

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  
2 85th General Assembly  
3 Regular Session, 2005

# A Bill

SENATE BILL 1113

4  
5 By: Senator Holt  
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## For An Act To Be Entitled

8  
9 AN ACT TO ALLOW PARENTS TO ENTER INTO A LOCAL  
10 CHARTER WITH THEIR CHILDREN'S SCHOOLS OR  
11 TEACHERS, OR BOTH; AND FOR OTHER PURPOSES.  
12

### Subtitle

13  
14 TO ALLOW PARENTS TO ENTER INTO A LOCAL  
15 CHARTER WITH THEIR CHILDREN'S SCHOOLS OR  
16 TEACHERS, OR BOTH.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended  
22 to add the following new section:

23 6-10-118. Parent-school charters.

24 (a) As used in this section:

25 (1) "Parent-school charter" means a written agreement between a  
26 school district and the custodial parent or legal guardian of a student who  
27 attends school in the school district that includes the following:

28 (A) Authorization from the custodial parent of legal  
29 guardian for personnel of the school district personnel to act in loco  
30 parentis with regard to the student in areas that include, without  
31 limitation, discipline, curricula, moral guidance, and ethical training;

32 (B) A statement that the charter is revocable by either  
33 party at any time, except that the school district cannot refuse to enter  
34 into or revoke a charter on the basis of race, sex, or national origin;

35 (C) A statement that school district personnel shall not  
36 be compelled to commit a violation of conscience as a result of the charter



1 or act in a manner that, in their professional judgment, is against the long-  
2 term best interests of the student under their care;

3 (D) A statement that school district personnel shall not  
4 be compelled to enter into or remain a party to a charter;

5 (E) A statement that the custodial parent or legal  
6 guardian releases the school district and all applicable personnel from any  
7 state oversight; and

8 (F) Any other provision deemed necessary by the school  
9 district; and

10 (2) "Parent-school charter classrooms" means classrooms in  
11 which:

12 (A) The students are comprised solely of students who are  
13 the subject of parent-school charters;

14 (B) The teachers and all support personnel are parties to  
15 the parent-school charters; and

16 (C) The school district is accountable strictly to the  
17 parents of the students in that classroom.

18 (b) A parent-school charter authorizes the applicable school district  
19 and applicable school district employees to act in loco parentis with regard  
20 to the student who is the subject of the charter in certain areas designated  
21 by the charter and exempts the school district from certain aspects of state  
22 oversight.

23 (c) A school district employee acting in loco parentis with regard to  
24 a student who is the subject of a parent-school charter in an area designated  
25 by the charter is acting at the behest of the custodial parent or legal  
26 guardian and, with regard to the student who is the subject of the parent-  
27 school charter, is not limited by constitutional restrictions placed on  
28 agents of the state or political subdivision of the state in dealing with  
29 students generally until the parent-school charter is revoked.

30 (d) A school district may group students who are subject to parent-  
31 school charters together in classrooms and create a parent-school charter  
32 classroom where the same conditions apply in the classroom as apply to the  
33 individual students who are subject to parent-school charters.

34 (e) A school district can opt to exempt parent-school charter  
35 classrooms from Department of Education and other state reporting and  
36 oversight requirements in the following areas:

- 1           (1) Five-year education plans;
- 2           (2) Written policies for the operation of the school district;
- 3           (3) School goals and annual school improvement plans;
- 4           (4) The use of curriculum frameworks and learner outcomes to  
5 plan instruction;
- 6           (5) Any accreditation requirements or penalties based on meeting  
7 or failing to meet any curriculum frameworks learner outcomes;
- 8           (6) Any assessment requirements based on meeting or failing to  
9 meet any curriculum frameworks learner outcomes;
- 10           (7) Forming individualized education plans, except for those  
11 students who spend at least one (1) period a day in a federally funded  
12 resource classroom;
- 13           (8) With regard to personnel who work exclusively in parent-  
14 school charter classrooms, in-service staff development; and
- 15           (9) The requirements of §§ 6-18-502, 6-18-503, 6-18-504, and 6-  
16 15-1003.

17           (f) For public schools in which more than one-half (1/2) of the public  
18 school's enrolled students are in parent-school charter classrooms for at  
19 least one-half (1/2) of the school day, the minimum standards for school  
20 accreditation are satisfied for two (2) years after at least one (1) of the  
21 following requirements have been met:

22           (1) The average student test scores for state assessment tests  
23 are above the average for the state or are higher than the scores were for  
24 the same group of students in an earlier test;

25           (2) The scores on the Stanford Achievement Test or other  
26 nationally normed standardized tests average above the fiftieth percentile  
27 for either the school as a whole or for those students who are in parent-  
28 school charter classrooms for at least one-half (1/2) of the school day;

29           (3) The scores on the Stanford Achievement Test or other  
30 nationally normed standardized tests average above the scores from the  
31 previous five (5) years for those students who are in parent-school charter  
32 classrooms for at least one-half (1/2) of the school day; or

33           (4) The college enrollment rate of those students who were in  
34 parent-school charter classrooms for at least one-half (1/2) of the school  
35 day in the previous four (4) years is higher than the state as a whole or is  
36 higher than it was for the school prior to the use of parent-school charters

1 in that district.

2 (g)(1) A school district shall not be compelled to commit a violation  
3 of conscience as a result of a parent-school charter or act in a manner that,  
4 in his or her professional judgment, is against the long-term best interests  
5 of the students under his or her care.

6 (2) A school district employee shall not be compelled to enter  
7 into or remain a party to a parent-school charter.

8 (h)(1) Where authorized by the school district, a custodial parent or  
9 legal guardian may enter into a parent-educator charter or parent-counselor  
10 charter under which only a designated employee or group of employees is  
11 authorized to act in loco parentis with regard to the student who is the  
12 subject of the charter in the areas designated by the charter.

13 (2) The standards for parent-school charters set forth in  
14 subsections (a) – (d), (g), and (i) of this section are applicable to parent-  
15 educator charters and parent-counselor charters, except that parent-educator  
16 charters and parent-counselor charters apply only to a designated employee or  
17 group of employees and not to employees of the school district as a whole.

18 (i) A school district shall not deny any parent or guardian the right  
19 to opt out of a parent-school charter by offering only parent-school charter  
20 classrooms. The option to deny in loco parentis authority must be preserved  
21 for every school district at every grade level that contains a student whose  
22 custodial parent or legal guardian does not desire to enter a parent-school  
23 charter.

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