

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1504

5 By: Representatives Anderson, T. Baker, E. Brown, Burkes, Cooper, Davis, Dickinson, Dunn, Garner,  
6 Glidewell, R. Green, Greenberg, Hall, Hardwick, Harris, D. Hutchinson, Jeffrey, Kenney, Key, Kidd,  
7 King, Lamoureux, Lovell, M. Martin, Maxwell, Medley, Norton, Pace, Ragland, Rosenbaum, Sample,  
8 Saunders, Shelby, Thyer, Walters, Wells, Wood, Woods, Wyatt  
9 By: Senators Altes, Argue, Baker, Bisbee, Bookout, Broadway, Bryles, Capps, Glover, Hendren, Hill, G.  
10 Jeffress, Laverty, Malone, Miller, B. Pritchard, Salmon, T. Smith, R. Thompson, Trusty, Whitaker,  
11 Wilkins, Wilkinson, Womack  
12  
13

## For An Act To Be Entitled

14 AN ACT TO AMEND THE PUBLIC CHARTER SCHOOL LAW;  
15 AND FOR OTHER PURPOSES.  
16

## Subtitle

17 AN ACT TO AMEND THE PUBLIC CHARTER  
18 SCHOOL LAW.  
19  
20  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 6-23-103 is amended to read as follows:

26 As used in this chapter:

27 (1) "Application" means the proposal for obtaining conversion  
28 public charter school status, open-enrollment public charter school status,  
29 or limited public charter school status;

30 ~~(1)(2)~~ "Charter" means a performance-based contract for an  
31 initial five-year period ~~that converts a public school to a charter school or~~  
32 ~~authorizes the creation and conditional operation of an open-enrollment~~  
33 ~~charter school, which~~ between the State Board of Education and an approved  
34 applicant for public charter school status that exempts the public charter  
35 school from state and local rules, regulations, policies, and procedures  
36 specified in the contract and from the provisions of § 6-1-101 et seq.



1 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 of Education or an~~  
4 ~~open-enrollment charter school as defined in subdivision (5) of this section;~~

5 (3) "Conversion public charter school" means a public school  
6 that has converted to operating under the terms of a charter approved by the  
7 local school board and the state board;

8 ~~(3)(4) "Eligible entity" means:~~

9 (A) a public institution of higher education;

10 (B) a private nonsectarian institution of higher  
11 education;

12 (C) a governmental entity; or

13 (D) an organization that:

14 (i) is nonsectarian in its program, admissions  
15 policies, employment practices, and operations; and

16 (ii) has applied for tax exempt status from  
17 taxation under § 501(c)(3) of the Internal Revenue Code of 1986;

18 (5) "Limited public charter school" means a public school that  
19 has converted to operating under the terms of a limited public charter  
20 approved by the local school board and the state board;

21 ~~(4)(6) "Local school board" means a board of directors~~  
22 ~~exercising the control and management of a public school district;~~

23 ~~(5)(7) "Open-enrollment public charter school" means a public~~  
24 ~~school;~~

25 (A) that is operating under the terms of a charter  
26 granted by the state board on the application of an eligible entity; and

27 (B) That may draw its students from across any public  
28 school district boundaries in this state;

29 ~~(6)(8) "Parent" means any parent, legal guardian, or other~~  
30 ~~person having custody or charge of a school-age child;~~

31 ~~(7) "Petition" means a proposal to enter into a performance-~~  
32 ~~based contract between the state board and a public school or eligible entity~~  
33 ~~whereby the proposed school obtains charter school status;~~

34 ~~(8)(A)(9) "Public school" means a school that is part of a~~  
35 ~~public school district under the control and management of a local school~~  
36 ~~board; and~~

1                   ~~(B) "Public school" includes the Arkansas School for~~  
2 ~~Mathematics, Sciences, and the Arts; and~~

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

4                   (10) "Public charter school" means a conversion public charter  
5 school, an open-enrollment public charter school, or a limited public charter  
6 school.

7  
8           SECTION 2. Arkansas Code § 6-23-104 is amended to read as follows:

9           6-23-104. Charter form for ~~open-enrollment~~ public charter schools -  
10 Requirements - Revision.

11           (a) A charter for a public charter school shall:

12                   (1) Be in the form of a written contract signed by the ~~chairman~~  
13 ~~of the state board~~ Commissioner of Education and the chief operating officer  
14 of the public charter school;

15                   (2) Satisfy the requirements of this chapter; and

16                   (3) Ensure that the information required under § 6-23-404 is  
17 consistent with the information provided in the application and any  
18 modification which the ~~state board~~ State Board of Education may require.

19           (b) Any revision or amendment of the charter for a public charter  
20 school may be made only with the approval of the ~~State Board of Education~~  
21 state board.

22  
23           SECTION 3. Arkansas Code § 6-23-105 is amended to read as follows:

24           6-23-105. Basis and procedure for public charter school probation or  
25 charter modification, revocation, or denial of renewal.

26           (a) The State Board of Education may place a public charter school on  
27 probation or may modify, revoke, or deny renewal of its charter if the state  
28 board determines that the persons operating the public charter school:

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

31                   (2) Failed to satisfy generally accepted accounting standards of  
32 fiscal management; ~~or~~

33                   (3) Failed to comply with this chapter or other applicable law  
34 or regulation; or

35                   (4) Failed to meet academic or fiscal performance criteria  
36 deemed appropriate and relevant for the public charter school by the state

1 board.

