

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S3/1/99 S3/9/99

A Bill

SENATE BILL 562

4
5 By: Senators Brown, Argue, Riggs, Roebuck, Russ

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE CREATION OF OPEN-ENROLLMENT
9 CHARTER SCHOOLS AND THE CONVERSION OF PUBLIC SCHOOLS TO
10 CHARTER SCHOOLS IN ARKANSAS; TO REPEAL A. C. A.
11 § 6-10-116; AND FOR OTHER PURPOSES."

Subtitle

14 "THE ARKANSAS CHARTER SCHOOLS ACT OF
15 1999."

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

19 SECTION 1. Title.

20 This act shall be known and cited as "The Arkansas Charter Schools Act
21 of 1999."

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 *public* schools that operate independently from the
27 existing structure of local school districts as a method to accomplish the
28 following:

29 (1) Improve student learning;

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

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

35 (4) Create new professional opportunities for teachers, including

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1 the opportunity to be responsible for the learning program at the school site;
2 (5) Provide parents and pupils with expanded choices in the types
3 of educational opportunities that are available within the public school
4 system; and

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

7
8 SECTION 3. DEFINITIONS.

9 As used in this act:

10 (1) "Charter" means:

11 A performance-based contract for an initial three-year
12 period that converts a public school to a charter school or authorizes the
13 creation and conditional operation of an open-enrollment charter school, which
14 exempts the charter school from state and local rules, regulations, policies,
15 and procedures specified in the contract and from the provisions of Title 6 of
16 the Arkansas Code specified in the contract;

17 (2) "Charter school" means a public school that is operating
18 under the terms of a charter granted by the state board or an open enrollment
19 charter school as defined in subsection (5) of this section;

20 (3) "Eligible entity" means a public institution of higher
21 education, a private nonsectarian institution of higher education, a
22 governmental entity, or an organization that is nonsectarian in its program,
23 admission policies, employment practices and operations, and is exempt from
24 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
25 amended;

26 (4) "Local board" means a board of directors exercising the
27 control and management of a public school district;

28 (5) "Open-enrollment charter school" means a public school that
29 is operating under the terms of a charter granted by the state board on the
30 application of an eligible entity and may draw its students from across public
31 school district boundaries;

32 (6) "Parent" means any parent, legal guardian, or other person
33 having custody or charge of a school-age child;

34 (7) "Petition" means a proposal to enter into a performance-based
35 contract between the state board and a public school or eligible entity,
36 whereby the proposed school obtains charter school status;

1 (8) "Public school" means a school that is part of a public
2 school district under the control and management of a local board; and

3 (9) "State board" means the State Board of Education.
4

5 SECTION 4. Authorization for Charter Schools.

6 (a) Any public school district may petition the state board for charter
7 school status in accordance with a schedule approved by the state board. Such
8 petition shall:

9 (1) Describe the results of a public hearing called by the local
10 board for the purpose of assessing support of an application to initiate a
11 petition for charter school status. Notice of the public hearing shall be
12 distributed to the community certified personnel, and the parents of all
13 students enrolled at the public school initiating the petition and shall be
14 published in a newspaper having general circulation in the school district at
15 least three (3) weeks prior to the date of the meeting;

16 (2) Describe a plan for school improvement that addresses how the
17 school will improve student learning and meet the state education goals;

18 (3) Outline proposed performance criteria that will be used
19 during the initial three-year period of the charter to measure progress of the
20 charter school in improving student learning and meeting or exceeding the
21 state education goals;

22 (4) Describe how the certified employees and parents of students
23 to be enrolled in the charter school will be involved in developing and
24 implementing the school improvement plan, and identifying performance
25 criteria;

26 (5) Describe how the concerns of certified employees and parents
27 of students enrolled in the charter school will be solicited and addressed in
28 evaluating the effectiveness of the improvement plan;

29 (6) List the specific provisions of Title 6 of the Arkansas Code
30 and the specific rules and regulations promulgated by the State Board of
31 Education from which the public school will be exempt; and

32 (7) Be reviewed and approved by the local school board and the
33 State Board of Education.

