School Office unless disclosure of the information, record, or report is explicitly prohibited by court order or by federal or state law.

4.06.7 The ~~Department of Education~~ Charter School Office shall, at least annually, post on the ~~Department of Education's~~ Division of Elementary and Secondary Education's website a list of deadlines for which legally required reports are due from the public charter school to the ~~Department of Education~~ Division of Elementary and Secondary Education.

Source: ~~Ark. Code Ann. § 6-23-107~~

4.07 Public Charter Schools Receiving Federal Dissemination Grants from the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education

4.07.1 Public Charter Schools that receive federal dissemination grant funds from the ~~Department of Education~~ Division of Elementary and Secondary Education shall, by July 1 of each year, provide the ~~Department of Education~~ Charter School Office with a list of the public charter school's best or promising practices in accordance with their approved dissemination grant applications.

4.07.2 By August 1 of each year, the ~~Department of Education~~ Charter School Office will post a link of each public charter school's best or promising practices on the ~~Department of Education's~~ Division of Elementary and Secondary Education's website.

4.08 Application Process, Schedule and Forms

4.08.1 A procedure for establishing a public charter school shall be published by the ~~Department of Education~~ Division of Elementary and Secondary Education as approved by the State Board.

4.08.2 All dates and requirements listed in the procedures for establishing a public charter school shall be strictly followed by the public charter school applicant.

4.08.3 If all dates and requirements listed in the procedures for establishing a public charter school are not strictly followed by the public charter school applicant, the authorizer may refuse to consider the application.

4.08.4 Application forms and other documents needed for the public charter school application process shall be provided by the ~~Arkansas Department of Education~~ Charter School Office and are incorporated into these rules as if fully set forth herein.

4.08.5 Any requests for technical assistance by a charter applicant shall be made to the ~~Arkansas Department of Education~~ Charter School Office.

4.08.6 Letter of Intent: Each public charter school letter of intent shall be submitted by the potential applicant by electronic means and must be received by the ~~Department of Education~~ Charter School Office on or before the established deadline. The ~~Department of Education~~ Charter School Office may refuse to process or review any letter of intent not received by the established deadline. The Charter School Office will electronically acknowledge receipt of received letters of intent.

4.08.7 Charter Application: Each public charter school application shall be submitted by the applicant by electronic means and must be received by the ~~Department of Education~~ Charter School Office on or before the established deadline. The ~~Department of Education~~ Charter School Office may refuse to process or review any application not received by the established deadline. The Charter School Office will electronically acknowledge receipt of received applications.

4.08.8 The ~~Department of Education~~ Division of Elementary and Secondary Education shall review the application for a public charter school and present to the authorizer a written evaluation of the application. The ~~Department's~~ division's evaluation shall be sent to the public charter school applicant.

4.08.9 The public charter school applicant shall be allowed an opportunity to submit a written response to the ~~Arkansas Department of Education's~~ Division of Elementary and Secondary Education's evaluation by an established deadline.

4.08.10 The ~~Department of Education~~ Division of Elementary and Secondary Education may require additional information from a charter applicant to be delivered by the charter applicant in oral or written form, or both.

5.00 RULES APPLICABLE TO CONVERSION PUBLIC CHARTER SCHOOLS

5.01 Application for Conversion Public Charter School Status

5.01.1 Any public school district may apply to the authorizer for conversion public charter school status for a public school in the public school district in accordance with a schedule approved by the State Board. The authorizer shall not approve an application for conversion public charter school status that has not first been approved by the school district's board of directors.

5.01.2 A public school district's application for conversion public charter school status for the public school may include, without limitation, the following purposes:

- 5.01.2.1 Adopting research-based school or instructional designs, or both, that focus on improving student and school performance;
- 5.01.2.2 Addressing school improvement status resulting from sanctions listed in Ark. Code Ann. §§ 6-15-207(c)(8) and ~~6-15-429(a) and (b)~~ 6-15-2915; or
- 5.01.2.3 Partnering with other public school districts or public schools to address students' needs in a geographical location or multiple locations.

5.01.3 An application for a conversion public charter school shall:

- 5.01.3.1 Describe the results of a public hearing called by the local school board for the purpose of assessing support of an application for conversion public charter school status.
- 5.01.3.2 Notice of the public hearing shall be:
 - 5.01.3.2.1 Distributed to the community, licensed personnel, and the parents of all students enrolled at the public school for which the public school district initiated the application; and
 - 5.01.3.2.2 Published in a newspaper having general circulation in the public school district at least three (3) weeks prior to the date of the meeting;
- 5.01.3.3 Describe a plan for school improvement that addresses how the conversion public charter school will improve student learning and meet the state education goals;
- 5.01.3.4 Outline proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the conversion public charter school in improving student learning and meeting or exceeding the state education goals;

- 5.01.3.5 Describe how the licensed employees and parents of the students to be enrolled in the conversion public charter school will be involved in developing and implementing the school improvement plan and identifying performance criteria;
 - 5.01.3.6 Describe how the concerns of licensed employees and parents of students enrolled in the conversion public charter school will be solicited and addressed in evaluating the effectiveness of the improvement plan; and
 - 5.01.3.7 List the specific provisions of Title 6 of the Arkansas Code and the specific rules *and regulations* promulgated by the State Board from which the public charter school will be exempt.
- 5.01.4 A licensed teacher employed by a public school in the school year immediately preceding the effective date of a charter for a public school conversion within that public school district may not be transferred to or be employed by the conversion public charter school over the licensed teacher's objection, nor shall that objection be used as a basis to deny continuing employment within the public school district in another public school at a similar grade level.
- 5.01.5 If the transfer of a teacher within the public school district is not possible because only one (1) public school exists for that teacher's certification level, then the local school board shall call for a vote of the licensed teachers in the proposed conversion public charter school site and proceed, at the local school board's option, with the conversion public charter school application if a majority of the licensed teachers approve the proposal.

Source: *Ark. Code Ann. § 6-23-201*

5.02 Authorization for Conversion Public Charter School Status

- 5.02.1 As requested by the conversion public charter school applicant, the authorizer shall review the application for conversion public charter school status and may approve any application that:

- 5.02.1.1 Provides a plan for improvement at the school level for improving student learning and for meeting or exceeding the state education goals;
- 5.02.1.2 Includes a set of performance-based objectives and student achievement objectives for the term of the charter and the means for measuring those objectives on at least a yearly basis;
- 5.02.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the conversion public charter school, as well as the licensed employees and the broader community, in the process of carrying out the terms of the charter; and
- 5.02.1.4 Includes an agreement to provide a yearly report to parents, the community, the local school board, and the authorizer that indicates the progress made by the conversion public charter school in meeting the performance objectives during the previous year.

Source: Ark. Code Ann. § 6-23-202.

5.03 Resubmission of Conversion Public Charter School Applications

- 5.03.1 If the authorizer disapproves an application for a conversion public charter school, the authorizer shall notify the applicant in writing of the reasons for the disapproval.
- 5.03.2 The ~~Department of Education~~ Division of Elementary and Secondary Education may provide technical assistance to the conversion public charter school applicants in the:
 - 5.03.2.1 Creation of its application; and
 - 5.03.2.2 Modification of its application as directed by the authorizer.

Source: Ark. Code Ann. § 6-23-203

- 5.04 Public Conversion Charter School Renewal: The authorizer is authorized to renew charters of conversion public charter schools on a one-year or multiyear basis, not to exceed five (5) years, after the initial five-year period if the renewal is approved by the local school board.

~~Source: Ark. Code Ann. § 6-23-204~~

- 5.05 Teacher Hires when Charter Revoked: If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the charter is employed by a conversion public charter school and the charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the public school district where the licensed teacher was formerly employed.

- 5.06 Authorizer Hearing Procedures Related to Conversion Public Charter Schools (Application, Renewal, or Request for Charter Amendment)

5.06.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

5.06.2 The conversion public charter school or applicant shall have twenty (20) minutes to present its case to the authorizer for approval of the proposed conversion public charter school, renewal, or amendment. The Chair of the authorizing body may grant additional time, if necessary.

5.06.3 Parties opposed to the conversion public charter school application, renewal, or amendment, if any, shall have twenty (20) minutes to present their case to the authorizer for disapproval of the proposed conversion public charter school, renewal, or amendment. The Chair of the authorizing body may grant additional time, if necessary.

5.06.3.1 Any party in opposition that wishes to present or participate at the hearing must notify the division's Charter School Office and the school or applicant in writing no later than ten (10) business days prior to the hearing.

5.06.3.2 If a party in opposition intends to use a presentation, handouts, or any other document, it must provide copies to the Charter School Office and to the school or applicant no later than ten (10) business days prior to the hearing.

5.06.3.3 A party in opposition that fails to notify the Charter School Office no later than ten (10) business days prior to the hearing may only present or participate at the hearing with the permission of the authorizer.

5.06.4 The conversion public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the conversion public charter school application, renewal, or amendment. The Chair of the authorizing body may grant additional time, if necessary.

5.06.5 The authorizer will follow the presentation with discussion of the conversion public charter school application or request and questions, if any, to the conversion public charter school or applicant, opposing parties, or both.

5.06.6 The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

5.06.7 The authorizer may defer the vote to approve or disapprove a charter application, renewal, or amendment in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application or request.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education Division of Elementary and Secondary Education~~ as authorizer may be found in Section 8.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 9.00 of these Rules.

5.07 Authorizer Hearing Procedures Related to Conversion Public Charter Schools (Modification, Probation or Revocation of Charter)

5.07.1 Not later than twenty (20) days prior to the authorizer meeting at which the matter of modification, probation or revocation will be considered, the ~~Department of Education Division of Elementary and Secondary Education~~ shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the conversion public charter school.

5.07.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

5.07.3 The conversion public charter school shall have twenty (20) minutes to present its case to the authorizer ~~for~~ regarding the proposed modification, probation, or revocation of the conversion public charter school charter. The Chair of the authorizing body may grant additional time, if necessary.

5.07.4 The authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the ~~Department of Education~~ Division, the conversion public charter school, or both.

5.07.5 The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

5.08 A district conversion public charter school may voluntarily surrender its charter prior to the renewal cycle upon written request to the Charter School Office and approval by the authorizer.

5.08.1 A written request to surrender its charter must be received by the Charter School Office no later than thirty-five (35) days prior to the date of the authorizer meeting at which the request will be heard.

5.08.2 The authorizer shall follow the hearing procedure in Section 5.07 of these Rules.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education Division of Elementary and Secondary Education~~ as authorizer may be found in Section 8.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 9.00 of these Rules

6.00 RULES APPLICABLE TO OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS

*Note: The rules applicable to Adult Education Charter Schools can be found in Section ~~10.00~~ **11.00** of these Rules.*

6.01 Application for an Open-Enrollment Public Charter School

6.01.1 Pursuant to Title 6, Chapter 23 of the Arkansas Code and these rules, an eligible entity may apply to the authorizer to grant a charter for an open-enrollment public charter school to operate in a facility of a commercial or nonprofit entity or a public school district. As noted in Section 6.17.11 of

these Rules, an open-enrollment public charter school shall have the right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.

6.01.2 The authorizer shall adopt an application form, schedule, and a procedure that must be used to apply for an open-enrollment public charter school. The State Board shall adopt any applications, forms, schedules and procedures that are required to be promulgated through the Administrative Procedure Act.

6.01.3 The authorizer shall adopt, in conjunction with the application form adopted under section 6.01.2 of these Rules, a scoring rubric that shall constitute criteria to inform the authorizer's approval of a program for which an open-enrollment public charter may be granted. The State Board shall adopt any rubric that is required to be promulgated through the Administrative Procedure Act.

6.01.4 The application to the authorizer for an open-enrollment public charter school shall be made in accordance with a schedule approved by the authorizer. The State Board shall adopt any schedule that is required to be promulgated through the Administrative Procedure Act.

6.01.5 The application form must provide space for including all information required under Title 6, Chapter 23 and these rules to be contained in the charter.

6.01.6 The application for an open-enrollment public charter school shall:

6.01.6.1 Describe the results of a public hearing called by the applicant for the purpose of assessing support for an application for an open-enrollment public charter school.

6.01.6.1.1 Notice of the public hearing shall be published one (1) time a week for three (3) consecutive weeks in a newspaper having general circulation in the public school district in which the open-enrollment public charter school is likely to be located.

- 6.01.6.1.1.1 The last publication of notice shall be no less than seven (7) days before the public meeting.
 - 6.01.6.1.1.2 The notice shall not be published in the classified or legal notice section of the newspaper.
 - 6.01.6.1.2 Within seven (7) calendar days following the first publication of notice required under Section 6.01.6.1.1 of these rules, letters announcing the public hearing shall be sent to the superintendent 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 of any public school district that is contiguous to the public school district in which the open-enrollment public charter school will be located.
 - 6.01.6.1.3 An affected school district may submit written comments concerning the application to the authorizer to be considered at the time of the authorizer's review of the application.
- 6.01.6.2 Describe a plan for academic achievement that addresses how the open-enrollment public charter school will improve student learning and meet the state education goals;
- 6.01.6.3 Outline the proposed performance criteria that will be used during the initial five-year period of the open-enrollment public charter school operation to measure its progress in improving student learning and meeting or exceeding the state education goals;

6.01.6.4 List the specific provisions of Title 6 of the Arkansas Code and the specific rules and regulations promulgated by the State Board from which the open-enrollment public charter school seeks to be exempted;

6.01.6.5 Describe in general terms, the area within ~~in~~ the boundaries of the school district where the applicant intends to obtain a facility to be used for the open-enrollment public charter school and state the facility's current use.

6.01.6.5.1 If the facility to be used for an open-enrollment public charter school is a public school district facility, the open-enrollment public charter school must operate in the facility in accordance with the terms established by the local school board of the public school district in an agreement governing the relationship between the open-enrollment public charter school and the public school district.

6.01.6.5.2 If the facility that will be used for the open-enrollment public charter school is owned by or leased from a sectarian organization, the terms of the facility agreement must be disclosed to the authorizer.

6.01.6.6 Include a detailed budget and a governance plan for the operation of the open-enrollment public charter school.

6.01.7 Review and Approval by the Local School Board:

6.01.7.1 The application may be reviewed and approved by the local school board of the public school district in which the proposed open-enrollment public charter school will operate.

6.01.7.2 Any decision by the local school board approving or disapproving the application must be made within forty-five (45) days of the local school board's receipt of the application.

- 6.01.7.3 The applicant may submit to the authorizer for expedited review an application approved by the local school board under Section 6.01.7.1 of these rules.
- 6.01.7.4 If the local school board disapproves the application, or if the local school board takes no action in the time allowed by Section 6.01.7.2 of these Rules, the applicant shall have an immediate right to proceed with a written notice of appeal to the authorizer.
- 6.01.7.5 The authorizer shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review, unless the applicant and the local school board agree to a later date.
- 6.01.7.6 All interested parties may appear at the hearing and present relevant information regarding the application.

- 6.02 A licensed teacher employed by a public school district in the school year immediately preceding the effective date of a charter for an open-enrollment public charter school operated at a public school facility may not be transferred to or be employed by the open-enrollment public charter school over the licensed teacher's objections.

— *Source: Ark. Code Ann. §§ 6-23-301 and 6-23-302*

6.03 Authorization for an Open-Enrollment Public Charter School

- 6.03.1 As requested by the applicant for an open-enrollment public charter school, the authorizer shall review the application for an open-enrollment public charter school and may approve any application that:
 - 6.03.1.1 Provides a plan for academic achievement that addresses how the open-enrollment public charter school proposes to improve student learning and meet the state education goals;
 - 6.03.1.2 Includes a set of performance criteria that will be used during the initial five-year period of the open-enrollment

public charter school's operation to measure its progress in meeting its academic performance goals;

- 6.03.1.3 Includes a proposal to directly and substantially involve the parents of students to be enrolled in the open-enrollment public charter school, the licensed employees, and the broader community in carrying out the terms of the open-enrollment charter;
- 6.03.1.4 Includes an agreement to provide an annual report to parents, the community, and the authorizer that demonstrates the progress made by the open-enrollment public charter school during the previous academic year in meeting its academic performance objectives;
- 6.03.1.5 Includes a detailed budget, a business plan, and a governance plan for the operation of the open-enrollment public charter school; and
- 6.03.1.6 Establishes the eligible entity's status as a tax-exempt organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.

~~Source: Ark. Code Ann. § 6-23-303~~

6.04 Other Application Requirements – Preference for Certain Districts

6.04.1 The authorizer may approve or deny an application based on:

- 6.04.1.1 Criteria provided by law;
- 6.04.1.2 Criteria provided by rule adopted by the authorizer under section 6.01.3 of these Rules;
- 6.04.1.3 Findings of the authorizer relating to improving student performance and encouraging innovative programs; and
- 6.04.1.4 Written findings or statements received by the authorizer from any public school district likely to be affected by the open-enrollment public charter school.

6.04.2 The authorizer shall give preference in approving an application for an open-enrollment public charter school to be located in any public school district:

6.04.2.1 When the percentage of students who qualify for free or reduced-price lunches is above the average for the state;

6.04.2.2 When the district has been classified by the State Board as in ~~academic distress~~ in need of Level 5-- Intensive Support under the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-4286-15-2901 et seq.; or

6.04.2.3 When the district has been classified by the ~~Department of Education~~ Division of Elementary and Secondary Education as in ~~some phase of school improvement status~~ under Ark. Code Ann. § 6-15-426 or some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the State Board.

6.04.3 ~~The Department of Education~~ Division of Elementary and Secondary Education, State Board, or a combination of the ~~department division~~ and the State Board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under Section 6.04.3.1 below.

6.04.3.1 If the cap on the number of charters available for an open-enrollment public charter schools is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.

6.04.3.2 By March 1 each year, the ~~Department of Education~~ Division of Elementary and Secondary Education shall issue a Commissioner's Memo stating the existing limitation on the number of charters available for open-

enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.

6.04.4 An open-enrollment public charter applicant's school campus shall be limited to a single open-enrollment public charter school per charter except as allowed in Section 6.05 of these rules.

6.04.5 An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under Ark. Code Ann. § 6-13-1601 et seq., until after the third year of the administrative reorganization.

6.04.6 A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

Source: ~~Ark. Code Ann. § 6-23-304~~

6.05 Open-Enrollment Public Charter School Licenses

6.05.1 A charter applicant that receives an approved open-enrollment public charter may petition the authorizer for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

6.05.1.1 The approved open-enrollment public charter applicant has demonstrated academic success as defined by the State Board for all public schools;

6.05.1.2 The approved open-enrollment public charter applicant has not:

6.05.1.2.1 Been subject to any disciplinary action by the authorizer;

6.05.1.2.2 Been classified as in ~~academic or fiscal~~ distress or in need of Level 5--Intensive Support;

6.05.1.2.3 Had its open-enrollment public charter placed on charter school probation or

suspended or revoked under Ark. Code Ann. § 6-23-105 or Section 4.03 of these rules; and

- 6.05.1.2.4 The authorizer determines in writing by a majority of a quorum present that the open-enrollment public charter applicant has generally established the educational program results and criteria set forth in Section 6.05 of these rules.

~~Source: Ark. Code Ann. § 6-23-304~~

6.06 Resubmission of Open-Enrollment Public Charter School Applications

6.06.1 If the authorizer disapproves an application for an open-enrollment public charter school, the authorizer shall notify the applicant in writing of the reasons for such disapproval.

6.06.2 ~~The Department of Education~~ Division of Elementary and Secondary Education may provide technical assistance to the applicant for an open-enrollment public charter school in the:

- 6.06.2.1 Creation of its application; and
- 6.06.2.2 Modification of its application as directed by the authorizer.

~~Source: Ark. Code Ann. § 6-23-305~~

6.07 Contents of Open-Enrollment Public Charters

6.07.1 An open-enrollment public charter granted by the authorizer shall:

- 6.07.1.1 Describe the educational program to be offered;
- 6.07.1.2 Specify the period for which the open-enrollment public charter or any renewal is valid;
- 6.07.1.3 Provide that the continuation or renewal of the open-enrollment public charter is contingent on acceptable student performance on assessment instruments adopted by

the State Board and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter;

6.07.1.4 Establish the level of student performance that is considered acceptable for the purposes of Section 6.07.1.3 of these rules;

6.07.1.5 Specify any basis, in addition to a basis specified by Title 6, Chapter 23 of the Arkansas Code or Section 4.03 of these rules, on which the open-enrollment public charter school may be placed on probation or its charter revoked or on which renewal of the open-enrollment public charter school may be denied;

6.07.1.6 Prohibit discrimination in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility, except as follows:

6.07.1.6.1 The open-enrollment public charter school may adopt admissions policies that are consistent with federal law, regulations, or guidelines applicable to charter schools;

6.07.1.6.2 Consistent with the requirements of Section 6.07.1.14.3 of these rules, the open-enrollment public charter school 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

6.07.1.6.3 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 Title 6 of the Arkansas Code~~ in the same manner as a board of directors of a public school district under Ark. Code Ann. § 6-18-510.

- 6.07.1.7 Specify the grade levels to be offered;
- 6.07.1.8 Describe the governing structure of the program;
- 6.07.1.9 Specify the qualifications to be met by professional employees of the program;
- 6.07.1.10 Describe the process by which the persons providing the program will adopt an annual budget;
- 6.07.1.11 Describe the manner in which the annual audit of the financial and programmatic operations of the program is to be conducted, including the manner in which the persons providing the program will provide information necessary for the public school district in which the program is located to participate;
- 6.07.1.12 Describe the facilities to be used, including the terms of the facility utilization agreement if the facility for the open-enrollment public charter school is owned or leased from a sectarian organization;
- 6.07.1.13 Describe the geographical area, public school district, or school attendance area to be served by the program;
- 6.07.1.14 Specify the methods for applying for admission, enrollment criteria, and student recruitment and selection processes.
 - 6.07.1.14.1 Except as provided in Section 6.07.1.14.2 of these rules, if more eligible students apply for a first-time admission than the open-enrollment public charter school is able to accept by the annual deadline that the open-enrollment public charter school has established for the receipt of applications for the next school year, the open-enrollment

public charter must require the open-enrollment public charter school to use a random, anonymous student selection method that shall be described in the charter application.