2 (b) Any action the state board may take under this section shall be  
 3 based on the best interests of the public charter school's students, the  
 4 severity of the violation, and any previous violation the public charter  
 5 school may have committed.

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

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

12 (2)(A) The hearing shall be held at the location of the regular  
 13 or special meeting of the state board.

14 (B) The state board shall provide sufficient written  
 15 notice of the time and location of the hearing.

16 (3) There is no further right of appeal beyond the determination  
 17 of the state board.

18 (4) The Arkansas Administrative Procedure Act, § 25-15-201 et  
 19 seq., shall not apply to any hearing concerning a public charter school.

20

21 SECTION 4. Arkansas Code § 6-23-106 is amended to read as follows:

22 6-23-106. Impact on school desegregation efforts.

23 (a) The ~~petitioners~~ applicants for a public charter school, the board  
 24 of directors of the local school district in which a proposed public charter  
 25 school would be located, and the State Board of Education shall carefully  
 26 review the potential impact of an application for a public charter school on  
 27 the efforts of a public school district or public school districts to comply  
 28 with court orders and statutory obligations to create and maintain a unitary  
 29 system of desegregated public schools.

30 (b) The state board shall ~~develop a process attempt~~ attempt to measure the  
 31 likely impact of a proposed public charter school on the efforts of public  
 32 school districts to achieve and maintain a unitary system ~~which shall be~~  
 33 ~~similar to the guidelines set forth in § 6-18-206(g).~~

34 (c) The state board shall not approve any public charter school under  
 35 this subchapter or any other act or any combination of acts that hampers,  
 36 delays, or in any manner negatively affects the desegregation efforts of a

1 public school district or public school districts in this state.

2  
3 SECTION 5. Arkansas Code § 6-23-201 is amended to read as follows:

4 6-23-201. ~~Petition~~ Application for conversion public charter school  
5 status.

6 (a)(1) Any public school district may apply to the State Board of  
7 Education for ~~charter school status, known as a~~ conversion public charter  
8 school status for a public school in the public school district, in  
9 accordance with a schedule approved by the state board.

10 (2) A public school district's ~~petition~~ application for  
11 conversion public charter school status for the public school may include,  
12 but shall not be limited to, the following purposes:

13 (A) Adopting research-based school or instructional  
14 designs, or both, that focus on improving student and school performance;

15 (B) Addressing school improvement status resulting from  
16 sanctions listed in §§ 6-15-207(c)(8) and 6-15-429(a) and (b); or

17 (C) Partnering with other public school districts or  
18 public schools to address students' needs in a geographical location or  
19 multiple locations.

20 (b) Such ~~petition~~ application shall:

21 (1)(A) Describe the results of a public hearing called by the  
22 local school board for the purpose of assessing support of an application ~~to~~  
23 ~~initiate a petition~~ for conversion public charter school status.

24 (B) Notice of the public hearing shall be:

25 (i) Distributed to the community, certified  
26 personnel and the parents of all students enrolled at the public school for  
27 which the district initiating the petition initiated the application; and

28 (ii) Published in a newspaper having general  
29 circulation in the public school district at least three (3) weeks prior to  
30 the date of the meeting;

31 (2) Describe a plan for school improvement that addresses how  
32 the conversion public charter school will improve student learning and meet  
33 the state education goals;

34 (3) Outline proposed performance criteria that will be used  
35 during the initial ~~three-year~~ five-year period of the charter to measure the  
36 progress of the conversion public charter school in improving student

1 learning and meeting or exceeding the state education goals;

2 (4) Describe how the certified employees and parents of students  
3 to be enrolled in the conversion public charter school will be involved in  
4 developing and implementing the school improvement plan and identifying  
5 performance criteria;

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

10 (6) List the specific provisions of ~~§ 6-4-101~~ § 6-1-101 et seq.  
11 and the specific rules and regulations promulgated by the state board from  
12 which the conversion public charter school will be exempt; ~~and.~~

13 ~~(7) The petition shall be reviewed and approved by the local  
14 school board and the state board.~~

15 ~~(c)(1) Any petition to obtain charter school status approved by a  
16 local board shall be forwarded by the local board to the state board.~~

17 ~~(2) If a local board disapproves a public school's petition, the  
18 local board shall inform the petitioners and faculty of the public school of  
19 the reasons for such disapproval.~~

20 ~~(d)(1)~~ (c)(1) A certified teacher employed by a public school in the  
21 school year immediately preceding the effective date of a charter for a  
22 public school conversion within that public school district may not be  
23 transferred to or be employed by the conversion public charter school over  
24 the certified teacher's objection, nor shall that objection be used as a  
25 basis to deny continuing employment within the public school district in  
26 another public school at a similar grade level.

27 (2) If the transfer of a teacher within the public school  
28 district is not possible because only one (1) public school exists for that  
29 teacher's certification level, then the local school board shall call for a  
30 vote of the certified teachers in the proposed conversion public charter  
31 school site and proceed, at the local school board's option, with the  
32 conversion public charter school application if a majority of the certified  
33 teachers approve the proposal.

