

Stricken language would be deleted from and underlined language would be added to present law.
Act 509 of the Regular Session

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A Bill

HOUSE BILL 1528

By: Representatives Biviano, Clemmer, Cozart, Deffenbaugh, Eubanks, Hobbs, Lenderman, Lowery,
Jean

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO DESIGNATE THE DEPARTMENT OF EDUCATION AS
THE PRIMARY CHARTER SCHOOL AUTHORIZER; AND FOR OTHER
PURPOSES.

Subtitle

TO DESIGNATE THE DEPARTMENT OF EDUCATION
AS THE PRIMARY CHARTER SCHOOL AUTHORIZER.

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

SECTION 1. Arkansas Code § 6-23-101 is amended to read as follows:

6-23-101. Title.

This chapter shall be known and cited as the "Arkansas Quality Charter
Schools Act of ~~1999~~ 2013".

SECTION 2. Arkansas Code §§ 6-23-103 - 6-23-106 are amended to read as
follows:

6-23-103. Definitions.

As used in this chapter:

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

(2) "Authorizer" means an entity that authorizes a charter,
which may be either the:

(A) Department of Education; or



(B) State Board of Education acting under § 6-23-703;

(3) “Charter” means a performance-based contract for an initial five-year period between the ~~State Board of Education~~ authorizer and an approved applicant for public charter school status that exempts the public charter school from state and local rules, regulations, policies, and procedures specified in the contract and from the provisions of this title specified in the contract;

~~(3)~~(4) “Conversion public charter school” means a public school that has converted to operating under the terms of a charter approved by the local school board and the ~~state board~~ authorizer;

~~(4)~~(5) “Eligible entity” means:

- (A) A public institution of higher education;
- (B) A private nonsectarian institution of higher education;
- (C) A governmental entity; or
- (D) An organization that:
 - (i) Is nonsectarian in its program, admissions policies, employment practices, and operations; and
 - (ii) Has applied for tax exempt status under § 501(c)(3) of the Internal Revenue Code of 1986;

~~(5)~~(6) “Founding member” means any individual who is either:

- (A) A member or an employee of the eligible entity applying for the initial charter for an open-enrollment public charter school; or
- (B) A member of the initial governing nonadvisory board of the open-enrollment public charter school;

~~(6)~~(7) “Limited public charter school” means a public school that has converted to operating under the terms of a limited public charter approved by the local school board and the ~~state board~~ authorizer;

~~(7)~~(8) “Local school board” means a board of directors exercising the control and management of a public school district;

~~(8)~~(9)(A) “Open-enrollment public charter school” means a public school that:

- (i) Is operating under the terms of a charter granted by the ~~state board~~ authorizer on the application of an eligible entity;

(ii) May draw its students from any public school district in this state; and

(iii) Is a local educational agency under the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7801, as it existed on April 10, 2009,

(B) “Open-enrollment public charter school” also possesses the same meaning as given the term “charter school” in the Elementary and Secondary Education Act of 1965, 20 U.S.C. § 7221i, as it existed on April 10, 2009;

~~(9)~~(10) “Parent” means any parent, legal guardian, or other person having custody or charge of a school-age child;

~~(10)~~(11) “Public school” means a school that is part of a public school district under the control and management of a local school board; and

~~(11)~~(12) “Public charter school” means a conversion public charter school, an open-enrollment public charter school, or a limited public charter school.

6-23-104. Charter form for public charter schools – Requirements – Revision.

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

(1) Be in the form of a written contract signed by the ~~Chair of the State Board~~ Commissioner of Education and the chief operating officer of the public charter school;

(2) Satisfy the requirements of this chapter; and

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

(b) Any revision or amendment of the charter for a public charter school may be made only with the approval of the ~~state board~~ authorizer.

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

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

- (1) Committed a material violation of the charter, including failure to satisfy accountability provisions prescribed by the charter;
- (2) Failed to satisfy generally accepted accounting standards of fiscal management;
- (3) Failed to comply with this chapter or other applicable law or regulation; or
- (4) Failed to meet academic or fiscal performance criteria deemed appropriate and relevant for the public charter school by the ~~state board~~ authorizer.

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

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

(d)(1) The procedure adopted under this section shall provide an opportunity for a hearing to the persons operating the public charter school.