34 (b)(1) Any petition to obtain charter school status approved by a local
35 board shall be forwarded by the local board to the state board.

36 (2) If a local board disapproves a public school's petition, the

1 local board shall inform the petitioners and faculty of the public school of
2 the reasons for such disapproving.

3 (c) As requested by the charter school petitioner, the state board
4 shall review the petition for charter school status and may approve any
5 petition that:

6 (1) Provides a plan for improvement at the school level for
7 improving student learning and for meeting or exceeding the state education
8 goals;

9 (2) Includes a set of performance-based objectives and student
10 achievement objectives for the term of the charter and the means for measuring
11 those objectives on at least a yearly basis;

12 (3) Includes a proposal to directly and substantially involve the
13 parents of students to be enrolled in the charter school, as well as the
14 certified employees and the broader community, in the process of carrying out
15 the terms of the charter; and

16 (4) Includes an agreement to provide a yearly report to parents,
17 the community, the local board, and the state board that indicates the
18 progress made by the charter school during the previous year in meeting the
19 performance objectives.

20 (d)(1) The state board may allow petitioners to resubmit petitions for
21 charter school status if the original petition was, in the opinion of the
22 state board, deficient in one or more respects.

23 (2) The Department of Education may provide technical assistance
24 to the charter school petitioners in the creation or modification of these
25 petitions.

26 (e)(1) A certified teacher employed by a public school in the school
27 year immediately preceding the effective date of a charter for a public school
28 conversion within that district may not be transferred to or be employed by
29 the charter school over the certified teacher's objection, nor shall that
30 objection be used as a basis to deny continuing employment within the district
31 in another public school at a similar grade level. If the transfer of a
32 teacher within the district is not possible because only one school exists for
33 that teacher's certification level, then the local school board shall call for
34 a vote of the certified teachers in the proposed charter school site and
35 proceed, at the local school board's option, with the charter school petition
36 if a majority of the certified teachers approve the proposal.

1 (2) If a certified teacher employed by a public school district
2 in the school year immediately preceding the effective date of the charter is
3 employed by a charter school and the charter is revoked, the certified teacher
4 will receive a priority in hiring for the first available position for which
5 the certified teacher is qualified in the public school district where the
6 certified teacher was formerly employed.

7 (f) The state board is authorized to renew charters on a one-year or
8 multiyear basis, not to exceed three (3) years, for local schools after the
9 initial three-year period if the renewal is approved by the local school
10 board.

11 (g) The state board is authorized and directed to establish rules and
12 regulations for charter schools.

13 (h) The state board shall report on the status of the charter school
14 program to the General Assembly each biennium and to the House and Senate
15 Interim Committees on Education during the interim between sessions of the
16 General Assembly.

17
18 SECTION 5. Authorization for an Open-Enrollment Charter School.

19 (a)(1) Pursuant to the provisions of this act, an eligible entity may
20 petition the state board to grant an application for an open-enrollment
21 charter school to operate in a facility of a commercial or nonprofit entity or
22 a public school district.

23 (2) The state board may grant no more than a total of twelve (12)
24 charters for an open-enrollment charter school, and no more than three (3) of
25 such charters may be granted in any single congressional district in the
26 state.