6.07.1.14.1.1 If there are still more applications for admissions than the open-enrollment public charter school is able to accept after the completion of the random, anonymous student selection method, then the open-enrollment public charter school shall place the applicants on a waiting list for admission.

6.07.1.14.1.2 The waiting list is valid until the next time the open-enrollment public charter school is required to conduct a random, anonymous student selection.

6.07.1.14.2 However, an open-enrollment public charter school may allow a preference for:

6.07.1.14.2.1 Children of the founding members and children of full-time employees and teachers of the eligible entity. The number of enrollment preferences ~~granted to children of founding members~~ shall not exceed ten percent (10%) of the total number of students enrolled in the open-enrollment public charter school; and

6.07.1.14.2.2 Siblings of students currently enrolled in the open-enrollment public charter school.

6.07.1.14.3 The open-enrollment public charter may use a weighted lottery in the student selection process only when necessary to comply with a:

6.07.1.14.3.1 Federal court order; or

6.07.1.14.3.2 Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, and the equal protection clause of the Fourteenth Amendment to the United States Constitution.

6.07.1.15 Include a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions, including hiring and retention of administrators, teachers, and other employees whose salaries or benefits are derived from any public moneys.

Source: Ark. Code Ann. § 6-23-306

6.08 Renewal of an Open-Enrollment Charter: After the initial five-year period of an open-enrollment public charter, the authorizer may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

Source: Ark. Code Ann. § 6-23-307

- 6.09 **Priority Hiring for Teachers:** If a licensed teacher employed by a public school district in the school year immediately preceding the effective date of the open-enrollment public charter is employed by an open-enrollment public charter school and the open-enrollment public charter is revoked, the licensed teacher will receive a priority in hiring for the first available position for which the licensed teacher is qualified in the school district where the licensed teacher was formerly employed.

Source: Ark. Code Ann. § 6-23-308

- 6.10 **Status Report:** The authorizer shall report to the General Assembly each biennium and to the House Committee on Education and the Senate Committee on Education during the interim between regular sessions of the General Assembly the following information: ~~on the status of the open-enrollment public charter school programs to the General Assembly each biennium and to the House Committee on Education and the Senate Committee on Education during the interim between regular sessions of the General Assembly.~~

6.10.1 The status of the open-enrollment public charter school programs; and

6.10.2 A summary of the authorizing activities in the preceding year, including without limitation, the number and type of charters approved, denied, and amended.

Source: Ark. Code Ann. § 6-23-310

- 6.11 **Authority under a Charter for Open-Enrollment Public Charter Schools**

6.11.1 **An open-enrollment public charter school:**

- 6.11.1.1 Shall be governed by an eligible entity that is fiscally accountable under the governing structure as described by the charter;
- 6.11.1.2 Shall provide instruction to students at one (1) or more elementary or secondary grade levels as provided by the charter;
- 6.11.1.3 Shall retain the authority to operate under the charter contingent on satisfactory student performance as provided

by the charter in accordance with Title 6, Chapter 23 of the Arkansas Code and these rules;

- 6.11.1.4 Shall have no authority to impose taxes;
- 6.11.1.5 Shall not incur any debts without the prior review and approval of the Commissioner *of Education*;
 - 6.11.1.5.1 Requests for approval of debt must be submitted to the Commissioner *of Education* by the open-enrollment public charter school no later than thirty (30) days prior to the date upon which the debt will be incurred.
 - 6.11.1.5.2 Under circumstances involving imminent peril to the health, welfare, or safety of students, or under circumstances that may negatively impact the continuation of educational services offered by the public charter school, and upon written request from the public charter school, the Commissioner *of Education* may waive the thirty (30) day deadline set forth in Section 6.11.1.5.1 of these rules. The decision of whether to grant such a waiver is within the sole discretion of the Commissioner *of Education*.
- 6.11.1.6 Shall not enter into any short-term line of credit, or receive any funds from a short-term line of credit, without prior notice to the Commissioner *of Education*;
 - 6.11.1.6.1 Notice of a short-term line of credit must identify the lender or creditor, the principal amount, the interest rate, and the payment terms;
 - 6.11.1.6.2 No public funds may be used to repay any short-term line of credit unless prior notice of the line of credit was given to and received by the Commissioner *of Education*;

- 6.11.1.7 Shall not charge students tuition or fees that would not be allowable charges in the public school districts; and
 - 6.11.1.8 Shall not be religious in its operations or programmatic offerings.
- 6.11.2 An open-enrollment public charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation promulgated by the State Board under Title 6 of the Arkansas Code relating to:
- 6.11.2.1 Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner;
 - 6.11.2.2 Public school accountability under Title 6 of the Arkansas Code;
 - 6.11.2.3 High school graduation requirements as established by the State Board;
 - 6.11.2.4 Special education programs as provided by Title 6 of the Arkansas Code;
 - 6.11.2.5 Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
 - 6.11.2.6 Health and safety codes as established by the State Board and local governmental entities; and
 - 6.11.2.7 Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24-101 et seq., and any other controlling state or federal law regarding ethics or conflicts of interest; and
 - 6.11.2.8 Reporting through the Arkansas Public School Computer Network applications as provided under Title 6 of the Arkansas Code.

6.11.23 An open-enrollment public elementary charter school is subject to the requirements of Ark. Code Ann. § 6-16-102(a) concerning recess and may only seek a waiver of those requirements if the school:

6.11.23.1 Submits to the Division for approval of an alternative plan for recess that:

6.11.23.1.1 Exceeds the required minimum amount of minutes combined for physical activity under Ark. Code Ann. § 6-16-132 and recess under Ark. Code Ann. § 6-16-102(a); and

6.11.23.1.2 Provides for both structured and unstructured social time; or

6.11.23.2 Is approved by the division to operate as a virtual school.

Source: Ark. Code Ann. § 6-23-401

6.12 Enrollment Numbers and Deadline:

6.12.1 An open-enrollment public charter school may enroll a number of students not to exceed the number of students specified in its charter.

6.12.2 Any student enrolling in an open-enrollment public charter school shall enroll in that school by the deadline established in Ark. Code Ann. § 6-23-402 for the upcoming school year during which the student will be attending the open-enrollment public charter school.

6.12.3 However, if a student enrolled by the deadline established in Ark. Code Ann. § 6-23-402 should no longer choose to attend the open-enrollment public charter school or if the open-enrollment public charter school has not yet met its enrollment cap, the open-enrollment public charter school may enroll a number of replacement or additional students not to exceed the enrollment cap of the open-enrollment public charter school.

6.12.4 Open-enrollment public charter schools shall keep records of attendance in accordance with the law and submit quarterly attendance reports to the Department of Education Division of Elementary and Secondary Education.

Source: Ark. Code Ann. § 6-23-402

6.13 Annual Audit of Open-Enrollment Public Charter School Required:

6.13.1 Any other provision of the Arkansas Code or these rules notwithstanding, an open-enrollment public charter school shall be subject to the same auditing and accounting requirements as any other public school district in the state.

6.13.2 An open-enrollment public charter school shall prepare an annual certified audit of the financial condition and transactions of the open-enrollment public charter school as of June 30 each year in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States, and containing any other data as determined by the State Board for all public schools.

6.13.3 If the school is an open-enrollment public charter school in its first year of operation, the Legislative Auditor shall prepare the required annual financial audit for the school unless:

6.13.3.1 The open-enrollment public charter school chooses to retain the services of a licensed certified public accountant in public practice in good standing with the Arkansas State Board of Public Accountancy; and

6.13.3.2 The authorizer approves the open-enrollment public charter school's use of an entity other than the Legislative Auditor to prepare the annual financial audit.

6.13.4 No open-enrollment public charter school shall engage an accountant or accounting firm to conduct any audit if the accountant or accounting firm is listed on any ineligibility list maintained by the ~~Department of Education~~ Division of Elementary and Secondary Education or the Division of Arkansas Legislative Audit.

Source: Ark. Code Ann. §§ 6-23-403, 6-23-505, and 10-4-413

6.14 Evaluation of Open-Enrollment Public Charter Schools:

6.14.1 The ~~Department of Education~~ Division of Elementary and Secondary Education shall cause to be conducted an annual evaluation of open-enrollment public charter schools.

6.14.2 An annual evaluation shall include, without limitation, consideration of:

- 6.14.2.1 Student scores under the statewide assessment program, ~~described in Ark. Code Ann. § 6-15-433 the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq.;~~
- 6.14.2.2 Student attendance;
- 6.14.2.3 Student grades;
- 6.14.2.4 Incidents involving student discipline;
- 6.14.2.5 Socioeconomic data on students' families;
- 6.14.2.6 Parental satisfaction with the schools;
- 6.14.2.7 Student satisfaction with the schools; and
- 6.14.2.8 The open-enrollment public charter school's compliance with Ark. Code Ann. § 6-23-107 and Section 4.06 of these rules.

6.14.3 The authorizer may require the charter holder to appear before the authorizer to discuss the results of the evaluation and to present further information to the authorizer as the authorizer deems necessary.

Source: Ark. Code Ann. § 6-23-404

6.15 Monthly Reports: An open-enrollment public charter school in its initial school year of operation shall provide monthly reports on its enrollment status and compliance with its approved budget for the current school year to the ~~Department of Education~~ Division of Elementary and Secondary Education.

Source: Ark. Code Ann. § 6-23-405

6.16 ~~Department of Education Division Review: The Department of Education~~
Division of Elementary and Secondary Education shall:

6.16.1 Conduct an end-of-semester review of each open-enrollment public charter school that is in its initial school year of operation at the end of the first semester and at the end of the school year; and

6.16.2 Report to the State Board and the Commissioner ~~of Education~~ on the open-enrollment public charter school's:

6.16.2.1 Overall financial condition; and

6.16.2.2 Overall condition of student enrollment.

Source: ~~Ark. Code Ann. § 6-23-406~~

6.17 Funding for Open-Enrollment Public Charter Schools

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

6.17.2 For the first year of operation, the first year operating under a new license, the first year adding a new campus, and any year the open-enrollment public charter school adds a new grade at any campus, the foundation funding for an open-enrollment public charter school is determined as follows:

6.17.2.1 The initial funding estimate shall be based on enrollment as of the deadline established by Ark. Code Ann. § 6-23-501;

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

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

6.17.3 For the second year and each school year thereafter, the previous year's average daily membership will be used to calculate foundation funding amounts.

6.17.4 ~~National school lunch~~ Enhanced Student Achievement state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4) shall be provided to an open-enrollment public charter school as follows:

6.17.4.1 For the first year of operation, the first year operating under a new license, the first year adding a new campus, and any year the open-enrollment public charter school adds a new grade at any campus, 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~~ enhanced student achievement state categorical funding under the State Board rules governing special needs funding; and

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

6.17.5 Professional development funding under Ark. Code Ann. § 6-20-2305(b)(5) shall be provided to an open-enrollment public charter school for the for the first year of operation, the first year operating under a new license, the first year adding a new campus, and any year the open-enrollment public charter school adds a new grade at any campus as follows:

6.17.5.1 For 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 the date required by Ark. Code Ann. § 6-23-501 multiplied by the per-student professional development funding amount under Ark. Code Ann. § 6-20-2305(b)(5) for that school year.

- 6.17.5.2 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.
- 6.17.6 ~~The Department of Education~~ Division of Elementary and Secondary Education shall distribute other categorical funding under Ark. Code Ann. § 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.
- 6.17.7 An open-enrollment public charter school shall not be denied foundation 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 of Education~~ Division of Elementary and Secondary Education the number of students eligible for funding as specified in applicable rules.
- 6.17.8 Foundation funding for an open-enrollment public charter school shall be paid in twelve (12) installments each fiscal year.
- 6.17.9 An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.
- 6.17.10 Open-enrollment public charter schools may receive gifts and grants from private sources in whatever manner is available to public school districts.
- ~~6.17.11 An open-enrollment public charter school shall have a right of first refusal to purchase or lease for fair market value a closed public school facility or unused portions of a public school facility located in a public school district from which it draws students if the public school district decides to sell or lease the public school facility.~~
- ~~6.17.11.1 The public school district may not require lease payments that exceed the fair market value of the property.~~
- ~~6.17.11.2 The application of this Section 6.17.11 is subject to the rights of a repurchase under Ark. Code Ann. § 6-13-103 regarding property taken by eminent domain.~~

~~6.17.11.3 — A public school district is exempt from the requirements of this Section 6.17.11 if the public school district, through an open bid process, receives and accepts an offer to lease or purchase the property from a purchaser other than the open-enrollment public charter school for an amount that exceeds the fair market value.~~

~~6.17.11.4 — The purposes of this Section 6.17.11 are to:~~

~~6.17.11.4.1 — Acknowledge that taxpayers intended a public school facility to be used as a public school; and~~

~~6.17.11.4.2 — Preserve the option to continue that use.~~

~~6.17.11.5 — Nothing in this Section 6.17.11 is intended to diminish the opportunity for an Arkansas Better Chance program to bid on the purchase or lease of the public school facility on an equal basis as the open-enrollment public charter school.~~

~~Source: Ark. Code Ann. § 6-23-501~~

6.187 Source of Funding for Open-Enrollment Public Charter Schools

6.187.1 Open-enrollment public charter schools shall be funded each year through funds set aside from funds appropriated to state foundation funding aid in the Public School Fund.

6.187.2 The amount set aside shall be determined by the State Board.

~~Source: Ark. Code Ann. § 6-23-502~~

6.198 Use of Funding by Open-Enrollment Public Charter Schools

6.198.1 An open-enrollment public charter school may not use the moneys that it receives from the state for any sectarian program or activity or as collateral for debt.

6.198.2 No indebtedness of any kind incurred or created by the open-enrollment public charter school shall constitute an indebtedness of the

state or its political subdivisions, and no indebtedness of the open-enrollment public charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

- 6.198.3 Every contract or lease into which an open-enrollment public charter school enters shall include the wording of Section 6.19.2 of these rules.

Source: Ark. Code Ann. § 6-23-503

- 6.2019 Employee Benefits: Employees of an open-enrollment public charter school shall be eligible to participate in all benefits programs available to public school employees.

Source: Ark. Code Ann. § 6-23-504

6.210 Deposit and Management of Charter School Funds

- 6.210.1 All charter school funds, including state foundation funding, other state funding, federal funding, and grants and private donations received directly by a charter school, shall be deposited into a bank account titled in the name of the charter school.

- 6.210.2 Non-charter school funds of the sponsoring entity shall be deposited in a separate bank account titled in the name of the sponsoring entity and shall not be commingled with charter school funds.

- 6.210.3 If the charter school operates an approved federal child nutrition program, food service revenues shall be deposited and managed as required by federal law and by any regulations promulgated by the Arkansas Department of Education Division of Elementary and Secondary Education. Child Nutrition Unit or the Arkansas Department of Human Services.

- 6.210.4 Charter schools may, but are not required to, secure bank accounts as detailed in Ark. Code Ann. § 6-20-222.

6.221 Assets of Open-Enrollment Public Charter School as Property of State

- 6.221.1 Upon dissolution of the open-enrollment public charter school or upon nonrenewal or revocation of the charter, all net assets of the open-

enrollment public charter school, including any interest in real property, purchased with public funds shall be deemed the property of the state, unless otherwise specified in the charter of the open-enrollment public charter school.

6. ~~221~~.2 If the open-enrollment public charter school used state funds to purchase or finance personal property, real property, or fixtures for use by the open-enrollment public charter school, the ~~Department of Education~~ Division of Elementary and Secondary Education may require that the property be sold.

6. ~~221~~.3 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of the property to the extent of the public funds used in the purchase.

Source: Ark. Code Ann. § 6-23-506

6.232 Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (Application, Renewal, or Request for Charter Amendment)

6.232.1 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

6.232.2 The open-enrollment public charter school or applicant shall have twenty (20) minutes to present its case to the authorizer for approval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

6.232.3 Parties opposed to the open-enrollment public charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the authorizer for disapproval of the proposed open-enrollment public charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

6.232.3.1 Any party in opposition that wishes to present or participate at the hearing must notify the division's Charter School Office and the school or applicant in writing no later than ten (10) business days prior to the hearing.

6.232.3.2 If a party in opposition intends to use a presentation, handouts, or any other document, it must provide copies to the Charter School Office and to the school or applicant no later than ten (10) business days prior to the hearing.

6.232.3.3 A party in opposition that fails ~~not to~~ notify the Charter School Office no later than ten (10) business days prior to the hearing may only present or participate at the hearing with the permission of the authorizer.

6.232.4 The open-enrollment public charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the open-enrollment public charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

6.232.5 The authorizer will follow the presentation with discussion of the open-enrollment public charter school application, renewal, or request, and questions, if any, to the open-enrollment public charter school or applicant, opposing parties, or both.

6.232.6 The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

6.232.7 The authorizer may defer the vote to approve or disapprove a charter application, renewal, or request in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application, renewal, or request.

6.232.8 During the roll call vote on each open-enrollment public charter initial application, if a particular member of the authorizing body votes against the initial application, that member should state his or her reasons for disapproval as necessary to comply with Ark. Code Ann. § 6-23-305.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education Division of Elementary and Secondary Education~~ as authorizer may be found in Section 8.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 9.00 of these Rules.

6.243 Authorizer Hearing Procedures Related to Open-Enrollment Public Charter Schools (Modification, Probation, Transfer, Assignment, or Revocation of Charter)

6.243.1 Not later than twenty (20) days prior to the authorizer meeting at which the matter of modification, probation, transfer, assignment, or revocation will be considered, the ~~Department of Education~~ Division of Elementary and Secondary Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the open-enrollment public charter school.

6.243.2 All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

6.243.3 The open-enrollment public charter school shall have twenty (20) minutes to present its case to the authorizer ~~for~~ regarding the proposed modification, probation, transfer, assignment, or revocation of the open-enrollment public charter school charter. The Chair of the authorizing body may grant additional time, if necessary.

6.243.4 The authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the ~~Department of Education~~ Division of Elementary and Secondary Education, the open-enrollment public charter school, or both.

6.243.5 The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education~~ Division of Elementary and Secondary Education as authorizer may be found in Section 8.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 9.00 of these Rules.

6.254 The authorizer may allow the voluntary transfer or assignment of an open-enrollment charter school upon petition by the public charter school to the authorizer.

6.254.1 If the authorizer transfers or assigns the charter of an open-enrollment charter school to an eligible entity, the authorizer shall not hold the applicant responsible for any activity that occurred before the transfer or

assignment, which includes without limitation any disciplinary action taken by the authorizer.

6.254.2 After the authorizer transfers or assigns a charter to an eligible entity, the authorizer shall:

6.254.2.1 Direct the division to issue a new local education agency number as required under Ark. Code Ann. § 25-6-107; and

6.254.2.2 Direct the division not to issue an annual report as required under Ark. Code Ann. § 6-15-2101 until the eligible entity to which the charter was transferred has completed at least one (1) school year.

6.252625 Charter School Facilities: An open-enrollment public charter school shall not commence operations with students in any new or renovated facility unless the school has obtained for the new construction or renovation:

6. 252625.1A certificate of occupancy issued by a local code official approved by the state fire marshal;

6. 252625.2A certificate of occupancy or other approval of the state fire marshal;

or

6. 252625.3A certificate of substantial completion issued by a licensed architect.

6.276 Unused or Underutilized Public School Facilities: An open-enrollment public charter school may give notice of its intent to purchase or lease an unused or underutilized public school facility or other real property from a school district pursuant to the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing Right of Access to Unused or Underutilized Public School Facilities and the Sale or Lease of Public School Facilities.

6. 276.1 If there is more than one (1) open-enrollment public charter school located within the boundaries of the school district, the first right of refusal shall be available to the open-enrollment public charter school according to the following priorities:

6. 276.1.1 The percentage of students who qualify for free or reduced-price lunches;

6. 276.1.2 Student growth and achievement based on the most recently available data;

6. ~~276~~.1.3 The likelihood of immediate growth of the charter holder;
and

6. ~~276~~.1.4 The level of risk, as determined by the following criteria:

6. ~~276~~.1.4.1 Whether the open-enrollment public charter school
has been subject to any disciplinary action by the
authorizer;

6. ~~276~~.1.4.2 Whether the open-enrollment public charter school
has been classified as in fiscal distress or in need of
Level 5-- Intensive support; and

6. ~~276~~.1.4.3 Whether the open-enrollment public charter school
has been placed on probation or suspended under
Ark. Code Ann. § 6-23-105 and these Rules.

6. ~~276~~.2 If there is more than one (1) open-enrollment public charter school
located within the boundaries of the school district that gives notice of its
intent to purchase or lease the public school facility, the public school
district must notify each of the interested open-enrollment public charter
schools that the charter authorizer must decide which open-enrollment
public charter school will receive the property based on a review of the
comparative status of the school using the criteria listed in Section 6.27.1.

6. ~~276~~.3 Any open-enrollment public charter school that receives notice under
Section 6.27.2 of these Rules may request a hearing in front of
the charter authorizer to determine which school is entitled to the property
pursuant to the criteria in Section 6.27.1.

6. ~~276~~.3.1 A request made under Section 6.27.3 must be made in
writing to the Charter School Office no later than thirty-
five (35) days prior to the date of the authorizer meeting at
which the request will be heard.

6. ~~276~~.4 The charter authorizer shall determine which open-enrollment public
charter school is entitled to the property after a review of the comparative
status and educational needs of the open-enrollment public charter schools
as evidenced by the priority criteria in Section 6.27.1.

