

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/3/97 S3/3/97

A Bill

SENATE BILL 56

5 By: Senators Russ and Brown
6 By: Representative Bisbee
7

For An Act To Be Entitled

9 "AN ACT TO AUTHORIZE THE CREATION OF OPEN-ENROLLMENT
10 CHARTER SCHOOLS IN ARKANSAS; AND FOR OTHER PURPOSES."

11
12

Subtitle

13 "TO AUTHORIZE THE CREATION OF
14 OPEN-ENROLLMENT CHARTER SCHOOLS IN
15 ARKANSAS."
16

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

18

19 SECTION 1. Title.

20 This Act shall be known and cited as "The Arkansas Open-Enrollment
21 Charter Schools Act of 1997."

22

23 SECTION 2. Legislative intent.

24 It is the intent of the General Assembly, by this act, to provide
25 opportunities for teachers, parents, pupils, and community members to
26 establish and maintain schools that operate independently from the existing
27 structure of local school districts as a method to accomplish the following:

28 (1) Improve student learning;

29 (2) Increase learning opportunities for all students, with special
30 emphasis on expanded learning experiences for students who are identified as
31 low-achieving;

32 (3) Encourage the use of different and innovative teaching methods;

33 (4) Create new professional opportunities for teachers, including the
34 opportunity to be responsible for the learning program at the school site;

35 (5) Provide parents and pupils with expanded choices in the types of
36 educational opportunities that are available within the public school system;

1 and

2 (6) Hold the schools established under this act accountable for meeting
3 measurable student achievement standards.

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5 SECTION 3. Authorization.

6 (a) As used in this act, "eligible entity" means:

7 (1) A public institution of higher education;

8 (2) A private institution of higher education;

9 (3) An organization that is nonsectarian in its program,

10 admission policies, employment practices and operations, and is exempt from
11 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
12 amended from time to time;

13 (4) A governmental entity.

14 (b) No private or parochial elementary or secondary school in existence
15 on the effective date of this act shall be eligible for charter school status.

16 (c) In accordance with this act, the State Board of Education may grant
17 a charter on the application of an eligible entity for an open-enrollment
18 charter school to operate in a facility of a commercial or nonprofit entity or
19 a school district.

20 (d) The State Board of Education may grant no more than a total of
21 fifteen (15) charters for an open-enrollment charter school and no more than
22 five (5) charters may be granted in any single congressional district in the
23 state.

24 (e) If the facility to be used for an open-enrollment charter school is
25 a school district facility, the charter school must be operated in the
26 facility in accordance with the terms established by the local district school
27 board in an agreement governing the relationship between the charter school
28 and the school district.

29 (f) An educator employed by a school district before the effective date
30 of a charter for an open-enrollment charter school operated at a school
31 district facility may not be transferred to or be employed by the
32 open-enrollment charter school over the educator's objection.

33 (f) If an educator is employed by a charter school and the charter is
34 revoked, the educator will receive a priority in hiring for the first
35 available position for which the educator is qualified in the school district
36 where the educator was formerly employed.

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SECTION 4. Authority under a charter.

An open-enrollment charter school:

- (1) Shall provide instruction to students at one or more elementary or secondary grade levels as provided by the charter;
- (2) Shall be governed by an eligible entity that is fiscally accountable and under the governing structure as described by the charter;
- (3) Shall retain authority to operate under the charter contingent on satisfactory student performance as provided by the charter and in accordance with this act;
- (4) Shall have no authority to impose taxes;
- (5) Shall not incur any debts without the prior review and approval of the Director of the General Education Division of the Arkansas Department of Education; and
- (6) Shall not charge students tuition or fees which would not be allowable charges in the Arkansas public schools.

SECTION 5. Applicability of Title 6 of this code and rules and regulations to an open-enrollment charter school.

An open-enrollment charter school is subject to Title 6 of this code and rules and regulations promulgated by the State Board as authorized therein only to the extent that their applicability to an open-enrollment charter school is specifically provided for in Title 6 or in such rules and regulations.

SECTION 6. Powers and restrictions.

(a) An open-enrollment charter school has all powers granted to schools under this title.