27 (b) The petition to the state board for an open-enrollment charter
28 school shall be made in accordance with a schedule approved by the state
29 board. Such petition shall:

30 (1) Be first reviewed and approved by the local board of the
31 district where the proposed open-enrollment will operate; however, if the
32 local board disapproves the petition, the petitioners shall have an immediate
33 right to proceed with a written notice of appeal to the state board, which
34 shall hold a hearing within forty-five (45) calendar days after receipt of the
35 notice of appeal and where all interested parties may appear and present
36 relevant information regarding the proposed open-enrollment charter school

1 petition;

2 (2) Describe the results of a public hearing called by the
3 petitioner for the purpose of assessing support of an application to initiate
4 a petition for charter school status. Notice of the public hearing shall be
5 distributed to the community, certified school personnel, and the parents of
6 all students residing in or employed by the public schools in the community
7 proposed to be served by the open enrollment charter school and shall be
8 published in a newspaper having general circulation in the school district at
9 least three (3) weeks prior to the date of the meeting;

10 (3) Describe a plan for academic achievement that addresses how
11 the open-enrollment charter school will improve student learning and meet the
12 state education goals;

13 (4) Outline the proposed performance criteria that will be used
14 during the initial three (3) year period of the open-enrollment charter school
15 operation to measure its progress in improving student learning and meeting or
16 exceeding the state education goals;

17 (5) Describe how the parents of students to be enrolled in the
18 open-enrollment charter school and the certified employees will be involved in
19 developing the petition, developing and implementing the plan for academic
20 achievement, and identifying performance criteria;

21 (6) Describe how the concerns of the parents of students to be
22 enrolled in the open-enrollment charter school and the certified employees
23 will be solicited and addressed in evaluating the effectiveness of the
24 academic achievement plan;

25 (7) List the specific provisions of Title 6 of the Arkansas Code
26 Annotated and the specific rules and regulations promulgated by the state
27 board from which the open-enrollment charter school seeks to be exempted;

28 (8) Describe the efforts made by the petitioners to work
29 collaboratively with the public school district in which the proposed open-
30 enrollment charter school will operate. If the facility to be used for an
31 open-enrollment charter school is a public school district facility, the open
32 enrollment charter school must operate in the facility in accordance with the
33 terms established by the board of directors of the public school district in
34 an agreement governing the relationship between the open-enrollment charter
35 school and the public school district. If the facility that will be used for
36 the charter school is owned by or leased from a sectarian organization, the

1 terms of the facility agreement must be disclosed to the state board of
2 education; and

3 (9) Include a detailed budget, a business plan, and a governance
4 plan for the operation of the open-enrollment charter school.

5 (c) As requested by the petitioning open-enrollment charter school
6 proponents, the state board shall review the petition for an open-enrollment
7 charter school and may approve any petition that:

8 (1) Provides a plan for academic achievement that addresses how
9 the open-enrollment charter school proposes to improve student learning and
10 meet the state education goals;

11 (2) Includes a set of performance criteria that will be used
12 during the initial three (3) year period of the open-enrollment charter
13 school's operation to measure its progress in meeting its academic performance
14 goals;

15 (3) Includes a proposal to directly and substantially involve the
16 parents of students to be enrolled in the open-enrollment charter school, the
17 certified employees and the broader community in carrying out the terms of the
18 open-enrollment charter;

19 (4) Includes an agreement to provide an annual report to parents,
20 the community and the state board that demonstrates the progress made by the
21 open-enrollment charter school during the previous academic year in meeting
22 its academic performance objectives; and

23 (5) Includes a detailed budget, a business plan and a governance
24 plan for the operation of the open-enrollment charter school.

25 (d)(1) If the state board disapproves an application for an open-
26 enrollment charter school, the state board shall notify the petitioners in
27 writing of the reasons for such disapproval.

28 (2) The state board may allow the petitioners for an open-
29 enrollment charter school to resubmit their petition if the original petition
30 was found to be deficient by the state board.

31 (3) The Department of Education may provide technical assistance
32 to the petitioners for an open-enrollment charter school in the creation or
33 modification of these petitions.

34 (e)(1) A certified teacher employed by a public school district in the
35 school year immediately preceding the effective date of a charter for an open-
36 enrollment charter school operated at a public school facility may not be

1 transferred to or be employed by the open-enrollment charter school over the
2 certified teacher's objections.