7.00 RULES APPLICABLE TO CHARTER SCHOOLS DESIGNATED AS A SCHOOL FOR AGRICULTURAL STUDIES

7.01 The authorizer may designate a public charter school as a School for Agricultural Studies.

7.02 To be designated as a School for Agricultural Studies, the applicant must include in its original application or charter amendment request the following:

7.02.1 A request to be designated as a School for Agricultural Studies;

7.02.2 The school's agricultural plan, which shall include without limitation:

7.02.2.1 The type of agricultural industry in the school's local region;

7.02.2.2 How the school will address the needs of that industry *and the state's agricultural-based economy*;

7.02.2.3 Anticipated support from the agricultural industry; and

7.02.3 A written review of the agricultural studies plan from the Division of Career Education.

7.03 A School for Agricultural Studies may petition the State Board of Education for creation of a new school district by detachment under Ark. Code Ann. § 6-13-1501 et seq., subject to the limitations in Section 7.04 below, if the School for Agricultural Studies meets the following conditions:

7.03.1 The school shall complete three (3) academic years serving students as a School for Agricultural Studies;

7.03.2 The school must not currently be classified *in as* in need of Level 5--Intensive Support, fiscal distress, or facilities distress;

7.03.3 The school must not be in probationary status for violation of the Standards for Accreditation of Arkansas Public Schools and School Districts; and

7.03.4 The school must show evidence that the school is meeting its stated goals.

7.04 A School for Agricultural Studies shall not be approved to create a new school district by detachment with fewer than three hundred and fifty (350) students as determined by a feasibility study included with the petition.

7.05 A School for Agricultural Studies is exempt from the minimum student enrollment and square mileage requirements under Ark. Code Ann. § 6-13-1501(a)(2) and § 6-13-1502.

7.06 Nothing prohibits a public charter school from offering agricultural programming without the designation as a School for Agricultural Studies.

7.07 A public charter school shall not refer to itself as a School for Agricultural Studies unless it is designated as a School for Agricultural Studies under Ark. Code Ann. § 6-23-108 and Section 7.00 of these Rules.

87.00 RULES APPLICABLE TO THE CLOSURE OR DISSOLUTION OF PUBLIC CHARTER SCHOOLS

78.01 Required Notices

78.01.1 No later than fifteen (15) days after the authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall furnish to the ~~Department of Education~~ Division of Elementary and Secondary Education:

78.01.1.1 A complete inventory of all personal property, real property, equipment, and fixtures owned or financed by the charter school, with documentation showing a description of each asset, serial number, tag number, location, estimated value, any encumbrance on the asset including recorded security interest or lien, and the source of funds for each purchase;

78.01.1.2 The account number and financial institution contact information for every account in which the charter school or sponsoring entity deposited any state or federal funds at any time, and complete bank statements for the twelve (12) months preceding the effective date of closure;

78.01.1.3 A complete list of all debts or obligations owed by the charter school and still outstanding as of the effective date of closure, including all outstanding checks or warrants;

~~78.01.1.4~~ A complete list of all accounts receivable owed to the charter school and still outstanding as of the effective date of closure; and

~~78.01.1.5~~ Complete contact information for every member of the charter school's board or governing entity.

8.01.2 In the event that the authorizer revokes the charter due to misuse, fraud, or theft of public funds, the division shall immediately obtain the information required in 8.01.1.

~~78.01.23~~If the authorizer votes to non-renew or revoke the charter, or the charter otherwise dissolves, the charter school or sponsoring entity shall, on a timeline established by the ~~Department~~ Division, send written notice of closure, as approved by the ~~Department~~ Division, to:

~~78.01.23.1~~ The parents and legal guardians of all students;

~~78.01.23.2~~ All employees of the charter school;

~~78.01.23.3~~ All creditors of the charter school; and

~~78.01.23.4~~ Every school district in which any students of the charter school reside.

~~78.01.34~~Every notice sent pursuant to Section ~~78.01.2~~ above must include:

~~78.01.34.1~~ The effective date of closure and last day of regular instruction; and

~~78.01.34.2~~ Contact information of the person employed or retained by the charter school or sponsoring entity to handle inquiries regarding the closure.

~~78.01.45~~Parental notices sent pursuant to Section ~~78.01.2~~ must additionally include:

~~78.01.45.1~~ The student's school district of residence, and the contact information for that district's enrollment office;

~~78.01.45.2~~ A statement that parents should contact the resident school district or any charter school where the student intends to enroll and should ask that school or district to request transfer of the student's educational records from the closing charter school; and

~~78.041.45.3~~ Contact information for the individual or entity charged with storage of student records after the school's closure.

~~78.01.56~~ Employee notices sent pursuant to Section ~~78.01.2~~ must additionally include the date of termination of all employee benefits (health insurance, etc.), along with any COBRA or other documentation required by law.

~~78.01.56~~ The deadline for any notice required by this Section may be extended by the ~~Department of Education~~ Charter School Office for good cause.

~~78.02~~ Assets of Open-Enrollment Public Charter School as Property of State

~~78.02.1~~ Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, all net assets of the open-enrollment public charter school purchased with public funds, including any interest in real property, shall be deemed the property of the state, unless otherwise specified in the charter or by federal law.

~~78.02.2~~ Immediately upon the revocation, transfer, or assignment of an open-enrollment charter by the authorizer, the public charter school shall:

~~8.02.2.1~~ Transfer to the division all state funds held by the public charter school, which the division shall hold in receivership; and

~~8.02.2.2~~ Provide to the division a detailed accounting of all accounts payable due from the state funds and any additional information or records requested by the division concerning the disbursement of the state funds.

~~78.02.23~~ The Commissioner of Education or his or her designee shall take all steps necessary to protect and recover any and all state assets in the possession or control of the former charter school or the sponsoring entity.

- 78.02.23.1 If any state or federal funds remain in any bank account(s) titled in the name of the charter school or sponsoring entity, the Commissioner of Education or his or her designee shall notify the financial institution that the account(s) holds state or federal funds and shall direct that the account(s) be immediately frozen, subject to further direction by the Commissioner or his or her designee.
- 78.02.23.2 Any funds remaining in any bank account(s) titled in the name of the charter school shall be presumed to be state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.
- 78.02.23.3 The Commissioner or his or her designee shall secure and arrange for the recovery and storage of all personal property, equipment, and fixtures purchased or financed in whole or in part with any state or federal funds. Any personal property or equipment contained within the charter school facility shall be presumed to have been purchased or financed in whole or in part with state or federal funds until such time as the sponsoring entity furnishes documentation showing otherwise.
- 78.02.23.4 At all times, the charter school, the sponsoring entity, and their officers, agents, and employees, must protect the school's assets against theft, misappropriation, and deterioration.

78.03 Distribution of Property

78.03.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the following property shall be sold, unless the Commissioner of Education determines otherwise:

- 78.03.1.1 Real property or fixtures purchased or financed in whole or in part by the open-enrollment public charter school with state funds;
- 78.03.1.2 Real property or fixtures purchased or financed in whole or in part by the sponsoring entity with federal grant funds administered by the ~~Department of Education~~ Division of

Elementary and Secondary Education, unless federal law requires some other method of distribution;

- 78.03.1.3 Personal property encumbered by a recorded security interest or lien and purchased or financed by the open-enrollment public charter school in whole or in part with state funds;
- 78.03.1.4 Personal property purchased or financed in whole or in part with state funds by an open-enrollment public charter school that never received federal funds and never directly benefited from a federal grant administered by the ~~Department of Education~~ Division of Elementary and Secondary Education; and
- 78.03.1.5 Any other personal property not distributed as provided by Sections 78.03.3 and 78.03.4 below.

78.03.2 The state has a perfected priority security interest in the net proceeds from the sale or liquidation of property sold pursuant to Section 78.03.1 above to the extent of the public funds used in the purchase. For the purpose of this section, "net proceeds" means the sale proceeds remaining after the satisfaction of all lien, security, ownership, or other interests that supersede the state's interest.

78.03.3 If the open-enrollment public charter school at any time operated an approved federal child nutrition program, all commodities and foodservice equipment purchased in whole or in part with federal funds or with nutrition program revenues shall be sold or transferred as directed by the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education, Child Nutrition Unit.

78.03.4 If the open-enrollment public charter school or its sponsoring entity received a federal grant administered by the ~~Department of Education~~ Division of Elementary and Secondary Education, then all other personal property, including furniture, equipment and supplies, purchased with state or federal funds may be redistributed to other Arkansas public charter schools or traditional public schools as allowed by federal law.

8.03.4.1 The division shall redistribute the items listed in Section 8.03.4 by notifying all open-enrollment public charter schools of the available items.

8.03.4.2 If there is more than one (1) open-enrollment public charter school that expresses interest in an item, the division shall use a rubric to redistribute the items pursuant to set priorities in the following order below, and distribute the property to the school with the highest number of points:

8.03.4.2.1 Open-enrollment public charter schools with the same educational model shall receive five (5) points;

8.03.4.2.2 Open-enrollment public charter schools in the same geographic area shall receive five (5) points;

8.03.4.2.3 Open-enrollment public charter schools with a free and reduced lunch percent greater than 70 percent shall receive four (4) points;

8.03.4.2.4 Open-enrollment public charter schools that are in the first two years of operation shall receive three (3) points;

8.03.4.2.5 Open-enrollment public charter schools that have expanded to new grade levels, new locations, or new campuses in the previous two years shall receive three (3) points; and

8.03.4.2.6 Open-enrollment public charter schools that did not receive start-up funds shall receive two (2) points.

78.04 Distribution of Funds

78.04.1 Upon the dissolution, non-renewal, or revocation of an open-enrollment public charter, the Commissioner of Education or his or her designee shall assert control over any funds deemed the property of the state under Section 78.02 above.

8.04.1 In the event of misuse of funds, fraud, or theft following the voluntary non-renewal of a public charter, the Commissioner ~~of Education~~ or his or her designee may assert control over any funds deemed the property of the state immediately, even if the charter is still in operation until the end of the school year.

8.04.2 The division shall hold funds received under Ark. Code Ann. § 6-23-105(e) and Section 8.02.2 of these Rules in a separate fund and shall expend the funds only with prior approval of the Commissioner ~~of Education~~.

8.04.2.1 If the State Board of Education reverses the revocation, transfer, or assignment, the division shall return any funds remaining in receivership to the public charter school.

~~78.04.23~~In order to comply with federal and state law, the Commissioner ~~of Education~~ shall use such funds to satisfy the following obligations of the charter school in the order listed:

- ~~78.04.23.1~~ Domestic support obligations withheld from an employee's wages in compliance with a court order prior to the effective date of dissolution, non-renewal, or revocation;
- ~~78.04.23.2~~ Federal tax liens imposed by the Internal Revenue Code for taxes or payroll tax withholding owed;
- ~~78.04.23.3~~ Any state tax lien or certificate of indebtedness issued by the Arkansas Department of Finance and Administration for taxes or payroll tax withholding owed;
- ~~78.04.23.4~~ Any debt owed to the ~~Arkansas Department of Education~~ Division of Elementary and Secondary Education, Child Nutrition Unit for penalties or reimbursement of overpayments;
- ~~78.04.23.5~~ Any debt owed to the ~~Department of Education~~ Division of Elementary or Secondary Education or other state agency for reimbursement of any other overpayment of federal funds;

- 78.04.23.6 Unpaid contributions to the Arkansas Teacher Retirement System accrued prior to the effective date of dissolution, non-renewal, or revocation;
- 78.04.23.7 Unpaid contributions to the Employee Benefits Division of the Arkansas Department of Finance & Administration accrued prior to the effective date of dissolution, non-renewal, or revocation; and
- 78.04.23.8 Unpaid employee wages accrued prior to the effective date of dissolution, non-renewal, or revocation in accordance with employee contracts and the school's policies in effect as of the beginning of the current school year.

8.04.4 A claimant may file a claim for disbursement from the state funds if the claimant is owed by the public charter school.

8.04.4.1 The claim must be made in writing to the Charter School Office;

8.04.4.2 The claimant must attach an invoice that describes the nature of the debt owed;

8.04.4.3 The claim must be for an allowable expense; and;

8.04.4.4 The claim must be filed within one (1) calendar year from the date of revocation.

8.04.4.5 Claims received by the division under Section 8.04.4 will be paid in the order received, after all obligations under Section 8.04.3 have been satisfied, and only if adequate funds remain.

8.04.5 The determination of the division concerning the disbursement of the state funds is final and may not be appealed.

8.04.6 If funds remain in receivership for which no legitimate, documented claim has been made to the division within one (1) calendar year after the revocation, the remaining funds shall be transferred to the Public School Fund.

~~7.04.3 Any remaining funds deemed the property of the state under Section 7.02 above shall be disbursed pursuant to Section 8.02 above, deposited into the State Treasury to the credit of the Department of Education Public School Fund Account.~~

78.05 Distribution of Records

78.05.1 The charter school or sponsoring entity must promptly submit all student records to the transfer school, including:

- 78.05.1.1 Individualized Education Programs (IEPs) and all records regarding special education and supplemental services;
- 78.05.1.2 Student health / immunization records;
- 78.05.1.3 Attendance records;
- 78.05.1.4 Testing materials, including scores, test booklets, etc. required to be maintained by the School; and
- 78.05.1.5 All other student records.
- 78.05.1.6 All end-of-school-year grades and evaluations must be completed and made part of the student records, including any IEP, Committee on Special Education meetings, or progress reports.
- 78.05.1.7 To the extent that testing scores, etc. are scheduled to arrive after the school closure, arrangements should be made with the testing agent to forward such material to the transfer school.

78.05.2 No later than thirty (30) days after closure or dissolution of the charter, the charter school or sponsoring entity shall send each employee of the charter school:

- 78.05.2.1 Copies of his or her contracts, evaluations, recommendation letters, and any other proof of employment and/or termination;

78.05.2.2 Documentation of staff development hours; and

78.05.2.3 Notice that employees must keep this documentation for their records as the state will have no way of providing proof of employment after the school is closed.

78.05.3 If the charter school operated an approved federal child nutrition program, all child nutrition records shall be delivered to the Arkansas Department of Education Division of Elementary and Secondary Education, Child Nutrition Unit on a schedule established by the Unit.

78.05.4 Any student records remaining in the possession of the charter school or sponsoring entity, or in the possession of any other entity or individual designated by the charter school or sponsoring entity, shall be maintained in a manner sufficient to protect student privacy rights in accordance with the Federal Educational Rights and Privacy Act of 1974, as amended.

78.05.5 The sponsoring entity shall maintain all relevant corporate or governance records for at least five (5) years after the effective date of closure, specifically including but not limited to:

78.05.5.1 All board minutes, policies, and bylaws of the charter school board or governing entity;

78.05.5.2 Bonds, mortgages, loan agreements, and all other financing instruments;

78.05.5.3 Lease agreements;

78.05.5.4 Accounting and bank records;

78.05.5.5 Payroll and tax records as required by federal law;

78.05.5.6 Grant records as specified by 34 C.F.R. § 80.42 or other relevant federal or state law; and

8.05.5.7 Any other document required by law to be maintained.

8.05.6 No later than thirty (30) days after closure or dissolution of the charter, the charter school or sponsoring entity shall make available all financial records requested by the division.

8.05.6.1 In the event of misuse of public funds, fraud, or theft, the charter school or sponsoring entity shall make immediately available all financial records required by the division.

89.00 ~~DEPARTMENT OF EDUCATION AS PUBLIC CHARTER AUTHORIZER~~

89.01 The ~~Department of Education~~ is the designated public charter authorizer ~~with~~ has jurisdiction and authority over all public charters issued in this state to take the following action on a proposed or established public charter:

89.01.1 Approve;

89.01.2 Reject;

89.01.3 Renew;

89.01.4 Non-renew;

89.01.5 Place on probation;

89.01.6 Modify;

89.01.7 Revoke; ~~or~~

89.01.8 Deny;

9.01.9 Transfer; ~~or~~

9.01.10 Assign.

89.02 The ~~department~~ Division shall exercise authority over public charter schools under Title 6, Chapter 23 of the Arkansas Code and these rules through a public charter authorizing panel established within the ~~department~~ division.

89.02.1 The Commissioner of Education shall appoint a public charter authorizing panel that ~~consists~~ may consist of individuals from outside the division as well as professional staff employed at the ~~department~~ division to serve at the pleasure of the commissioner.

- 89.02.2 The commissioner may elect to serve as a member on the charter authorizing panel as the chair.
- 89.02.3 The public charter authorizing panel is composed of an odd number of members and consists of no less than five (5) members and no more than eleven (11) members.
- 89.03 The ~~department~~ authorizer may waive provisions of Title 6 of the Arkansas Code or State Board of Education rules as allowed by law for public charters.
- 89.04 The ~~department~~ authorizer shall conduct all hearings on public charter school matters as required by law, rule, and process and make final determinations as allowed by law.
- 89.04.1 A hearing under Title 6, Chapter 23 of the Arkansas Code and these rules conducted by the ~~department~~ authorizer shall be an open meeting under the Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-106.
- 89.04.2 For the purposes of Ark. Code Ann. § 25-19-106, the members of the public charter authorizing panel shall be considered a governing body only in regards to actions specifically authorized by Title 6, Chapter 23, Subchapter 7 of the Arkansas Code and these rules.
- 89.04.3 All decisions of the panel shall be made by a majority vote of the quorum.
- 89.04.4 A decision of the ~~department~~ authorizer is final except as provided under Ark. Code Ann. § 6-23-703 and Section 910.00 of these rules.
- 89.04.5 The Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. shall not apply to a hearing concerning a public charter school.
- 89.05 The ~~department~~ Division shall be the primary authorizer of public charters except as provided under Ark. Code Ann. § 6-23-703 and Section 910.00 of these rules.
- 89.06 The ~~department~~ Division shall notify in writing the State Board, charter applicant, public charter school, and affected school districts, if any, of final decisions made by the ~~department~~ Division no less than fourteen (14) calendar days before the next regularly scheduled State Board meeting after the final decision is made by the ~~department~~ Division.

89.06.1A charter applicant, public charter school, and affected school district, if any, may submit in writing a request that the State Board review the final decision of the ~~department~~ authorizer under Ark. Code Ann. § 6-23-703 and Section 910.00 of these rules.

89.06.2The written request submitted under Section 89.06.1 of these rules shall state the specific reasons supporting a review by the State Board.

89.06.3The decision of whether to review a final decision of the ~~department~~ authorizer is discretionary by the State Board and the provisions of this section and Ark. Code Ann. § 6-23-703 do not grant any right of appeal to a charter applicant, public charter school, or affected school district.

Source: Ark. Code Ann. § 6-23-701 through 6-23-702

910.00 STATE BOARD OF EDUCATION OPTIONAL REVIEW

910.01 If a charter applicant, public charter school, or affected districts submits a request that the State Board review the final decision of the ~~department~~ authorizer under Section 89.06.1 of these rules, the State Board shall:

910.01.1 Allow the party requesting review three (3) minutes to present the reasons for review.

910.01.2 Allow any parties opposed to the State Board review three (3) minutes to present the reasons to deny review.

910.01.3 Allow the party requesting review one (1) minute to offer any closing remarks.

910.01.4 Allow additional time at the discretion of the Chair.

910.02 On a motion approved by a majority vote, the State Board may exercise a right of review of a charter determination made by the ~~department~~ authorizer at the next regularly scheduled State Board meeting after receiving notice provided under Ark. Code Ann. § 6-23-702(b) and Section 89.06 of these rules.

910.03 If the State Board votes to review a final decision made by the ~~department~~ authorizer, the State Board shall:

910.03.1 State the specific additional information the State Board requires from the ~~department~~ Division, public charter school, public charter school applicant, or affected school district.

910.03.2 Conduct a full hearing regarding a final decision made by the ~~department~~ authorizer under Ark. Code Ann. § 6-23-701(a) and Section 89.04 of these Rules; and

910.03.3 Hold the hearing at the earlier of:

910.03.3.1 The next regularly scheduled State Board meeting following the State Board meeting during which the State Board voted to authorize a review; or

910.03.3.2 A special board meeting called by the State Board.

910.04 At the conclusion of the hearing, the State Board may issue a final decision by State Board vote.

910.04.1 The State Board may decide by a majority vote of the quorum to:

910.04.1.1 Affirm the decision of the ~~department~~ authorizer;

910.04.1.2 Take other lawful action on the public charter;

910.04.1.3 Request additional information from the ~~department~~ Division, public charter school, public charter school applicant, or affected school district, if needed.

910.04.1.4 If the State Board requests additional information under Ark. Code Ann. § 6-23-703(c)(2)(C)(i) or Section 910.03.1.3 of these Rules, the State Board shall hold a subsequent hearing at the earlier of the next regularly scheduled State Board meeting or a special board meeting called by the State Board.

910.04.2 A decision made by the State Board is final with no right of appeal.

Source: ~~Ark. Code Ann. § 6-23-703~~

1011.00 RULES APPLICABLE TO ADULT EDUCATION CHARTER SCHOOLS

4011.01 Application for an Adult Education Charter School

4011.01.1 Pursuant to Title 6, Chapter 23 of the Arkansas Code and these rules, an eligible entity may apply to the authorizer to grant adult education charter school status for an adult education program that offers a curriculum that culminates in

4011.01.1.1 A high school diploma; and

4011.01.1.2 An industry certification.

4011.01.2 An adult education charter school shall be recognized by the State Board of Education as an open-enrollment public charter school. However, an adult education charter school is not eligible for state funding intended for elementary and secondary districts, schools, or programs, including but not limited to, state foundation and categorical funding.

4011.01.3 An adult education charter school does not count toward the cap for open-enrollment public charter schools under § 6-23-304(c).

4011.01.4 The authorizer shall adopt an application form, schedule, and a procedure that must be used to apply for an adult education charter school. The State Board shall adopt any applications, forms, schedules and procedures that are required to be promulgated through the Administrative Procedure Act.

4011.01.5 The authorizer shall adopt, in conjunction with the application form adopted under section 4011.01.4 of these Rules, a scoring rubric that shall constitute criteria to inform the authorizer's approval of a program for which an adult education charter may be granted. The State Board shall adopt any rubric that is required to be promulgated through the Administrative Procedure Act.

4011.01.6 The application to the authorizer for an adult education charter school shall be made in accordance with a schedule approved by the authorizer. The State Board shall adopt any schedule that is required to be promulgated through the Administrative Procedure Act.

~~4011.01.7~~ The application form must provide space for including all information required under Title 6, Chapter 23 and these rules to be contained in the charter.

