

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas *As Engrossed: S2/22/01 S2/28/01 S3/19/01 S3/26/01*

2 83rd General Assembly

# A Bill

3 Regular Session, 2001

SENATE BILL 478

4

5 By: Senators Brown, Argue, *P. Malone*

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## **For An Act To Be Entitled**

9 AN ACT TO AMEND THE CHARTER SCHOOL LAW TO CHANGE  
10 THE FACILITY DESCRIPTION, FUNDING METHOD, NOTICE  
11 REQUIREMENTS, AND OTHER REQUIREMENTS; AND FOR  
12 OTHER PURPOSES.

13

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## **Subtitle**

15 AN ACT TO AMEND THE CHARTER SCHOOL LAW  
16 TO CHANGE THE FACILITY DESCRIPTION,  
17 FUNDING METHOD, NOTICE REQUIREMENTS, AND  
18 OTHER REQUIREMENTS; AND FOR OTHER  
19 PURPOSES.

20

21

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

23

24 SECTION 1. Arkansas Code 6-23-201(a), pertaining to the petition for  
25 conversion charter school status, is amended to read as follows:

26 6-23-201. Petition for conversion charter school status.

27 (a) Any public school district may petition the State Board of  
28 Education for charter school status, known as a conversion charter school, in  
29 accordance with a schedule approved by the state board.

30

31 SECTION 2. Arkansas Code 6-23-302 is amended to read as follows:

32 6-23-302. Petition for an open-enrollment charter school.

33 (a) Pursuant to the provisions of this chapter, an eligible entity may  
34 petition the State Board of Education to grant an application for an open-  
35 enrollment charter school to operate in a facility of a commercial or  
36 nonprofit entity or a public school district.

1 (b) The petition to the state board for an open-enrollment charter  
2 school shall be made in accordance with a schedule approved by the state  
3 board.

4 (c) Such petition shall:

5 (1)(A) Describe the results of a public hearing called by the  
6 petitioner for the purpose of assessing support of an application to initiate  
7 a petition for charter school status.

8 (B)(i) Notice of the public hearing shall be:

9 ~~(i) Distributed to the community, certified school~~  
10 ~~personnel, and the parents of all students residing in or employed by the~~  
11 ~~public schools in the community proposed to be served by the open enrollment~~  
12 ~~charter school; and~~

13 ~~(ii) Published in a newspaper having general~~  
14 ~~circulation in the school district at least three(3) weeks prior to the date~~  
15 ~~of moving.~~

16 published once a week for three (3) consecutive weeks in a newspaper having  
17 general circulation in each school district from which the charter school is  
18 likely to draw students for the purpose of enrollment.

19 (ii) The last publication of notice shall be no less  
20 than seven (7) days prior to the public meeting.

21 (iii) The notice shall not be published in the  
22 classified or legal notice section of the newspaper.

23 (iv) The notice shall be published in no less than  
24 ten (10) point size and shall be no less than two by four inches (2" X 4") or  
25 four by two inches (4" X 2").

26 (C)(i) Within seven (7) calendar days following the first  
27 publication of notice required under subsection (c)(1)(B) of this section,  
28 letters announcing the public hearing shall be sent to the superintendents and  
29 school board members of each of the school districts from which the charter  
30 school is likely to draw students for the purpose of enrollment and the  
31 superintendents and school board members of any district that is contiguous to  
32 the district in which the open-enrollment charter school will be located.

33 (ii) The letters to the school board members required  
34 in subdivision (c)(1)(C)(i) shall only be required for each school board  
35 member whose name and mailing address is provided by the superintendent of an  
36 affected school district upon the request of the petitioner.

