

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 117

By: Senator Burnett

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE OPEN ENROLLMENT PUBLIC  
CHARTER SCHOOL CAPITAL GRANT PROGRAM; AND FOR OTHER  
PURPOSES.

## Subtitle

TO ESTABLISH THE OPEN ENROLLMENT PUBLIC  
CHARTER SCHOOL CAPITAL GRANT PROGRAM.

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

SECTION 1. Arkansas Code Title 6, Chapter 23, is amended to add an additional subchapter to read as follows:

Subchapter 7 - Open Enrollment Public Charter School Capital Grant Program

6-23-701. Definitions.

As used in this subchapter:

(1) "Academic facility" means a building or space, including related areas such as the physical plant and grounds, that is part of an institution in which students receive instruction;

(2) "Maintenance, repair, and renovation" means an activity or improvement to an academic facility and, if necessary, related areas such as the physical plant and grounds that maintains, conserves, or protects the state of condition or efficiency of the academic facility;

(3) "National school lunch students" has the same meaning as in § 6-20-2303; and



(4) "New construction" means an improvement to an academic facility and, if necessary, related areas such as the physical plant and grounds, that improves the state of condition or efficiency of the academic facility.

6-23-702. Purposes of grants.

An open enrollment public charter school may apply for and the Division of Public School Academic Facilities and Transportation may grant moneys from the Open Enrollment Public Charter School Capital Grant Program Fund for one (1) or more of the following purposes:

(1) The maintenance, repair, renovation, and new construction of academic facilities;

(2) The cost of acquiring a site and constructing and equipping an academic facility on that site;

(3) The purchase of instructional materials, technology systems, and other academic equipment; and

(4) The repayment of debt incurred by an open enrollment public charter school for one (1) or more of the purposes identified in subdivisions (1)-(3) of this section.

6-23-703. Application for grant.

(a) The board of directors of an open enrollment public charter school may request a grant from the Open Enrollment Public Charter School Capital Grant Program under this subchapter by filing a formal application with the Division of Public School Academic Facilities and Transportation using the form and in the manner required by rules of the Commission for Arkansas Public School Academic Facilities and Transportation.

(b) The application shall contain the following information without limitation:

(1) The open enrollment public charter school's:

(A) Name;

(B) Local education agency number; and

(C) Location;

(2) A certified copy of the written resolution of the board that includes without limitation:

(A) The board's authorization for filing the application;

and

(B) The date and place of the meeting of the board at which the action was taken;

(3) The proposed use for the proceeds of the grant;

(4) The amount of the grant requested and supporting evidence upon which the amount is based; and

(5) Additional information required by the division.

(c) The open enrollment public charter school shall:

(1) Execute the application in duplicate;

(2) File the original with the division; and

(3) Retain one (1) copy in the files of the open enrollment public charter school.

(d) Within a reasonable time after its receipt of an application for a grant from the Open Enrollment Public Charter School Capital Grant Program under this subchapter, the division shall review the accuracy and merits of the application and either:

(1) Approve the application for the full amount of the grant request;

(2) Approve the application for a grant of a lesser amount than the amount requested; or

(3) Reject the application.

6-23-704. Administration – Regulations.

(a)(1) The Division of Public School Academic Facilities and Transportation shall administer the Open Enrollment Public Charter School Capital Grant Program in a manner that awards a grant and monitors the use of a grant according to the stated purpose of the grant.

(2) This section is not intended to subject a grant applicant to rules similar to those applicable to school districts under the Arkansas Public School Academic Facilities Funding Act, § 6-20-2501 et seq., and the Arkansas Public School Academic Facilities Act, § 6-21-801 et seq.

(b) The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules to implement this subchapter.

SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1249. Open Enrollment Public Charter School Capital Grant Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Open Enrollment Public Charter School Capital Grant Program Fund".

(b) The fund shall consist of those general revenues as may be authorized by law and other nonfederal funds as may be provided by law.

(c) The fund shall be used for distributing grants for programs providing assistance to open enrollment public charter schools concerning academic facilities and equipment and the repayment of debt incurred relating to academic facilities and equipment under the Open Enrollment Public Charter School Capital Grant Program established in § 6-23-701 et seq., and as may otherwise be provided by law.

SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. For the school year 2013-2014, an open enrollment public charter school is eligible to apply for and receive a grant under this act only if the open enrollment public charter school:

(1) Has been in existence for five (5) or more years before applying for the grant;

(2) Has a student population of which sixty percent (60%) or more are students who are national school lunch students;

(3) Provides transportation for its students to and from school;  
and

(4) Has a record of academic success as defined by the Department of Education.

**APPROVED: 04/11/2013**