34

35 SECTION 6. Arkansas Code § 6-23-202 is amended to read as follows:

36 6-23-202. Authorization for conversion public charter school status.

1 As requested by the conversion public charter school ~~petitioner~~  
2 applicant, the State Board of Education shall review the ~~petition~~ application  
3 for conversion public charter school status and may approve any ~~petition~~  
4 application that:

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

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

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

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

18  
19 SECTION 7. Arkansas Code § 6-23-203 is amended to read as follows:  
20 6-23-203. Resubmission of ~~petitions~~ applications.

21 (a) The State Board of Education may allow ~~petitioners~~ applicants to  
22 resubmit ~~petitions~~ applications for conversion public charter school status  
23 if the original ~~petition~~ application was, in the opinion of the state board,  
24 deficient in one (1) or more respects.

25 (b) The Department of Education may provide technical assistance to  
26 the conversion public charter school ~~petitioners~~ applicants in the creation  
27 or modification of these ~~petitions~~ applications.

28  
29 SECTION 8. Arkansas Code § 6-23-204 is amended to read as follows:  
30 6-23-204. Charter renewal.

31 The State Board of Education is authorized to renew charters of  
32 conversion public charter schools on a one-year or multiyear basis, not to  
33 exceed five (5) years, after the initial five-year period if the renewal is  
34 approved by the local school board.

35  
36 SECTION 9. Arkansas Code § 6-23-205 is amended to read as follows:

1           6-23-205. Teacher hires when charter revoked.

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

8

9           SECTION 10. Arkansas Code § 6-23-206 is amended to read as follows:

10          6-23-206. Rules and regulations.

11          The State Board of Education is authorized and directed to establish  
 12 rules and regulations for conversion public charter schools.

13

14          SECTION 11. Arkansas Code § 6-23-207 is amended to read as follows:

15          6-23-207. State Board of Education status report.

16          The State Board of Education shall report on the status of the  
 17 conversion public charter schools program to the General Assembly each  
 18 biennium and to the House Interim Committee on Education and the Senate  
 19 Interim Committees Committee on Education during the interim between sessions  
 20 of the General Assembly.

21

22          SECTION 12. Arkansas Code § 6-23-301 is amended to read as follows:

23          6-23-301. Application forms and procedures for open-enrollment public  
 24 charter schools.

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

26                  (1) An application form, a schedule, and a procedure that must  
 27 be used to apply for a charter for a an open-enrollment public charter  
 28 school; and

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

31          (b) The application form must provide space for including all  
 32 information required under this chapter to be contained in the charter.

33          (c) As part of the application procedure, the state board may require  
 34 a petition supporting a charter for an open-enrollment public charter school  
 35 signed by a specified number of parents or guardians of school-age children  
 36 residing in the area in which an open-enrollment public charter school is



1 proposed, or it may hold a public hearing to determine parental support for  
 2 the school.

3  
 4 SECTION 13. Arkansas Code § 6-23-302 is amended to read as follows:

5 6-23-302. ~~Petition~~ Application for an open-enrollment public charter  
 6 school.

7 (a) Pursuant to the provisions of this chapter, an eligible entity may  
 8 ~~petition~~ apply to the State Board of Education to grant ~~an application a~~  
 9 charter for an open-enrollment public charter school to operate in a facility  
 10 of a commercial or nonprofit entity or a public school district.

11 (b) The ~~petition~~ application to the state board for an open-enrollment  
 12 public charter school shall be made in accordance with a schedule approved by  
 13 the state board.

14 (c) The ~~petition~~ application shall:

15 (1)(A) Describe the results of a public hearing called by the  
 16 ~~petitioner~~ applicant for the purpose of assessing support ~~of~~ for an  
 17 application ~~to initiate a petition~~ for an open-enrollment public charter  
 18 school ~~status~~.

19 (B)(i) Notice of the public hearing shall be published  
 20 ~~once~~ one (1) time a week for three (3) consecutive weeks in a newspaper  
 21 having general circulation in each public school district from which the  
 22 open-enrollment public charter school is likely to draw students for the  
 23 purpose of enrollment.

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

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

28 (iv) The notice shall be published in no less than  
 29 ten-point ~~size~~ type and shall be no less than two by four inches (2" x 4") or  
 30 four by two inches (4" x 2").

31 (C)(i) Within seven (7) calendar days following the first  
 32 publication of notice required under subdivision (c)(1)(B) of this section,  
 33 letters announcing the public hearing shall be sent to the superintendent and  
 34 school board members of each of the public school districts from which the  
 35 open-enrollment public charter school is likely to draw students for the  
 36 purpose of enrollment and the superintendent and school board members of any

1 public school district that is contiguous to the public school district in  
 2 which the open-enrollment public charter school will be located.

3 (ii) The letters to the school board members  
 4 required in subdivision (c)(1)(C)(i) of this section shall only be required  
 5 for each school board member whose name and mailing address is provided by  
 6 the superintendent of an affected school district or by the Department of  
 7 Education upon the request of the ~~petitioner~~ applicant.

