

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
27.00 ARKANSAS DEPARTMENT OF EDUCATION RULES AND REGULATIONS
GOVERNING CHARTER SCHOOLS

27.01 REGULATORY AUTHORITY

- 27.01.1 These regulations shall be known as the Arkansas Department of Education Regulations Governing Charter Schools.
- 27.01.2 The State Board of Education enacted these regulations pursuant to its authority under Act 890 of 1999.

27.02 PURPOSE OF REGULATIONS

- 27.02.1 The purposes of these regulations are to implement Act 890 of 1999 and to establish the requirements and procedures for the application of a charter school, for monitoring a school once it has been granted a charter by the State Board of Education, and for disbursing funds to a charter school.

27.03 DEFINITIONS

For the purpose of these rules and regulations:

- 27.03.1 “Debt” is defined as a financial obligation incurred by a charter school, which is due in more than 365 days.
- 27.03.2 “Average daily membership (ADM)” is defined as the total number of days attended plus the total number of days absent by students during the first three (3) quarters of each school year, divided by the number of school days actually taught in the school during that period of time.
- 27.03.3 “Local Board” means a board of directors exercising the control and management of a public school district and in addition for the purposes of these regulations a local board refers to the board of directors of the school district where the charter school will be physically located.
- 27.03.4 “Public school district in which enrollment is likely to be affected” is defined as the school districts in the geographical area surrounding the proposed open-enrollment charter school from which students are likely to be drawn across district lines for enrollment in the charter school.

27.03.5 “Application” is defined as the document presented to the State Board of Education requesting to enter into a charter that describes the school and provides all of the information required by law and the Arkansas Department of Education. The term application shall be synonymous with the term petition, and the terms are interchangeable throughout these regulations and Act 890 of 1999.

27.03.6 “Letter of Intent” is defined as a written notice submitted to the Department of Education charter school office that a public school district or an eligible entity intends to file a charter school application. Such letter of intent shall be submitted on forms provided by the Department of Education.

27.04 OBSERVANCE OF ANTI-DISCRIMINATION LAWS

27.04.1 All charter schools shall observe all anti-discrimination law, both federal and state.

27.04.2 For the purposes of the Individuals with Disabilities Education Act (IDEA) and these rules and regulations, all charter schools are responsible for ensuring that the requirements of IDEA are met.

27.04.3 For the purposes of Section 504 of the Rehabilitation Act and these rules and regulations, all charter schools are responsible for ensuring that the requirements of Section 504 are met.

27.05 APPLICATION PROCESS, SCHEDULE, FORMS AND TECHNICAL ASSISTANCE

27.05.1 A procedure for establishing a charter school, which shall include a calendar of requirements and application form, shall be published by the Department of Education, as approved by the State Board of Education. The dates in the calendar of requirements shall be strictly followed.

27.05.2 Application forms and other documents needed for the charter school application process shall be provided by the Department of Education.

27.05.3 Requests for technical assistance shall be made to the Department of Education charter school office.

27.05.4 A public school district is only eligible to apply for a conversion charter school.

27.06 CONVERSION CHARTER SCHOOL – APPLICATION APPROVAL PROCEDURES

- 27.06.1 Each charter applicant must submit to the Department of Education charter school office a letter of intent sent by certified mail on or before the established deadline.
- 27.06.2 Each charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a conversion charter school. The application shall be on a form provided by the Department of Education. Technical assistance in preparing the application may be requested from the Department of Education charter school office.
- 27.06.3 The application shall be reviewed by the local board of the public school district requesting to convert an existing public school to a charter school. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent to the Department of Education charter school office and the applicant. If approved the application shall be forwarded by the local board to the State Board of Education.

27.07 RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION – CONVERSION CHARTER SCHOOLS

- 27.07.1 The State Board shall not approve a conversion charter school application from a district that has not been approved by the district’s local board.
- 27.07.2 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.
- 27.07.3 The State Board shall review the applications for proposed charter schools. The State Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.
- 27.07.4 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or receive technical assistance to correct deficiencies in the application.