(b) An open-enrollment charter school is subject to:

(1) A prohibition, restriction, or requirement imposed by this title and any rule and regulation promulgated by the State Board of Education under this title, relating to:

(A) Monitoring compliance with this Act, as determined by the Director of the General Education Division of the Arkansas Department of Education;

(B) Conducting criminal background checks for employees as

1 provided in this title;

2 (C) High school graduation requirements as established by
3 the State Board of Education;

4 (D) Special education programs as provided by this title;
5 and

6 (E) Public school accountability under this title.

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8 SECTION 7. Status.

9 (a) An open-enrollment charter school shall be considered part of the
10 public school system of this state.

11 (b) An open-enrollment charter school shall be immune from liability to
12 the same extent as a public school district, and its employees and volunteers
13 shall be immune from liability to the same extent as the employees and
14 volunteers of a public school district.

15 (c)(1) An employee of an open-enrollment charter school who qualifies
16 for membership in the Arkansas Teacher Retirement System shall be covered
17 under the system to the same extent a qualified employee of a public school
18 district is covered.

19 (2) For each employee of the open-enrollment charter school
20 covered under the system, the school shall be responsible for making any
21 contribution that otherwise would be the legal responsibility of the local
22 school district.

23

24 SECTION 8. Funding.

25 (a) An open-enrollment charter school shall be entitled to receive
26 tuition from the local school district in which a student attending the school
27 resides in an amount equal to the minimum state and local revenue per average
28 daily membership as defined annually by the Department of Education.

29 (b) Charter school enrollments shall be submitted to the Department of
30 Education by March 15 preceding the school year in which the students will
31 attend the charter school.

32 (c) The Department of Education will verify charter school enrollments
33 and determine the amount of tuition owed by each affected school district to
34 the appropriate charter school by April 15.

35 (d) The Department of Education will withhold the appropriate tuition
36 amounts from each affected school district.

1 (e) The Department of Education will distribute the tuition funds
2 directly to the approved charter schools in the same manner and at the same
3 time as it does to public school districts.

4 (f) The Department of Education will adjust tuition payments based on
5 quarterly attendance reports submitted to the Department of Education by
6 charter schools and public school districts.

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8 SECTION 9. Application forms and procedures.

9 (a) The State Board of Education shall adopt:

10 (1) An application form and a procedure that must be used to
11 apply for a charter for an open-enrollment charter school; and

12 (2) Criteria to use in selecting a program for which a charter
13 may be granted.

14 (b) The application form must provide space for including all
15 information required under Section 10 of this act to be contained in the
16 charter.

17 (c) As part of the application procedure, the board may require a
18 petition supporting a charter for a school signed by a specified number of
19 parents or guardians of school-age children residing in the area in which a
20 school is proposed or may hold a public hearing to determine parental support
21 for the school.

22 (d) The board may approve or deny an application based on criteria
23 adopted by the board. The criteria shall include:

24 (1) Criteria relating to improving student performance and
25 encouraging innovative programs; and

26 (2) A statement from any school district in which enrollment is
27 likely to be affected by the open-enrollment charter school, including
28 information relating to any financial difficulty that a loss in enrollment may
29 have on the district.

30 (e) The board shall give preference in approving an application to a
31 school district:

32 (1) Where thirty percent (30%) or more of the students qualify
33 for free lunches; or

34 (2) Where thirty percent (30%) or more of the students do not
35 read at grade level.

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1 SECTION 10. Charter content.

2 Each charter granted under this act shall:

3 (1) Describe the educational program to be offered;

4 (2) Specify the period for which the charter or any charter renewal is
5 valid;

6 (3) Provide that continuation or renewal of the charter is contingent
7 on acceptable student performance on assessment instruments adopted by the
8 State Board of Education and on compliance with any accountability provision
9 specified by the charter, by a deadline, or at intervals specified by the
10 charter;

11 (4) Establish the level of student performance that is considered
12 acceptable for purposes of subsection (3) of this section;

13 (5) Specify any basis, in addition to a basis specified by this act, on
14 which the charter may be placed on probation or revoked or on which renewal of
15 the charter may be denied;