3 (2) If a certified teacher employed by a public school district in
4 the school year immediately preceding the effective date of the charter is
5 employed by an open-enrollment charter school and the charter is revoked, the
6 certified teacher will receive a priority in hiring for the first available
7 position for which the certified teacher is qualified in the public school
8 district where the certified teacher was formerly employed.

9 (f) The state board is authorized to renew charters on a one-year or
10 multiyear basis, not to exceed three (3) years, for open-enrollment charter
11 schools after the initial three (3) year period.

12 (g) The state board is authorized to promulgate rules and regulation for
13 the creation of open-enrollment charter schools.

14 (h) The state board shall report on the status of the open-enrollment
15 charter school programs to the General Assembly each biennium and to the House
16 and Senate Interim Committees on Education during the interim between sessions
17 of the General Assemblies.

18
19 SECTION 6. Authority Under a Charter for Open-Enrollment Charter
20 Schools.

21 (a) An open-enrollment charter school:

22 (1) Shall provide instruction to students at one or more
23 elementary or secondary grade levels as provided by the charter;

24 (2) Shall be governed by an eligible entity that is fiscally
25 accountable and under the governing structure as described by the charter;

26 (3) Shall retain authority to operate under the charter
27 contingent on satisfactory student performance as provided by the charter and
28 in accordance with this act;

29 (4) Shall have no authority to impose taxes;

30 (5) Shall not incur any debts without the prior review and
31 approval of the Director of the Department of Education; and

32 (6) Shall not charge students tuition or fees that would not be
33 allowable charges in the public school districts.

34 (7) Shall not be religious in its operations or programmatic
35 offerings.

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

1 (1) Any prohibition, restriction, or requirement imposed by this
2 title and any rule and regulation promulgated by the state board under this
3 title, relating to:

4 (A) Monitoring compliance with this act, as determined by
5 the Director of the Department of Education;

6 (B) Conducting criminal background checks for employees as
7 provided in this title;

8 (C) High school graduation requirements as established by
9 the state board;

10 (D) Special education programs as provided by this title;

11 (E) Public school accountability under this title; and

12 (F) Health and safety codes as established by the State
13 Board of Education and local governmental entities.

14
15 SECTION 7. Funding for Open-Enrollment Charter Schools.

16 (a)(1) An open-enrollment charter school shall receive funds equal to
17 the minimum state and local revenue per average daily membership as defined in
18 Title 6, Chapter 20 of the Arkansas Code Annotated. The funds for an open-
19 enrollment charter school shall be as provided in the Public School Fund.
20 Employees of an open-enrollment charter school shall be eligible to
21 participate in all benefits programs available to public school employees.

22 (2) Funding for an open-enrollment charter school shall be paid
23 in twelve (12) equal installments each fiscal year.

24 (3) Funding for an open-enrollment charter school shall be based
25 upon the current year three-quarter average daily membership of the open-
26 enrollment charter school.

27 (B) The initial funding estimate for each school year shall
28 be based on enrollment as of April 15 preceding the school year in which the
29 students are to attend.

30 (C) In December, funding will be adjusted based on the
31 first quarter attendance report; and, a final adjustment will be made after
32 the current year three quarter average daily membership is established.

33 (b)(1) Open-enrollment charter schools may receive gifts and grants
34 from private sources in whatever manner is available to public school
35 districts.

36 (2) Except for state transportation aid funds, an open-enrollment

1 charter school may receive other state and federal aids, grants and revenue as
2 may be provided by law.

3 (3) The State Board of Education shall have the authority to
4 promulgate rules and regulations in accordance with other state and federal
5 statutes to implement this section of this act.

6 (c)(1) An open-enrollment charter school may enroll a number of
7 students not to exceed the number of students specified in its charter.