8 (iii) An affected school district may submit written  
 9 comments concerning the application to the state board to be considered at  
 10 the time of the state board's review of the application;

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

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

18 (4) List the specific provisions of § 6-1-101 et seq. and the  
 19 specific rules and regulations promulgated by the state board from which the  
 20 open-enrollment public charter school seeks to be exempted;

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

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

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

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

36 (d)(1) The ~~petition~~ application shall be first reviewed and approved

1 by the local school board of the public school district ~~where~~ in which the  
 2 proposed open-enrollment public charter school will operate.

3 (2)(A) However, if the local school board disapproves the  
 4 ~~petition~~ application, the ~~petitioners~~ applicant shall have an immediate right  
 5 to proceed with a written notice of appeal to the state board.

6 (B) ~~The state board which~~ shall hold a hearing within  
 7 forty-five (45) calendar days after receipt of the notice of appeal. ~~and~~

8 (C) ~~where all~~ All interested parties may appear at the  
 9 hearing and present relevant information regarding the ~~proposed open-~~  
 10 ~~enrollment charter school petition~~ application.

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

16  
 17 SECTION 14. Arkansas Code § 6-23-303 is amended to read as follows:

18 6-23-303. Authorization for an open-enrollment public charter school.

19 As requested by the ~~petitioning~~ applicant for an open-enrollment public  
 20 charter school ~~proponents~~, the State Board of Education shall review the  
 21 ~~petition~~ application for an open-enrollment public charter school and may  
 22 approve any ~~petition~~ application that:

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

26 (2) Includes a set of performance criteria that will be used during  
 27 the initial ~~three-year~~ five-year period of the open-enrollment public charter  
 28 school's operation to measure its progress in meeting its academic  
 29 performance goals;

30 (3) Includes a proposal to directly and substantially involve the  
 31 parents of students to be enrolled in the open-enrollment public charter  
 32 school, the certified employees, and the broader community in carrying out  
 33 the terms of the open-enrollment charter;

34 (4) Includes an agreement to provide an annual report to parents, the  
 35 community, and the state board that demonstrates the progress made by the  
 36 open-enrollment public charter school during the previous academic year in

1 meeting its academic performance objectives; ~~and~~

2 (5) Includes a detailed budget, a business plan, and a governance plan  
3 for the operation of the open-enrollment public charter school; and

4 (6) Establishes the eligible entity's status as a tax-exempt  
5 organization under § 501(c)(3) of the Internal Revenue Code of 1986 prior to  
6 the first day of its operation with students.

7  
8 SECTION 15. Arkansas Code § 6-23-304 is amended to read as follows:  
9 6-23-304. Requirements - Preference for certain districts.

10 (a) The State Board of Education may approve or deny an application  
11 based on:

12 (1) eriteria Criteria provided by law or by rule adopted by the  
13 state board;

14 (2) Findings of the state board ~~which shall include criteria~~  
15 relating to improving student performance and encouraging innovative  
16 programs; and

17 (3) written Written findings or statements received by the state  
18 board from any public school district likely to be affected by the open-  
19 enrollment public charter school.

20 (b) The state board shall give preference in approving an application  
21 for a an open-enrollment public charter school to be located in any public  
22 school district:

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

25 (2) Where the district has been classified by the state board as  
26 in academic distress under § 6-15-428; or

27 (3) Where the district has been classified by the Department of  
28 Education as ~~showing the greatest need for~~ in some phase of school  
29 improvement status under § 6-15-426 or some phase of fiscal distress under §  
30 6-20-1902 et seq.

31 (c)(1) The state board may grant no more than a total of ~~twenty-four~~  
32 ~~(24)~~ forty-eight (48) charters for open-enrollment public charter schools,  
33 ~~and a.~~

34 (2) An open-enrollment public charter applicant's school campus  
35 shall be limited to a single open-enrollment public charter school per  
36 charter except as allowed in subdivision ~~(e)(3)~~ (c)(5) of this section.

1           ~~(2) The state board's authority to approve the twenty-four (24)~~  
 2 ~~charters for open enrollment status shall be phased in according to the~~  
 3 ~~following schedule:~~

4           ~~(A) For the 2005-2006 school year, no more than four (4)~~  
 5 ~~such charters may be granted per congressional district in the state;~~

6           ~~(B) For the 2006-2007 school year, no more than five (5)~~  
 7 ~~such charters may be granted per congressional district in the state; and~~

8           ~~(C) For the 2007-2008 school year, no more than six (6)~~  
 9 ~~such charters may be granted per congressional district in the state.~~

10           (2) An open-enrollment public charter school shall not open in  
 11 the service area of a public school district administratively reorganized  
 12 pursuant to the provisions of § 6-13-1601 et seq., until after the third year  
 13 of the administrative reorganization.

14           ~~(3)(A)~~ The General Assembly hereby recognizes by established  
 15 relevant demonstrated educational accountability measures that the Knowledge  
 16 Is Power Program (KIPP) Delta College Preparatory Open-Enrollment Charter  
 17 School has:

18                   ~~(i)(A)~~ Improved student learning through innovative  
 19 ideas and techniques;

20                   ~~(ii)(B)~~ Increased learning opportunities for all  
 21 students; and

22                   ~~(iii)(C)~~ Created special emphasis on expanded  
 23 learning experiences for students who were previously identified as low-  
 24 achieving.