~~4011.01.8~~ A nonprofit entity's application for an adult education charter school shall include, without limitation a:

~~4011.01.8.1~~ History of the nonprofit entity's success in providing education services, including industry certifications and job placement services, to adults eighteen (18) years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar circumstances;

~~4011.01.8.2~~ Pledge to commit at least one million dollars (\$1,000,000) to the adult education charter school, if approved, with up to twenty-five percent (25%) of the commitment allowed to be in-kind;

11.01.8.2.1 A nonprofit entity that is opening an additional adult education public charter school under Ark. Code Ann. § 6-23-1001(b) is not required to commit one million dollars (\$1,000,000) for the additional adult education public charter school if it has already pledged to commit at least one million dollars (\$1,000,000) to an adult education charter school under Ark. Code Ann. § 6-23-1001(b)(2)(A).

~~4011.01.8.3~~ Description of any partnership with a state-supported two year institution of higher education, if anticipated;

~~4011.01.8.4~~ Description of testimony from a public hearing in the community where the adult education charter school is planned;

~~4011.01.8.5~~ Copy of the notice of the public hearing that documents that the notice was published, at least three (3) weeks before the date of the public hearing, in a newspaper having

general circulation in the community where the adult education charter school is planned;

- 4011.01.8.6 Comprehensive plan of how the adult education charter school will meet the industry needs for a sufficiently trained workforce in the state;
- 4011.01.8.7 Strategy for engaging the community, including business leaders, in carrying out the goals and objectives of the adult education charter school;
- 4011.01.8.8 Description of the proposed performance criteria that will be used during the initial five-year period of the charter to measure the progress of the adult education charter school in meeting the industry needs for a sufficiently trained workforce in the state;
- 4011.01.8.9 Detailed budget and governance plan for the operation of the adult education charter school; and
- 4011.01.8.10 List of any specific state laws or rules of the State Board of Education from which the adult education public charter wishes to be exempt with an explanation of why the exemption is needed.

Source: Ark. Code Ann. § 6-23-1001

4011.02 Authorization for an Adult Education Charter: The authorizer shall review the an application for an adult education charter school and may approve an application that:

- 4011.02.1 Provides an acceptable plan for meeting the industry needs for a sufficiently trained workforce in the state;
- 4011.02.2 Includes a set of performance criteria objectives for the terms of the charter and the means for measuring the performance criteria objectives on a yearly basis;
- 4011.02.3 Includes a comprehensive strategy for engaging the community, including without limitation business leaders, in the process of meeting the goals and objectives of the adult education public charter;

~~1011.02.4~~ Includes an agreement to provide an annual report to the community that indicates the progress made by the adult education public charter school in meeting the performance criteria objectives during the previous year; and

~~1011.02.5~~ Includes an appropriate budget and governance plan.

———— *Source: Ark. Code Ann. § 6-23-1002*

~~1011.03~~ Adult Education Charter School Licenses

~~1011.03.1A~~ A charter applicant that receives an approved adult education charter may petition the authorizer for additional licenses to establish an adult education charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

~~1011.03.1.1~~ The approved adult education charter applicant has demonstrated academic success as defined by the State Board for all public schools;

~~1011.03.1.2~~ The approved adult education charter applicant has not:

~~1011.03.1.2.1~~ Been subject to any disciplinary action by the authorizer;

~~1011.03.1.2.2~~ Been classified as in academic or fiscal distress;

~~1011.03.1.2.3~~ Had its adult education charter placed on charter school probation or suspended or revoked under Ark. Code Ann. § 6-23-105 or Section 4.03 of these rules; and

~~1011.03.1.2.4~~ The authorizer determines in writing by a majority of a quorum present that the adult education charter applicant has generally established the educational program results and criteria set forth in Section 10.03 of these rules.

~~4011.04~~ Resubmission of Adult Education Charter School Applications

~~4011.04.1~~ The authorizer may allow an applicant to resubmit ~~the~~ an application for an adult education public charter school if the original application was, in the opinion of the authorizer deficient in one (1) or more respects.

~~4011.04.2~~ The ~~Department of Education~~ Division of Elementary and Secondary Education may provide technical assistance to the applicant for an adult education public charter school in the creation or modification of its application.

Source: ~~Ark. Code Ann. § 6-23-1003~~

~~4011.05~~ Enrollment in an Adult Education Charter School

~~4011.05.1~~ An approved adult education charter school shall have an enrollment cap of no more than three hundred fifty (350) students.

~~4011.05.2~~ A person who is at least nineteen (19) years of age may enroll in an adult education charter school if the person has:

~~4011.05.2.1~~ Not earned a high school diploma;

~~4011.05.2.2~~ Failed to complete the requirements for high school graduation.

Source: ~~Ark. Code Ann. § 6-23-1004~~

~~4011.06~~ Funding for an Adult Education Charter School

~~4011.06.1~~ Funding for an adult education charter school shall not be provided through the Public School Fund.

~~4011.06.2~~ Funding for an adult education charter school may come from public or private sources, including from the eligible entity that operates an adult education charter school.

~~4011.06.3~~ An adult education charter school is not eligible to receive any state funds intended for elementary and secondary programs.

Source: ~~Ark. Code Ann. § 6-23-1005~~

~~4011.07~~Renewal of an Adult Education Charter: The authorizer may renew the adult education charter on a one-year or multiyear basis.

~~Source: Ark. Code Ann. § 6-23-1006~~

~~4011.08~~Status Report: The ~~Department of Education~~ Division of Elementary and Secondary Education shall report to the Senate Committee on Education and the House Committee on Education by December 1 each year concerning:

~~4011.08.1~~Evaluations of any adult education charter schools operating under this subchapter in the state, including the impact on meeting industry needs and addressing the workforce needs in the state; and

~~4011.08.2~~Recommendations regarding the abolition, expansion, or modifications of the laws pertaining to adult education charters.

~~Source: Ark. Code Ann. § 6-23-1007~~

~~4011.09~~ Authority under a Charter for Adult Education Charter Schools

~~4011.09.1~~ An adult education charter school:

~~4011.09.1.1~~ Shall be governed by an eligible entity that is fiscally accountable under the governing structure as described by the charter;

~~4011.09.1.2~~ Shall provide instruction to adults as provided by the charter;

~~4011.09.1.3~~ Shall retain the authority to operate under the charter contingent on satisfactory student performance as provided by the charter in accordance with Title 6, Chapter 23 of the Arkansas Code and these rules;

~~4011.09.1.4~~ Shall have no authority to impose taxes;

~~4011.09.1.5~~ Shall not charge tuition or fees that would not be allowable charges in the public school districts; and

~~4011.09.1.6~~ Shall not be religious in its operations or programmatic offerings.

~~4011.09.2~~An adult education charter school is subject to any prohibition, restriction, or requirement imposed by Title 6 of the Arkansas Code and any rule and regulation promulgated by the State Board under Title 6 of the Arkansas Code relating to:

- ~~4011.09.2.1~~ Monitoring compliance with Title 6 of the Arkansas Code, as determined by the Commissioner;
- ~~4011.09.2.2~~ Public school accountability under Title 6 of the Arkansas Code;
- ~~4011.09.2.3~~ High school graduation requirements as established by the State Board;
- ~~4011.09.2.4~~ Special education programs as provided by Title 6 of the Arkansas Code;
- ~~4011.09.2.5~~ Conducting criminal background checks for employees as provided by Title 6 of the Arkansas Code;
- ~~4011.09.2.6~~ Health and safety codes as established by the State Board and local governmental entities; and
- ~~4011.09.2.7~~ Ethical guidelines and prohibitions as established by Ark. Code Ann. § 6-24-101 et seq., and any other controlling state or federal law regarding ethics or conflicts of interest.

Source: ~~Ark. Code Ann. § 6-23-1008~~

~~4011.10~~Enrollment Numbers and Deadline: Adult education charter schools shall keep records of attendance in accordance with the law and submit quarterly attendance reports to the ~~Department of Education~~ Division of Elementary and Secondary Education.

Source: ~~Ark. Code Ann. § 6-23-1008(3)~~

~~4011.11~~ Annual Audit of Adult Education Charter School Required

- 4011.11.1 An adult education charter school shall prepare an annual certified audit of the financial condition and transactions of the adult education charter school as of June 30 each year in accordance with auditing standards generally accepted in the United States and Government Auditing Standards issued by the Comptroller General of the United States, and containing any other data as determined by the State Board for all public schools.

Source: Ark. Code Ann. § 6-23-1008(3)

- 4011.12 Monthly Reports: An adult education charter school in its initial school year of operation shall provide monthly reports on its enrollment status and compliance with its approved budget for the current school year to the Department of Education Division of Elementary and Secondary Education.

Source: Ark. Code Ann. § 6-23-1008(3)

- 4011.13 Department of Education Division of Elementary and Secondary Education Review: The Department of Education Division of Elementary and Secondary Education shall:

- 4011.13.1 Conduct an end-of-semester review of each adult education charter school that is in its initial school year of operation at the end of the first semester and at the end of the school year; and

- 4011.13.2 Report to the State Board and the Commissioner of Education on the adult education charter school's:

- 4011.13.2.1 Overall financial condition; and

- 4011.13.2.2 Overall condition of student enrollment.

Source: Ark. Code Ann. § 6-23-1008

- 4011.14 Use of Funding by Adult Education Charter Schools

- 4011.14.1 No indebtedness of any kind incurred or created by the adult education charter school shall constitute an indebtedness of the state or its political subdivisions, and no indebtedness of the adult education charter school shall involve or be secured by the faith, credit, or taxing power of the state or its political subdivisions.

~~1011.14.2~~ Every contract or lease into which an adult education charter school enters shall include the wording of Section ~~1011.14.1~~ of these rules.

Source: Ark. Code Ann. § 6-23-1008

~~1011.15~~ Charter School Facilities: An adult education charter school shall not commence operations with students in any new or renovated facility unless the school has obtained for the new construction or renovation:

~~1011.15.1~~ A certificate of occupancy issued by a local code official approved by the state fire marshal;

~~1011.15.2~~ A certificate of occupancy or other approval of the state fire marshal; or

~~1011.15.3~~ A certificate of substantial completion issued by a licensed architect.

~~1011.16~~ Authorizer Hearing Procedures Related to Adult Charter Schools (Application, Renewal, or Request for Charter Amendment)

~~1011.16.1~~ All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

~~1011.16.2~~ The adult education charter school or applicant shall have twenty (20) minutes to present its case to the authorizer for approval of the proposed adult education charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

~~1011.16.3~~ Parties opposed to the adult education charter school application, renewal, or request, if any, shall have twenty (20) minutes to present its case to the authorizer for disapproval of the proposed adult education charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

11.16.3.1 Any party in opposition that wishes to present or participate at the hearing must notify the division's Charter School Office and the school or applicant in writing no later than ten (10) business days prior to the hearing.

11.16.3.2 If a party in opposition intends to use a presentation, handouts, or any other document, it must provide copies to the Charter School Office and to the school or applicant no later than ten (10) business days prior to the hearing.

11.16.3.3 A party in opposition that fails ~~not~~ to notify the Charter School Office no later than ten (10) business days prior to the hearing may only present or participate at the hearing with the permission of the authorizer.

11.16.4 The adult education charter school or applicant shall have five (5) minutes to respond to any arguments in opposition to the adult education charter school application, renewal, or request. The Chair of the authorizing body may grant additional time, if necessary.

11.16.5 The authorizer will follow the presentation with discussion of the adult education charter school application, renewal, or request, and questions, if any, to the adult education charter school or applicant, opposing parties, or both.

11.16.6 The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

11.16.7 The authorizer may defer the vote to approve or disapprove a charter application, renewal, or request in order to allow a public charter school or applicant to make modifications or receive technical assistance to correct deficiencies in the application, renewal, or request.

11.16.8 During the roll call vote on each adult education charter initial application, if a particular member of the authorizing body votes against the initial application, that member should state his or her reasons for disapproval.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education Division of Elementary and Secondary Education~~ as authorizer may be found in Section 89.00 of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section 910.00 of these Rules.

~~4011.17~~ Authorizer Hearing Procedures Related to Adult Education Charter Schools
(Modification, Probation or Revocation of Charter)

~~4011.17.1~~ Not later than twenty (20) days prior to the authorizer meeting at which the matter of modification, probation or revocation will be considered, the ~~Department of Education~~ Division of Elementary and Secondary Education shall provide written notice of the reason(s) for the proposed action, as well as of the time and location of such hearing, to the adult education charter school.

~~4011.17.2~~ All persons, with the exception of the attorneys representing the parties, who plan to provide testimony during the hearing must be sworn by the Chair of the body conducting the hearing.

~~4011.17.3~~ The adult education charter school shall have twenty (20) minutes to present its case to the authorizer regarding the proposed modification, probation, or revocation of the adult charter school charter. The Chair of the authorizing body may grant additional time, if necessary.

~~4011.17.4~~ The authorizer will follow the presentation with discussion of the matter and questions, if any, to representatives from the ~~Department of Education~~ Division of Elementary and Secondary Education, the adult education charter school, or both.

~~4011.17.5~~ The authorizer may issue a final decision at the hearing or take the matter under advisement until a future scheduled meeting.

Note: Additional requirements pertaining to hearings involving the ~~Department of Education~~ Division of Elementary and Secondary Education as authorizer may be found in Section ~~89.00~~ of these Rules. Additional requirements pertaining to hearings involving the State Board of Education as authorizer may be found in Section ~~910.00~~ of these Rules.

State of Arkansas *As Engrossed: H2/28/19 H3/13/19*

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1409

By: Representatives Della Rosa, *Vaught, Barker, Beck, Bentley, Capp, Cavanaugh, Christiansen, Clowney, Coleman, C. Cooper, Crawford, A. Davis, Dotson, Evans, C. Fite, V. Flowers, Gates, Glover, M. Hodges, Hollowell, Lundstrum, McCullough, McNair, Miller, Payton, Richardson, Richmond, Scott, B. Smith, Warren, Wing*
By: Senators Elliott, E. Cheatham, L. Eads, M. Johnson, G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING UNSTRUCTURED SOCIAL TIME IN SCHOOLS; TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE THAT A CERTAIN AMOUNT OF INSTRUCTIONAL TIME BE USED FOR RECESS; TO CONSIDER THE SUPERVISION OF STUDENTS DURING UNSTRUCTURED SOCIAL TIME AS AN ACTIVITY WITH AN INSTRUCTIONAL PURPOSE; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR EXTENDED LEARNING OPPORTUNITIES THROUGH UNSTRUCTURED SOCIAL TIME; TO REQUIRE A CERTAIN AMOUNT OF TIME FOR RECESS; AND TO CONSIDER SUPERVISION DURING UNSTRUCTURED SOCIAL TIME AS INSTRUCTIONAL.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Public school students need the ability to learn and grow from one another in a social setting;

(2) Often, exchanges between public school students with respect



1 to learning and social awareness occur during recess;

2 (3) Public school students need more opportunities for physical
3 activity during the school day in order to promote healthy and active
4 lifestyles;

5 (4) Public school students should be given a sufficient daily
6 break in the form of recess, which would allow them to fully focus while they
7 are in class;

8 (5) Educational leaders cannot allow for a sufficient amount of
9 time in the school day for recess within the current construct of the
10 instructional requirements and time allotted in a school day, which generates
11 decreased focus in class and fewer opportunities to develop social awareness
12 among public school students;

13 (6) Due to numerous mandates, there has been a steady decline in
14 the amount of time dedicated to recess for elementary public school students;
15 and

16 (7) To address the increased need for public school student
17 social awareness and learning opportunities beyond the classroom, recess
18 should be included as part of the instructional school day.

19
20 SECTION 2. Arkansas Code § 6-16-102(a), concerning a school day, is
21 amended to add an additional subdivision to read as follows:

22 (5)(A) At least forty (40) minutes of instructional time per
23 school day shall be used for recess during the school day for students
24 attending public elementary schools.

25 (B) Recess shall:

26 (i) Consist of supervised, unstructured social time
27 during which public school students may communicate with each other;

28 (ii) Occur outdoors when weather and other relevant
29 conditions permit; and

30 (iii) Include without limitation opportunities for
31 free play and vigorous physical activity, regardless of whether recess occurs
32 indoors or outdoors.

33 (C) The remaining instructional hours required under this
34 section shall be distributed across academic content areas as determined by a
35 public school district board of directors.

36 (D) A public school principal may use discretion to adjust

1 recess time required under this section due to special circumstances or
2 programs that interrupt a regular school day.

3 (E)(i) A public elementary school may seek a waiver from
4 the requirements under subdivision (a)(5) if the public elementary school:

5 (a) Submits to the Department of Education for
6 approval an alternative plan for recess that:

7 (1) Exceeds the required minimum amount
8 of minutes combined for physical activity under § 6-16-132 and recess under
9 this section; and

10 (2) Provides for both structured and
11 unstructured social time; or

12 (b) Is approved by the department to operate
13 as a virtual school.

14 (ii) Beginning with the 2019-2020 school year, the
15 department shall provide to the House Committee on Education and the Senate
16 Committee on Education each year for three (3) years a report that details
17 the following:

18 (a) Which public elementary schools have been
19 granted a waiver under subdivision (a)(5)(E)(i) of this section; and

20 (b) How many waivers have been granted by the
21 department under subdivision (a)(5)(E)(i) of this section.

22
23 SECTION 3. Arkansas Code § 6-17-117(b), concerning noninstructional
24 duties of teachers, is amended to read as follows:

25 (b) As used in this section:

26 (1) "Noninstructional duties" means the supervision of students
27 before or after the instructional day begins or ends for students or for the
28 supervision of students during breakfasts, lunches, ~~recesses~~, or scheduled
29 breaks; and

30 (2) "Instructional purposes" means activities initiated by the
31 teacher related to teaching duties, including, ~~but not limited to,~~ without
32 limitation contacting parents, assessing student performance, documenting
33 student performance, organizing the classroom, preparing instructional
34 materials, supervising students during recess, and other teaching
35 responsibilities related to instructional planning and the direct instruction
36 of students.

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/s/Della Rosa

APPROVED: 4/1/19

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

As Engrossed: H3/11/19

A Bill

HOUSE BILL 1573

4
5 By: Representative Cozart
6 By: Senator J. English
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND AND UPDATE VARIOUS PROVISIONS OF THE
10 ARKANSAS CODE CONCERNING PUBLIC EDUCATION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND AND UPDATE VARIOUS PROVISIONS OF
16 THE ARKANSAS CODE CONCERNING PUBLIC
17 EDUCATION.
18
19

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

22 SECTION 1. Arkansas Code § 6-11-125(b), concerning the use of
23 information technology to eliminate the amount of paperwork by the State
24 Board of Education, is repealed.

25 ~~(b) The State Board of Education, acting through the department, shall~~
26 ~~use every means available to eliminate the amount of paperwork required by~~
27 ~~state law and regulations to be reported from each local school district by~~
28 ~~utilizing to the fullest extent possible, beginning no later than July 1,~~
29 ~~1998, the information technology network linking local school districts and~~
30 ~~the department.~~
31

32 SECTION 2. Arkansas Code § 6-11-126 is repealed.

33 ~~6-11-126. Computer funds approval.~~

34 ~~Before the Department of Education obligates any funds for the purchase~~
35 ~~or lease of a computer for the Arkansas Public School Computer Network, the~~
36 ~~department shall first seek prior review from the Joint Interim Oversight~~



1 ~~Subcommittee on Educational Reform.~~

2

3 SECTION 3. Arkansas Code § 6-11-127, is amended to read as follows:

4 6-11-127. School district boundaries.

5 The ~~Commissioner of Education~~ Arkansas Geographic Information Systems
6 Office shall keep for the Commissioner of Education ~~records showing~~
7 ~~descriptions of each school district in the state,~~ a map showing the school
8 districts with their boundaries, ~~the location of the schoolhouses, and the~~
9 ~~electoral zones, if any, into which each school district has been divided.~~

10

11 SECTION 4. Arkansas Code § 6-13-1403(d)(2)(B), concerning the
12 conditions under which the State Board of Education may annex school
13 districts, is amended to read as follows:

14 (B) It ~~shall be~~ is the duty of the ~~Department of Education~~
15 Arkansas Geographic Information Systems Office to make changes in the maps of
16 the school districts to properly show the boundary lines of the receiving
17 district or districts.

18

19 SECTION 5. Arkansas Code § 6-13-1404(d)(2)(B), concerning the
20 conditions under which the State Board of Education may consolidate school
21 districts, is amended to read as follows:

22 (B) It ~~shall be~~ is the duty of the ~~Department of Education~~
23 Arkansas Geographic Information Systems Office to make changes in the maps of
24 the school districts to properly show the boundary lines of the resulting
25 district or districts.

26

27 SECTION 6. Arkansas Code § 6-13-1414(d), concerning boundary changes
28 by the State Board of Education, is amended to read as follows:

29 (d) Upon an order from the state board to change or adjust boundary
30 lines, it shall be the duty of the ~~Department of Education~~ Arkansas
31 Geographic Information Systems Office to immediately make changes in the maps
32 of the school districts ~~of the county~~ to show the changes of boundaries.