8 (2) Any student enrolling in an open-enrollment charter school
9 shall enroll in that school by April 15 of the school year prior to the school
10 year during which the student will be enrolled in the open-enrollment charter
11 school. However, if a student enrolled by April 15 should no longer choose to
12 attend the open-enrollment charter school, the open-enrollment charter school
13 may enroll a replacement student through October 1 of the school year.

14 (d) Open-enrollment charter schools shall keep records of attendance in
15 accordance with law and submit quarterly attendance reports to the Department
16 of Education.

17 (e) Open-enrollment charter schools shall prepare an annual certified
18 audit of the financial condition and transactions of the open-enrollment
19 charter school as of June 30 of each year in accordance with generally
20 accepted auditing procedures and containing any other data as determined by
21 the State Board of Education.

22 (f)(1) Open-enrollment charter schools may not use the moneys that it
23 receives from the State for any sectarian program or activity or as collateral
24 for debt. No indebtedness of any kind incurred or created by the open-
25 enrollment charter school shall constitute an indebtedness of the State or its
26 political subdivisions, and no indebtedness of the open-enrollment charter
27 school shall involve or be secured by the faith, credit, or taxing power of
28 the State or its political subdivisions. Every contract or lease into which
29 an open-enrollment charter school enters shall include the previous sentence.

30 (2) Upon dissolution of the open-enrollment charter school or
31 upon non-renewal of the charter, all net assets of the open-enrollment charter
32 school purchased with public funds shall be deemed the property of the State,
33 unless otherwise specified in the charter of the open-enrollment charter
34 school.

35
36 SECTION 8. Application Forms and Procedures for Open-Enrollment Charter

1 Schools.

2 (a) The state board shall adopt:

3 (1) An application form, schedule and a procedure that must be
4 used to apply for a charter for a charter school; and

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

7 (b) The application form must provide space for including all
8 information required under this act to be contained in the charter.

9 (c) As part of the application procedure, the state board may require a
10 petition supporting a charter for an open-enrollment charter school signed by
11 a specified number of parents or guardians of school-age children residing in
12 the area in which an open-enrollment charter school is proposed or it may hold
13 a public hearing to determine parental support for the school.

14 (d) The state board may approve or deny an application based on
15 criteria adopted by the state board, which shall include:

16 (1) Criteria relating to improving student performance and
17 encouraging innovative programs; and

18 (2) A fiscal impact statement from any public school district in
19 which enrollment is likely to be affected by the charter school, including
20 information relating to any financial difficulty that a loss in enrollment may
21 have on the district and a vote by that district's local board recommending
22 either approval or disapproval of the petition by the state board.

23 (e) The state board shall give preference in approving an application
24 for a charter school to be located in any public school district:

25 (1) Where the percentage of students who qualify for free or
26 reduced price lunches is above the average for the state; or

27 (2) Where the percentage of students not reading at grade level
28 is above the average for the state.

29
30 SECTION 9. Content of charter granted under this act shall:

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

32 (2) Specify the period for which the charter or any charter
33 renewal is valid;

34 (3) Provide that continuation or renewal of the charter is
35 contingent on acceptable student performance on assessment instruments adopted
36 by the state board and on compliance with any accountability provision

1 specified by the charter, by a deadline, or at intervals specified by the
2 charter;

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

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

8 (6) Prohibit discrimination in admission policy on the basis of
9 sex, national origin, race, ethnicity, religion, disability, academic or
10 athletic eligibility, although the charter may provide for the exclusion of a
11 student who has been expelled from another public school district in
12 accordance with this title;

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

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

15 (9) Specify the qualifications to be met by professional
16 employees of the program;

17 (10) Describe the process by which the persons providing the
18 program will adopt an annual budget;

19 (11) Describe the manner in which the annual audit of the
20 financial and programmatic operations of the program is to be conducted,
21 including the manner in which the persons providing the program will provide
22 information necessary for the public school district in which the program is
23 located to participate;

24 (12) Describe the facilities to be used including the terms of
25 the facility utilization agreement if the facility for the charter school is
26 owned or leased from a sectarian organization;