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

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

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

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

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

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

(b) The ~~state board~~ authorizer shall attempt to measure the likely

impact of a proposed public charter school on the efforts of public school districts to achieve and maintain a unitary system.

(c) The ~~state board~~ authorizer shall not approve any public charter school under this chapter or any other act or any combination of acts that hampers, delays, or in any manner negatively affects the desegregation efforts of a public school district or public school districts in this state.

SECTION 3. Arkansas Code § 6-23-201(a)(1), concerning an application for a conversion public charter, is amended to read as follows:

(a)(1) Any public school district may apply to the ~~State Board of Education~~ authorizer for conversion public charter school status for a public school in the public school district in accordance with a schedule approved by the ~~state board~~ authorizer.

SECTION 4. Arkansas Code § 6-23-202 - 204 are amended to read as follows:

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

As requested by the conversion public charter school applicant, the ~~State Board of Education~~ authorizer shall review the application for conversion public charter school status and may approve any application that:

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

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

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

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

6-23-203. Resubmission of applications.

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

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

6-23-204. Charter renewal.

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

SECTION 5. Arkansas Code § 6-23-301(a)(1), concerning application forms and procedures for open-enrollment public charter schools, is amended to read as follows:

(a) The ~~State Board of Education~~ authorizer shall adopt:

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

SECTION 6. Arkansas Code § 6-23-302(a) and (b), concerning an application for an open-enrollment public charter school, is amended to read as follows:

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

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

SECTION 7. Arkansas Code § 6-23-302(c)(1), concerning an application for an open-enrollment public charter, is amended to read as follows:

(1)(A) Describe the results of a public hearing called by the

applicant for the purpose of assessing support for an application for an open-enrollment public charter school.

(B)(i) Notice of the public hearing shall be published one (1) time a week for three (3) consecutive weeks in a newspaper having general circulation in the public school district in which the open-enrollment public charter school is likely to be located.

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

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

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

(ii) An affected school district may submit written comments concerning the application to the ~~state board~~ authorizer to be considered at the time of the ~~state board's~~ authorizer's review of the application;

SECTION 8. Arkansas Code § 6-23-302(c)(5)(C), concerning an application for an open-enrollment public charter school, is amended to read as follows:

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

SECTION 9. Arkansas Code § 6-23-302(d), concerning an application for an open-enrollment public charter school, is amended to read as follows:

(d)(1)(A) The application may be reviewed and approved by the local school board of the public school district in which the proposed open-enrollment public charter school will operate.

(B) The applicant may submit to the ~~state board~~ authorizer for expedited review an application approved by the local school board under subdivision (d)(1)(A) of this section.

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

(B) The ~~state board~~ authorizer shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal or a request for review.

(C) All interested parties may appear at the hearing and present relevant information regarding the application.

SECTION 10. Arkansas Code § 6-23-303 - 305 are amended to read as follows:

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

As requested by the applicant for an open-enrollment public charter school, the ~~State Board of Education~~ authorizer shall review the application for an open-enrollment public charter school and may approve any application that:

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

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

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

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

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

school; and

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

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

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

(1) Criteria provided by law or by rule adopted by the *state board*;

(2) Findings of the ~~state board~~ authorizer relating to improving student performance and encouraging innovative programs; and

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

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

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

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

(3) When the district has been classified by the Department of Education as in some phase of school improvement status under § 6-15-426 or some phase of fiscal distress under the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal distress status is a result of administrative fiscal mismanagement, as determined by the state board.

(c)(1)(A) ~~Beginning with the 2011-2012 school year, the state board~~ The department, the State Board of Education, or a combination of the department and state board may grant no more than a total of twenty-four (24) charters for open-enrollment public charter schools except as provided under subdivision (c)(1)(B) of this section.

(B) If the cap on the number of charters available for an open-enrollment public charter school is within two (2) charters of meeting any existing limitation or cap on available open-enrollment charters, the

number of available charters shall automatically increase by five (5) slots more than the most recent existing limitation or cap on open-enrollment charters.

(C) By March 1 each year, the department shall issue a commissioner's memo stating the existing limitation on the number of charters available for open-enrollment public charter schools and the number of charters available for open-enrollment public charter schools during the next application cycle.