33

34 SECTION 7. Arkansas Code § 6-14-113 is repealed.

35 ~~6-14-113. Election kits for school elections.~~

36 ~~(a) In order that the annual school elections held throughout this~~

1 ~~state will be conducted in a more uniform manner, the State Board of~~
2 ~~Education is authorized and directed to prepare and distribute annually upon~~
3 ~~the request of the county board of election commissioners of each county~~
4 ~~annual school election kits or packages designed especially for conducting~~
5 ~~annual school elections in the manner required by law.~~

6 ~~(b) The kits or packages shall contain forms for a list of voters and~~
7 ~~duplicate list of voters, tally sheets, oaths of election officials,~~
8 ~~certificates of results, and notices of election. In addition thereto, the~~
9 ~~kits or packages shall contain carbon paper, envelopes for regular,~~
10 ~~irregular, and spoiled ballots, instructions for voters and election~~
11 ~~officials, seals, and other necessary equipment and supplies except ballot~~
12 ~~boxes, ballots, and certified lists of eligible voters, which shall be~~
13 ~~furnished to the election officials in the manner provided by law.~~

14 ~~(c)(1) The kits or packages provided for in this section shall be~~
15 ~~distributed annually to the several county boards of election commissioners~~
16 ~~at least thirty (30) days prior to the annual school election.~~

17 ~~(2) A sufficient number of kits or packages shall be supplied to~~
18 ~~each county in order that at least one (1) kit or package may be made~~
19 ~~available at each voting precinct or voting place in the county.~~

20 ~~(d) The cost of the kits or packages prepared by the Department of~~
21 ~~Education pursuant to this section shall be paid from the maintenance funds~~
22 ~~provided for the department by legislative appropriation.~~

23
24 SECTION 8. Arkansas Code § 6-15-202(f)(15), concerning development of
25 regulations and standards for accreditation, is repealed.

26 ~~(15) Section 6-15-2009 [repealed] concerning remedial~~
27 ~~instruction;~~

28
29 SECTION 9. Arkansas Code § 6-15-202(f)(22) and (23), concerning
30 development of regulations and standards for accreditation regarding health
31 education and oral health standards, are repealed.

32 ~~(22) Section 6-16-1002 [repealed] concerning health education;~~
33 ~~(23) Section 6-16-1003 [repealed] concerning oral health~~
34 ~~standards;~~

35
36 SECTION 10. Arkansas Code § 6-15-202(f)(31), concerning development of

1 regulations and standards for accreditation regarding the qualifications for
2 valedictorian and salutatorian, is amended to read as follows:

3 (31) Section 6-18-101 concerning qualifications for
4 valedictorian and salutatorian, if applicable;

5
6 SECTION 11. Arkansas Code § 6-15-202(f)(35), concerning development of
7 regulations and standards for accreditation regarding attendance, is
8 repealed.

9 ~~(35) Section 6-18-211 [repealed] concerning attendance for~~
10 ~~students in grades nine through twelve (9-12);~~

11
12 SECTION 12. Arkansas Code § 6-15-1005(f)(1), concerning safe,
13 equitable, and accountable public schools, is amended to read as follows:

14 (f)(1) All public schools will have a program plan of parental
15 involvement.

16
17 SECTION 13. Arkansas Code § 6-15-1402(a), concerning the rules
18 regarding school performance reports, is amended to read as follows:

19 (a)(1) In order to generally improve public school accountability, to
20 provide benchmarks for measuring individual school improvement, and to
21 empower parents and guardians of children enrolled in Arkansas public schools
22 by providing them with the information to judge the quality of their schools,
23 the Department of Education shall ~~annually~~ prepare and publish annually a
24 school performance report for each ~~individual~~ public school in the state,
25 including without limitation the Arkansas School for the Deaf, the Arkansas
26 School for the Blind, and the Arkansas School for Mathematics, Sciences, and
27 the Arts, and shall ~~distribute the report to~~ notify the House Committee on
28 Education and the Senate Committee on Education of the availability of the
29 report on the department website no later than April 15 each year.

30 (2)(A) The school performance report for each school shall be
31 made available to every parent or guardian of a child in kindergarten through
32 grade twelve (K-12) in the public schools of Arkansas by posting the school
33 performance report for each school on the website of the department by April
34 15 each year ~~and the website of the school district in which the public~~
35 ~~schools addressed in the school performance report are located no later than~~
36 ~~April 15 each year.~~

1 (B) Each school district shall post the school performance
2 report for each of its schools on the district's website not later than ten
3 (10) days after it is posted on the department's website.
4

5 SECTION 14. Arkansas Code § 6-15-1402(b)(2), concerning a school
6 performance report for elementary schools, is amended to read as follows:

7 (2) The school performance report for elementary schools shall:

8 (A) Include three-year trend data and allow parents or
9 guardians to compare the school's performance with state and national
10 averages in areas and shall include, ~~but not be limited to,~~ without
11 limitation the following measures:

- 12 (i) School safety;
- 13 (ii) Statewide student assessment results beginning
14 with grade three (3);
- 15 (iii) Licensed staff qualifications;
- 16 (iv) Total per-pupil spending;
- 17 (v) Assessment of the local taxpayer investment in
18 the school district;
- 19 (vi) Percentage of students eligible to receive free
20 or reduced-price meals;
- 21 (vii) Average salary of the staff; and
- 22 (viii) Average attendance rates for students; and

23 (B) Indicate separately whether:

- 24 (i) The school distributed the school's student
25 discipline policy to parents;
- 26 (ii) The school's teachers, administrators,
27 classified school employees, and volunteers have been provided with
28 appropriate student discipline training; and
- 29 (iii) The school district has adopted a parental
30 involvement plan in compliance with § 6-15-1702.

31
32 SECTION 15. Arkansas Code § 6-15-1704(a), concerning the annual review
33 of parental involvement plans, is amended to read as follows:

34 (a) Annually by ~~October~~ August 1, every school district shall review
35 and update the school district's parental involvement plan and:

- 36 (1) File a copy of the plan with the Department of Education;

1 (2) Place a copy of the plan on the school district's website;
2 and

3 (3)(A) Place a parent-friendly summary of the plan as a
4 supplement to the student handbook.

5 (B) The parent shall sign a form acknowledging receipt of
6 the summary and return the signed form to the school where the student is
7 enrolled.

8
9 SECTION 16. Arkansas Code § 6-15-2006(b)(1), concerning annual school
10 performance reports, is amended to read as follows:

11 (b)(1) A school district board of directors shall publish annually the
12 school performance report required by § 6-15-2101 on its website not later
13 than ten (10) days after it is posted on the department's website, with the
14 option of also publishing it in the local newspaper, ~~by October 15 of each~~
15 ~~year, and the following information on the prior school year or the latest~~
16 ~~information available.~~

17 ~~(A) By grade level, economic status, and ethnicity, the~~
18 ~~number and percentage of all students in kindergarten through grade twelve~~
19 ~~(K-12) performing at each category level on the statewide student assessment,~~
20 ~~the percentile rankings by school and grade level on any other assessments as~~
21 ~~required by the State Board of Education, the number of students taking~~
22 ~~advanced placement courses or courses offered under the International~~
23 ~~Baccalaureate Diploma Programme, the number taking the advanced placement~~
24 ~~exams, and the percent of students making a 3, 4, or 5 on advanced placement~~
25 ~~exams;~~

26 ~~(B) By grade level, the number and percentage of all~~
27 ~~students retained in grades one through eight (1-8);~~

28 ~~(C) The graduation rate, grade inflation rate, drop-out~~
29 ~~rate for grades nine through twelve (9-12), and college remediation rate;~~

30 ~~(D) The number of students transferring pursuant to the~~
31 ~~unsafe school provision of § 6-18-320; and~~

32 ~~(E) The number of students transferring pursuant to the~~
33 ~~Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.~~

34
35 SECTION 17. Arkansas Code § 6-15-2202(b)(2), concerning access to
36 public school information on school improvement plans for school districts

1 classified as in need of Level 5 – Intensive support, is amended to read as
2 follows:

3 (2) A parent-friendly explanation of:

4 ~~(A) The level of support being provided to the public~~
5 ~~school district;~~

6 ~~(B) The status of each public school in the public school~~
7 ~~district; and~~

8 ~~(C) Why why~~ the public school district is receiving Level
9 5 – Intensive support, a school is identified as in need of targeted or
10 comprehensive support, or the public school district is in fiscal distress
11 and what the public school district is doing to be removed from Level 5 –
12 Intensive support, to remove the school or schools within the public school
13 district from being identified as in need of targeted or comprehensive
14 support, or to be removed from fiscal distress;
15

16 SECTION 18. Arkansas Code § 6-15-2202(c)(1), concerning access to
17 public school information on school improvement plans and a school's
18 compliance with the standards for accreditation, is amended to read as
19 follows:

20 (1) Directly monitors a school for compliance with standards ~~and~~
21 for accreditation; or
22

23 SECTION 19. Arkansas Code § 6-15-2401(b), concerning review of
24 Arkansas Placement Status Reports and reports of students needing
25 remediation, is repealed.

26 ~~(b) As a part of the school improvement plan pursuant to § 6-15-2201~~
27 ~~[repealed], the State Board of Education shall ensure that each school~~
28 ~~district and high school develops strategies to improve student readiness for~~
29 ~~the public postsecondary level based on annual analysis of the feedback~~
30 ~~report data.~~
31

32 SECTION 20. Arkansas Code § 6-15-2502(a), concerning the establishment
33 of educational renewal zones, is amended to read as follows:

34 (a) ~~Effective July 1, 2004, any~~ A public school, an education service
35 cooperative, or an institution of higher education is authorized to enter
36 into one (1) or more interlocal agreements through which they collaborate to

1 improve public school performance and academic achievement.

2
3 SECTION 21. Arkansas Code § 6-15-2502(c)(1), concerning the
4 establishment of educational renewal zones to improve school performance and
5 achievement, is amended to read as follows:

6 (1) Identify and implement education and management strategies
7 designed specifically to improve public school performance and student
8 academic achievement throughout the State of Arkansas, with special focus on
9 the ~~state's most academically distressed public schools~~ in need of support;

10
11 SECTION 22. Arkansas Code § 6-15-2502(d)(3)(B)(ii), concerning the
12 establishment of educational renewal zones, is amended to read as follows:

13 (ii) A public school district designated classified
14 by the Department of Education as ~~a school in school improvement or a school~~
15 ~~in a school district designated by the department~~ as being in ~~academic~~
16 ~~distress~~ need of Level 5-intensive support shall participate in an education
17 renewal zone if requested to do so by the department, and the division
18 working with the department shall establish priorities of establishing
19 education renewal zones for those schools, which shall be contingent on the
20 appropriation availability of funding for the renewal zones.

21
22 SECTION 23. Arkansas Code § 6-15-2502(d)(3)(C)(i) and (ii), concerning
23 the establishment of educational renewal zones for schools identified as at
24 risk or classified as in need of Level 5 – Intensive support, are amended to
25 read as follows:

26 (i) The school is ~~classified~~ identified as a school
27 ~~in school improvement or alert status for school improvement~~ at risk for
28 meeting school performance indicators for all students or for any one (1)
29 identified subpopulation under the Arkansas state ~~compliance~~ plan under the
30 ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, 20 U.S.C. § 6301
31 ~~et seq.~~ Pub. L. No. 114-95;

32 (ii) The school lies within a school district
33 ~~designated by the department~~ classified by the State Board of Education as in
34 ~~academic distress or financial distress~~ need of Level 5 – Intensive support
35 under the ~~Arkansas Comprehensive Testing, Assessment, and Accountability~~
36 ~~Program~~ Arkansas Educational Support and Accountability Act, § 6-15-2901 et

1 seq.;

2
3 SECTION 24. Arkansas Code § 6-15-2503(a), concerning inclusion of
4 schools within designated educational renewal zones, is amended to read as
5 follows:

6 (a)(1) The Division of Education Renewal Zones, the State Board of
7 Education, and the local school districts shall exercise due diligence to
8 assure, to the extent that funds are available, that each school ~~classified~~
9 identified as a school in ~~school improvement~~ need of support under the ~~No~~
10 ~~Child Left Behind Act of 2001~~ Every Student Succeeds Act, 20 U.S.C. § 6301 et
11 ~~seq., as in existence on December 1, 2003~~ Pub. L. No. 114-95, is included in
12 a designated education renewal zone.

13 (2) The state board may promulgate rules establishing criteria
14 for the placement of schools in ~~school improvement~~ need of support in a
15 designated education renewal zone if insufficient funds exist to place all
16 schools in ~~school improvement~~ need of support in a designated education
17 renewal zone.

18
19 SECTION 25. Arkansas Code § 6-15-2504(a) and (b), concerning school
20 improvement plans, are amended to read as follows:

21 (a) Each school participating in an education renewal zone shall
22 develop and implement a ~~school~~ school-level improvement plan.

23 (b) Each ~~school~~ school-level improvement plan shall at a minimum
24 include the following:

- 25 (1) Goals for improving student achievement;
- 26 (2) Measurable benchmarks for achieving student improvement
27 goals;
- 28 (3) A timeline for reaching goals in improving student
29 achievement; and
- 30 (4) Requirements for services to be provided by the education
31 renewal zone partners.

32
33 SECTION 26. Arkansas Code § 6-15-2605(e)(1) and (2), concerning the
34 application forms and procedures for the Rewarding Excellence in Achievement
35 Program, are amended to read as follows:

36 (e)(1) In order to participate in the Rewarding Excellence in

1 Achievement Program, a public school district or public charter school ~~must~~
2 shall have an approved comprehensive school improvement plan, as defined in §
3 ~~6-15-419(9) [repealed]~~ a district support plan that outlines the role of the
4 district in supporting the Rewarding Excellence in Achievement Program.

5 (2) Before full implementation of a Rewarding Excellence in
6 Achievement plan, the ~~comprehensive school improvement plan~~ school-level
7 improvement plan of the public school, ~~public school district~~, or public
8 charter school shall include:

9 (A) Assessment and evaluation tools to measure student
10 performance and progress based on an achievement gains model;

11 (B) Performance goals and benchmarks for improvement;

12 (C) Measures of student attendance and completion rates;

13 (D) A rigorous professional development system ~~consistent~~
14 ~~with the comprehensive school improvement plan defined in § 6-15-419(9) and~~
15 ~~student academic improvement plans as defined in § 6-15-419(3);~~

16 (E) Measures of student, family, and community involvement
17 and satisfaction;

18 (F) A data reporting system about students and their
19 academic progress that provides parents and the public with understandable
20 information;

21 (G) A teacher induction and mentoring program for
22 probationary teachers that provides continuous learning and sustained teacher
23 support; and

24 (H) Substantial participation by teachers in developing
25 the Rewarding Excellence in Achievement plan.

26
27 SECTION 27. Arkansas Code § 6-15-2606(c)(1)(A), concerning the
28 contents of a Rewarding Excellence in Achievement plan regarding achievement
29 gains of students in a teacher's class, is amended to read as follows:

30 (1)(A) Achievement gains of students in each teacher's class on
31 student scores under the statewide student assessment ~~program~~ system
32 described in § ~~6-15-433~~ 6-15-2907.

33
34 SECTION 28. Arkansas Code § 6-15-2606(c)(2)(A), concerning the
35 contents of a Rewarding Excellence in Achievement plan regarding achievement
36 gains of students on a school-wide basis, is amended to read as follows:

1 (2)(A) Achievement gains of students on a school-wide basis
2 under the statewide student assessment ~~program~~ system described in § ~~6-15-433~~
3 ~~{repealed}~~ 6-15-2907.
4

5 SECTION 29. Arkansas Code § 6-15-2606(c)(3)(A), concerning the
6 Rewarding Excellence in Achievement Program regarding a teacher evaluation,
7 is amended to read as follows:

8 (A) An individual objective teacher evaluation conducted
9 by the school principal that is aligned with the ~~comprehensive school~~
10 ~~improvement plan and~~ professional development plan described in § 6-15-2607;
11 and
12

13 SECTION 30. Arkansas Code § 6-15-2701(c)(2), concerning the use of
14 national school lunch state categorical funding for chronically
15 underperforming schools, is amended to read as follows:

16 (2) In a chronically underperforming school's comprehensive
17 ~~school~~ school-level improvement plan, direct the use of national school lunch
18 state categorical funding for strategies to close gaps in academic
19 achievement, including without limitation:

20 (A) Using an Arkansas Scholastic Audit;

21 (B) Using disaggregated school data to set academic
22 improvement targets in reading, writing, mathematics, and science;

23 (C) Using improvement targets to define professional
24 development needs related to content, instruction, differentiation, and best
25 practices in educating special education students, gifted and talented
26 students, English language learners, and other student subgroups as needed;

27 (D) Developing interim building-level assessments to
28 monitor student progress toward proficiency on the state benchmark
29 assessments;

30 (E) Developing a plan to immediately address gaps in
31 learning;

32 (F) Examining and realigning, as needed, school
33 scheduling, academic support systems, and assignments of personnel; and

34 (G) Designing a plan for increasing parental knowledge and
35 skill to support academic objectives; and
36

1 SECTION 31. Arkansas Code § 6-15-2701(d)(1), concerning school
2 improvement plans for chronically underperforming schools, is amended to read
3 as follows:

4 (1) Monitoring ~~school~~ school-level improvement plans; and

5
6 SECTION 32. Arkansas Code § 6-17-119(b)(7), concerning alternative pay
7 programs included in a school district's comprehensive school improvement
8 plan, is amended to read as follows:

9 (7) The program is ~~aligned and linked to each school's~~
10 ~~comprehensive school improvement~~ included in the district's support plan;

11
12 SECTION 33. Arkansas Code § 6-17-209(g), concerning interim personnel
13 policy committees, is amended to read as follows:

14 (g) ~~The provisions of this~~ This section ~~shall~~ does not apply to
15 instances in which the State Board of Education votes to annex or consolidate
16 one (1) school district to or with two (2) or more receiving or resulting
17 school districts due to enforcement by the state board of the provisions of
18 this title relating to ~~academic distress~~ Level 5 - Intensive support,
19 academic facilities distress, fiscal distress, or violations of the Standards
20 for Accreditation of Arkansas Public Schools and School Districts.

21
22 SECTION 34. Arkansas Code § 6-17-402(j)(1), concerning core licensure
23 areas under the State Board of Education rules, is amended to read as
24 follows:

25 (1) ~~Early Childhood~~ Elementary Education (K-6);

26
27 SECTION 35. Arkansas Code § 6-18-701 is amended to read as follows:

28 6-18-701. Physical examinations - Individualized healthcare plans.

29 (a) ~~It shall be lawful for the~~ The board of directors of any a school
30 district ~~in this state to~~ may appoint and provide for the payment of at least
31 one (1) ~~or more physicians or nurses~~ physician or nurse and ~~to~~ assign any
32 person ~~so employed~~ the physician or nurse to the public schools of the
33 district for the purpose of making ~~such~~ physical examinations of the ~~pupils~~
34 ~~of the schools~~ public school students as may be prescribed in the rules and
35 regulations of the State Board of Education.

36 (b) The nature of the examination shall be only ~~such as~~ to detect

1 contagious or infectious diseases or any defect of sight, hearing, or
2 function or condition of health ~~tending to prevent any~~ that may prevent a
3 pupil from receiving the full benefit of school work.

4 (c) ~~It shall be the duty of any physician or nurse so employed to~~ The
5 physician or nurse appointed under subsection (a) of this section shall make
6 such examinations for contagious or infectious disease, including without
7 limitation the teeth and mouth, whenever the examination may be deemed
8 necessary, and ~~to~~ make examination for other defects at least one (1) time in
9 each school year, preferably at or near the beginning of the year.

10 (d) In ~~any~~ a city, town, or ~~any~~ county where the health authorities
11 ~~are providing~~ provide for the physical examination of public school ~~children~~
12 ~~substantially as contemplated~~ students provided in this section, the
13 examination ~~provided for in this section need not~~ may not be made by any
14 school physician or school nurse.

15 ~~(e) Nothing in this section shall be construed as preventing boards of~~
16 ~~directors from requiring teachers to make such tests of sight and hearing as~~
17 ~~may be prescribed by the board of directors.~~

18 ~~(f)(e)(1) Any pupil~~ A public school student may be excused from the
19 examination ~~herein provided for~~ under this section on presentation of a
20 certificate from a reputable physician that the physician has recently
21 examined the ~~pupil~~ public school student or on presentation of a written
22 statement of the ~~pupil's~~ public school student's parent or guardian that the
23 parent or guardian objects to the examination of his or her child or ward,
24 ~~but this provision shall not be applicable~~

25 (2) However, subdivision (e)(1) does not apply in the case of a
26 ~~pupil~~ public school student suspected of having a contagious or infectious
27 disease.

28 (f)(1) A public school student with special healthcare needs,
29 including without limitation a student who has a chronic illness, is
30 considered medically fragile, or who is dependent on technology, shall have
31 an individualized healthcare plan that is developed in collaboration with the
32 school nurse.

33 (2) An invasive medical procedure required by the public school
34 student and provided at the public school shall be performed by trained and
35 licensed, licensed healthcare provider who is licensed to perform the task
36 under § 17-87-102(10)(D) or other professional licensure statutes, unless

1 otherwise permissible under § 17-87-103(10) and (11).

2 (3) A regular classroom teacher shall not perform tasks under
3 subdivision (f)(2) of this section, except as otherwise permissible under §
4 6-18-711(c).

5 (4) Custodial healthcare services required by a public school
6 student under an individualized healthcare plan shall be provided by trained
7 school employees other than the regular classroom teacher.

8
9 SECTION 36. Arkansas Code § 6-18-709(g), concerning the report to the
10 Department of Education of certain information regarding school nurses, is
11 amended to read as follows:

12 (g) Annually, ~~beginning on July 1, 2015~~ by August 31, a school
13 district shall report the following to the Department of Education:

14 (1) The number of full-time nurses employed by the school
15 district;

16 (2) The number of part-time nurses employed by the school
17 district;

18 (3) The number of full-time nurses with whom the school district
19 contracts for service;

20 (4) The number of part-time nurses with whom the school district
21 contracts for service;

22 (5) The level of licensure of each nurse working in the school
23 district;

24 (6) The highest degree obtained for each nurse working in the
25 school district;

26 (7) The amount of pay, including without limitation the source
27 of funding, for each nurse working in the school district; and

28 (8) The number of students in the school district that are in
29 each nursing acuity level as follows:

30 (A) Level 1 for students with occasional health concerns
31 and routine health screenings at a ratio of one (1) school nurse per seven
32 hundred fifty (750) students;

33 (B) Level 2 for students with healthcare concerns and
34 those that require an individualized healthcare plan at a ratio of one (1)
35 school nurse per four hundred (400) students;

36 (C) Level 3 for students with medically complex conditions

1 at a ratio of one (1) school nurse per two hundred twenty-five (225)
2 students;

3 (D) Level 4 for students with medically fragile conditions
4 at a ratio of one (1) school nurse per one hundred twenty-five (125)
5 students; and

6 (E) Level 5 for students that are nursing dependent at a
7 ratio of one (1) school nurse per one (1) student.