27 (13) Describe the geographical area, school district or school
28 attendance area to be served by the program;

29 (14) Specify methods for applying for admission, enrollment
30 criteria, and student recruitment and selection processes; provided, however,
31 that if more eligible students apply for a first-time admission than the
32 charter school is able to accept, the school must use a random, anonymous
33 student selection method which shall be described in the charter application;
34 and

35 (15) Include a statement that the eligible entity will not
36 discriminate on the basis of race, sex, national origin, ethnicity, religion,

1 age, or disability in employment decisions including hiring and retention of
2 administrators, teachers, and other employees whose salaries or benefits are
3 derived from any public monies.

4
5 SECTION 10. Charter Form for Open-Enrollment Charter Schools -
6 Requirements - Revision.

7 (a) A charter for a charter school shall:

8 (1) Be in the form of a written contract signed by the chairman of
9 the state board and the chief operating officer of the school;

10 (2) Satisfy the requirements of this act; and

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

14 (b) Any revision of the charter for a charter school may be made only
15 with the approval of the state board.

16
17 SECTION 11. Basis and Procedure for Charter School Probation or Charter
18 Modification, Revocation, or Denial of Renewal.

19 (a) The state board may place a charter school on probation or may
20 modify, revoke, or deny renewal of its charter if the state board determines
21 that the persons operating the school:

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

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

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

28 (b) Any action the state board may take under this section shall be
29 based on the best interests of the school's students, the severity of the
30 violation, and any previous violation the school may have committed.

31 (c) The state board shall adopt a procedure to be used for placing a
32 charter school on probation or modifying, revoking, or denying renewal of the
33 school's charter.

34 (d)(1) The procedure adopted under this section shall provide an
35 opportunity for a hearing to the persons operating the charter school and to
36 the parents of students enrolled in the school.

1 (2) The hearing shall be held at the facility at which the
2 charter school is operated.

3
4 SECTION 12. Evaluation of Open-Enrollment Charter Schools.

5 (a) The Department of Education shall cause to be conducted an annual
6 evaluation of open-enrollment charter schools.

7 (b) An annual evaluation shall include, but not be limited to,
8 consideration of:

9 (1) Student scores on assessment instruments;

10 (2) Student attendance;

11 (3) Student grades;

12 (4) Incidents involving student discipline;

13 (5) Socioeconomic data on students' families;

14 (6) Parent satisfaction with the schools; and

15 (7) Student satisfaction with the schools.

16 (c) An annual evaluation shall also include:

17 (1) Cost of instruction, administration, and transportation
18 incurred by the schools; and

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

21
22 SECTION 13. Ineligibility for Charter School Status.

23 (a) No private or parochial elementary or secondary school in existence
24 on the effective date of this act shall be eligible for open-enrollment
25 charter school status.

26 (b) No school district with an enrollment of less than five hundred
27 (500) students in existence on the effective date of this act shall be
28 eligible for open-enrollment charter school status.

29
30 SECTION 14. Annual Audit of Open-Enrollment Charter School Required.

31 (a) Any other provisions of the Arkansas Code Annotated not
32 withstanding, an open-enrollment charter school shall be subject to the same
33 auditing and accounting requirements as any other public school district in
34 the state.

35 (b) The annual fiscal audit may be performed by the Division of
36 Legislative Audit or by a private auditing or accounting firm operating under

1 guidelines approved by the Division of Legislative Audit.

3 SECTION 15. Impact on School Desegregation Efforts.

4 The petitioners for a charter school, the board of directors of the school
 5 district in which a proposed charter school would be located, and the state
 6 board of education shall carefully review the potential impact of an
 7 application for a charter school on the efforts of a school district or
 8 districts to comply with court orders and statutory obligations to create and
 9 maintain a unitary system of desegregated public schools. Within one hundred
 10 and twenty (120) days of the passage of this act, the state board of education
 11 shall develop a process to measure the likely impact of a proposed charter
 12 school on the efforts of districts to achieve and maintain a unitary system of
 13 which shall be similar to the guidelines set forth in Arkansas Code § 6-18-
 14 206(g).