27.07.5 The decision of the State Board of Education shall be final.

27.08 OPEN-ENROLLMENT CHARTER SCHOOL – APPLICATION APPROVAL PROCEDURES

27.08.1 Each charter applicant must submit to the Department of Education charter school office a letter of intent sent by certified mail on or before the established deadline. This same letter of intent is also to be sent by certified mail to the local board of the public school district where the proposed charter school will be located.

27.08.2 Each charter applicant shall prepare an application that describes the elements of the applicant’s plan for establishing a charter school. The application shall be on a form provided by the Department of Education. Technical assistance in preparing the application may be requested from the Department of Education charter school office.

27.08.3 The application shall be sent to the local board of the public school district where the proposed charter school will be located. The applicant shall send the application by certified mail to the Superintendent of the local district. The applicant shall provide the Department of Education with verification that the required notice was sent to the local board. A copy of this same application shall be sent to the Department of Education.

27.08.4 Each open-enrollment charter applicant must notify any public school district in which enrollment is likely to be affected by the charter school of the need for a fiscal impact statement from the district(s). The applicant shall send the notice of fiscal impact form and a copy of the application by certified mail to the local school board(s) in care of the Superintendent(s). Documentation shall be provided to the Department of Education, including copies of receipts verifying that the fiscal impact statements have been sent.

27.08.5 The boards of the public school districts in which enrollment is likely to be affected by the proposed charter school shall review the application for fiscal impact and take a vote recommending either approval or disapproval of the application to the State Board. These school boards shall submit a fiscal impact statement, any written conclusions of the board, and the results of the board’s vote signed by the board president to the Department of Education by an established deadline. The school board shall send a copy of all of this information to the applicant by certified mail. Failure to submit this information will constitute the conclusion that the proposed charter school will have no fiscal impact on the district.

27.08.6 The local board of the district where the proposed charter school is to be located shall review the open-enrollment charter school application. The local board shall vote to approve or disapprove the application and prepare written findings. The results of the vote and the written findings shall be sent by certified mail to the Department of Education charter school office and to the charter school applicant by an established deadline.

27.08.7 The applicant for an open-enrollment charter school whose application is disapproved by the local board shall have the immediate right to proceed with a written notice of appeal to the State Board of Education. To exercise the right to appeal, the applicant must send written notice of appeal to the State Board within ten (10) days after receiving notice of the local board's disapproval of the application for an open-enrollment charter school.

27.09 RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION – OPEN-ENROLLMENT CHARTER SCHOOLS

27.09.1 The State Board shall review the applications for proposed open-enrollment charter schools approved by the local board and shall vote to award charters. The State Board may place conditions on the charters it awards.

27.09.2 The Department of Education shall review the applications and present to the State Board a written evaluation of the application. A copy of the evaluation shall be sent to the applicant. The applicant will be allowed to submit a written response to the evaluation by an established deadline. The applicant will not be allowed to supplement the original application with additional documents or new information prior to the State Board review.

27.09.3 In the event an application is denied by the local board, the State Board shall hold a hearing within forty-five (45) calendar days after receipt of the notice of appeal at a location where all interested parties may appear and present relevant information regarding the proposed open-enrollment charter school.

27.09.3.1 The local board and the boards likely to be affected by the proposed charter school shall have a combined total of twenty (20) minutes to present the arguments for disapproval of the charter school to the State Board. Following the presentations by the public school district boards of education, the charter applicant shall have twenty (20) minutes to present its arguments to the State Board for approval of the proposed charter school. The State Board shall follow the

presentations with discussion of the charter application and possible questions to the public school board representative(s) and/or the charter applicant.

27.09.4 The State Board shall review the applications for proposed charter schools. The Board shall vote whether or not to award charters to locally approved applications. The State Board may place conditions on the charters it awards.