8

9 SECTION 37. Arkansas Code § 6-18-711, concerning the administration of
10 medication to a public school student with diabetes, is amended to add an
11 additional subsection to read as follows:

12 (c) A public school employee may volunteer to be trained to administer
13 and may administer glucagon to a student with Type 1 diabetes in an emergency
14 situation as permitted under § 17-87-103(11).

15

16 SECTION 38. Arkansas Code § 6-18-1803(b), concerning the Arkansas
17 Commission on Eye and Vision Care of School-Age Children, is amended to read
18 as follows:

19 (b) The commission and the Department of Education shall report their
20 findings and updates to the Governor, the Legislative Council, and the House
21 Committee on Public Health, Welfare, and Labor and Senate Committee on Public
22 Health, Welfare, and Labor ~~two (2) times per year~~ annually.

23

24 SECTION 39. Arkansas Code § 6-18-1803(c)(1) and (2), concerning the
25 Arkansas Commission on Eye and Vision Care of School-Age Children, are
26 amended to read as follows:

27 (c)(1)~~(A)~~ The commission may accept any and all donations, grants of
28 money, gifts, appropriations, instruments, equipment, supplies, materials,
29 and services, conditional or otherwise, from private sources, from municipal
30 and county governments, from the state, and from the United States
31 government.

32 ~~(B)~~ (2) The commission may use any of its resources to
33 further the commission's purposes and functions.

34 ~~(2)(A) There is created on the books of the Treasurer of State,~~
35 ~~Auditor of State, and Chief Fiscal Officer of the State a special revenue~~
36 ~~fund to be known as the "School-Age Children Eye and Vision Care Fund".~~

~~(B)(1)(3)~~ All moneys collected under this section shall be deposited into the State Treasury to the credit of the fund as special revenues a cash fund within the State Treasury to be maintained by the department.

~~(ii)~~ The fund shall also consist of any other revenues authorized by law.

~~(iii)~~ Within thirty (30) days after the effective date of this subchapter, the commission shall transfer all funds currently held to the fund.

~~(C)~~ The fund shall be used by the commission for the purpose of carrying out its responsibilities under this section.

~~(D)~~ Any money not used by the commission within a fiscal year to carry out its responsibilities under this section shall be carried forward into the next fiscal year.

SECTION 40. Arkansas Code § 6-18-1804 is repealed.

~~6-18-1804. Funding.~~

~~(a)(1)~~ The Arkansas Commission on Eye and Vision Care of School Age Children's funding shall be from grants, donations, and any other funds that may be made available through appropriations by the General Assembly.

~~(2)~~ Moneys received by the commission shall be used solely for the support of the functions of the commission.

~~(b)(1)~~ Grants and donations received by the commission shall be cash funds and shall be administered by the Arkansas Department of Health but shall be subject to appropriation by the General Assembly.

~~(2)~~ Any moneys received from grantors and donors that are not expended by the commission shall be returned to the grantors and donors in proportion that each bears to the total of all grants and donations received by the commission.

SECTION 41. Arkansas Code § 6-19-106 is amended to read as follows:

6-19-106. Bus drivers - Qualifications.

~~(a)~~ No person physically defective or of unsound mind, known to be a habitual drunkard or of immoral habits, or A person who has been convicted within the past three (3) years of operating a motor vehicle in a reckless manner or while under the influence of intoxicating liquor or narcotic drugs,

1 ~~who has a general reputation of being a fast and reckless operator of motor~~
2 ~~vehicles without regard to the rights of others,~~ or who is less than nineteen
3 (19) years of age on June 30 following his or her last birthday shall not be
4 permitted or employed to ~~act as chauffeur or operator of~~ operate any school
5 bus, either privately or publicly owned, operated by public school districts
6 and used to transport pupils to and from the public schools in the State of
7 Arkansas.

8 ~~(b)(1) All school bus drivers employed as provided herein are exempt~~
9 ~~from the regular chauffeur's license as heretofore required by law.~~

10 ~~(2) This subsection does not, however, apply to drivers of buses~~
11 ~~operated for other purpose or purposes than to transport school children.~~

12
13 *SECTION 42.* Arkansas Code § 6-20-106 is repealed.

14 ~~6-20-106. Amendment 74 rules and regulations.~~

15 ~~Due to pending public school finance litigation, before any rules and~~
16 ~~regulations pursuant to the implementation of Arkansas Constitution,~~
17 ~~Amendment 74, are reviewed by the Administrative Rules and Regulations~~
18 ~~Subcommittee of the Legislative Council and adopted by the Department of~~
19 ~~Education, such proposed rules and regulations shall be reviewed by the~~
20 ~~Litigation Reports Oversight Subcommittee of the Legislative Council.~~

21
22 *SECTION 43.* Arkansas Code § 6-20-210 is repealed.

23 ~~6-20-210. Pulaski County desegregation.~~

24 ~~(a) For the fiscal year ending June 30, 2004, and for each fiscal year~~
25 ~~thereafter, the Department of Education shall, from time to time as needed,~~
26 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State~~
27 ~~the amount of funds disbursed or approved to be disbursed by the department~~
28 ~~for desegregation expenses under the Pulaski County School Desegregation~~
29 ~~Settlement Agreement.~~

30 ~~(b) Upon the receipt of the certification and after making those~~
31 ~~deductions as set out in § 19-5-202(b)(2)(B), the Treasurer of State shall~~
32 ~~also deduct from the net general revenues the amount certified and transfer~~
33 ~~this amount to the Department of Education Public School Fund Account, there~~
34 ~~to be used exclusively for payment of or reimbursement for expenses incurred~~
35 ~~from the Department of Education Public School Fund Account under the~~
36 ~~agreement.~~

1
2 SECTION 44. Arkansas Code § 6-20-212 is repealed.

3 ~~6-20-212. Desegregation expenses.~~

4 ~~(a) For the fiscal year ending June 30, 2005, and for each fiscal year~~
5 ~~thereafter, the Department of Education shall from time to time, as needed,~~
6 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State,~~
7 ~~the amount of funds disbursed or approved to be disbursed by the department~~
8 ~~for desegregation expenses under any desegregation settlement agreement.~~

9 ~~(b) Upon the receipt of the certification, the Treasurer of State,~~
10 ~~after making those deductions as set out in § 19-5-202(b)(2)(B), shall also~~
11 ~~deduct from the net general revenues the amount certified and transfer this~~
12 ~~amount to the Department of Education Public School Fund Account, there to be~~
13 ~~used exclusively for payment of or reimbursement for expenses incurred from~~
14 ~~the account under any desegregation settlement agreement.~~

15
16 SECTION 45. Arkansas Code § 6-20-2203(c)(3)-(8), concerning uniform
17 budget and accounting system regarding specific categories of public school
18 and public school district expenditures, are amended to read as follows:

19 (3)(A) Categories and descriptions of public school and school
20 district expenditures that allow for the gathering of data on separate
21 functions and programs provided by law, including without limitation the
22 following expenditures:

23 ~~(i)~~(A) Athletic expenditures;
24 ~~(ii)~~(B) Student transportation expenditures;
25 ~~(iii)~~(C) School district level administrative costs;
26 ~~(iv)~~(D) School level administrative costs;
27 ~~(v)~~(E) Instructional facilitators;
28 ~~(vi)~~(F) Supervisory aides;
29 ~~(vii)~~(G) Substitutes;
30 ~~(viii)~~(H) Property insurance; and
31 ~~(ix)~~(I) Expenditures of court-ordered desegregation
32 funding.

33 ~~(B) The department shall implement the expenditure~~
34 ~~categories in this subdivision (c)(3) beginning with the 2007-2008 school~~
35 ~~year;~~

36 (4)(A) Categories and descriptions of public school and school

1 district expenditures that allow for the tracking of expenditures from the
2 following sources of revenue:

3 ~~{i}~~(A) Student growth;
4 ~~{ii}~~(B) Declining enrollment;
5 ~~{iii}~~(C) Special education ~~catastrophe~~ high-cost
6 occurrences;

7 ~~{iv}~~(D) Special education services;
8 ~~{v}~~(E) Technology grants;
9 ~~{vi}~~(F) Debt service funding supplement;
10 ~~{vii}~~(G) General facilities funding;
11 ~~{viii}~~(H) Distance learning;
12 ~~{ix}~~(I) Gifted and talented; and
13 ~~{x}~~(J) Court-ordered desegregation funding-
14 ~~(B) The department shall complete a trial implementation~~
15 ~~of the revenue categories in subdivisions (c)(4)(A)(i) and (ii) of this~~
16 ~~section by the end of the 2007-2008 school year and fully implement all~~
17 ~~revenue categories in this subdivision (c)(4) beginning with the 2008-2009~~
18 ~~school year;~~

19 (5)(A) Categories and descriptions of student management coding,
20 including without limitation:

21 ~~{i}~~(A) Number of students transported; and
22 ~~{ii}~~(B) Daily route mileage-

23 ~~(B) The department shall implement this subdivision (c)(5)~~
24 ~~beginning with the 2007-2008 school year;~~

25 (6)(A) Categories and descriptions of restricted fund balances
26 that provide documentation of the purpose for the restriction-

27 ~~(B) The department shall implement this subdivision (c)(6)~~
28 ~~beginning with the 2007-2008 school year;~~

29 (7) Categories and descriptions of expenditures that each
30 education service cooperative shall report on its annual report authorized by
31 law; and

32 (8)(A) Rules relating to computing error rates in coding and
33 reporting financial information under the system and penalties to focus on
34 areas needing improvement.

35 ~~(B) The department shall implement this subdivision (c)(8)~~
36 ~~beginning with the 2007-2008 school year.~~

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SECTION 46. Arkansas Code § 6-20-2206(c)(5)(A), concerning miscellaneous provisions under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(5)(A) All pupil attendance records shall be kept in their original form ~~and shall be public records.~~

SECTION 47. Arkansas Code § 6-20-2207(a)(3), concerning rulemaking authority under the Arkansas Educational Financial Accounting and Reporting Act of 2004, is amended to read as follows:

(3) As necessary to comply with federal law, the Arkansas Handbook initially shall comply with the Financial Accounting for Local and State School Systems, 2003 Edition (NCES 2004-318). The Arkansas Handbook shall be exempt from the rule-making process and procedures required pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 48. Arkansas Code § 6-20-2303(21), concerning public school funding definitions, is amended to read as follows:

(21) "~~Special education catastrophic~~ high-cost occurrences" means individual cases in which special education and related services required by the individualized education program of a particular student with disabilities are unduly expensive, extraordinary, or beyond the routine and normal costs associated with special education and related services provided by a school district and funding is pursuant to rules promulgated by the state board;

SECTION 49. Arkansas Code § 6-20-2305(b)(4)(C)(iii), concerning use of a school district's national school lunch state categorical funds, is amended to read as follows:

(iii) The school district shall include with its comprehensive ~~school~~ school-level improvement plan a written detailed statement concerning how the school district will use its excess national school lunch categorical funds each school year and explaining in detail the amount of funds and percent of total funds to be used to supplement all classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

1
2 SECTION 50. Arkansas Code § 6-20-2305(c), concerning public school
3 funding, is amended to read as follows:

4 (c) Isolated funding under § 6-20-601, student growth funding, and
5 special ~~education-catastrophic~~ education high-cost occurrences funding shall
6 be funded as follows:

7 (1) Isolated funding and special ~~education-catastrophic~~
8 education high-cost occurrences funding shall be allocated and funded to
9 school districts in a line item appropriation within the Public School Fund
10 pursuant to law or rules promulgate by the State Board of Education; and

11 (2) Student growth funding is calculated as the sum of the
12 following amounts:

13 (A) One quarter (1/4) of the per student foundation
14 funding for the school district under subdivision (a)(2) of this section
15 multiplied by the increase, if any, of each of the following:

16 (i) The school district's quarterly average daily
17 membership for the fourth quarter of the previous school year over the
18 average daily membership of the previous school year;

19 (ii) The school district's quarterly average daily
20 membership for the first quarter of the current school year over the average
21 daily membership of the previous school year;

22 (iii) The school district's quarterly average daily
23 membership for the second quarter of the current year over the average daily
24 membership of the previous school year; and

25 (iv) The school district's quarterly average daily
26 membership for the third quarter of the current school year over the average
27 daily membership of the previous school year;

28 (B) Excluding any increase resulting solely from
29 consolidation or annexation with another school district; and

30 (C) If net revenues minus any recoupment under subdivision
31 (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-
32 2308(b)(1)(A) exceed the foundation funding amount, a school district shall
33 be eligible to receive the amount of calculated student growth funding that
34 exceeds net revenues minus any recoupment under subdivision (a)(4)(B) of this
35 section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A).
36

1 *SECTION 51.* Arkansas Code § 6-21-112(f)(14), concerning the records of
2 the Division of Public School Academic Facilities and Transportation, is
3 amended to read as follows:

4 (14) Keep records showing ~~a description of each school~~
5 ~~district in the state, a map showing the school districts with current and~~
6 ~~accurate boundaries,~~ the location of the academic facilities in the state by
7 school district, ~~and the electoral zones, if any, into which each school~~
8 ~~district has been divided;~~

9
10 *SECTION 52.* Arkansas Code § 6-21-403(c), concerning requirements under
11 the Free Textbook Act of 1975, is amended to read as follows:

12 (c) ~~Any materials~~ Materials purchased with state funds shall be
13 consistent with the ~~curriculum~~ Arkansas Academic Content Standards and
14 educational goals established by the State Board of Education.

15
16 *SECTION 53.* Arkansas Code § 6-21-403(d)(2), concerning requirements
17 under the Free Textbook Act of 1975, is amended to read as follows:

18 (2) The state board, through the department, may promulgate
19 rules as may be necessary to carry out this subchapter ~~and shall report to~~
20 ~~the members of the House Committee on Education and Senate Committee on~~
21 ~~Education annually any school district out of compliance by November 1 of~~
22 ~~each year.~~

23
24 *SECTION 54.* Arkansas Code § 6-23-105(e)(1)(A), concerning the basis
25 and procedure for public charter school probation or charter modification,
26 revocation, or denial of removal, is amended to read as follows:

27 (e)(1)(A) Immediately upon the revocation of a an open-enrollment
28 charter by the authorizer, the public charter school shall:

29 (i) Transfer to the department all state funds held
30 by the public charter school, which the department shall hold in
31 receivership; and

32 (ii) Provide to the department a detailed accounting
33 of all accounts payable due from the state funds and any additional
34 information or records requested by the department concerning the
35 disbursement of the state funds.

36

1 *SECTION 55.* Arkansas Code § 6-23-108(c)(2)(B), concerning a School for
2 Agricultural Studies that is not currently classified in academic distress,
3 is amended to read as follows:

4 (B) Not currently be classified in ~~academic distress~~ need
5 of Level 5 – Intensive support, fiscal distress, or facilities distress;
6

7 *SECTION 56.* Arkansas Code § 6-23-304(b)(2) and (3), concerning
8 preference to open enrollment charter schools in certain school districts,
9 are amended to read as follows:

10 (2) When the district has been classified by the state board as
11 in ~~academic distress under § 6-15-428 [repealed]~~ need of Level 5 – Intensive
12 support under § 6-15-2915; or

13 (3) When the district has been classified by the Department of
14 Education as in ~~some phase of school improvement status under § 6-15-426~~
15 ~~[repealed]~~ or some phase of fiscal distress under the Arkansas Fiscal
16 Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal
17 distress status is a result of administrative fiscal mismanagement, as
18 determined by the state board.

19
20 *SECTION 57.* Arkansas Code § 6-23-304(d)(2)(B), concerning preference
21 to open enrollment charter schools in certain school districts that are
22 classified as in academic or fiscal distress, is amended to read as follows:

23 (B) Been classified as in ~~academic~~ need of Level 5 –
24 Intensive support or fiscal distress; and
25

26 *SECTION 58.* Arkansas Code § 6-23-908(c)(3), concerning the Open-
27 Enrollment Public Charter School Facilities Funding Aid Program, is amended
28 to read as follows:

29 (3) The open-enrollment public charter school is not:

30 (A) Classified as in ~~academic distress under § 6-15-428~~
31 ~~[repealed]~~ need of Level 5 – Intensive support under § 6-15-2915 or in fiscal
32 distress under the Arkansas Fiscal Assessment and Accountability Program, §
33 6-20-1901 et seq., and the corresponding rules adopted by the State Board of
34 Education;

35 (B) ~~Classified as a priority school under the Arkansas~~
36 ~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~

1 ~~et seq. [repealed], nor received~~ In receipt of a rating of "F" under § 6-15-
2 2105; or

3 (C) Placed in probationary status by the state charter
4 school authorizer under § 6-23-105.

5
6 **SECTION 59.** Arkansas Code § 6-41-210(a) and (b), concerning the
7 Special Education Section of the Arkansas Department of Education, are
8 amended to read as follows:

9 (a) There is established in the Department of Education a Special
10 Education ~~Section~~ Unit.

11 (b) The ~~section unit~~ shall be headed by ~~an associate~~ a director, who
12 shall be qualified by education, training, and experience to take
13 responsibility for, and give direction to, the programs of the department
14 relating to children with disabilities.

15
16 **SECTION 60.** Arkansas Code § 6-41-211(a)(1), concerning the Special
17 Education Section's consultation with the Advisory Council for the Education
18 of Children with Disabilities, is amended to read as follows:

19 (a)(1) There shall be an Advisory Council for the Education of
20 Children with Disabilities, which shall advise and consult with the
21 Commissioner of Education and the ~~Associate~~ Director of the Special Education
22 ~~Section Unit~~ of the Department of Education and which shall engage in such
23 other activities as are set forth in this section.

24
25 **SECTION 61.** Arkansas Code § 6-41-216(c)(3)(A), concerning the
26 establishment of standards for a change in the educational status of a child,
27 is amended to read as follows:

28 (3)(A) The Special Education ~~Section Unit~~ in the Department of
29 Education shall establish standards and qualifications for individuals to
30 serve as hearing officers.

31
32 **SECTION 62.** Arkansas Code § 6-45-104(a)(2)(A)-(B), concerning the
33 Arkansas Better Chance Program, is amended to read as follows:

34 (2) A local school is required to work with the Department of
35 Education and its local community to establish, promote, and assist in the
36 development of a program under the Arkansas Better Chance for School Success

1 Program to serve all children in the school as provided in § 6-45-108, if:

2 ~~(A) The school has had seventy five percent (75%) or more~~
3 ~~students scoring below proficiency on the primary benchmark exams or other~~
4 ~~exams designated by the department in the preceding two (2) school years; or~~

5 ~~(B) The the school has been designated by the department~~
6 ~~as being in school improvement status under § 6-15-425 [repealed] or is~~
7 ~~located in a school district in academic distress classified as in need of~~
8 ~~Level 5 - Intensive support.~~

9
10 *SECTION 63.* Arkansas Code § 6-45-106(a)(2)(A)(i), concerning the
11 Arkansas Better Chance Program and a school district that has been classified
12 as being in academic distress, is amended to read as follows:

13 (i) The school is in a district that has been
14 ~~designated~~ classified by the ~~Department~~ State Board of Education as being in
15 ~~academic distress~~ need of Level 5 - Intensive support; and

16
17 *SECTION 64.* Arkansas Code § 6-45-106(c)(1), concerning the Arkansas
18 Better Chance Program, is amended to read as follows:

19 (c)(1) In allocating funding for the Arkansas Better Chance for School
20 Success Program, priority consideration shall be given to:

21 ~~(A) Schools that have seventy five percent (75%) or more~~
22 ~~students scoring below proficiency on the primary benchmark exams or other~~
23 ~~exams designated by the Department of Education in the preceding two (2)~~
24 ~~school years; and~~

25 ~~(B) Schools that have been designated by the Department of~~
26 ~~Education as being in school improvement status under § 6-15-425 [repealed]~~
27 ~~or is a school located in a school district in academic distress that is~~
28 ~~classified as in need of Level 5 - Intensive support.~~

29
30 *SECTION 65.* Arkansas Code § 9-28-113(c)(2), concerning information
31 sent to the Special Education Section regarding foster children, is amended
32 to read as follows:

33 (2) Each school district shall forward the name of each foster
34 care liaison and the contact information to the Special Education ~~Section~~
35 Unit of the Department of Education at the beginning of each school year.

1 *SECTION 66.* Arkansas Code § 10-3-2102(f)(6), concerning duties of the
2 House Committee on Education and the Senate Committee on Education under the
3 Continuing Adequacy Evaluation Act of 2004, is repealed.

4 ~~(6) Reviewing the Arkansas Comprehensive School Improvement Plan~~
5 ~~process; and~~

6
7 *SECTION 67.* Arkansas Code § 19-6-815 is amended to read as follows:

8 19-6-815. School-Age Children Eye and Vision Care Fund.

9 The Any funds remaining in the School-Age Children Eye and Vision Care
10 Fund shall consist of those special revenues as specified in § 19-6-301(242),
11 and any other revenues as may be authorized by law, there to be used by the
12 Arkansas Commission on Eye and Vision Care of School Age Children for the
13 purpose of carrying out its responsibilities as stated in uncodified Section
14 1 of Acts 2007, No. 138 shall be transferred to the Department of Education
15 Public School Fund Account to be used for school-based health centers.

16
17 *SECTION 68.* Arkansas Code § 20-47-508(e), concerning the service plans
18 for a child with emotional disturbance, is amended to read as follows:

19 (e) If after screening and assessment or collaborative evaluations it
20 is determined that a child with emotional disturbance needs multiagency
21 services, then initial and subsequent individualized multiagency service
22 plans for the child and the child's family shall be jointly developed by the
23 appropriate local or regional representatives of the community mental health
24 centers, of the Department of Human Services county office, of the Department
25 of Health, of the Special Education ~~Section~~ Unit of the Department of
26 Education, of the local school district, and of any other service provider
27 identified to meet the needs of the child and his or her family. The
28 individualized service plan shall reflect an integrated service delivery that
29 specifies services or programs with funding to be provided by each agency.
30 The service plan shall also designate responsibility for case management.