15
 16 SECTION 16. Arkansas Code 6-10-116 is repealed.

17 ~~6-10-116. Charter schools.~~

18 ~~(a) It is the intent of the General Assembly that this section provide~~
 19 ~~a means whereby local schools may choose to substitute a binding performance-~~
 20 ~~based contract approved by both state and local boards of education, called a~~
 21 ~~charter, for state and local rules, regulations, policies, and procedures and~~
 22 ~~the applicability of the other provisions of this title 6 of the Arkansas~~
 23 ~~Code.~~

24 ~~(b) For purposes of this section, the term:~~

25 ~~(1) "Charter" means a performance-based contract between the~~
 26 ~~state board, a local board of education, and a local school, the terms of~~
 27 ~~which are approved by the local board and the state board for an initial~~
 28 ~~three-year period. Each performance-based contract will exempt a school from~~
 29 ~~state and local rules, regulations, policies, and procedures specified in the~~
 30 ~~contract and from the provisions of this title specified in the contract;~~

31 ~~(2) "Charter school" means a public school that is operating~~
 32 ~~under the terms of a charter granted by the state board;~~

33 ~~(3) "Local board" means a board of directors exercising the~~
 34 ~~control and management of a local school system;~~

35 ~~(4) "Local school" means a public school building site in~~
 36 ~~Arkansas which is under the management and control of a local board of~~

1 ~~directors;~~

2 ~~(5) "Parent" means any parent, legal guardian, or other person~~
3 ~~having custody or charge of a student enrolled in a local school;~~

4 ~~(6) "Petition" means a proposal to enter into a performance-based~~
5 ~~contract between the state board and a local school, whereby the local school~~
6 ~~obtains charter school status; and~~

7 ~~(7) "State board" means the State Board of Education.~~

8 ~~(c) Any local school may petition the state board for charter school~~
9 ~~status in accordance with a schedule approved by the state board. Such~~
10 ~~petitions must:~~

11 ~~(1)(A) Be approved by the local board of education;~~

12 ~~(B) Be approved by the organization representing the~~
13 ~~majority of teachers if the school district has concluded a written policy~~
14 ~~agreement covering personnel policies, salaries, and educational matters of~~
15 ~~mutual concern with that organization;~~

16 ~~(C) Be freely agreed to by at least two-thirds (2/3) of the~~
17 ~~certified employees at the school initiating the petition, voting by secret~~
18 ~~ballot; and~~

19 ~~(D) Be freely agreed to by at least two-thirds (2/3) of the~~
20 ~~parents present at a meeting called for the purpose of deciding whether to~~
21 ~~initiate the petition. Notice of the meeting shall be distributed to parents~~
22 ~~of all students enrolled at the local school initiating the petition and shall~~
23 ~~be published in a newspaper having general circulation in the school district~~
24 ~~at least two (2) weeks prior to the date of the meeting; and~~

25 ~~(2)(A) Describe a plan for school improvement that addresses how~~
26 ~~the school proposes to work toward improving student learning and meeting the~~
27 ~~national and state education goals;~~

28 ~~(B) Outline proposed performance criteria that will be used~~
29 ~~during the initial three-year period of the charter to measure progress of the~~
30 ~~school in improving student learning and in meeting the national and state~~
31 ~~education goals;~~

32 ~~(C) Describe how the certified employees and parents of~~
33 ~~students enrolled in the school will be involved in developing the petition,~~
34 ~~developing and implementing the improvement plan, and identifying performance~~
35 ~~criteria;~~

36 ~~(D) Describe how the concerns of certified employees and~~

1 ~~parents of students enrolled in the school will be solicited and addressed in~~
2 ~~evaluating the effectiveness of the improvement plan; and~~