27.09.5 The State Board of Education may defer the vote to approve or disapprove a charter application in order to allow a charter applicant to make modifications or to receive technical assistance to correct deficiencies in the application.

27.09.6 The decision of the State Board shall be final.

27.10 CONTENT OF APPLICATION AND CHARTER

27.10.1 The charter school application shall include, but is not limited to the following:

27.10.1.1 educational mission;

27.10.1.2 educational need;

27.10.1.3 description of public hearing results;

27.10.1.4 description of educational plan, which clearly addresses how charter school will improve student learning and academic achievement and meet or exceed state goals;

27.10.1.5 description of parent and teacher involvement in developing charter petition, developing and implementing educational plan, and identifying performance criteria;

27.10.1.6 description of governance and organizational structure;

27.10.1.7 description of facilities to be used and its location;

27.10.1.8 copies of annual budget and financial plan (including all sources of funding);

- 27.10.1.9 agreement to provide annual report of progress toward meeting performance goals to parents, community, local board and state board;
 - 27.10.1.10 description of admission procedure;
 - 27.10.1.11 description of support services;
 - 27.10.1.12 identification of regulations, if any, to be waived, with rationale for waiver request;
 - 27.10.1.13 school calendar and school day schedule; and
 - 27.10.1.14 description of age or grade range of pupils to be enrolled.
- 27.10.2 In addition to the requirements identified in section 27.10.1, an application for an open-enrollment charter school shall include, but is not limited to, the following:
- 27.10.2.1 specification of period for which the charter or any charter renewal is valid, contingent upon acceptable student performance levels established within the state accountability system;
 - 27.10.2.2 prohibition of discrimination in admission on the basis of gender, national origin, race, ethnicity, religion, disability, academic or athletic eligibility, although the charter may provide for the exclusion of a student who has been expelled from another public school district;
 - 27.10.2.3 specification of the qualifications to be met by professional employees of the program;
 - 27.10.2.4 description of budget process;
 - 27.10.2.5 description of annual audit of financial and programmatic operations, including how the charter school will provide information needed by the public school district in which the charter school is located;
 - 27.10.2.6 description of facilities to be used and its location including the terms of the facility utilization agreement if the facility for the charter school is owned or leased from a sectarian organization;

- 27.10.2.7 description of geographical area, school district or school attendance area to be served by the program;
- 27.10.2.8 description of admission and enrollment criteria and student recruitment and selection processes, including provision for a random, anonymous student selection method if more eligible students apply for a first-time admission than the charter school is able to accept; and
- 27.10.2.9 a statement that the eligible entity will not discriminate on the basis of race, sex, national origin, ethnicity, religion, age, or disability in employment decisions including hiring and retention of administrators, teachers, and other employees.

27.11 ENROLLMENT

- 27.11.1 Enrollment for an existing public school converted to a charter school will be determined in the manner similar to the enrollment procedures for the school district in which the charter school is located or similar to the enrollment procedures for district magnet schools.
- 27.11.2 While a charter school may operate on a traditional calendar or a year-long calendar, all charter schools shall begin the school year in the fall.

27.12 FUNDING

- 27.12.1 An existing public school converted to a charter school shall receive funds equal to the amount apportioned by the district from state and local revenue per average daily membership.
- 27.12.2 The Department of Education shall establish procedures to ensure that every charter school receives the Federal funds for which the charter school is eligible.
 - 27.12.2.1 The Department of Education shall take such measures as necessary to ensure that a charter school receives the federal funds for which the school is eligible not later than five (5) months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the charter school are not fully and completely determined until that charter school actually opens.

27.12.2.2 The measures shall also ensure that every charter school expanding its enrollment in any subsequent year of operation receives the federal funding for which the charter school is eligible not later than five (5) months after such expansion.

27.12.3 The submission of an annual certified audit as required by Act 890 of 1999 shall be made according to the Arkansas Department of Education fiscal regulations and time lines. Failure to submit such audit in a timely manner would result in suspension of state aid payments until such audit is received by the Department of Education. The school's fiscal year shall run from July 1 through June 30.