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

(3) An open-enrollment public charter school shall not open in the service area of a public school district administratively reorganized under § 6-13-1601 et seq., until after the third year of the administrative reorganization.

(4) A private or parochial elementary or secondary school shall not be eligible for open-enrollment public charter school status.

(d) A charter applicant that receives an approved open-enrollment public charter may petition the ~~state board~~ authorizer for additional licenses to establish an open-enrollment public charter school in any of the various congressional districts in Arkansas if the applicant meets the following conditions:

(1) The approved open-enrollment public charter applicant has demonstrated academic success ~~in student achievement gains~~, as defined by the state board for all public schools;

(2) The approved open-enrollment public charter applicant has not:

(A) Been subject to any disciplinary action by the ~~state board~~ authorizer;

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

(C) Had its open-enrollment public charter placed on charter school probation or suspended or revoked under § 6-23-105; and

(3) The ~~state board~~ authorizer determines in writing by majority of a quorum ~~of the state board~~ present that the open-enrollment public charter applicant has generally established the educational program results

and criteria set forth in this subsection.

6-23-305. Notice of disapproval – Assistance with resubmission of application.

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

(b) The ~~state board~~ authorizer may allow the applicant for an open-enrollment public charter school to resubmit its application if the original application was found to be deficient by the ~~state board~~ authorizer.

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

SECTION 11. Arkansas Code § 6-23-307 is amended to read as follows:

6-23-307. Renewal of charter.

After the initial five-year period of an open-enrollment public charter, the ~~State Board of Education~~ authorizer may renew the open-enrollment public charter on a one-year or multiyear basis, not to exceed twenty (20) years.

SECTION 12. Arkansas Code § 6-23-310 is amended to read as follows:

6-23-310. Status report.

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

SECTION 13. Arkansas Code § 6-23-404(c), concerning evaluations of open-enrollment public charter schools, is amended to read as follows:

(c) The ~~State Board of Education~~ authorizer may require the charter holder to appear before the ~~state board~~ authorizer to discuss the results of the evaluation and to present further information to the ~~state board~~ authorizer as the ~~department or the state board~~ authorizer deems necessary.

SECTION 14. Arkansas Code § 6-23-406(2), concerning a Department of Education review, is amended to read as follows:

(2) Report to the State Board of Education and the Commissioner of Education on the open-enrollment public charter school's:

- (A) Overall financial condition; and
- (B) Overall condition of student enrollment.

SECTION 15. Arkansas Code § 6-23-505 is amended to read as follows:
6-23-505. Annual audit.

An open-enrollment public charter school shall prepare an annual certified audit of the financial condition and transactions of the open-enrollment public charter school as of June 30 of each year in accordance with generally accepted auditing procedures and containing any other data as determined by the State Board of Education for all public schools.

SECTION 16. Arkansas Code § 6-23-506(b)(1), concerning assets of a school, is amended to read as follows:

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

SECTION 17. Arkansas Code § 6-23-601 is amended to read as follows:

6-23-601. Application for limited public charter school status – Approval – Teacher transfers – Annual evaluation.

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

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

(3) A limited public charter shall be initially established for

a period of no more than five (5) years and may be renewed on a one-year or multiyear basis, not to exceed five (5) years per charter renewal.

(b) The application shall:

(1)(A) Contain the provisions of this title and the specific rules and regulations promulgated by the state board from which the limited public charter school will be exempt.

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

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

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

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

(iv) Standards for accreditation set forth in the Arkansas Code, set forth by the Department of Education, or set forth by the ~~state board~~ State Board of Education.

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

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

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

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

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

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

(2) If a local school board does not approve a public school's application, the local school board shall inform the applicants and faculty of the public school of the local school board's reasons for not approving the application.

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

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

(3)(A) A certified teacher choosing to join the staff of a limited public charter school shall be employed by the district by a written contract as set forth in § ~~6-13-620(4)~~ 6-13-620(5), with the contract being subject to the provisions of The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

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

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

(e)(1) Limited public charter schools shall be evaluated annually by the department based on criteria approved by the ~~state board~~ authorizer

including without limitation:

(A) Student performance data in order to determine progress in student achievement that has been achieved by the limited public charter school; and

(B) The limited public charter school's compliance with § 6-23-107.