25           ~~(B)(4)~~ As a result, the Knowledge Is Power Program is recognized  
 26 as an effective method for:

27                   ~~(i)(A)~~ Meeting the statutory intent of ~~the~~ The  
 28 Arkansas Charter Schools Act of 1999, § 6-23-102 6-23-101 et seq.;

29                   ~~(ii)(B)~~ Closing the achievement gap in public  
 30 schools for economically disadvantaged, racial, and ethnic subgroups, §§ 6-  
 31 15-401 et seq. and § 6-15-1601 et seq.; and

32                   ~~(iii)(C)~~ Otherwise providing an alternative  
 33 education that has been proven adequate and equitable to Arkansas students.

34           ~~(C)(5)~~ Therefore, any charter applicant that receives an  
 35 approved open-enrollment public charter ~~under subdivision (c)(1) of this~~  
 36 ~~section~~ may petition the state board for ~~an~~ additional license licenses to

1 establish an open-enrollment public charter school in any of the various  
 2 congressional districts in Arkansas provided that the applicant meets the  
 3 following conditions:

4 ~~(i)(A)~~ The approved open-enrollment public charter  
 5 ~~petitioner applicant is sponsored by and approved by the Knowledge Is Power~~  
 6 ~~Program~~ has demonstrated success in student achievement gains, as defined by  
 7 the state board; and

8 ~~(ii)(B)~~ The approved open-enrollment public charter  
 9 ~~petitioner applicant~~ has not:

10 ~~(A)(i)~~ Been subject to any disciplinary action by the  
 11 state board;

12 ~~(B)(ii)~~ Been classified as in school improvement or  
 13 academic or fiscal distress; and

14 ~~(C)(iii)~~ Had its open-enrollment public charter placed on  
 15 probation, suspended, or revoked; and

16 ~~(iii)(C)~~ The state board determines in writing by  
 17 majority of a quorum of the state board present that the open-enrollment  
 18 public charter ~~petitioner applicant~~ has generally established the educational  
 19 program results and criteria set forth in this subdivision ~~(c)(5)(e)(3)~~.

20 ~~(d) When approving open enrollment charter applications, the state~~  
 21 ~~board shall take into consideration successful instructional programs offered~~  
 22 ~~by traditional public schools in the jurisdiction where the open enrollment~~  
 23 ~~charter is proposed so as not to replicate existing effective programs but to~~  
 24 ~~offer alternative methods of delivery to serve students who are currently~~  
 25 ~~underserved in the traditional district.~~

26 ~~(e)(d)~~ No private or parochial elementary or secondary school shall be  
 27 eligible for open-enrollment public charter school status.

28  
 29 SECTION 16. Arkansas Code § 6-23-305 is amended to read as follows:

30 6-23-305. Notice of disapproval - Assistance with resubmission of  
 31 ~~petition~~ application.

32 (a) If the State Board of Education disapproves an application for an  
 33 open-enrollment public charter school, the state board shall notify the  
 34 ~~petitioners~~ applicant in writing of the reasons for such disapproval.

35 (b) The state board may allow the ~~petitioners~~ applicant for an open-  
 36 enrollment public charter school to resubmit ~~their petition~~ its application

1 if the original ~~petition~~ application was found to be deficient by the state  
 2 board.

3 (c) The Department of Education may provide technical assistance to  
 4 the ~~petitioners~~ applicant for an open-enrollment public charter school in the  
 5 creation or modification of ~~these petitions~~ its application.

6

7 SECTION 17. Arkansas Code § 6-23-306 is amended to read as follows:  
 8 6-23-306. Contents of open-enrollment public charters.

9 ~~Contents of charters~~ An open-enrollment public charter granted under  
 10 this ~~chapter~~ subchapter shall:

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

12 (2) Specify the period for which the open-enrollment public charter or  
 13 any ~~charter~~ renewal is valid;

14 (3) Provide that the continuation or renewal of the open-enrollment  
 15 public charter is contingent on acceptable student performance on assessment  
 16 instruments adopted by the State Board of Education and on compliance with  
 17 any accountability provision specified by the open-enrollment public charter,  
 18 by a deadline, or at intervals specified by the open-enrollment public  
 19 charter;

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

22 (5) Specify any basis, in addition to a basis specified by this  
 23 chapter, on which the open-enrollment public charter school may be placed on  
 24 probation or its charter is revoked or on which renewal of the open-  
 25 enrollment public charter may be denied;

26 (6) Prohibit discrimination in admissions policy on the basis of sex,  
 27 national origin, race, ethnicity, religion, disability, or academic or  
 28 athletic eligibility, except as follows:

29 (A) The open-enrollment public charter may allow a weighted  
 30 lottery to be used in the student selection process when necessary to comply  
 31 with Title VI of the federal Civil Rights Act of 1964, Title IX of the  
 32 federal Education Amendments of 1972, the equal protection clause of the  
 33 Fourteenth Amendment to the United States Constitution, a court order, or a  
 34 federal or state law requiring desegregation; and

35 (B) The open-enrollment public charter may provide for the  
 36 exclusion of a student who has been expelled from another public school

1 district in accordance with this title;

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

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

4 (9) Specify the qualifications to be met by professional employees of  
5 the program;

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

8 (11) Describe the manner in which the annual audit of the financial  
9 and programmatic operations of the program is to be conducted, including the  
10 manner in which the persons providing the program will provide information  
11 necessary for the public school district in which the program is located to  
12 participate;

13 (12) Describe the facilities to be used, including the terms of the  
14 facility utilization agreement if the facility for the open-enrollment public  
15 charter school is owned or leased from a sectarian organization;

16 (13) Describe the geographical area, public school district, or school  
17 attendance area to be served by the program;

18 (14)(A) Specify methods for applying for admission, enrollment  
19 criteria, and student recruitment and selection processes.

