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High-Quality Charter Authorizing Policy Profiles: Arkansas

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Arkansas: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).ⁱ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State’s authorizing policies and practices; it is intended to describe the key elements of the State’s policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

Overview of State Law

In 1995, the Arkansas General Assembly (legislature) passed the State's first charter school law with Act 1126. Originally, this law only allowed for district conversion charter schools. This law has undergone several amendments since it was initially passed.

In 2005 and 2011, the legislature passed laws raising the caps on charter schools. Act 987 of 2011 removed the hard cap of 24 open-enrollment public charter schools and replaced it with a floating cap (the number of available charters increases by five when the number of existing charters is within two of the existing cap). Act 463 of 2001 allows schools to use a weighted lottery in the selection process when necessary to ensure compliance with federal and State desegregation laws and/or court orders.

Act 2005 of 2005 required new charter schools to be evaluated based on their potential impact on segregation of surrounding public schools. Act 209 of 2013 established a Charter Authorizing Panel—composed of staff from the Arkansas Department of Education (ADE) appointed by the Commissioner of Education—to handle all matters concerning the authorization and renewal of charter schools. Act 462 of 2017 amended the composition of the Charter Authorizing Panel to allow for the appointment of individuals from outside the ADE (now the Division of Elementary and Secondary Education [DESE]) to serve on the Panel as well as Department staff. In 2017, Governor Hutchinson signed into law Act 542 to require school districts to report unused or underutilized facilities to the State and allow charter schools the right to buy or lease those facilities for no more than fair market value.^{ii, iii}

State Authorizing Profile: Arkansas

Framework Snapshot¹

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): AR Code § 6-23-101-907.

¹ As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Does not cap charter school growth

Arkansas statute implements a cap of 24 charter schools but provides for this number to increase by five each time the number of charter schools comes within two.

Provides for more than one authorizing pathway

Arkansas statute provides for both conversion charter schools and new, open-enrollment charter schools. The ADE, through its Charter Authorizing Panel, is the primary statewide authorizer for both types of charters. Local school districts must apply to the authorizer for conversion charter schools within the district. The State Board of Education may review charter authorization decisions in certain cases.

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Specific application criteria

Arkansas statute describes the elements that must be included in charter applications. The application for new charter schools must include “a plan for academic achievement that addresses how the open-enrollment public charter school will improve student learning and meet the state education goals; outline the proposed performance criteria that will be used during the initial five-year period of the open-enrollment public charter school operation to measure its progress in improving student learning and meeting or exceeding the state education goals.”^{iv} It also must include the rules and regulations from which the school seeks to be exempted, the facility to be used, and a detailed budget and governance plan.

The application for conversion charter schools must include a plan for adopting research-based school or instructional designs, addressing school improvement status, describing a school improvement plan, and partnering with other districts or schools. The application must also propose performance criteria and “describe how the licensed employees and parents of students to be enrolled in the conversion public charter school will be involved in developing and implementing the school improvement plan and identifying performance criteria;”^v Finally, the application must “describe the results of a public hearing called by the local school district board of directors for the purpose of assessing support of an application for conversion public charter school status.”^{vi}

Timelines

State statute does not specify timelines for reviewing applications. It does specify that public hearings must be held in the districts from which the charter schools are likely to draw students within seven days after the first notice of the application. It also specifies timelines for appeals.

Evaluation review process

The statute states that the authorizer may approve any application that meets specified criteria, including those that include “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; 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; and Includes a proposal to directly and substantially involve the parents of students to be enrolled in the open-enrollment public charter school, the licensed employees, and the broader community in carrying out the terms of the open-enrollment charter.”^{vii} The plan must also include “a detailed budget, a business plan, and a governance plan for the operation of the open-enrollment public charter school.”^{viii}

For conversion charter schools to be approved, applications must provide a plan for school improvement and include “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;”^{ix} include a proposal for parent and staff involvement; and include “an agreement to provide a yearly report to parents, the community, the local school district board of directors, and the state board that indicates the progress made by the conversion public charter school in meeting the performance objectives during the previous year.”^x

Process for denied applications

The statute specifies that the primary authorizer (the ADE), through the Charter Authorizing Panel, must notify the applicant in writing if it denies a charter application. Charter applicants may also request that the State Board of Education review the ADE’s decision. The State Board can choose whether to hear an appeal and its decision is final.