16 (6) Prohibit discrimination in admission policy on the basis of sex,
17 national origin, ethnicity, religion, disability, academic or athletic
18 eligibility, or the local school district the student would otherwise attend,
19 although the charter may provide for the exclusion of a student who has been
20 expelled from another school district in accordance with this title;

21 (7) Specify the grade levels to be offered;

22 (8) Describe the governing structure of the program;

23 (9) Specify the qualifications to be met by professional employees of
24 the program;

25 (10) Describe the process by which the person providing the program will
26 adopt an annual budget;

27 (11) Describe the manner in which the annual audit of the financial and
28 programmatic operations of the program is to be conducted, including the
29 manner in which the person providing the program will provide information
30 necessary for the school district in which the program is located to
31 participate;

32 (12) Describe the facilities to be used;

33 (13) Describe the geographical area served by the program; and

34 (14) Specify methods for applying for admission, enrollment criteria,
35 and student recruitment and selection processes.

36

1 SECTION 11. Charter form.

2 A charter for an open-enrollment charter school shall be in the form of
3 a written contract signed by the Chairman of the State Board of Education and
4 the chief operating officer of the school.

5

6 SECTION 12. Charter granted.

7 Each charter the State Board of Education grants for an open-enrollment
8 charter school shall:

9 (1) Satisfy the requirements of this act; and

10 (2) Ensure that the information required under Section 10 of this act
11 is consistent with the information provided in the application and any
12 modification the board may require.

13

14 SECTION 13. Revision.

15 A revision of the charter of an open-enrollment charter school may be
16 made only with the approval of the State Board of Education.

17

18 SECTION 14. Basis for placement on probation and charter modification,
19 revocation, or denial of renewal.

20 (a) The State Board of Education may place an open-enrollment charter
21 school on probation or may modify, revoke, or deny renewal of its charter if
22 the board determines that the person operating the school:

23 (1) Committed a material violation of the charter, including
24 failure to satisfy accountability provisions prescribed by the charter;

25 (2) Failed to satisfy generally accepted accounting standards of
26 fiscal management; or

27 (3) Failed to comply with this act or other applicable law or
28 regulation.

29 (b) Any act the board may take under subsection (a) of this section
30 shall be based on the best interests of the school's students, the severity of
31 the violation, and any previous violation the school has committed.

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33 SECTION 15. Procedure for placement on probation and charter
34 modification, revocation, or denial of renewal.

35 (a) The State Board of Education shall adopt a procedure to be used for
36 placing an open-enrollment charter school on probation or modifying, revoking,

1 or denying renewal of the school's charter.

2 (b) The procedure adopted under subsection (a) of this section shall
3 provide an opportunity for a hearing to the person operating the
4 open-enrollment charter school and to the parents and guardians of students in
5 the school. A hearing under this subsection shall be held at the facility at
6 which the program is operated.

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8 SECTION 16. Application for admission.

9 For admission to an open-enrollment charter school, the person operating
10 the school may require the applicant to complete and submit an application no
11 later than a reasonable deadline established by the school.

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13 SECTION 17. Evaluation of open-enrollment charter schools.

14 (a) The State Department of Education shall conduct an annual
15 evaluation of open-enrollment charter schools.

16 (b) An evaluation shall include, but not be limited to, consideration
17 of the following:

18 (1) Student scores on assessment instruments;

19 (2) Student attendance;

20 (3) Student grades;

21 (4) Incidents involving student discipline;

22 (5) Socioeconomic data on students' families;

23 (6) Parent satisfaction with the schools; and

24 (7) Student satisfaction with the schools.

25 (c) The evaluation of open-enrollment charter schools shall also
26 include:

27 (1) The cost of instruction, administration, and transportation
28 incurred by the schools; and

29 (2) The effect of the schools on the local school districts and
30 on teachers, students, and parents in those districts.

31

32 SECTION 18. All provisions of this act of a general and permanent
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
34 Code Revision Commission shall incorporate the same in the Code.

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36 SECTION 19. If any provision of this act or the application thereof to

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

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6 SECTION 20. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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/s/Russ et al

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