20 (B)(i) Except as provided in subdivision (14)(C) of this  
21 section, if more eligible students apply for a first-time admission than the  
22 open-enrollment public charter school is able to accept, the charter must  
23 require the open-enrollment public charter school to use a random, anonymous  
24 student selection method which shall be described in the charter application.

25 (ii) However, an open-enrollment public charter school may  
26 allow a preference for:

27 (a) Children of the founding members of the eligible  
28 entity; and

29 (b) Siblings of students currently enrolled in the  
30 school.

31 (C) The open-enrollment public charter may allow use of a  
32 weighted lottery in the student selection process when necessary to comply  
33 with Title VI of the federal Civil Rights Act of 1964, Title IX of the  
34 federal Education Amendments of 1972, the equal protection clause of the  
35 Fourteenth Amendment to the United States Constitution, a court order, or a  
36 federal or state law requiring desegregation; and



1 (15) Include a statement that the eligible entity will not  
 2 discriminate on the basis of race, sex, national origin, ethnicity, religion,  
 3 age, or disability in employment decisions, including hiring and retention of  
 4 administrators, teachers, and other employees whose salaries or benefits are  
 5 derived from any public moneys.

6  
 7 SECTION 18. Arkansas Code § 6-23-307 is amended to read as follows:  
 8 6-23-307. Renewal of charter.

9 After the initial five-year period of an open-enrollment public  
 10 charter, the State Board of Education is authorized to renew ~~these charters~~  
 11 the charter on a one-year or multiyear basis, not to exceed five (5) years.  
 12

13 SECTION 19. Arkansas Code § 6-23-308 is amended to read as follows:  
 14 6-23-308. Priority hiring for teachers.

15 If a certified teacher employed by a public school district in the  
 16 school year immediately preceding the effective date of the charter is  
 17 employed by an open-enrollment public charter school and the charter is  
 18 revoked, the certified teacher will receive a priority in hiring for the  
 19 first available position for which the certified teacher is qualified in the  
 20 public school district where the certified teacher was formerly employed.  
 21

22 SECTION 20. Arkansas Code § 6-23-309 is amended to read as follows:  
 23 6-23-309. Rules and regulations.

24 The State Board of Education is authorized to promulgate rules and  
 25 regulation for the creation of open-enrollment public charter schools.  
 26

27 SECTION 21. Arkansas Code § 6-23-310 is amended to read as follows:  
 28 6-23-310. Status report.

29 The State Board of Education shall report on the status of the open-  
 30 enrollment public charter school programs to the General Assembly each  
 31 biennium and to the House Interim Committee on Education and the Senate  
 32 ~~Interim Committees~~ Committee on Education during the interim between regular  
 33 sessions of the General Assembly.  
 34

35 SECTION 22. Arkansas Code § 6-23-401 is amended to read as follows:  
 36 6-23-401. Authority under a charter for open-enrollment public charter

1 schools.

2 (a) An open-enrollment public charter school:

3 (1) Shall be governed by an eligible entity that is fiscally  
4 accountable and under the governing structure as described by the charter;

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

7 (3) Shall retain authority to operate under the charter  
8 contingent on satisfactory student performance as provided by the charter and  
9 in accordance with this chapter;

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

11 (5) Shall not incur any debts without the prior review and  
12 approval of the ~~Director of the Department~~ Commissioner of Education;

13 (6) Shall not charge students tuition or fees that would not be  
14 allowable charges in the public school districts; and

15 (7) Shall not be religious in its operations or programmatic  
16 offerings.

17 (b) An open-enrollment public charter school is subject to any  
18 prohibition, restriction, or requirement imposed by this title and any rule  
19 and regulation promulgated by the State Board of Education under this title  
20 relating to:

21 (1) Monitoring compliance with this chapter, as determined by  
22 the ~~director~~ commissioner;

23 (2) Public school accountability under this title;

24 (3) High school graduation requirements as established by the  
25 state board;

26 (4) Special education programs as provided by this title;

27 (5) Conducting criminal background checks for employees as  
28 provided in this title; and

29 (6) Health and safety codes as established by the state board  
30 and local governmental entities.

31

32 SECTION 23. Arkansas Code § 6-23-402 is amended to read as follows:

33 6-23-402. Enrollment numbers and deadline.

34 (a) An open-enrollment public charter school may enroll a number of  
35 students not to exceed the number of students specified in its charter.