31
32 *SECTION 69.* Arkansas Code § 26-52-317(a)(2)(A)(v), concerning food and
33 food ingredients with respect to the Department of Education, is repealed.

34 ~~(v) Amounts disbursed or approved to be disbursed by~~
35 ~~the Department of Education for desegregation expenses under any~~
36 ~~desegregation settlement agreement, as certified by the Treasurer of State~~

1 ~~and the Chief Fiscal Officer of the State under § 6-20-212; and~~

2
3 SECTION 70. Arkansas Code § 26-53-145(a)(2)(A)(v), concerning food and
4 food ingredients under the Arkansas Compensating Tax Act of 1949 with respect
5 to the Department of Education, is repealed.

6 ~~(v) Amounts disbursed or approved to be disbursed by~~
7 ~~the Department of Education for desegregation expenses under any~~
8 ~~desegregation settlement agreement, as certified by the Treasurer of State~~
9 ~~and the Chief Fiscal Officer of the State under § 6-20-212; and~~

10
11 /s/Cozart

12
13
14 APPROVED: 4/5/19

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1730

By: Representatives G. Hodges, A. Davis, Dotson, Evans, Gates, Lowery, Rushing, Sorvillo, Sullivan
By: Senators M. Johnson, J. English

For An Act To Be Entitled

AN ACT CONCERNING A PUBLIC CHARTER SCHOOL'S CHARTER;
TO ALLOW AN AUTHORIZER TO TRANSFER AND ASSIGN A
PUBLIC CHARTER SCHOOL'S CHARTER UNDER THE ARKANSAS
QUALITY CHARTER SCHOOLS ACT OF 2013; AND FOR OTHER
PURPOSES.

Subtitle

TO ALLOW AN AUTHORIZER TO TRANSFER AND
ASSIGN A PUBLIC CHARTER SCHOOL'S CHARTER
UNDER THE ARKANSAS QUALITY CHARTER
SCHOOLS ACT OF 2013.

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

SECTION 1. Arkansas Code § 6-23-105(a), concerning the authority of an authorizer to modify, revoke, or deny renewal of a public charter school's charter under the Arkansas Quality Charter Schools Act of 2013, is amended to read as follows:

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

~~(1)~~(A) Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;

~~(2)~~(B) Failed to satisfy generally accepted accounting standards of fiscal management;



1 ~~(3)(C)~~ Failed to comply with this chapter or other applicable
2 law or regulation; or

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

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

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

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

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

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

22
23 SECTION 2. Arkansas Code § 6-23-105(c), concerning the procedures
24 adopted by an authorizer regarding the modification, revocation, or denial of
25 renewal of a public charter school's charter under the Arkansas Quality
26 Charter Schools Act of 2013, is amended to read as follows:

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

30
31 SECTION 3. Arkansas Code § 6-23-105(e)(1), concerning the actions a
32 public charter school shall take regarding its funds and accounts payable
33 upon the revocation of its charter under the Arkansas Quality Charter Schools
34 Act of 2013, is amended to read as follows:

35 (e)(1)(A) Immediately upon the revocation, transfer, or assignment of
36 a charter by the authorizer, the public charter school shall:

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

(ii) Provide to the department a detailed accounting of all accounts payable due from the state funds and any additional information or records requested by the department concerning the disbursement of the state funds.

(B) The department shall hold funds received under subdivision (e)(1)(A) of this section in a separate fund and shall expend the funds only with prior approval of the Commissioner of Education.

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

SECTION 4. Arkansas Code § 6-23-701(a), concerning actions that the Department of Education may take with respect to proposed or established public charters, is amended to read as follows:

(a) The Department of Education is the designated public charter authorizer with jurisdiction and authority over all public charters issued in this state to take the following action on a proposed or established public charter:

- (1) Approve;
- (2) Reject;
- (3) Renew;
- (4) ~~Non-renew~~ Nonrenew;
- (5) Place on probation;
- (6) Modify;
- (7) Revoke; ~~or~~
- (8) Deny; ~~or~~
- (9) Transfer; or
- (10) Assign.

APPROVED: 4/5/19

State of Arkansas

92nd General Assembly

Regular Session, 2019

A Bill

HOUSE BILL 1558

By: Representative Lowery

For An Act To Be Entitled

AN ACT CONCERNING ADULT EDUCATION PUBLIC CHARTER
SCHOOLS; TO AMEND THE LAW CONCERNING ADULT EDUCATION
PUBLIC CHARTER SCHOOLS TO ENSURE THAT MORE THAN ONE
(1) ADULT EDUCATION PUBLIC CHARTER SCHOOL MAY OPERATE
IN THIS STATE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING ADULT
EDUCATION PUBLIC CHARTER SCHOOLS TO
ENSURE THAT MORE THAN ONE (1) ADULT
EDUCATION PUBLIC CHARTER SCHOOL MAY
OPERATE IN THIS STATE.

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

SECTION 1. Arkansas Code § 6-23-1001(b)(2), concerning a nonprofit
entity's application for an adult education charter school, is amended to
read as follows:

(2)(A) Pledge to commit at least one million dollars
(\$1,000,000) to the adult education public charter school, if approved.

(B) Up to twenty-five percent (25%) of the commitment may
be in-kind.

(C) A nonprofit entity that is opening an additional adult
education public charter school under this section is not required to commit
one million dollars (\$1,000,000) for the additional adult education public
charter school if it has already pledged to commit at least one million
dollars (\$1,000,000) to an adult education public charter school under



1 subdivision (b)(2)(A) of this section;

2
3 SECTION 2. Arkansas Code § 6-23-1002 is amended to read as follows:

4 6-23-1002. Authorization for adult education public charter.

5 The authorizer shall review ~~the~~ an application for an adult education
6 public charter school ~~pilot program~~ and may approve an application that:

7 (1) Provides an acceptable plan for meeting the industry needs
8 for a sufficiently trained workforce in the state;

9 (2) Includes a set of performance criteria objectives for the
10 terms of the charter and the means for measuring the performance criteria
11 objectives on a yearly basis;

12 (3) Includes a comprehensive strategy for engaging the
13 community, including without limitation business leaders, in the process of
14 meeting the goals and objectives of the adult education public charter;

15 (4) Includes an agreement to provide an annual report to the
16 community that indicates the progress made by the adult education public
17 charter school in meeting the performance criteria objectives during the
18 previous year; and

19 (5) Includes an appropriate budget and governance plan.
20

21 SECTION 3. Arkansas Code § 6-23-1003 is amended to read as follows:

22 6-23-1003. Resubmission of applications.

23 (a) The authorizer may allow an applicant to resubmit ~~the~~ an
24 application for an adult education public charter school if the original
25 application was, in the opinion of the authorizer, deficient in one (1) or
26 more respects.

27 (b) The Department of Education may provide technical assistance to
28 ~~the~~ an adult education public charter school applicant in the creation or
29 modification of its application.
30
31

32 **APPROVED: 4/12/19**
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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 605

4
5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT CONCERNING NATIONAL SCHOOL LUNCH STATE
9 CATEGORICAL FUNDING; TO AMEND THE NAME OF NATIONAL
10 SCHOOL LUNCH STATE CATEGORICAL FUNDING; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE NAME OF NATIONAL SCHOOL
16 LUNCH STATE CATEGORICAL FUNDING.
17
18

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

21 SECTION 1. Arkansas Code § 6-15-2701(b) and (c), concerning the
22 closing the achievement gap program, are amended to read as follows:

23 (b)(1) A school district that has a chronically underperforming school
24 shall use its ~~national school lunch state categorical funding~~ Enhanced
25 Student Achievement Funding under § 6-20-2305(b)(4) to evaluate the impact of
26 educational strategies used by the chronically underperforming school to
27 address the achievement gaps among students in the chronically
28 underperforming school.

29 (2) The evaluation shall:

30 (A) Identify the categories of programs and intervention
31 strategies used with ~~national school lunch state categorical funding~~ Enhanced
32 Student Achievement Funding; and

33 (B) Report the benchmark assessment scores for the end of
34 the immediately preceding school year and for the end of the current school
35 year of students involved in the programs and intervention strategies
36 identified under this subdivision (b)(2).



1 (c) The Department of Education shall:

2 (1) Promulgate rules necessary to implement this section,
3 including without limitation establishing the categories by which a
4 chronically underperforming school shall identify programs and intervention
5 strategies under subsection (b) of this section;

6 (2) In a chronically underperforming school's comprehensive
7 school improvement plan, direct the use of ~~national school lunch state~~
8 ~~ategorical funding~~ Enhanced Student Achievement Funding for strategies to
9 close gaps in academic achievement, including without limitation:

10 (A) Using an Arkansas Scholastic Audit;

11 (B) Using disaggregated school data to set academic
12 improvement targets in reading, writing, mathematics, and science;

13 (C) Using improvement targets to define professional
14 development needs related to content, instruction, differentiation, and best
15 practices in educating special education students, gifted and talented
16 students, English language learners, and other student subgroups as needed;

17 (D) Developing interim building-level assessments to
18 monitor student progress toward proficiency on the state benchmark
19 assessments;

20 (E) Developing a plan to immediately address gaps in
21 learning;

22 (F) Examining and realigning, as needed, school
23 scheduling, academic support systems, and assignments of personnel; and

24 (G) Designing a plan for increasing parental knowledge and
25 skill to support academic objectives; and

26 (3) By August 1 of each year, report to the House Committee on
27 Education and the Senate Committee on Education on:

28 (A) The use of ~~national school lunch state categorical~~
29 ~~funding~~ Enhanced Student Achievement Funding by chronically underperforming
30 schools in the state; and

31 (B) The status of the achievement gaps at chronically
32 underperforming schools in the state.

33
34 SECTION 2. Arkansas Code § 6-15-2907(a)(4)(C), concerning the
35 statewide student assessment system, is amended to read as follows:

36 (C) Public school districts may offer additional college

1 and career readiness assessments for students in grades ten through twelve
 2 (10-12) at no cost to the student by using public school district funding,
 3 including without limitation ~~national school lunch state categorical funding~~
 4 Enhanced Student Achievement Funding under § 6-20-2305.

5
 6 SECTION 3. Arkansas Code § 6-20-2305(b)(4)(A) and (B), concerning the
 7 calculation of national school lunch state categorical funding, are amended
 8 to read as follows:

9 (4)(A) ~~National school lunch state categorical funding~~ Enhanced
 10 Student Achievement Funding for each identified national school lunch student
 11 shall be as follows:

12 (i) For a public school district in which ninety
 13 percent (90%) or greater of the previous school year's enrolled students are
 14 national school lunch students, the amount of per-student ~~national school~~
 15 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 16 each school year, one thousand five hundred seventy-six dollars (\$1,576);

17 (ii) For a public school district in which at least
 18 seventy percent (70%) but less than ninety percent (90%) of the previous
 19 school year's enrolled students are national school lunch students, the
 20 amount of per-student ~~national school lunch state categorical funding~~
 21 Enhanced Student Achievement Funding is for each school year, one thousand
 22 fifty-one dollars (\$1,051); and

23 (iii) For a public school district in which less
 24 than seventy percent (70%) of the previous school year's enrolled students
 25 are national school lunch students, the amount of per-student ~~national school~~
 26 ~~lunch state categorical funding~~ Enhanced Student Achievement Funding is for
 27 each school year, five hundred twenty-six dollars (\$526).

28 (B)(i)(a) Except as provided under subdivision
 29 (b)(4)(B)(i)(c) of this section, ~~national school lunch state categorical~~
 30 ~~funding~~ Enhanced Student Achievement Funding under this subdivision (b)(4)
 31 shall be based on the number of national school lunch students for the
 32 immediately preceding school year determined under § 6-20-2303(13)(A).

33 (b) If the public school district is
 34 participating under 42 U.S.C. § 1759a, funding under this subdivision (b)(4)
 35 is based on the percentage determined in § 6-20-2303(13)(B) multiplied by the
 36 number of enrolled students for the immediately preceding school year.

(c) The per-student ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding for an open-enrollment public charter school shall be based upon the current school year enrollment:

(1) In the initial year of operation for an open-enrollment public charter school; or

(2) In a year in which an open-enrollment public charter school adds a grade.

(ii)(a) If a public school district will receive in the current school year ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding under subdivision (b)(4)(A) of this section that is based on a different per-student amount of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding than the public school district received in the immediately preceding school year, due to a percentage change in national school lunch students, the ~~department~~ Department of Education shall adjust the funding to the public school district in a transitional three-year period.

(b) The amount of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding under this subdivision (b)(4)(B)(ii) shall be increased or decreased in each year of a three-year transition period by one-third (1/3) of the difference between the amount of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding per student for the current year and the amount of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding per student for the immediately preceding year, adjusted for changes to the funding rates in subdivision (b)(4)(A) of this section.

(iii)(a) The Department of Education shall establish rules to implement the transitional ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding provided in subdivision (b)(4)(B)(ii) of this section.

(b) The rules shall include the methods of transition for a school district that:

(1) Experiences a decrease in the amount of ~~national school lunch state categorical funding~~ Enhanced Student Achievement Funding per student under subdivision (b)(4)(A) of this section;

(2) Experiences an increase in the

1 amount of ~~national school lunch state categorical funding~~ Enhanced Student
2 Achievement Funding per student under subdivision (b)(4)(A) of this section;
3 or

4 (3) Within a three-year transition
5 period, experiences both a decrease and an increase in the amount of ~~national~~
6 ~~school lunch state categorical funding~~ Enhanced Student Achievement Funding
7 per student under subdivision (b)(4)(A) of this section.

8 (iv) Under no circumstances shall a public school
9 district be entitled to receive more or less ~~funding~~ Enhanced Student
10 Achievement Funding as a result of the transitional process than the public
11 school district is otherwise entitled to receive under this subdivision
12 (b)(4) based on the school district's national school lunch student
13 population as a percentage of the public school district's entire student
14 population.

15 (v)(a) A public school district that has experienced
16 a significant growth in enrolled students in the previous three (3) years
17 shall receive funding for the expected increase in the number of national
18 school lunch students based on the expected increase in enrolled students
19 based on the levels of funding provided in this section for national school
20 lunch students.

21 (b) The State Board of Education shall
22 establish rules to be used by the Department of Education to determine:

23 (1) The amount of growth necessary to
24 qualify as significant growth;

25 (2) The expected increase in the number
26 of national school lunch students based on the expected increase in enrolled
27 students; and

28 (3) Which public school districts have
29 experienced a significant growth in enrolled students as necessary to qualify
30 for funding under this subdivision (b)(4)(B)(v).

31 (c) The Department of Education shall not be
32 required to adjust or fund a public school district's national school lunch
33 students based on the current year's number of national school lunch students
34 enrolled in the public school district or the average growth of students in
35 the public school district.

1 SECTION 4. Arkansas Code § 6-23-501(a)(3), concerning the distribution
2 of national school lunch state categorical funding to an open-enrollment
3 public charter school, is amended to read as follows:

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

7 (A) For the first year of operation, the first year
8 operating under a new license, the first year adding a new campus, and in any
9 year when a grade is added at any campus, free or reduced-price meal
10 eligibility data as reported by October 1 of the current school year will be
11 used to calculate the ~~national school lunch state categorical funding~~
12 Enhanced Student Achievement Funding under the state board rules governing
13 special needs funding; and

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

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21 **APPROVED: 4/17/19**
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State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 304

By: Senator J. Hendren
By: Representative G. Hodges

For An Act To Be Entitled

AN ACT TO ALLOW INDIVIDUALS FROM OUTSIDE THE
DEPARTMENT OF EDUCATION TO SERVE ON THE PUBLIC
CHARTER AUTHORIZING PANEL; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW INDIVIDUALS FROM OUTSIDE THE
DEPARTMENT OF EDUCATION TO SERVE ON THE
PUBLIC CHARTER AUTHORIZING PANEL.

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

SECTION 1. Arkansas Code § 6-23-701(b)(2)(A), concerning the public
charter authorizing panel, is amended to read as follows:

(2)(A) The Commissioner of Education shall appoint a public
charter authorizing panel that ~~consists~~ may consist of individuals from
outside the department as well as professional staff employed at the
department to serve at the pleasure of the commissioner.

APPROVED: 03/13/2017



1 State of Arkansas

As Engrossed: S2/16/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 308

4
5 By: Senators A. Clark, J. English, J. Hendren, Hester, J. Hutchinson, B. Johnson

6 By: Representatives Lowery, Ballinger, D. Douglas, Gates, K. Hendren, G. Hodges, Sullivan
7

For An Act To Be Entitled

9 AN ACT TO GRANT PUBLIC CHARTER SCHOOLS A RIGHT OF
10 ACCESS TO UNUSED OR UNDERUTILIZED PUBLIC SCHOOL
11 FACILITIES; TO CLARIFY RIGHTS OF FIRST REFUSAL TO
12 PURCHASE OR LEASE UNUSED OR UNDERUTILIZED PUBLIC
13 SCHOOL FACILITIES; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 TO GRANT PUBLIC CHARTER SCHOOLS A RIGHT
18 OF ACCESS TO UNUSED OR UNDERUTILIZED
19 PUBLIC SCHOOL FACILITIES.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-21-803, concerning definitions in the
25 Arkansas Public School Academic Facilities Program Act, is amended to add an
26 additional subdivision to read as follows:

27 (17) "Unused or underutilized public school facility" means a
28 public school facility or other real property that:

29 (A) As a whole or in a significant portion, is not being
30 used for a public educational, academic, extracurricular, or administrative
31 purpose and the nonuse or underutilization threatens the integrity or purpose
32 of the public school facility or other real property as a public education
33 facility; and

34 (B) As of the effective date of this act, is not subject
35 to:

36 (i) A lease to a third party for fair market value;



1 or

2 (ii) An executed offer to purchase by a third party
3 for fair market value.

4
5 SECTION 2. Arkansas Code § 6-21-806(a), concerning requirements for
6 the Academic Facilities Master Plan Program, is amended to add an additional
7 subdivision to read as follows:

8 (7)(A) Submit a report to the division by February 1 of each
9 year that identifies:

10 (i) All unused or underutilized public school
11 facilities in the school district; and

12 (ii) The unused or underutilized public school
13 facilities, if any, that are designated in the district's facilities master
14 plan to be re-used, renovated, or demolished as part of a specific committed
15 project or planned new construction project.

16 (B)(i) The division shall identify a public school
17 facility or other real property as an unused or underutilized public school
18 facility if the school district fails to identify in the report the public
19 school facility or other real property.

20 (ii) A school district may appeal an identification
21 made by the division under subdivision (a)(7)(B)(i) of this section to the
22 commission.

23
24 SECTION 3. Arkansas Code Title 6, Chapter 21, Subchapter 8, is amended
25 to add additional sections to read as follows:

26 6-21-815. Right of access to unused or underutilized public school
27 facilities.

28 (a) As used in this section and in § 6-21-816, "public charter school"
29 means:

30 (1) An open-enrollment public charter school as defined in § 6-
31 23-103;

32 (2) An eligible entity as defined in § 6-23-103 that applies to
33 authorize, amend, or renew a charter for an open-enrollment public charter
34 school; and

35 (3) A legal entity that is affiliated with or acting on behalf
36 of an open-enrollment public charter school or eligible entity.

1 (b) Annually by March 1 the Division of Public School Academic
2 Facilities and Transportation shall publish a list on its website identifying
3 all unused or underutilized public school facilities.

4 (c)(1) Except as otherwise provided in this section, a school district
5 shall make unused or underutilized public school facilities available for
6 lease or purchase for no more than fair market value to any public charter
7 school located within the geographical boundaries of the school district.

8 (2) Once a public school facility or other real property is
9 identified by the division as an unused or underutilized public school
10 facility, a public charter school may give notice of its intent to purchase
11 or lease the public school facility or other real property from the school
12 district no earlier than the later of:

13 (A) The date the public school facility or other real
14 property is first identified by the division as an unused or underutilized
15 public school facility; or

16 (B) If the public school facility or other real property
17 has already been designated in the school district's facilities master plan
18 to be reused, renovated, or demolished as part of a specific committed
19 project or planned new construction project, two (2) years from the date the
20 public school facility or other real property is first identified by the
21 division as an unused or underutilized public school facility.

22 (3)(A) If the public charter school and school district are
23 unable to agree on terms and execute the sale or lease within sixty (60) days
24 of the notice of intent, the public charter school may petition the
25 Commission for Arkansas Public School Academic Facilities and Transportation
26 for an order directing the school district to lease the public school
27 facility to the public charter school for fair market value.

28 (B) The lease shall be for a term of between five (5) and
29 thirty (30) years, as determined by the public charter school.

30 (4) The commission may deny the petition if the school district
31 makes an affirmative showing by a preponderance of the evidence that:

32 (A) The public school facility, or the property to which
33 the public school facility is attached, will be needed by the school district
34 to accommodate future growth of the school district; or

35 (B) Use of the public school facility or other real
36 property by a public charter school would have a materially negative impact

1 on the overall educational environment of an educational campus located
2 within five hundred feet (500') of the public school facility or other real
3 property sought to be leased.

4 (d)(1) Upon the execution of a lease, the public charter school shall
5 be responsible for all direct expenses related to the public school facility,
6 including without limitation:

7 (A) Utilities;

8 (B) Insurance;

9 (C) Maintenance;

10 (D) Repairs; and

11 (E) Renovation.

12 (2) The school district shall remain responsible for any bonded
13 debt incurred or mortgage liens that attached to the public school facility
14 or other real property prior to a sale or lease.

15 (3) The public charter school shall take no actions that have a
16 materially negative impact on:

17 (A) Any bond rights attached to the public school facility
18 or other real property; or

19 (B) Any tax-exempt financing related to the public school
20 facility or other real property.

21 (4) The public charter school shall indemnify the school
22 district for any mortgages, liens, or debt that attach to the public school
23 facility or other real property by the public charter school's action or
24 inaction.

