

INTERIM STUDY PROPOSAL 2023-058

1
2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

SENATE BILL 303

5
6 By: Senator C. Tucker

7 Filed with: Senate Committee on Education
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS
11 THE AUTHORITY TO WEIGH ADMISSION LOTTERIES AT THEIR
12 DISCRETION; AND FOR OTHER PURPOSES.

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15 **Subtitle**

16 TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER
17 SCHOOLS THE AUTHORITY TO WEIGH ADMISSION
18 LOTTERIES AT THEIR DISCRETION.

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

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23 SECTION 1. The introductory language of Arkansas Code § 6-23-306,
24 concerning the contents of open-enrollment public charters, is amended to
25 read as follows:

26 (a) An open-enrollment public charter granted under this subchapter
27 shall:

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29 SECTION 2. Arkansas Code § 6-23-306(6)(B), concerning weighted lottery
30 admissions for open-enrollment public charter schools, is amended to read as
31 follows:

32 (B) The open-enrollment public charter school may allow a
33 weighted lottery to be used in the student selection process:

34 (i) ~~when~~ When necessary to comply with Title VI of
35 the ~~federal~~ Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of
36 the ~~federal~~ Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the equal

1 protection clause of the Fourteenth Amendment to the United States
2 Constitution, a court order, or a federal or state law requiring
3 desegregation; ~~and~~ or

4 (ii) For an increased chance of admission of the
5 following students:

6 (a) National school lunch students, as defined
7 under § 6-20-2303;

8 (b) English-language learners, as defined
9 under § 6-20-2303;

10 (c) Students with disabilities under the
11 Children With Disabilities Act of 1973, § 6-41-201 et seq., or the
12 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and

13 (d) Students who are currently enrolled in a
14 public school that is classified as being in academic distress; and

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16 SECTION 3. Arkansas Code § 6-23-306(14)(C), concerning weighted
17 lottery admissions for open-enrollment public charter schools, is amended as
18 follows:

19 (C) The open-enrollment public charter may use a weighted
20 lottery in the student selection process ~~only when necessary to:~~

21 (i) ~~comply~~ When necessary to comply with a:

22 ~~(i)~~(a) Federal court order; or

23 ~~(ii)~~(b) Federal administrative order issued by
24 an appropriate federal agency having proper authority to enforce remedial
25 measures necessary to comply with Title VI of the ~~federal~~ Civil Rights Act of
26 1964, 42 U.S.C. § 2000d et seq., Title IX of the ~~federal~~ Education Amendments
27 of 1972, 20 U.S.C. § 1681 et seq., or the equal protection clause of the
28 Fourteenth Amendment to the United States Constitution; ~~and~~ or

29 (ii) For an increased chance of admission of the
30 following students:

31 (a) National school lunch students, as defined
32 under § 6-20-2303;

33 (b) English-language learners, as defined
34 under § 6-20-2303;

1 (c) Students with disabilities under the
2 Children With Disabilities Act of 1973, § 6-41-201 et seq., or the
3 Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and
4 (d) Students who are currently enrolled in a
5 public school that is classified as being in academic distress; and
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7 SECTION 4. Arkansas Code § 6-23-306, concerning contents of open-
8 enrollment public charters, is amended to add an additional subsection to
9 read as follows:

10 (b)(1) If an open-enrollment public charter includes the use of a
11 weighted lottery under this section, the structure, format, and operation of
12 the weighted lottery shall be subject to the sole discretion and control of
13 the open-enrollment public charter school governed by the open-enrollment
14 public charter.

15 (2) An open-enrollment public charter that includes the use of a
16 weighted lottery under this section may provide that the weighted lottery be
17 operated and managed by the Department of Education.

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20 Referred requested by the Arkansas Senate

21 Prepared by: TNL/SJA
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