36 (b)(1) Any student enrolling in an open-enrollment public charter

1 school shall enroll in that school by July ~~± 30 of the~~ for the upcoming  
 2 school year ~~prior to the school year~~ during which the student will be  
 3 attending the open-enrollment public charter school.

4 (2) However, if a student enrolled by July ~~± 30~~ should no longer  
 5 choose to attend the open-enrollment public charter school, the open-  
 6 enrollment public charter school may enroll a replacement student.

7 (c) Open-enrollment public charter schools shall keep records of  
 8 attendance in accordance with the law and submit quarterly attendance reports  
 9 to the Department of Education.

10  
 11 SECTION 24. Arkansas Code § 6-23-403 is amended to read as follows:

12 6-23-403. Annual audit of open-enrollment public charter school  
 13 required.

14 ~~(a)~~ Any other provisions of the Arkansas Code ~~Annotated~~  
 15 notwithstanding, an open-enrollment public charter school shall be subject to  
 16 the same auditing and accounting requirements as any other public school  
 17 district in the state.

18 ~~(b) The annual fiscal audit may be performed by the Division of~~  
 19 ~~Legislative Audit or by a private auditing or accounting firm operating under~~  
 20 ~~guidelines approved by the division.~~

21  
 22 SECTION 25. Arkansas Code § 6-23-404 is amended to read as follows:

23 6-23-404. Evaluation of open-enrollment charter schools.

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

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

28 (1) Student scores ~~on~~ under the statewide assessment ~~instruments~~  
 29 program described in § 6-15-433;

30 (2) Student attendance;

31 (3) Student grades;

32 (4) Incidents involving student discipline;

33 (5) Socioeconomic data on students' families;

34 (6) Parental satisfaction with the schools; and

35 (7) Student satisfaction with the schools.

36 (c) ~~{Repealed.}~~ The State Board of Education may require the charter

1 holder to appear before the state board to discuss the results of the  
 2 evaluation and to present further information to the state board as the  
 3 department or the state board deems necessary.

4  
 5 SECTION 26. Arkansas Code § 6-23-501 is amended to read as follows:

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

7 (a)(1) An open-enrollment public charter school shall receive funds  
 8 equal to the amount that a public school would receive under § 6-20-2305(a)  
 9 and (b) as well as any other funding that a public charter school is entitled  
 10 to receive under law or pursuant to rules promulgated by the State Board of  
 11 Education.

12 (2) Funding for an open-enrollment public charter school shall  
 13 be based upon the current year three-quarter average daily membership of the  
 14 open-enrollment public charter school as follows:

15 (A) The initial funding estimate for each school year  
 16 shall be based on enrollment as of July ± 30 preceding the school year in  
 17 which the students are to attend;

18 (B) In December, funding will be adjusted based on the  
 19 ~~first-quarter~~ first-quarter average daily membership; and

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

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

24 (b) ~~Except for state transportation aid funds, an~~ An open-enrollment  
 25 public charter school may receive ~~other~~ any state and federal aids, grants,  
 26 and revenue as may be provided by law.

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

30 (d)(1) An open-enrollment public charter school shall have a right of  
 31 first refusal to purchase or lease for fair market value a closed public  
 32 school facility or unused portions of a public school facility located in a  
 33 public school district from which it draws its students if the public school  
 34 district decides to sell or lease the public school facility.

35 (2) The public school district may not require lease payments  
 36 that exceed the fair market value of the property.

1           (3) The application of this subsection (d) is subject to the  
2 rights of a repurchaser under § 6-13-103 regarding property taken by eminent  
3 domain.

4  
5           SECTION 27. Arkansas Code § 6-23-502(a), concerning the source of  
6 funding for open-enrollment public charter schools, is amended to read as  
7 follows:

8           (a) Open-enrollment public charter schools shall be funded each year  
9 through funds set aside from funds appropriated to state ~~equalization~~  
10 foundation funding aid in the Public School Fund.

11  
12           SECTION 28. Arkansas Code § 6-23-503 is amended to read as follows:  
13 6-23-503. Use of funding.

14           (a) An open-enrollment public charter school may not use the moneys  
15 that it receives from the state for any sectarian program or activity or as  
16 collateral for debt.

17           (b)(1) No indebtedness of any kind incurred or created by the open-  
18 enrollment public charter school shall constitute an indebtedness of the  
19 state or its political subdivisions, and no indebtedness of the open-  
20 enrollment public charter school shall involve or be secured by the faith,  
21 credit, or taxing power of the state or its political subdivisions.

22           (2) Every contract or lease into which an open-enrollment public  
23 charter school enters shall include the wording of subdivision (b)(1) of this  
24 section.

25  
26           SECTION 29. Arkansas Code § 6-23-504 is amended to read as follows:  
27 6-23-504. Employee benefits.

28           Employees of an open-enrollment public charter school shall be eligible  
29 to participate in all benefits programs available to public school employees.

30  
31           SECTION 30. Arkansas Code § 6-23-505 is amended to read as follows:  
32 6-23-505. Annual audit.

33           An open-enrollment public charter school shall prepare an annual  
34 certified audit of the financial condition and transactions of the open-  
35 enrollment public charter school as of June 30 of each year in accordance  
36 with generally accepted auditing procedures and containing any other data as

1 determined by the State Board of Education.

