

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1674

By: Representative Tucker
By: Senator Elliott

For An Act To Be Entitled

AN ACT TO CREATE A COMMUNITY PUBLIC EDUCATION BOARD;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A COMMUNITY PUBLIC EDUCATION
BOARD.

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

SECTION 1. Arkansas Code § 6-23-103(3), concerning the definition of "authorizer", is amended to read as follows:

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

(A) The Department of Education; ~~or~~

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

or

(C) A community public education board acting under § 6-23-1105;

SECTION 2. The introductory language of Arkansas Code § 6-23-701(a), concerning public charter school authorizers, is amended to read as follows:

(a) Except as provided in § 6-23-1105, ~~The~~ 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:



SECTION 3. Arkansas Code § 6-23-701(d)(3)(B), concerning authorization of charters for public charter schools, is amended to read as follows:

(B) A decision of the department is final except as provided under §§ 6-23-703 and 6-23-1105.

SECTION 4. Arkansas Code § 6-23-701(e), concerning public charter school authorizers, is amended to read as follows:

(e) The department shall be the primary authorizer of public charters except as provided under §§ 6-23-703 and 6-23-1105.

SECTION 5. Arkansas Code § 6-23-703 is amended to read as follows:
6-23-703. State Board of Education optional review.

(a)(1) 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).

(2) If a community public education board reverses under § 6-23-1105 the approval of a new charter or of an amendment to an existing charter by the public charter authorizing panel, the state board may, on a motion approved by a majority vote, conduct a de novo hearing of the decision of the community public education board.

(b) If the state board votes to review a final decision made by the department under subdivision (a)(1) of this section or by the community public education board under subdivision (a)(2) of this section, the state board shall:

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

(2) Conduct a full hearing regarding:

(A) a final decision by the department under § 6-23-701(a); or

(B) If a community public education board reverses under § 6-23-1105 the approval of a new charter or of an amendment to an existing charter by the public charter authorizing panel, the decision of the community public education board; 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) For a hearing conducted regarding a final decision by the department under § 6-23-701(a), Affirm affirm or reverse the decision of the department;

(B)(i) For a hearing conducted regarding a final decision by the community public education board under § 6-23-1105, affirm or reverse the decision of the community public education board.

(ii) The state board may only reverse the decision of the community public education board if the state board issues an opinion that sets forth written findings that the decision of the community public education board was arbitrary;

(C) Take other lawful action on the public charter; or

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

(ii) If the state board requests additional information under subdivision ~~(e)(2)(C)(i)~~ (c)(2)(D)(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.

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

Subchapter 11 - Community Public Education Board6-23-1101. Creation.

(a) A community public education board shall be created for a public school district when at least ten percent (10%) of the students eligible to attend a school in the public school district based on residency are enrolled in open-enrollment public charter schools in the state.

(b) The community education board shall continue in existence until two (2) school years after the number of students eligible to attend a school in the public school district based on residency but who are enrolled in open-enrollment public charter schools in the state falls below ten percent (10%).

(c) A student enrolled in a private school shall not be counted as a student eligible to attend a school in the public school district under subsections (a) and (b) of this section.

6-23-1102. Membership - Vacancies.

(a)(1)(A) A community public education board created under § 6-23-1101 shall be composed of the same number of members as the public school district's board of directors.

(B) If the public school district does not have an elected board of directors due to the State Board of Education assuming authority over the public school district, the number of members of the community public education board shall be the same number of members as the last elected public school district's board of directors.

(2) Members of the community public education board shall serve on a voluntary basis without compensation.

(b)(1) Except as provided in subdivision (b)(2) of this section, members of the community public education board shall be elected to a term of office of three (3) years in length and with the expiration of such terms so arranged that, as nearly as possible, an equal number of positions are filled each year.

(2) The terms of office of the initial members of the community public education board shall be staggered as evenly as possible between one (1) year, two (2) years, and three (3) years, as determined by lot at the community public education board's first meeting.

(c)(1) A person is eligible to be a member of the community public education board if he or she:

(A) Is a resident and qualified elector of the public school district in which the community public education board is created; and

(B) If the election is by zone, a resident and qualified elector of the zone.

(2) A person who is elected to be a member of the community public education board is not eligible for employment with any kindergarten through grade twelve (K-12) educational institution, including without limitation:

(A) A public school district;

(B) An open-enrollment public charter school; and

(C) A private school that serves any grade in kindergarten through grade twelve (K-12).

(d) A vacancy shall occur on a community public education board and be filled in the same manner that a vacancy occurs on a public school district board of directors and is filled under §§ 6-13-611 - 6-13-613.

