

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

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 1042

By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO REQUIRE THE COMMISSIONER OF EDUCATION TO APPEAR AT A MEETING OF THE SENATE COMMITTEE ON EDUCATION AND THE HOUSE COMMITTEE ON EDUCATION BEFORE THE COMMISSIONER ASSUMES THE ADMINISTRATION OF A SCHOOL DISTRICT IDENTIFIED AS BEING IN FISCAL DISTRESS, ACADEMIC DISTRESS, OR FACILITIES DISTRESS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THE COMMISSIONER OF EDUCATION TO APPEAR AT A MEETING OF THE SENATE COMMITTEE ON EDUCATION AND THE HOUSE COMMITTEE ON EDUCATION BEFORE THE COMMISSIONER ASSUMES THE ADMINISTRATION OF A SCHOOL DISTRICT.

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

SECTION 1. Arkansas Code § 6-15-430(a), concerning State Board of Education authority over a school in academic distress, is amended to add an additional subdivision to read as follows:

(a)(1) The State Board of Education shall have the following authority regarding any public school district in academic distress:

~~(1)~~(A) To require the superintendent of the school district to relinquish all authority with respect to the school district and to appoint an individual to administratively operate the school district under the supervision of the Commissioner of Education, with the cost to be



paid from school district funding;

~~(2)(B)~~ To suspend or remove some or all of the current board of directors and call for the election of a new school board of directors for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

~~(3)(C)~~ To allow the school district to operate without the local school board of directors under the supervision of the local school district administration or an administration chosen by the Commissioner of Education;

~~(4)(D)~~ To waive the application of Arkansas law, with the exception of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and the Public School Employee Fair Hearing Act, § 6-17-1701 et seq., or the Department of Education rules and regulations;

~~(5)(E)~~ To require the annexation, consolidation, or reconstitution of the public school district; and

~~(6)(F)~~ To take any other necessary and proper action, as determined by the state board, that is allowed by law.

(2) Not less than thirty (30) days before the commissioner assumes the administrative authority of a school district under this section, the commissioner shall appear at a joint meeting of the Senate Committee on Education and the House Committee on Education at which the committees shall:

(A) Review the reasons for the commissioner's action;

(B) Request additional information from the commissioner that the committees deem necessary; and

(C) Approve or disapprove of the action.

SECTION 2. Arkansas Code § 6-20-1909, concerning Department of Education authority over a school district in fiscal distress, is amended to add an additional subsection to read as follows:

(e) Not less than thirty (30) days before the commissioner assumes the administrative authority of a school district under this section, the commissioner shall appear at a joint meeting of the Senate Committee on Education and the House Committee on Education at which the committees shall:

(A) Review the reasons for the commissioner's action;

(B) Request additional information from the commissioner

that the committees deem necessary; and

(C) Approve or disapprove of the action.

SECTION 3. Arkansas Code § 6-21-811(g), concerning the authority of the Division of Public School Academic Facilities and Transportation and the Commissioner of Education over a school district in facilities distress, is amended to read as follows:

(g)(1) When a school district is identified by the commission to be in facilities distress, the division may with the approval of the commission:

~~(1)(A)(A)(i)~~ Provide on-site technical evaluation and assistance and make recommendations to the school district superintendent regarding the care and maintenance of any academic facility in the school district.

~~(B)(ii)~~ Any school district identified as being in facilities distress status shall accept on-site technical evaluation and assistance from the division.

~~(C)(iii)~~ The recommendations of the division are binding on the school district, the superintendent, and the school board of directors;

~~(2)(B)~~ Require the superintendent to relinquish all administrative authority with respect to the school district;

~~(3)(A)(C)(i)~~ Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Commissioner of Education, or his or her designee.

~~(B)(ii)~~ The division may direct the school district to compensate from school district funds the individual appointed to operate the school district;

~~(4)(D)~~ Suspend or remove any or all members of the current board of directors and call for the election of a new school board of directors for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

~~(5)(E)~~ Require the school district to operate without a local school board of directors under the supervision of the local superintendent;

~~(6)~~(F) Require the school district to operate without a local school board of directors under the supervision of an individual or panel appointed by the Commissioner of Education;

~~(7)~~(G) Return the administration of the school district to the former board of directors or place the administration of the school district ~~in~~ under the supervision of a newly elected school board of directors;

~~(8)~~(H) Require school district staff and employees to attend training in areas of concern for the public school or school district;

~~(9)~~(A)(I)(i) Require a school district to cease all expenditures related to activities not described as part of an adequate education in § 6-20-2302 and place money that would have been spent on the activities into an academic facilities escrow account to be released only upon approval by the division for use in conjunction with a local academic facilities project.

~~(B)~~(ii) School districts shall include a clause addressing this contingency in all contracts with personnel who are involved with activities not described as part of an adequate education;

~~(10)~~(J) Notify the public school or school district in writing that the deficiencies regarding academic facilities shall be corrected within a time period designated by the division;

~~(11)~~(A)(K)(i) Petition the State Board of Education at any time for the consolidation, annexation, or reconstitution of a school district in facilities distress or take other appropriate action as allowed by this subchapter in order to secure and protect the best interest of the educational resources of the state or to provide for the best interest of students in the school district.

~~(B)~~(ii) The state board may approve the petition or take other appropriate action as allowed by this subchapter.

~~(C)~~(iii) The state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within two (2) consecutive school years of receipt of notice of identification of facilities distress status by the division;

~~(12)~~(L) Correct the failure of a school district to complete its agreed plan or to pass the millage in the special election under

subdivision (f)(2) of this section by contracting for and completing the necessary improvements under the agreed plan;

~~(13)(A)(M)(i)~~ ~~If the division recommends and the commission concurs that the academic facilities in the public school district in facilities distress are inadequate to provide an adequate education, the state board may dissolve the school district and transfer students to public schools in other public school districts~~ Dissolve the school district and transfer students to public schools in other public school districts if the division recommends and the commission concurs that the academic facilities in the public school district in facilities distress are inadequate to provide an adequate education.

~~(B)(ii)~~ The state board shall assign the public school district's territory, property, and debt; and

~~(14)(N)~~ Take any other action allowed by law that is deemed necessary to assist a public school or school district in removing criteria of facilities distress.

(2) Not less than thirty (30) days before the commissioner assumes the administrative authority of a school district under this section, the commissioner shall appear at a joint meeting of the Senate Committee on Education and the House Committee on Education at which the committees shall:

(A) Review the reasons for the commissioner's action;

(B) Request additional information from the commissioner that the committees deem necessary; and

(C) Approve or disapprove of the action.