(2) The department shall annually report its evaluation to the state board and the Commissioner of Education.

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

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

SECTION 18. Arkansas Code Title 6, Chapter 23, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Public Charter School Authorizer

6-23-701. Designated public charter authorizer.

(a) The Department of Education is the designated public charter authorizer with jurisdiction and authority over all public charters issued in this state to take the following action on a proposed or established public charter:

- (1) Approve;
- (2) Reject;
- (3) Renew;
- (4) Non-renew;
- (5) Place on probation;
- (6) Modify;
- (7) Revoke; or
- (8) Deny.

(b)(1) The department shall exercise authority over public charter schools under this chapter through a public charter authorizing panel established within the department.

(2)(A) The Commissioner of Education shall appoint a public charter authorizing panel that consists of professional staff employed at the department to serve at the pleasure of the commissioner.

(B) The commissioner may elect to serve as a member on the charter authorizing panel as the chair.

(3) The public charter authorizing panel is composed of an odd number of members and consists of no less than five (5) members and no more than eleven (11) members.

(c) The department may waive provisions of Title 6 or State Board of Education rules as allowed by law for public charters.

(d)(1) The department shall conduct all hearings on public charter school matters as required by law, rule, and process and make final determinations as allowed by law.

(2)(A) A hearing under this chapter conducted by the department shall be an open meeting under the Freedom of Information Act of 1967, § 25-19-106.

(B) For the purposes of § 25-19-106, the members of the public charter authorizing panel shall be considered a governing body only in regards to actions specifically authorized by this subchapter.

(3)(A) All decisions of the panel shall be made by majority vote of the quorum.

(B) A decision of the department is final except as provided under § 6-23-703.

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

(e) The department shall be the primary authorizer of public charters except as provided under § 6-23-703.

6-23-702. Public charter authorizing procedures – Notification.

(a) The State Board of Education shall adopt rules as necessary to administer this subchapter, including without limitation the procedure for:

(1) Hearings; and

(2) Administration of the public charter authorizing panel.

(b)(1) The department shall notify in writing the State Board of Education, charter applicant, public charter school, and affected schools districts, if any, of final decisions made by the department no less than fourteen (14) calendar days before the next regularly scheduled State Board of Education meeting after the final decision is made by the department.

(2)(A) A charter applicant, public charter school, and affected

school district, if any, may submit in writing a request that the state board review the final decision of the department under § 6-23-703.

(B) The written request submitted under subdivision (b)(2)(A) of this section shall state the specific reasons supporting a review by the state board.

(3) The decision of whether to review a final decision of the department is discretionary by the state board and the provisions of this section and § 6-23-703 do not grant any right of appeal to a charter applicant, public charter school, or affected school district.

6-23-703. State Board of Education optional review.

(a) On a motion approved by a majority vote, the State Board of Education may exercise a right of review of a charter determination made by the Department of Education at the next regularly scheduled state board meeting after receiving notice provided under § 6-23-702(b).

(b) If the state board votes to review a final decision made by the department, the state board shall:

(1) State the specific additional information the state board requires from the department, public charter school, public charter school applicant, or affected school district;

(2) Conduct a full hearing regarding a final decision by the department under § 6-23-701(a); and

(3) Hold the hearing at the earlier of:

(A) The next regularly scheduled state board meeting following the state board meeting during which the state board voted to authorize a review; or

(B) A special board meeting called by the state board.

(c)(1) At the conclusion of the hearing, the state board may issue a final decision by state board vote.

(2) The state board may decide by majority vote of the quorum to:

(A) Affirm the decision of the department;

(B) Take other lawful action on the public charter;

(C)(i) Request additional information from the department, public charter school, public charter school applicant, or affected school district, if needed.

(ii) If the state board request additional information under subdivision (c)(2)(C)(i) of this section, the state board shall hold a subsequent hearing at the earlier of:

(a) The next regularly scheduled state board meeting; or

(b) A special board meeting called by the state board.

(3) A decision made by the state board is final with no right of appeal.

(d) The state board may promulgate rules as necessary to implement this section.

/s/Biviano

APPROVED: 03/26/2013