3 ~~(E) Describe the specific provisions of this title 6 of the~~
4 ~~Arkansas Code and the specific rules and regulations from which the local~~
5 ~~school will be exempt.~~

6 ~~(d)(1) Any request for petition to obtain charter school status sent by~~
7 ~~a local school to a local school board shall be forwarded by the local school~~
8 ~~board to the state board.~~

9 ~~(2) If a local school board disapproves a local school's request~~
10 ~~for petition, the local school board must inform the faculty of the local~~
11 ~~school of the reasons for such disapproval, and a copy of these reasons must~~
12 ~~be forwarded to the state board.~~

13 ~~(3)(A) The state board may, at its discretion, request a hearing~~
14 ~~to receive further information from the local school board and the local~~
15 ~~school faculty.~~

16 ~~(B) This hearing shall be for informational purposes only.~~

17 ~~(4) The state board may not approve any charter school petition~~
18 ~~unless it has been approved by the local school board.~~

19 ~~(e)(1) Each year, the state board must review petitions for charter~~
20 ~~school status received from local schools. So long as a proposed charter~~
21 ~~school does not have a segregative effect on student assignments, the state~~
22 ~~board is directed to approve such petitions and to grant charter school status~~
23 ~~to local schools whose petitions, in the opinion of the state board:~~

24 ~~(A) Provide a plan for improvement at the school level for~~
25 ~~improving student learning and for meeting the national and state education~~
26 ~~goals;~~

27 ~~(B) Include a set of performance-based objectives and~~
28 ~~student achievement objectives for the term of the charter and the means for~~
29 ~~measuring those objectives on at least a yearly basis;~~

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

34 ~~(D) Include an agreement to provide a yearly report to~~
35 ~~parents, the community, the local board, and the state board which indicates~~
36 ~~the progress made by the charter school in the previous year in meeting the~~

1 ~~performance objectives.~~

2 ~~(2)(A) The state board may allow local schools to resubmit~~
3 ~~petitions for charter school status if the original petition was, in the~~
4 ~~opinion of the state board, deficient in one or more respects.~~

5 ~~(B) The Department of Education may provide technical~~
6 ~~assistance to the certified employees of local schools in the creation or~~
7 ~~modification of these petitions.~~

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

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

11 ~~(2) A mechanism for updating the terms of each charter, agreed to~~
12 ~~by all parties and subject to the approval of at least two-thirds (2/3) of the~~
13 ~~certified employees, based upon the yearly progress reports given the state~~
14 ~~board by the charter school; and~~

15 ~~(3) A mechanism for declaring the charter null and void if at~~
16 ~~least two-thirds (2/3) of the certified employees of the school request the~~
17 ~~state board to withdraw the charter, or if, at any time, in the opinion of the~~
18 ~~state board, the school enjoying charter school status fails to fulfill the~~
19 ~~terms of the charter.~~

20 ~~(g) The state board is authorized to renew charters on a one-year or~~
21 ~~multiyear basis, not to exceed three (3) years, for local schools after the~~
22 ~~initial three-year period, provided that all parties to the original charter~~
23 ~~approve such renewal with a vote of at least two-thirds (2/3) of the certified~~
24 ~~employees.~~

25 ~~(h) The state board is authorized and directed to establish rules and~~
26 ~~regulations for charter schools.~~

27 ~~(i) The state board will report on the status of the charter school~~
28 ~~program to the General Assembly each biennium and to the House and Senate~~
29 ~~Interim Committees on Education during the interim between General Assemblies.~~

30
31 SECTION 17. All provisions of this Act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

34
35 SECTION 18. If any provision of this Act or the application thereof to
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the Act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 Act are declared to be severable.

4

5 SECTION 19. All laws and parts of laws in conflict with this Act are
6 hereby repealed.

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/s/ Brown

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