2  
 3 SECTION 31. Arkansas Code § 6-23-506 is amended to read as follows:  
 4 6-23-506. Assets of school as property of state.

5 (a) Upon dissolution of the open-enrollment public charter school or  
 6 upon nonrenewal or revocation of the charter, all net assets of the open-  
 7 enrollment public charter school, including any interest in real property,  
 8 purchased with public funds shall be deemed the property of the state, unless  
 9 otherwise specified in the charter of the open-enrollment public charter  
 10 school.

11 (b)(1) If the open-enrollment public charter school used state funds  
 12 to purchase or finance personal property, real property, or fixtures for use  
 13 by the open-enrollment public charter school, the State Board of Education  
 14 may require that the property be sold.

15 (2) The state has a perfected priority security interest in the  
 16 net proceeds from the sale or liquidation of the property to the extent of  
 17 the public funds used in the purchase.

18  
 19 SECTION 32. Arkansas Code § 6-23-601 is amended to read as follows:  
 20 6-23-601. Application for limited public charter school status -

21 Approval - Teacher transfers - Annual evaluation.

22 (a)(1) Any public school may apply to the State Board of Education for  
 23 a limited public charter school status for alternative comprehensive staffing  
 24 and compensation programs designed to enhance student and teacher performance  
 25 and improve employee salaries, opportunities, and incentives, to be known as  
 26 a limited public charter school.

27 (2) A limited public charter shall be for the purpose of  
 28 instituting alternative staffing practices in accordance with a schedule  
 29 approved by the state board.

30 (3) A limited public charter shall be initially established for  
 31 a period of no more than five (5) years and may be renewed on a one-year or  
 32 multiyear basis, not to exceed five (5) years per charter renewal.

33 (b) The ~~petition~~ application shall:

34 (1)(A) Contain the provisions of § 6-1-101 et seq. and the  
 35 specific rules and regulations promulgated by the state board from which the  
 36 limited public charter school will be exempt.

1 (B) The provisions from which the public school district may be  
 2 exempt for the limited public charter school only shall be limited to the  
 3 following:

4 (i) The duty-free lunch period requirements set forth in §  
 5 6-17-111;

6 (ii) The daily planning period requirements set forth in §  
 7 6-17-114;

8 (iii) The committee on personnel policies requirements set  
 9 forth in §§ 6-17-201 et seq.; and

10 (iv) Standards for accreditation set forth in the Arkansas  
 11 Code, set forth by the Department of Education, or set forth by the state  
 12 board.

13 (C) No limited public charter school may be allowed an  
 14 exemption that would allow a full-time certified employee to be paid less  
 15 than the salary provided in the public school district's salary schedule for  
 16 that employee;

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

20 (3) Describe how the certified employees at the limited public  
 21 charter school will be involved in developing and implementing the school  
 22 improvement plan set forth in subdivision (b)(2) of this section and in  
 23 identifying performance criteria;

24 (4) Outline proposed performance criteria that will be used  
 25 during the initial ~~three-year~~ five-year period of the charter to measure the  
 26 progress of the limited public charter school in improving student learning  
 27 and meeting or exceeding the state education goals; and

28 (5) Be reviewed as a regular agenda item and approved after  
 29 sufficient public comment by the local school board and the state board.

30 (c)(1) Any ~~petition~~ application to obtain limited public charter  
 31 school status approved by a local school board shall be forwarded by the  
 32 local school board to the state board.

33 (2) If a local school board does not approve a public school's  
 34 ~~petition~~ application, the local school board shall inform the ~~petitioners~~  
 35 applicants and faculty of the public school of the local school board's  
 36 reasons for not approving the application.

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

8 (2) If the transfer of a teacher within a public school district  
 9 is not possible because only one (1) public school exists for the teacher's  
 10 certification level, then the local school board shall call for a vote of the  
 11 certified teachers in the proposed limited public charter school site and  
 12 proceed, at the local school board's option, with the limited public charter  
 13 school ~~petition~~ application if a majority of the certified teachers approve  
 14 the proposal.

15 (3)(A) A certified teacher choosing to join the staff of a  
 16 limited public charter school shall be employed by the district by a written  
 17 contract as set forth in § 6-13-620(4), with the contract being subject to  
 18 the provisions of ~~the~~ The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et  
 19 seq.

20 (B)(i) The certified teacher shall also enter into a  
 21 separate supplemental contract specifically for the teacher's employment in  
 22 the limited public charter school, with the supplemental contract being  
 23 exempt from ~~the~~ The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.,  
 24 and from § 6-17-807.

25 (ii) Termination of the supplemental contract shall  
 26 not be used as a basis to deny continued employment of the teacher within the  
 27 public school district in another public school at a similar grade level.

28 (e)(1) Limited public charter schools shall be evaluated annually by  
 29 the department based on criteria approved by the state board, including, but  
 30 not limited to, student performance data in order to determine progress in  
 31 student achievement that has been achieved by the limited public charter  
 32 school.

33 (2) The department shall annually report its evaluation to the  
 34 state board.

35 (3) Based upon that evaluation, the state board may revoke a  
 36 limited public charter.



1           (f) The state board shall promulgate rules and regulations necessary  
2 for the implementation of this subchapter.

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