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

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

8 ~~(4) Describe how the parents of students to be enrolled in the~~  
9 ~~open-enrollment charter school and the certified employees will be involved in~~  
10 ~~developing the petition, developing and implementing the plan for academic~~  
11 ~~achievement, and identifying performance criteria;~~

12 ~~(5) Describe how the concerns of the parents of students to be~~  
13 ~~enrolled in the open-enrollment charter school and the certified employees~~  
14 ~~will be solicited and addressed in evaluating the effectiveness of the~~  
15 ~~academic achievement plan;~~

16 ~~(6)~~(4) List the specific provisions of ~~§ 6-101~~ Title 6 of the  
17 Arkansas Code and the specific rules and regulations promulgated by the state  
18 board from which the open-enrollment charter school seeks to be exempted;

19 ~~(7)(A) Describe the efforts made by the petitioners to work~~  
20 ~~collaboratively with the public school district in which the proposed open-~~  
21 ~~enrollment charter school will operate.~~

22 (5)(A) Describe the facility to be used for the open-enrollment  
23 charter school and state the facility's current use and the facility's use for  
24 the immediately preceding three (3) years.

25 (B)~~(i)~~ If the facility to be used for an open-enrollment  
26 charter school is a public school district facility, the open-enrollment  
27 charter school must operate in the facility in accordance with the terms  
28 established by the board of directors of the public school district in an  
29 agreement governing the relationship between the open-enrollment charter  
30 school and the public school district.

31 ~~(ii)~~(C) If the facility that will be used for the charter  
32 school is owned by or leased from a sectarian organization, the terms of the  
33 facility agreement must be disclosed to the state board; and

34 ~~(8)~~(6) Include a detailed budget, ~~a business plan,~~ and a  
35 governance plan for the operation of the open-enrollment charter school.

36 (d)(1) The petition shall be first reviewed and approved by the local

1 board of the district where the proposed open enrollment will operate.

2 (2) However, if the local board disapproves the petition, the  
3 petitioners shall have an immediate right to proceed with a written notice of  
4 appeal to the state board, which shall hold a hearing within forty-five (45)  
5 calendar days after receipt of the notice of appeal and where all interested  
6 parties may appear and present relevant information regarding the proposed  
7 open-enrollment charter school petition;

8 (e) A certified teacher employed by a public school district in the  
9 school year immediately preceding the effective date of a charter for an open-  
10 enrollment charter school operated at a public school facility may not be  
11 transferred to or be employed by the open-enrollment charter school over the  
12 certified teacher's objections.

13  
14 SECTION 3. Arkansas Code 6-23-304 is amended to read as follows:

15 6-23-304. Requirements - Preference for certain districts.

16 (a) The State Board of Education may approve or deny an application  
17 based on criteria adopted by the state board, which shall include:—

18 ~~(1) Criteria~~ criteria relating to improving student performance and  
19 encouraging *innovative programs*; and written findings or statements received  
20 by the State Board of Education from any public school district likely to be  
21 affected by the charter school.

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

27 (b) The state board shall give preference in approving an application  
28 for a charter school to be located in any public school district:

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

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

33 (c) The state board may grant no more than a total of twelve (12)  
34 charters for open-enrollment charter schools, and no more than three (3) of  
35 such charters may be granted in any single congressional district in the  
36 state.

1 (d)(1) No private or parochial elementary or secondary school ~~if~~  
2 ~~existence on July 30, 1999,~~ shall be eligible for open-enrollment charter  
3 school status.

4 (2) No open-enrollment charter school shall be located in a  
5 school district with an enrollment of less than five hundred (500) students if  
6 existence on July 30, 1999, shall be eligible for open enrollment charter  
7 school status at the time that the State Board of Education initially approves  
8 the charter.

9  
10 SECTION 4. Arkansas Code 6-23-307 is amended to read as follows:

11 6-23-307. Renewal of charter.

12 ~~The~~ After the initial three-year period of an open enrollment charter,  
13 the State Board of Education is authorized to renew these charters on a one-  
14 year or multiyear basis, not to exceed three (3) years per each charter  
15 renewal, ~~for open enrollment charter schools after the initial three year~~  
16 ~~period.~~

17  
18 SECTION 5. Arkansas Code 6-23-402(b), pertaining to enrollment numbers  
19 and enrollment deadline, is amended to read as follows:

20 (b)(1) Any student enrolling in an open-enrollment charter school shall  
21 enroll in that school by April 15 of the school year prior to the school year  
22 during which the student will be enrolled in the open-enrollment charter  
23 school.