6-23-1103. Election.

(a)(1) The members of the community public education board shall be elected in the same manner as the public school district's board of directors, whether by zone, at large, or a combination thereof.

(2) If the public school district does not have an elected board of directors due to the State Board of Education assuming authority over the public school district, the members of the community public education board shall be elected in the same manner as the last election of the public school district's board of directors, whether by zone, at large, or a combination thereof.

(b)(1)(A) The election of the community public education board shall be held on the first Tuesday following the first Monday in November of each year.

(B) The election of the community public education board may be printed on the same ballot as the general election ballot.

(C) The polling sites for the election for the community public education board shall be the same as the polling sites for the general election.

(2) The Department of Education shall reimburse the county for the cost of the election of the community public education board in the same manner public school districts reimburse the county for the cost of a school election under § 6-14-118.

(c) The procedure for the election of a community public education board, including without limitation candidate filing requirements under § 6-14-111, shall be the same as that for school elections under § 6-14-101 et seq. insofar as the procedure is not in conflict with this subchapter.

6-23-1104. Powers and duties - Meetings.

(a) The community public education board shall:

(1) Broadly examine the educational system in the geographic area of the public school district;

(2) Study and consider the following issues:

(A) How every student can obtain access to a public school that is achieving;

(B) How public schools can best meet the educational needs of their students;

(C) How to deliver education in the most cost-effective and fiscally efficient manner;

(D) How to respond to patterns that students with certain characteristics, including without limitation those related to achievement levels and demographics, are more likely to seek out open-enrollment public charter school options;

(E) How facilities should be modernized and spread across the geographic area of the public school district based on current demographics of the area and future demographic patterns; and

(F) How collaboration between traditional public schools and open-enrollment public charter schools can maximize the achievement of students and the fiscal efficiency of the system of public education within the geographic area of the public school district; and

(3) Submit quarterly reports to the:

(A) State Board of Education;

(B) Board of directors of the public school district in which the community public education board is created;

(C) Open-enrollment public charter schools that draw

students from within the geographic area of the public school district;

(D) Mayor of any municipality in which part of the municipality lies within the geographic area of the public school district; and

(E) County judge of any county in which part of the county lies within the geographic area of the public school district.

(b)(1) The community public education board shall meet:

(A) Monthly; and

(B) On the call of any three (3) members of the community public education board.

(2) All meetings of the community public education board shall be open meetings under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(3)(A) If the public school district in which the community public education board is created lies primarily within a municipality, then that municipality shall provide a meeting space for the community public education board.

(B) If the public school district in which the community public education board is created does not lie primarily within a municipality, then the county within which the public school district primarily lies shall provide a meeting space for the community public education board.

6-23-1105. Review of public charter authorizing panel approvals.

(a) The community public education board may review a decision of the public charter authorizing panel to approve:

(1) A new charter for an open-enrollment public charter school that will be located in or is likely to draw the most students from the public school district in which the community public education board is created; and

(2) An amendment to an existing charter for an open-enrollment public charter school that provides for an expansion of the enrollment of the open-enrollment public charter school that is located in, or in the previous school year drew the most students from, the public school district in which the community public education board is created.

(b)(1) The community public education board shall conduct a hearing on

the review under subsection (a) of this section.

(2) A hearing under this section conducted by the community public education board shall be an open meeting under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(3) The Arkansas Administrative Procedure Act, § 25-15-201 et seq., shall not apply to a hearing conducted under this section.

(4) All decisions of the community public education board shall be made by a majority vote of the quorum.

(5) The community public education board shall notify in writing the State Board of Education, public charter applicant, and open-enrollment public charter school of the final decision made by the community public education board within fourteen (14) calendar days of making a final decision.

(c)(1) After the conclusion of the hearing, the community public education board shall issue a final decision by majority vote of the quorum to:

(A) Affirm the decision of the public charter authorizing panel;

(B) Affirm the decision of the public charter authorizing panel subject to certain lawful and reasonable conditions as determined by the community public education board; or

(C) Reverse the decision of the public charter authorizing panel insofar as the decision of the public charter authorizing panel allows a public charter applicant to draw students from the geographic area of the public school district.

(2)(A) A final decision of the community public education board under subdivision (c)(1) of this section may incorporate a restriction on or a denial of a public charter applicant's ability to admit students from the geographic area of the public school district.

(B) A community public education board's authority to affect a public charter applicant's application is limited to the students who live in the geographic area of the public school district.

(3) The decision of the community public education board is final unless the State Board of Education exercises its right of review under § 6-23-703.