25 (e) The terms of a lease executed under this section shall provide
26 that the lease shall be cancelled and be of no effect if:

27 (1) The public charter school fails to use the public school
28 facility or other real property for direct student instruction or
29 administrative purposes within two (2) years of the effective date of the
30 lease;

31 (2) The public charter school closes, has its charter revoked,
32 or has its charter application denied by the authorizer; or

33 (3) The public charter school initially uses the public school
34 facility or other real property, but then leaves the public school facility
35 or other real property unused for more than one hundred eighty (180) days.

36 (f)(1) The division may classify a school district that fails to

1 comply with this section as being in academic facilities distress under § 6-
2 21-811.

3 (2) The charter school authorizer may take action under § 6-23-
4 105 on the charter of a public charter school that fails to comply with this
5 section.

6 (g) The commission shall promulgate rules to implement this section,
7 including without limitation a standard lease form.

8
9 6-21-816. Sale or lease of public school facilities.

10 (a)(1) Except as otherwise provided in this section, if a school
11 district determines that any public school facility or other real property is
12 no longer needed for school purposes or is unused or underutilized, the
13 school district may sell or lease the facility in accordance with §§ 6-13-103
14 and 6-13-620 and this subchapter.

15 (2)(A) Money derived from the sale or lease of property under
16 this section shall be placed in the appropriate school fund established under
17 applicable law, as determined by the school district.

18 (B) Money derived from the sale or lease may be used for
19 any purpose allowed by law, including without limitation redemption of bonds
20 related to the financing of the facility sold or leased.

21 (3) A school district may not make a covenant that prohibits the
22 sale or lease of a public school facility or other real property to an open-
23 enrollment public charter school that is located within the geographic
24 boundary of the school district.

25 (b)(1)(A) If a school district decides to sell, lease, or otherwise
26 transfer ownership of an academic facility, an open-enrollment public charter
27 school located within the school district's boundaries shall have a right of
28 first refusal to purchase or lease the facility for fair market value.

29 (B) If the school district ceases to use a public school
30 facility as an academic facility, the right of first refusal shall continue
31 for two (2) years after the date the public school facility or other real
32 property was last used as an academic facility.

33 (C) If there is more than one (1) open-enrollment public
34 charter school located within the boundaries of the school district, the
35 right of first refusal shall be available to the open-enrollment public
36 charter school according to a priority list determined by the charter

1 authorizer following a review of the comparative status and educational needs
2 of the open-enrollment public charter schools.

3 (2)(A) If an open-enrollment public charter school decides to
4 sell or lease a public school facility or other real property purchased by
5 the public charter school under this section or under § 6-21-815, and the
6 sale or lease is to a third party that is not a public charter school, the
7 school district in which the public school facility or other real property is
8 located shall have a right of first refusal to purchase or lease the public
9 school facility or other real property for fair market value, subject to any
10 mortgage or lien attached to the public school facility or other real
11 property.

12 (B) The school district may waive its right of first
13 refusal under subdivision (b)(2)(A) of this section if the public school
14 facility or other real property or its revenues are to be pledged by the
15 public charter school as security for debt to fund the purchase or renovation
16 of the public school facility or other real property.

17 (3) Subject to the priority list under subdivision (b)(1)(C) of
18 this section, nothing in this subchapter shall be construed to delay or limit
19 the authority of a school district to sell, lease, or otherwise transfer a
20 public school facility or other real property to a public charter school on
21 terms agreed to by the school district and public charter school.

22 (c) If a public school facility or other real property has been
23 identified by the Division of Public School Academic Facilities and
24 Transportation as an unused or underutilized public school facility, the
25 school district may sell or lease the unused or underutilized public school
26 facility to a third party, other than an open-enrollment public charter
27 school, no earlier than the later of:

28 (1) Two (2) years after the date the public school facility or
29 other real property is identified by the division as an unused or
30 underutilized public school facility, so long as no public charter school has
31 claimed a right of access under § 6-21-815 or a right of first refusal under
32 this section; or

33 (2) If the unused or underutilized public school facility has
34 been designated in the school district's facilities master plan to be reused,
35 renovated, or demolished as part of a specific committed project or planned
36 new construction project, three (3) years from the date the public school

1 facility or other real property is identified by the division as an unused or
2 underutilized public school facility.

3 (d)(1) A school district may petition the division for a waiver of
4 subsection (c) of this section as it applies to an unused or underutilized
5 public school facility within the school district.

6 (2) The petition shall include a statement that the school
7 district believes that a public charter school would not be interested in
8 leasing or purchasing the unused or underutilized public school facility.

9 (e)(1)(A) If the division receives a petition under subsection (d) of
10 this section, the division, within five (5) days after receiving the
11 petition, shall notify each eligible entity granted a charter under § 6-23-
12 101 et seq. and statewide organization representing charter schools in
13 Arkansas by certified mail of the petition.

14 (B) The notice under subdivision (e)(1)(A) of this section
15 shall include a copy of the petition.

16 (2) Not later than thirty (30) days after an eligible entity
17 granted a charter under § 6-23-101 et seq. or statewide organization
18 representing charter schools in Arkansas receives a notice described in
19 subdivision (e)(1)(A) of this section, the eligible entity or statewide
20 organization representing charter schools may submit to the division an
21 objection in writing to the petition.

22 (3) An objection shall include:

23 (A) The name of the open-enrollment public charter school
24 that is interested in leasing or purchasing the unused or underutilized
25 public school facility; and

26 (B) A time frame, which may not exceed one (1) year from
27 the date of the objection, in which the open-enrollment public charter school
28 intends to begin providing classroom instruction in the unused or
29 underutilized public school facility.

30 (f)(1) If the division receives an objection that meets the
31 requirements of subdivision (e)(3) of this section, the division shall deny
32 the petition.

33 (2)(A) If the division does not receive an objection that meets
34 the requirements of subdivision (e)(3) of this section, the division shall
35 grant the petition.

36 (B) A school district that receives a waiver under this

1 section may sell, lease, or otherwise dispose of the unused or underutilized
2 public school facility in accordance with §§ 6-13-103 and 6-13-620 and this
3 subchapter.

4 (g)(1) A decision by the division under this section may be appealed
5 to the Commission for Arkansas Public School Academic Facilities and
6 Transportation.

7 (2) All time frames under this section, including subsection (c)
8 and subdivision (e)(3)(B) of this section, shall be tolled during the
9 pendency of an appeal.

10 (h)(1) The division may classify a school district that fails to
11 comply with this section as being in academic facilities distress under § 6-
12 21-811.

13 (2) The authorizer may take action under § 6-23-105 on the
14 charter of a public charter school that fails to comply with this section.

15 (i) The commission may promulgate rules to implement this section.
16

17 SECTION 4. Arkansas Code § 6-23-501(d), concerning open-enrollment
18 public charter schools, is repealed.

19 ~~(d)(1) An open-enrollment public charter school shall have a right of~~
20 ~~first refusal to purchase or lease for fair market value a closed public~~
21 ~~school facility or unused portions of a public school facility located in a~~
22 ~~public school district from which it draws its students if the public school~~
23 ~~district decides to sell or lease the public school facility.~~

24 ~~(2) The public school district may not require lease payments~~
25 ~~that exceed the fair market value of the property.~~

26 ~~(3) The application of this subsection is subject to the rights~~
27 ~~of a repurchaser under § 6-13-103 regarding property taken by eminent domain.~~

28 ~~(4) A public school district is exempt from the provisions of~~
29 ~~this subsection if the public school district, through an open bid process,~~
30 ~~receives and accepts an offer to lease or purchase the property from a~~
31 ~~purchaser other than the open-enrollment public charter school for an amount~~
32 ~~that exceeds the fair market value.~~

33 ~~(5) The purposes of this subsection are to:~~

34 ~~(A) Acknowledge that taxpayers intended a public school~~
35 ~~facility to be used as a public school; and~~

36 ~~(B) Preserve the option to continue that use.~~

1 ~~(6) Nothing in this subsection is intended to diminish the~~
2 ~~opportunity for an Arkansas Better Chance Program to bid on the purchase or~~
3 ~~lease of the public school facility on an equal basis as the open enrollment~~
4 ~~public charter school.~~

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6 */s/A. Clark*
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9 **APPROVED: 03/20/2017**
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State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1902

By: Representative Bentley
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING AGRICULTURAL SCHOOLS; TO ALLOW A
PUBLIC CHARTER AUTHORIZER TO DESIGNATE A PUBLIC
CHARTER SCHOOL AS A SCHOOL FOR AGRICULTURAL STUDIES;
TO REPEAL THE KINDERGARTEN THROUGH GRADE TWELVE (K-
12) AGRICULTURE SCHOOL PILOT PROGRAM; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING AGRICULTURAL SCHOOLS; TO ALLOW
A PUBLIC CHARTER AUTHORIZER TO DESIGNATE
A PUBLIC CHARTER SCHOOL AS A SCHOOL FOR
AGRICULTURAL STUDIES; AND TO REPEAL THE
K-12 AGRICULTURE SCHOOL PILOT PROGRAM.

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

SECTION 1. Uncodified Acts 2015, No. 1286, § 1, is repealed.

~~(a) The General Assembly finds that:~~

~~(1) Agriculture is the backbone of the state's economy;~~

~~(2) Twenty-seven (27) out of every one hundred (100) jobs in
Arkansas are agriculture related;~~

~~(3) Arkansas is the number one (1) rice producing state in the
nation, growing fifty percent (50%) of the nation's rice and adding more than
six billion dollars (\$6,000,000,000) to the state's economy each year;~~

~~(4) Arkansas is the number two (2) soybean producing state in
the United States, adding more than two billion dollars (\$2,000,000,000) to~~



1 ~~the state's economy each year;~~

2 ~~(5) Arkansas ranks in the top ten (10) poultry-producing and~~
 3 ~~egg-producing states in the nation;~~

4 ~~(6) Forest products added over three billion dollars~~
 5 ~~(\$3,000,000,000) to the state's economy in 2012, supporting nearly twenty-~~
 6 ~~five thousand (25,000) jobs;~~

7 ~~(7) Just under half of our state's population live in rural~~
 8 ~~communities;~~

9 ~~(8) Although agriculture is the largest business in our state,~~
 10 ~~Arkansas has not been at the forefront of integrating agriculture-based~~
 11 ~~education initiatives in our education system;~~

12 ~~(9) Innovations in technology and equipment have transformed the~~
 13 ~~agriculture industry, leaving businesses struggling to find qualified~~
 14 ~~individuals to fill open positions; and~~

15 ~~(10) Creating kindergarten through grade twelve (K-12)~~
 16 ~~agriculture schools across the state will provide deliberate, focused~~
 17 ~~instruction that will address the needs of the state's agriculture-based~~
 18 ~~economy.~~

19 ~~(b)(1) The Department of Career Education, in collaboration with the~~
 20 ~~Department of Education, shall develop, administer, and oversee the~~
 21 ~~Kindergarten through Grade Twelve (K-12) Agriculture School Pilot Program.~~

22 ~~(2) An agriculture school that is part of the pilot program~~
 23 ~~shall be governed by a single seven (7) member board of directors of~~
 24 ~~agriculture schools appointed by the Governor.~~

25 ~~(3) An agriculture school in the pilot program shall have a~~
 26 ~~seven (7) member advisory board comprised of representatives from the:~~

27 ~~(A) Local agriculture business community;~~

28 ~~(B) Institutions of higher education;~~

29 ~~(C) Department of Agriculture;~~

30 ~~(D) Department of Career Education; and~~

31 ~~(E) Department of Education.~~

32 ~~(c)(1) To encourage small rural communities to participate in the~~
 33 ~~pilot program, § 6-13-1501(a)(2) and § 6-13-1502 shall not apply to an~~
 34 ~~agriculture school that is part of the pilot program.~~

35 ~~(2) All other laws and rules applicable to a public school are~~
 36 ~~applicable to an agriculture school unless specifically exempted under this~~

chapter.

~~(d) The pilot program shall provide for:~~

~~(1) A mayor of a municipality, a county judge, or board of directors of a school district to apply for an agriculture school;~~

~~(2) A partnership with an institution of higher education to expand program offerings and provide opportunities for dual enrollment and concurrent credit, including industry-based certifications upon graduation from an agriculture high school;~~

~~(3) Students to transfer from other school districts to an agriculture school;~~

~~(4) At least one (1) agriculture school for grades seven through twelve (7-12) for the 2015-2016 school year;~~

~~(5) At least one (1) agriculture school for grades kindergarten through grade six (K-6) during the 2016-2017 school year; and~~

~~(6) An agriculture school to focus on the type of agricultural industry in the local region.~~

~~(e) An agriculture school opened as a part of the Kindergarten through Grade Twelve (K-12) Agriculture School Pilot Program may receive funding from the public school fund and other sources as allowed by law.~~

~~(f) The Department of Career Education, in collaboration with the Department of Education, shall adopt rules to administer the Kindergarten through Grade Twelve Agriculture Pilot Program, including without limitation, rules that address:~~

~~(1) Applications;~~

~~(2) Administration; and~~

~~(3) Reporting requirements.~~

SECTION 2. Arkansas Code Title 6, Chapter 23, Subchapter 1, is amended to add an additional section to read as follows:

6-23-108. School for Agricultural Studies.

(a) The authorizer may designate a public charter school as a School for Agricultural Studies.

(b) To be designated as a School for Agricultural Studies, the applicant must include in its original application or charter amendment request:

(1) A request to be designated as a School for Agricultural

1 Studies;

2 (2) The school's agricultural studies plan, which shall include
3 without limitation:

4 (A) The type of agricultural industry in the school's
5 local region;

6 (B) How the school will address the needs of that industry
7 and the state's agricultural-based economy; and

8 (C) Anticipated support from the agricultural industry;
9 and

10 (3) A written review of the agricultural studies plan from the
11 Department of Career Education.

12 (c)(1) A School for Agricultural Studies may petition the State Board
13 of Education for creation of a new school district by detachment under § 6-
14 13-1501 et seq. if the School for Agricultural Studies meets the conditions
15 of this subsection.

16 (2) To be eligible to petition for detachment, the school shall:

17 (A) Complete three (3) academic years serving students as
18 a School for Agricultural Studies;

19 (B) Not currently be classified in academic distress,
20 fiscal distress, or facilities distress;

21 (C) Not be in probationary status for violation of the
22 Standards for Accreditation of Arkansas Public Schools and School Districts;
23 and

24 (D) Show evidence that the school is meeting its stated
25 goals.

26 (3) A School for Agricultural Studies:

27 (A) Is exempt from the minimum student enrollment and
28 square mileage requirements under § 6-13-1501(a)(2) and § 6-13-1502; and

29 (B) Shall not be approved to create a new school district
30 by detachment with fewer than three hundred fifty (350) students as
31 determined by a feasibility study included with the petition.

32 (d)(1) Nothing in this section prohibits a public charter school from
33 offering agricultural programming without the designation as a School for
34 Agricultural Studies.

35 (2) A public charter school shall not refer to itself as a
36 School for Agricultural Studies unless it is designated as a School for

Agricultural Studies under this section.

APPROVED: 03/29/2017

State of Arkansas

As Engrossed: H3/27/17

91st General Assembly

A Bill

Regular Session, 2017

SENATE BILL 416

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE OPERATION AND FUNDING OF PUBLIC
CHARTER SCHOOLS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING THE OPERATION AND FUNDING OF
PUBLIC CHARTER SCHOOLS.

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

SECTION 1. Arkansas Code § 6-23-103(2), concerning the definition of
"application" under the Arkansas Quality Charter School Act of 2013, is
amended to read as follows:

(2) "Application" means the proposal for obtaining conversion
public charter school status, or open-enrollment public charter school
status, ~~or limited public charter school status;~~

SECTION 2. Arkansas Code § 6-23-103(8), concerning the definition of
"limited public charter school", is repealed.

~~(8) "Limited public charter school" means a public school that
has converted to operating under the terms of a limited public charter
approved by the local school district board of directors and the authorizer;~~

SECTION 3. Arkansas Code § 6-23-103(13), concerning the definition of
"public charter school" under the Arkansas Quality Charter Schools Act of
2013, is amended to read as follows:



1 (13) "Public charter school" means a conversion public charter
2 school, or an open-enrollment public charter school, or a limited public
3 charter school.
4

5 SECTION 4. Arkansas Code § 6-23-105, concerning public charter school
6 probation or charter modification, revocation, or denial of renewal, is
7 amended to add an additional subsection to read as follows:

8 (e)(1)(A) Immediately upon the revocation of a charter by the
9 authorizer, the public charter school shall:

10 (i) Transfer to the department all state funds held
11 by the public charter school, which the department shall hold in
12 receivership; and

13 (ii) Provide to the department a detailed accounting
14 of all accounts payable due from the state funds and any additional
15 information or records requested by the department concerning the
16 disbursement of the state funds.

17 (B) The department shall hold funds received under
18 subdivision (e)(1)(A) of this section in a separate fund and shall expend the
19 funds only with prior approval of the Commissioner of Education.

20 (C) If the State Board of Education reverses the
21 revocation, the department shall return any funds remaining in receivership
22 to the public charter school.

23 (2)(A) The department shall establish a procedure for a claimant
24 to file a claim for disbursement from the state funds.

25 (B) The determination of the department concerning the
26 disbursement of the state funds is final and may not be appealed.

27 (3) If funds remain in receivership for which no legitimate,
28 documented claim has been made to the department within one (1) calendar year
29 after the revocation, the remaining funds shall be transferred to the Public
30 School Fund.

31 (4) The state board may promulgate rules to implement this
32 subsection.
33

34 SECTION 5. Arkansas Code § 6-23-302(c)(5)(A), concerning a description
35 in the application for an open-enrollment public charter school of the
36 facility to be used, is amended to read as follows:

1 (5)(A) Describe in general terms the area within the boundaries
2 of the school district where the applicant intends to obtain a facility to be
3 used for the open-enrollment public charter school and state the facility's
4 current use.

5
6 SECTION 6. Arkansas Code § 6-23-306(14)(B)(ii)(a), concerning charter
7 school enrollment preference, is amended to read as follows:

8 (a)(1) Children of the founding members and
9 children of full-time employees and teachers of the eligible entity.

10 (2) The number of enrollment preferences
11 granted to children of founding members and children of full-time employees
12 and teachers shall not exceed ten percent (10%) of the total number of
13 students enrolled in the open-enrollment public charter school; and
14

15 SECTION 7. Arkansas Code § 6-23-310 is amended to read as follows:
16 6-23-310. Status report.

17 ~~The authorizer shall report on the status of the open-enrollment public~~
18 ~~charter school programs~~ to the General Assembly each biennium and to the
19 House Committee on Education and the Senate Committee on Education during the
20 interim between regular sessions of the General Assembly;

21 (1) The status of the open-enrollment public charter school
22 programs; and

23 (2) A summary of the authorizing activities in the preceding
24 year, including without limitation the number and type of charters approved,
25 denied, and amended.
26

27 SECTION 8. Arkansas Code § 6-23-501(a)(1)-(4), concerning charter
28 school funding, is amended to read as follows:

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

34 (2)(A) For the first year of operation, and the first year
35 operating under a new license, the first year adding a new campus, and for
36 the first year the open-enrollment public charter school adds in any year a

1 ~~new grade is added at any campus~~, the foundation funding and enhanced
2 educational funding for an open-enrollment public charter school is
3 determined as follows:

4 (i) The initial funding estimate shall be based on
5 enrollment as of July 1 of the current school year;

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

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

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

13 (3) National school lunch state categorical funding under § 6-
14 20-2305(b)(4) shall be provided to an open-enrollment public charter school
15 as follows:

16 (A) For the first year of operation, the first year
17 operating under a new license, the first year adding a new campus, and in any
18 year when a grade is added at any campus, free or reduced-price meal
19 eligibility data as reported by October 1 of the current school year will be
20 used to calculate the national school lunch state categorical funding under
21 the state board rules governing special needs funding; and

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

27 (4) Professional development funding under § 6-20-2305(b)(5)
28 shall be provided to an open-enrollment public charter school for the first
29 year of operation, the first year operating under a new license, the first
30 year adding a new campus, and in any year in which a grade is added at any
31 campus as follows:

32 (A)(i) In the first year of operation the open-enrollment
33 public charter school shall receive professional development funding based
34 upon the initial projected enrollment student count as of July 1 of the
35 current school year multiplied by the per-student professional development
36 funding amount under § 6-20-2305(b)(5) for that school year.

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

5
6 SECTION 9. Arkansas Code § 6-23-908(b)(2), concerning charter school
7 funding, is amended to read as follows:

8 (2) For an open-enrollment public charter school in its first
9 year of operation, the first year operating under a new license, the first
10 year adding a new campus, or for an open-enrollment public charter school
11 that adds in any year a new grade is added at any campus, the funding from
12 the program shall be determined using the method under § 6-23-501(a)(2)(A).
13

14 /s/A. Clark
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17 **APPROVED: 04/05/2017**
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State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1672

By: Representative Tucker
By: Senator Elliott

For An Act To Be Entitled

AN ACT CONCERNING ADMISSIONS POLICIES OF CHARTER
SCHOOLS; TO ALIGN CHARTER SCHOOL ADMISSIONS
REQUIREMENTS FOR A STUDENT WHO HAS BEEN EXPELLED FROM
ANOTHER SCHOOL DISTRICT WITH ADMISSIONS REQUIREMENTS
FOR SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING ADMISSIONS POLICIES OF CHARTER
SCHOOLS; AND TO ALIGN CHARTER SCHOOL
ADMISSIONS REQUIREMENTS FOR A STUDENT WHO
HAS BEEN EXPELLED FROM ANOTHER SCHOOL
DISTRICT WITH ADMISSIONS REQUIREMENTS FOR
SCHOOL DISTRICTS.

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

SECTION 1. Arkansas Code § 6-23-306(6)(C), concerning the admission of
students who have been expelled from a public school district, is amended to
read as follows:

(C) 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~~ in the same manner as a board of
directors of a public school district under § 6-18-510;

APPROVED: 04/06/2017

