

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 303

5 By: Senator C. Tucker
6

For An Act To Be Entitled

8 AN ACT TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER SCHOOLS
9 THE AUTHORITY TO WEIGH ADMISSION LOTTERIES AT THEIR
10 DISCRETION; AND FOR OTHER PURPOSES.
11
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Subtitle

13 TO GIVE OPEN-ENROLLMENT PUBLIC CHARTER
14 SCHOOLS THE AUTHORITY TO WEIGH ADMISSION
15 LOTTERIES AT THEIR DISCRETION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. The introductory language of Arkansas Code § 6-23-306,
22 concerning the contents of open-enrollment public charters, is amended to
23 read as follows:

24 (a) An open-enrollment public charter granted under this subchapter
25 shall:
26

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

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

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



1 desegregation; ~~and~~ or

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

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

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

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

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

13
14 SECTION 3. Arkansas Code § 6-23-306(14)(C), concerning weighted
15 lottery admissions for open-enrollment public charter schools, is amended as
16 follows:

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

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

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

21 ~~(ii)-(b)~~ (b) Federal administrative order issued by
22 an appropriate federal agency having proper authority to enforce remedial
23 measures necessary to comply with Title VI of the ~~federal~~ Civil Rights Act of
24 1964, 42 U.S.C. § 2000d et seq., Title IX of the ~~federal~~ Education Amendments
25 of 1972, 20 U.S.C. § 1681 et seq., or the equal protection clause of the
26 Fourteenth Amendment to the United States Constitution; ~~and~~ or

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

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

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

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

36 (d) Students who are currently enrolled in a

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

2
3 SECTION 4. Arkansas Code § 6-23-306, concerning contents of open-
4 enrollment public charters, is amended to add an additional subsection to
5 read as follows:

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

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