24 (2) However, if a student enrolled by April 15 should no longer  
25 choose to attend the open-enrollment charter school, the open-enrollment  
26 charter school may enroll a replacement student ~~through October 1 of the~~  
27 ~~school year.~~

28  
29 SECTION 6. Arkansas Code 6-23-404(c), pertaining to the evaluation of  
30 open-enrollment charter schools, is repealed:

31 ~~(c) An annual evaluation shall also include:~~

32 ~~(1) The cost of instruction, administration, and transportation~~  
33 ~~incurred by the schools; and~~

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

36

1 SECTION 7. Arkansas Code 6-23-501 is amended to read as follows:

2 6-23-501. Funding for open-enrollment charter schools.

3 (a)(1) An open-enrollment charter school shall receive funds equal to  
4 the minimum state and local revenue per average daily membership as defined in  
5 § 6-20-303.

6 (2) Funding for an open-enrollment charter school shall be based  
7 upon the current year three-quarter average daily membership of the open-  
8 enrollment charter school:

9 (A) The initial funding estimate for each school year shall  
10 be based on enrollment as of April 15 preceding the school year in which the  
11 students are to attend;

12 (B) In December, funding will be adjusted based on the  
13 first quarter ~~attendance report~~ average daily membership; and

14 (C) A final adjustment will be made after the current year  
15 three-quarter average daily membership is established.

16 (3) Funding for an open-enrollment charter school shall be paid  
17 in twelve (12) equal installments each fiscal year.

18 (b) Except for state transportation aid funds, an open-enrollment  
19 charter school may receive other state and federal aids, grants, and revenue  
20 as may be provided by law.

21 (c) Open-enrollment charter schools may receive gifts and grants from  
22 private sources in whatever manner is available to public school districts.

23  
24 SECTION 8. Arkansas Code 6-23-502 is amended to read as follows:

25 6-23-502. Source of funding.

26 ~~The funds for an open-enrollment charter school shall be as provided in~~  
27 ~~the Public School Fund.~~

28 (a) Open-enrollment charter schools shall be funded each year through  
29 funds set aside from funds appropriated to State Equalization Aid in the  
30 Public School Fund.

31 (b) The amount set aside shall be determined by the State Board of  
32 Education.

33  
34 SECTION 9. Arkansas Code Title 6, Chapter 23, is amended by adding a  
35 new subchapter to read as follows:

36 6-23-601. Limited Charter School.

1 (a)(1) Any public school may petition the State Board of Education for  
2 a limited charter status for alternative comprehensive staffing and  
3 compensation programs designed to enhance student and teacher performance and  
4 improve employee salaries, opportunities, and incentives, to be known as a  
5 limited charter school.

6 (2) A limited charter shall be for the purpose of instituting  
7 alternative staffing practices in accordance with a schedule approved by the  
8 State Board of Education.

9 (3) A limited charter shall be initially established for a period  
10 of no more than three (3) years and may be renewed on a one-year or multi-year  
11 basis, not to exceed three (3) years per charter renewal.

12 (b)(1) The petition shall contain the provisions of Title 6 of the  
13 Arkansas Code and the specific rules and regulations promulgated by the State  
14 Board of Education from which the public school will be exempt;

15 (2)(A) The provisions from which the school district may be  
16 exempt, for the limited charter school only, shall be limited to the  
17 following:

18 (i) The duty-free lunch period requirements set forth  
19 in § 6-17-111;

20 (ii) The daily planning period requirements set forth  
21 in § 6-17-114;

22 (iii) The committee on personnel policies  
23 requirements set forth in § 6-17-201 through 6-17-208; and

24 (iv) Standards for accreditation set forth in the  
25 Arkansas Code, by the Department of Education, or the State Board of  
26 Education.

