

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

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H3/12/15 H3/20/15  
**A Bill**

HOUSE BILL 1605

By: Representatives Tucker, C. Douglas, Murdock, Sabin, Blake, Bennett, Johnson, E. Armstrong, Davis  
By: Senators L. Chesterfield, Elliott, K. Ingram, D. Johnson

### **For An Act To Be Entitled**

AN ACT TO PROMOTE TRANSPARENCY BY THE STATE BOARD OF  
EDUCATION OR THE DEPARTMENT OF EDUCATION WHEN A  
SCHOOL DISTRICT IS TAKEN OVER BY THE STATE; TO  
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### **Subtitle**

TO PROMOTE TRANSPARENCY BY THE STATE  
BOARD OF EDUCATION OR THE DEPARTMENT OF  
EDUCATION WHEN A SCHOOL DISTRICT IS TAKEN  
OVER BY THE STATE; AND TO DECLARE AN  
EMERGENCY.

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

SECTION 1. Arkansas Code § 6-13-112(a), concerning the responsibilities of the State Board of Education and Commissioner of Education regarding school districts under state authority, is amended to read as follows:

(a) Within ten (10) days of the meeting of the State Board of Education at which the state board assumes authority of a school district or within ten (10) days of the date upon which the Commissioner of Education assumes authority of a school district, the commissioner shall provide the following information to the chairs of the House Committee on Education and the Senate Committee on Education and to each member of the General Assembly that represents the area in which the school district is located:

(1) ~~A clear statement of the reasons the district~~ Reasons the



school district has been placed under the authority of the state board or the commissioner; and

(2) ~~A clear statement of the steps~~ Steps necessary for the school district to remove itself from the authority of the state board or the commissioner.

SECTION 2. Arkansas Code § 6-13-112, concerning the responsibilities of the State Board of Education and the Commissioner of Education regarding school districts under state authority, is amended to add an additional subsection to read as follows:

(f)(1) As used in this section, "documents" means writings, recorded sounds, films, tapes, electronic or computer-based information, data, compilations, and communications received or initiated by a public entity or third-party person or entity, including the agents or employees of the public entity or third-party person or entity.

(2)(A) If the state board assumes authority of a public school or school district classified in academic distress under § 6-15-430, fiscal distress under § 6-13-1029, or facilities distress under § 6-21-811 and enters into a contract, agreement, memorandum of understanding, or other instrument for services with a third-party person or entity for consultation, evaluation, information, or any other purpose related to the administration or operation of a public school or school district that is under the administrative control of the state, then the contract, agreement, memorandum of understanding, or other instrument for services and all documents related to or produced as a result of the contract, agreement, memorandum of understanding, or other instrument for services, if the documents relate to the educational policies or procedures of a public school or school district under the administrative control of the state, shall be made open and available to the public upon request, as provided by the procedures and exemptions under § 25-19-105.

(B) Subdivision (f)(2)(A) of this section applies to documents created or maintained by a subcontractor or affiliate of a third-party person or entity if the documents relate to the educational policy or procedures of a public school or school district under the administrative control of the state.

(C) Subdivision (f)(2)(A) of this section shall be

included as a provision in and is applicable to all contracts, agreements, memorandums of understanding, or other instruments for services regardless of whether or not the contract, agreement, memorandum of understanding, or other instrument for services is supported wholly or partially with public funds, including those supported without public funds.

(3) The documents identified under subdivision (f)(2) of this section are subject to public disclosure regardless of whether or not the documents:

(A) Originated with the third-party person or entity or elsewhere; or

(B) Are in the possession, custody, or control of the third-party person or entity, commissioner, state board, or department.

(4) The commissioner is responsible for providing public access for the examination and copying of documents requested by the public.

(5) Within ten (10) days of the commissioner, state board, or department entering into a contract, agreement, memorandum of understanding, or other instrument for services with a third-party person or entity for consultation, evaluation, information, or any other purpose related to the administration or operation of a public school or school district that is under the administrative control of the state, the commissioner, state board, or department shall provide the following information to the chairs of the House Committee on Education and the Senate Committee on Education and to each member of the General Assembly who represents the area in which the public school or school district is located:

(A) The identity of the third-party person or entity, and any subcontractors or affiliates of the third-party person or entity;

(B) The financial terms agreed to between the third-party person or entity and the commissioner, state board, or department;

(C) The scope of work of the third-party person or entity;

(D) Any other material terms, in writing or otherwise, agreed to between the third-party person or entity and the commissioner, state board, or department, that related in any way to the public school or school district under state authority and

(E) All documents identified under subdivision (f)(2) of this section in existence at the time of the communication made under subdivisions (f)(5)(A)-(D) of this section

(6) Nothing in subsection (f) applies to a third-party person or entity or to the documents, contracts, agreements, memorandums of understanding, or instruments for services in connection with a third-party person or entity providing a grant or other unilateral funding to a public school or school district unless the third-party person or entity has otherwise entered into a contract, agreement, memorandum of understanding, or other instrument for services with the state board for consultation, evaluation, information, or any other purpose related to the operation or administration of a public school or school district under the administrative control of the state, in which case subsection (f) applies.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the state is assuming authority of more school districts every year; that transparency over the steps taken by the state to aid school districts under state authority is necessary; and that this act is immediately necessary to ensure that the public is aware of what is being done to aid school districts under state authority and the information being used as a basis for decision making. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/Tucker*