

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representatives Cunningham, Baker and Malone  
5 By: Senator Mahony  
6

# A Bill

HOUSE BILL 1934

## For An Act To Be Entitled

8 "AN ACT TO AMEND CHAPTER 10 OF SUBTITLE 2 OF TITLE 6 OF  
9 THE ARKANSAS CODE TO ESTABLISH A PROCEDURE WHEREBY LOCAL  
10 SCHOOLS MAY BE PERMITTED TO BECOME CHARTER SCHOOLS AND TO  
11 OPERATE UNDER THE CHARTER PROVISIONS RATHER THAN UNDER  
12 STATE AND LOCAL RULES, REGULATIONS, POLICIES, AND  
13 PROCEDURES; AND FOR OTHER PURPOSES."  
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## Subtitle

15 "TO ESTABLISH PROCEDURE WHEREBY LOCAL  
16 SCHOOLS MAY BECOME CHARTER SCHOOLS."  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Chapter 10 of Subtitle 2 of Title 6 of the Arkansas Code is  
22 amended by adding a new section at the end to read as follows:

23 "6-10-115. Charter Schools.

24 (a) It is the intent of the General Assembly that this code section  
25 provide a means whereby local schools may choose to substitute a binding  
26 performance based contract approved by both state and local boards of  
27 education, called a charter, for state and local rules, regulations,  
28 policies, and procedures and the applicability of the other provisions of  
29 this title.

30 (b) For purposes of this code section, the term:

31 (1) Charter means a performance based contract between the  
32 state board, a local board of education and a local school, the terms of  
33 which are approved by the local board and the state board for an initial  
34 three-year period. Each performance based contract will exempt a school from  
35 state and local rules, regulations, policies, and procedures specified in the

1 contract and from the provisions of this title specified in the contract.

2 (2) Charter school means a public school that is operating  
3 under the terms of a charter granted by the state board.

4 (3) Local board means a board of directors exercising the  
5 control and management of a local school system.

6 (4) Local school means a public school building site in  
7 Arkansas which is under the management and control of a local board of  
8 directors.

9 (5) Petition means a proposal to enter into a performance  
10 based contract between the state board and a local school whereby the local  
11 school obtains charter school status.

12 (6) State board means the State Board of Education.

13 (7) Parent means any parent, legal guardian or other person  
14 having custody or charge of a student enrolled in a local school.

15 (c) Any local school may petition the state board for charter school  
16 status in accordance with a schedule approved by the state board. Such  
17 petitions must:

18 (1) Be approved by the local board of education;

19 (2) Be approved by the organization representing the majority of  
20 teachers if the school district has concluded a written policy agreement  
21 covering personnel policies, salaries, and educational matters of mutual  
22 concern with that organization;

23 (3) Be freely agreed to by at least two-thirds of the certified  
24 employees at the school initiating the petition, voting by secret ballot;

25 (4) Be freely agreed to by at least two-thirds of the parents  
26 present at a meeting called for the purpose of deciding whether to initiate  
27 the petition. Notice of the meeting shall be distributed to parents of all  
28 students enrolled at the local school initiating the petition and shall be  
29 published in a newspaper having general circulation in the school district at  
30 least two weeks prior to the date of the meeting;

31 (5) Describe a plan for school improvement that addresses how  
32 the school proposes to work toward improving student learning and meeting the  
33 national and state education goals;

34 (6) Outline proposed performance criteria that will be used  
35 during the initial three-year period of the charter to measure progress of

1 the school in improving student learning and in meeting the national and  
2 state education goals;

3           (7) Describe how the certified employees and parents of students  
4 enrolled in the school will be involved in developing the petition,  
5 developing and implementing the improvement plan, and identifying performance  
6 criteria;

7           (8) Describe how the concerns of certified employees and parents  
8 of students enrolled in the school will be solicited and addressed in  
9 evaluating the effectiveness of the improvement plan; and

10           (9) Describe the specific provisions of this title and the  
11 specific rules and regulations from which the local school will be exempt.

12           (d) The state board is authorized and directed to establish rules and  
13 regulations for charter schools. Each year, the state board must review  
14 petitions for charter school status received from local schools. As long as  
15 a proposed charter school does not have a segregative effect on student  
16 assignments, the state board is directed to approve such petitions and to  
17 grant charter school status to local schools whose petitions, in the opinion  
18 of the state board:

19           (1) Provide a plan for improvement at the school level for  
20 improving student learning and for meeting the national and state education  
21 goals;

22           (2) Include a set of performance based objectives and student  
23 achievement objectives for the term of the charter and the means for  
24 measuring those objectives on at least a yearly basis;

25           (3) Include an agreement to provide a yearly report to parents,  
26 the community, the local board, and the state board which indicates the  
27 progress made by the charter school in the previous year in meeting the  
28 performance objectives; and

29           (4) Include a proposal to directly and substantially involve the  
30 parents of students enrolled in the school as well as the certified employees  
31 and the broader community in the process of creating the petition and in  
32 carrying out the terms of the charter.

33           (e) The state board may allow local schools to resubmit petitions for  
34 charter school status if the original petition was, in the opinion of the  
35 state board, deficient in one or more respects. The Department of Education

1 may provide technical assistance to the certified employees of local schools  
2 in the creation or modification of these petitions.

3 (f) The state board will include in the terms of each charter:

4 (1) A mechanism for declaring the charter null and void if at  
5 least two-thirds of the certified employees of the school request the state  
6 board to withdraw the charter or if, at any time, in the opinion of the state  
7 board, the school enjoying charter school status fails to fulfill the terms  
8 of the charter;

9 (2) Clear performance based and student achievement objectives  
10 and the means to measure those objectives on at least a yearly basis;

11 (3) A mechanism for updating the terms of each charter, agreed  
12 to by all parties and subject to the approval of at least two-thirds of the  
13 certified employees, based upon the yearly progress reports given the state  
14 board by the charter school.

15 (g) Any request for petition to obtain charter school status sent by a  
16 local school to a local school board shall be forwarded by the local school  
17 board to the State Board of Education. If a local school board disapproves a  
18 local school\_s request for petition, the local school board must inform the  
19 faculty of the local school of the reasons for such disapproval, and a copy  
20 of these reasons must be forwarded to the state board. The state board may,  
21 at its discretion, request a hearing to receive further information from the  
22 local school board and the local school faculty. *This hearing shall be for*  
23 *informational purposes only. The State Board may not approve any charter*  
24 *school petition unless it has been approved by the local school board.*

25 (h) The state board is authorized to renew charters on a one-year or  
26 multiyear basis, not to exceed three years, for local schools after the  
27 initial three-year period, provided all parties to the original charter  
28 approve such renewal with a vote of at least two-thirds of the certified  
29 employees.

30 (i) The state board will report on the status of the charter school  
31 program to the General Assembly each biennium and to the Joint Interim  
32 Committee on Education during the interim between General Assemblies."

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34 SECTION 2. All provisions of this act of a general and permanent  
35 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas

1 Code Revision Commission shall incorporate the same in the Code.

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3       SECTION 3. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9       SECTION 4. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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*/s/Rep. Cunningham, et al*

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