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Separate post-application agreement

Arkansas law provides for a separate performance-based contract and specifies the minimum contents of the contract. These contents must include a description of the educational program, the term of the contract, the grade levels to be offered, the governing structure, and a statement that continuation or renewal must be based on student performance and other accountability provisions.

Rights and responsibilities of authorizer and school

Arkansas statute specifies the rights and responsibilities of the school and the authorizer. It specifies that the charter must ensure “acceptable student performance on assessment instruments adopted by the State Board of Education and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified

by the open-enrollment public charter.”^{xi} The authorizer must specify, through the contract, “the level of student performance that is considered acceptable”^{xii} and “specify any basis, in addition to a basis specified by this chapter, on which the open-enrollment public charter school may be placed on probation or its charter is revoked or on which renewal of the open-enrollment public charter may be denied.”^{xiii}

Academic, financial, and operational performance expectations for schools

The charter contract requires an annual audit of the financial and programmatic operations of the school. It also requires that schools ensure “acceptable student performance on assessment instruments adopted by the State Board of Education and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter.”^{xiv}

Initial term of not more than five years

Initial charters in Arkansas are granted for a period of five years.

Fiscal, legal, and programmatic autonomy for schools

The Arkansas statute’s definition of a charter articulates fiscal, legal, and programmatic autonomy for charter schools. Specifically, “Charter” means “a performance-based contract for an initial five-year period between the 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.”^{xv} The charter application requires that the eligible entity applying for the charter (if it is a non-sectarian organization) establish its “status as a tax-exempt organization under § 501(3) of the Internal Revenue Code of 1986 prior to the first day of its operation with students.”^{xvi} State statute also specifies that each charter school “shall retain authority to operate under the charter contingent on satisfactory student performance as provided by the charter and in accordance with this chapter.”^{xvii}

Independent charter school governing boards

Arkansas statute provides that an open-enrollment public charter school shall be governed by an eligible entity that is fiscally accountable and under the governing structure as described by the charter (Ark. Code Ann. § 6-23-401).

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

The ADE must ensure charter schools are evaluated annually. Evaluations must include a variety of data, including student assessment scores, attendance, grades, disciplinary incidents, and parent satisfaction. Schools must also undergo an annual programmatic and financial audit.

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

All charter schools are required to report on a variety of measures to the ADE twice each year. At the end of the first quarter, schools must report on “(1) the number of applications for enrollment received; (2) the number of applicants with a disability identified under the Individuals with Disabilities Education Act; and (3) the number of applications for enrollment the public charter school denied and an explanation of the reason for each denial.”^{xviii}

Schools are also required to report on the following measures in their fourth quarter “(1) the number of students in each of the following categories: (A) students who dropped out of the public charter school during the school year; (B) students who were expelled during the school year by the public charter school; and (C) students who were enrolled in the public charter school but for a reason other than those cited in subdivisions (b)(1)(A) and (B) did not complete the school year at the public charter school; and (2) (A) for all students enrolled in the public charter school, the scores for assessments required under the Arkansas Educational Support and Accountability Act, § 6-15-2901, et seq.”^{xix}

In addition to annual reporting and evaluations, additional monitoring is required for schools in their first year of operation. New schools must submit monthly reports on their enrollment status and compliance with the budget.

Minimizes schools’ administrative and reporting burden

Arkansas statute does not require that authorizers minimize schools’ administrative and reporting burden.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Arkansas statute requires the authorizer to 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.”^{xx} The statute also states that the charter contract must “specify any basis, in addition to a basis specified by this chapter, on which the open-enrollment public charter school may be placed on probation.”^{xxi}

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

Arkansas statute provides that renewal of charter schools “is contingent on acceptable student performance on assessment instruments adopted by the State Board of Education and on compliance with any accountability provision specified by the open-enrollment public charter, by a deadline, or at intervals specified by the open-enrollment public charter.”^{xxii} State statute requires that the charter contract must specify criteria for renewal, including the level of student performance that must be met for renewal.

Requires that decisions to renew/revoke be based on student academic achievement

Arkansas law states that renewal of a charter is based on student achievement on state assessments as well as compliance with accountability provisions specified in their charter. The law also provides criteria for revocation, including committing a material violation of the charter and failing to meet academic and fiscal performance criteria.

Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

The State Board of Education has issued rules governing charter schools that require clear school closure procedures, including that written notice be issued to parents and legal guardians, school employees, creditors, and all school districts in which the students may reside.^{xxiii} It also includes requirements for dissolution of assets, management of funds, and transfer of student records.

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers’ performance
- Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

Arkansas statute does not require a registration process because there is only one authorizer.

Requires the State entity to review authorizers’ performance

The authorizer must report on the status of charter schools to the General Assembly every two years and to the House Committee on Education and the Senate Committee on Education between the reports to the General Assembly. The ADE is also required to review new charter schools twice each year and “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.”^{xxiv}

Requires authorizers to adhere to standards for high-quality authorizing

The state does not require authorizers to adhere to standards for high-quality authorizing.

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

The state statute does not refer to developing a mission and strategic vision for authorizing.

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

Arkansas statute says the ADE may provide technical assistance to charter school applicants but does not require the Department to offer this technical assistance.

Ensures equitable access to all students

The state statute does require that charter schools be open to all students in the state and that conversion charter schools be open to all students in the district. Arkansas law prohibits discrimination “in admissions policy on the basis of gender, national origin, race, ethnicity, religion, disability, or academic or athletic eligibility,”^{xxv} except in limited instances and requires schools to use a random method of student selection if demand exceeds capacity.

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

State statute articulates that one of the legislative intents of charter schools is to “increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as low-achieving.”^{xxvi} The law also states that charter schools are subject to all special education program requirements.

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

The primary authorizer in the State is the ADE (through the Charter Authorizing Panel), which receives funding from State appropriations.

Includes a process for holding authorizers accountable for how funding is used

State law requires that all State agencies report their expenditures publicly on a State website.^{xxvii} Since the ADE is a public agency and the State authorizer, it must comply with this law.

Endnotes

- ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)–<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking–<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law–<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- ⁱⁱ Costrell, S. & Wolf, P. *The History and Status of Charter School Law and Policy*. University of Arkansas College of Education & Health Professionals, Education Reform. Retrieved from <https://www.uaedreform.org/arkansas-charter-schools-scdp/>
- ⁱⁱⁱ Holley, M. & Collins, D. *Charter Schools*. The CALS Encyclopedia of Arkansas. Retrieved from <https://encyclopediaofarkansas.net/entries/charter-schools-4475/>
- ^{iv} AR Code § 6-23-302(c)(2) and (3).
- ^v AR Code § 6-23-201(b)(4).
- ^{vi} AR Code § 6-23-201(b)(1)(A).
- ^{vii} AR Code § 6-23-303(1)-(3).
- ^{viii} AR Code § 6-23-303(5).
- ^{ix} AR Code § 6-23-202(2).
- ^x AR Code § 6-23-202(4).
- ^{xi} AR Code § 6-23-306(3).
- ^{xii} *Id.*
- ^{xiii} AR Code § 6-23-306(5).
- ^{xiv} AR Code § 6-23-306(3).
- ^{xv} AR Code § 6-23-103(4).
- ^{xvi} AR Code § 6-23-303(6).
- ^{xvii} AR Code § 6-23-401(a)(3).
- ^{xviii} AR Code § 6-23-107(a)(1)-(3).
- ^{xix} AR Code § 6-23-107(b)(1)(A)-(C).
- ^{xx} AR Code § 6-23-105(c).
- ^{xxi} AR Code § 6-23-306 (5).
- ^{xxii} AR Code § 6-23-306(3).
- ^{xxiii} Arkansas Division of Elementary and Secondary Education Rules Governing Public Charter Schools, Effective Date: March 3, 2020, Subsections 8.01.3-8.01.5. Retrieved from [http://dese.ade.arkansas.gov/public/userfiles/Legal/Legal-Current%20Rules/2020/DESE%20Rule%20Governing%20Public%20Charter%20Schools%20\(eff.%203-3-20\).pdf](http://dese.ade.arkansas.gov/public/userfiles/Legal/Legal-Current%20Rules/2020/DESE%20Rule%20Governing%20Public%20Charter%20Schools%20(eff.%203-3-20).pdf)

^{xxiv} AR Code § 6-23-406(2)(A) and (B).

^{xxv} AR Code § 6-23-306(6).

^{xxvi} AR Code § 6-23-102(2).

^{xxvii} National Alliance for Public Charter Schools, Charter Law Database, Arkansas. Retrieved from <https://www.publiccharters.org/our-work/charter-law-database/states/arkansas>