27.13 EVALUATION, MONITORING AND REPORTING REQUIREMENTS OF CHARTER SCHOOLS

27.13.1 The Arkansas Department of Education shall conduct an annual evaluation of all charter schools, which shall include, but not be limited to, consideration of the following:

27.13.1.1 student scores on assessment instruments;

27.13.1.2 student attendance;

27.13.1.3 student grades;

27.13.1.4 student discipline incidents

27.13.1.5 socioeconomic data on students' families;

27.13.1.6 parent satisfaction with the school;

27.13.1.7 student satisfaction with the schools;

27.13.1.8 cost of instruction, administration, and transportation incurred by the schools;

27.13.1.9 effects of the schools on the local school districts and on the teachers, students and parents in those districts;

27.13.1.10 on-site monitoring of the facility; and

27.13.1.11 other terms of the school's charter.

- 27.13.2 As a condition of its charter, each charter school is required to provide an annual report to parents, the community and the State Board that details its progress in meeting its academic performance objectives.
 - 27.13.3 Each charter school will participate in the Arkansas Public School Computer Network reporting requirements.
 - 27.13.4 Each charter school shall provide to the Department of Education the same data required of other public schools, unless such data requirement is waived by the terms of the charter.
- 27.14 BASIS AND PROCEDURE FOR CHARTER MODIFICATION, OR CHARTER SCHOOL PROBATION, REVOCATION, OR DENIAL OF RENEWAL
- 27.14.1 The State Board may modify the charter of a charter school or it may place a charter school on probation or revoke its charter or deny renewal of its charter at any time the Board deems it necessary to do so.
 - 27.14.2 The State Board shall notify the chief operating officer of the charter school of the alleged violation of the school's charter or of the offense in question. The notice shall include the State Board's proposed action. The notice will be delivered by certified mail to the chief operating officer of the charter school.
 - 27.14.3 The chief operating officer of the charter school, on behalf of the charter school, may request, in writing, a hearing before the State Board.
 - 27.14.4 The State Board shall hold a hearing, if requested, within forty-five (45) calendar days of receipt of the hearing request.
 - 27.14.5 The hearing shall be held at the facility at which the charter school is located.
 - 27.14.5.1 Notice of the hearing shall be given to the faculty of the school and the parents of the students who attend the charter school.
 - 27.14.5.2 The hearing shall be open to the public.
 - 27.14.6 The decision of the State Board shall be final.

27.15 IMPACT ON DESEGREGATION EFFORTS

- 27.15.1 Each application for a proposed charter school must include a written evaluation describing the potential impact on the efforts of a public school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools.
- 27.15.2 The local board shall also prepare a written evaluation of the potential impact the proposed charter school will have on the efforts of the school district or districts to comply with court orders and statutory obligations to create and maintain a unitary system of desegregated public schools. This evaluation shall be forwarded to the State Board as part of the local boards written findings pursuant to Section 27.06.3 of these regulations.
- 27.15.3 Each application for a proposed charter school shall be examined for its effect on the minority and majority percentages of student enrollment in the public school districts within the charter school's proposed population outreach.
- 27.15.4 The Department of Education shall compute the minority and majority percentages of each county's public school population and shall then compute the acceptable range of variance from those percentages for school districts within each county.
- 27.15.5 Each application for a proposed charter school shall be reviewed for its effect on these percentages that may be caused by
- 27.15.5.1 the proposed charter school's proposed population range,
 - 27.15.5.2 the size of the individual charter school,
 - 27.15.5.3 the type of student population to be served , and
 - 27.15.5.4 the proximity of a proposed charter school to an existing school district under desegregation obligations.
- 27.15.6 Each application for a proposed charter school shall be reviewed for program and services as compared to the program and service requirements of the districts under the desegregation order.

27.15.7 Technical assistance in this review may be provided by the Department of Education's section on Accountability and its unit on Desegregation Monitoring.