

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 303

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS
THE AUTHORITY TO WEIGH ADMISSION LOTTERIES AT THEIR
DISCRETION; AND FOR OTHER PURPOSES.

Subtitle

TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER
SCHOOLS THE AUTHORITY TO WEIGH ADMISSION
LOTTERIES AT THEIR DISCRETION.

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

SECTION 1. The introductory language of Arkansas Code § 6-23-306, concerning the contents of open-enrollment public charters, is amended to read as follows:

(a) An open-enrollment public charter granted under this subchapter shall:

SECTION 2. Arkansas Code § 6-23-306(6)(B), concerning weighted lottery admissions for open-enrollment public charter schools, is amended to read as follows:

(B) The open-enrollment public charter school may allow a weighted lottery to be used in the student selection process:

(i) ~~when~~ When necessary to comply with Title VI of the ~~federal~~ Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of the ~~federal~~ Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the equal protection clause of the Fourteenth Amendment to the United States Constitution, a court order, or a federal or state law requiring



desegregation; ~~and~~ or

(ii) For an increased chance of admission of the following students:

(a) National school lunch students, as defined under § 6-20-2303;

(b) English-language learners, as defined under § 6-20-2303;

(c) Students with disabilities under the Children With Disabilities Act of 1973, § 6-41-201 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and

(d) Students who are currently enrolled in a public school that is classified as being in academic distress; and

SECTION 3. Arkansas Code § 6-23-306(14)(C), concerning weighted lottery admissions for open-enrollment public charter schools, is amended as follows:

(C) The open-enrollment public charter may use a weighted lottery in the student selection process ~~only when necessary to:~~

(i) ~~comply~~ When necessary to comply with a:

~~(i)(a)~~ (a) Federal court order; or

~~(ii)(b)~~ (b) Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the ~~federal~~ Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Title IX of the ~~federal~~ Education Amendments of 1972, 20 U.S.C. § 1681 et seq., or the equal protection clause of the Fourteenth Amendment to the United States Constitution; ~~and~~ or

(ii) For an increased chance of admission of the following students:

(a) National school lunch students, as defined under § 6-20-2303;

(b) English-language learners, as defined under § 6-20-2303;

(c) Students with disabilities under the Children With Disabilities Act of 1973, § 6-41-201 et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and

(d) Students who are currently enrolled in a

public school that is classified as being in academic distress; and

SECTION 4. Arkansas Code § 6-23-306, concerning contents of open-enrollment public charters, is amended to add an additional subsection to read as follows:

(b)(1) If an open-enrollment public charter includes the use of a weighted lottery under this section, the structure, format, and operation of the weighted lottery shall be subject to the sole discretion and control of the open-enrollment public charter school governed by the open-enrollment public charter.

(2) An open-enrollment public charter that includes the use of a weighted lottery under this section may provide that the weighted lottery be operated and managed by the Department of Education.