27 (B) No limited charter school may be allowed an exemption  
28 that would allow a full-time certified employee to be paid less than the  
29 salary provided in the school district's salary schedule for that employee.

30 (3)(A) Describe a plan for school improvement that addresses how  
31 the school will improve student learning and meet the state education goals;

32 (B) Describe how the certified employees at the charter  
33 school will be involved developing and implementing the school improvement  
34 plan set forth in subdivision (b)(3)(A) of this section and in identifying  
35 performance criteria.

36 (4) Outline proposed performance criteria that will be used

1 during the initial three-year period of the charter to measure the progress of  
2 the charter school in improving student learning and meeting or exceeding the  
3 state education goals; and

4 (5) The petition shall be reviewed as a regular agenda item and  
5 approved after sufficient public comment by the local school district board of  
6 directors and the State Board of Education.

7 (c)(1) Any petition to obtain limited charter school status approved by  
8 a local school district board of directors shall be forwarded by the local  
9 school district board of directors to the state board.

10 (2) If a local board of directors does not approve a public  
11 school's petition, the local school district board of directors shall inform  
12 the petitioners and faculty of the public school of the board's reasons for  
13 not approving the petition.

14 (d)(1) A certified teacher employed by a public school in the school  
15 year immediately preceding the effective date of a limited charter for a  
16 public school within that district may not be transferred to or be employed by  
17 the limited charter school over the certified teacher's objections, nor shall  
18 that objection be used as a basis to deny continuing employment within the  
19 district in another public school at a similar grade level.

20 (2) If the transfer of a teacher within a district is not  
21 possible because only one (1) school exists for the teacher's certification  
22 level, then the local school board shall call for a vote of the certified  
23 teachers in the proposed limited charter school site and proceed, at the local  
24 school board's option, with the charter school petition if a majority of the  
25 certified teachers approve the proposal.

26 (3)(i) A certified teacher choosing to join the staff of a  
27 limited charter school shall be employed by the district by written contract  
28 as set forth in §6-13-620(4) with such contract being subject to the  
29 provisions of the Teacher Fair Dismissal Act of 1983; and

30 (ii)(a) The certified teacher shall also enter into a  
31 separate supplemental contract specifically for teacher's employment in the  
32 limited charter school with such supplemental contract being exempt from the  
33 Teacher Fair Dismissal Act of 1983 and § 6-17-807.

34 (b) Termination of the supplemental contract shall not  
35 be used as a basis to deny continued employment of the teacher within the  
36 district in another public school at a similar grade level.



1 (e)(1) Limited charter schools shall be evaluated annually by the  
2 Department of Education based on criteria approved by the State Board of  
3 Education, including but not limited to student performance data, to determine  
4 progress in student achievement that has been achieved by the limited charter  
5 school.

6 (2) The department shall annually report its evaluation to the  
7 state board.

8 (3) Based upon that evaluation, the state board may revoke a  
9 limited charter.

10 (f) The State Board of Education shall promulgate rules and regulations  
11 necessary for the implementation of this subchapter.

12  
13 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly that the current funding requirements for charter schools  
15 need immediate revisions; that it is necessary to have the funding before the  
16 beginning of the fiscal year; that the notice requirements and other changes  
17 could cause confusions and delay for citizens petitioning for a charter school  
18 during the third application cycle if there is delay enacting legislation; and  
19 that proper notice of petition requirements and funding changes are  
20 immediately necessary. Therefore, an emergency is declared to exist and this  
21 act being immediately necessary for the preservation of the public peace,  
22 health and safety shall become effective on the date of its approval by the  
23 Governor. If the bill is neither approved nor vetoed by the Governor, it  
24 shall become effective on the expiration of the period of time during which  
25 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
26 veto is overridden, it shall become effective on the date the last house  
27 overrides the veto.

28 /s/ Brown  
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