

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1733

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ACHIEVEMENT SCHOOL DISTRICT;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE ACHIEVEMENT 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 public school or school district in academic distress, is amended to add an additional subdivision to read as follows:

(8) Authorize the Commissioner of Education to assign the school district to the Achievement School District, § 6-15-2901 et seq.; and

(9) Take any other necessary and proper action, as determined by the state board, that is allowed by law including without limitation by the department concerning the academic practices and staffing of the school district.

SECTION 2. Arkansas Code § 6-15-430(b)(11), concerning State Board of Education authority over a public school or school district in academic distress, is amended to read as follows:

(11) Take any other appropriate action allowed by law that the state board determines is needed to assist and address a public school classified as being in academic distress including without limitation the issuance of binding recommendations by the department concerning the academic practices and staffing of the public school.



SECTION 3. Arkansas Code Title 6, Chapter 15, is amended to add an additional subchapter to read as follows:

Subchapter 29 – Achievement School District

6-15-2901. Achievement school district established.

(a) The Department of Education shall establish the achievement school district as an organizational unit within the department, to be administered by the Commissioner of Education for the purpose of providing operational oversight and governance of public schools and school districts classified in academic distress when the State Board of Education has:

(1) Taken over a public school or school district; and

(2) Removed the school board of directors of a school district.

(b) As used in this section, "public school" includes a public charter school.

(c) The commissioner, in collaboration with the leader of the achievement school district, shall set an annual budget for the achievement school district for the general administrative costs of the school district, including without limitation the maintenance, operations, and salary expenses of the public schools and school districts under the achievement school district's jurisdiction and shall include the achievement school district annual budget as an item in the general department budget.

(d) A school or school district in academic distress placed under the jurisdiction of the achievement school district under § 6-15-430 and this section, shall cease to be under the governance and control of the school board of directors of the school district or public charter school from which it originated and shall be under the governance and control of the achievement school district while under the jurisdiction of the achievement school district.

6-15-2902. Operation of achievement school district.

(a) The Commissioner of Education may:

(1) Directly operate or contract with one (1) or more not-for-profit entities to operate academic distress schools or school districts assigned to the achievement school district, including providing direct

services to students;

(2) Assign at any time a school or school district in academic distress to the achievement school district under § 6-15-2901;

(3) Remove at any time a public school or school district classified in academic distress from the achievement school district;

(4)(A) If the achievement school district chooses to operate directly an achievement school, the employees of the achievement school shall be considered employees of the school district but under the exclusive service, governance, and control of the achievement school district.

(B) All subsequent personnel contracts of the school district employees are subject to the requirements and policies in this subchapter, including without limitation the ability of the commissioner to waive provisions of the:

(i) Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;

(ii) Public Employee Fair Hearing Act, § 6-17-1701 et seq.;

(iii) Other provisions related to personnel policies under this subchapter; and

(iv) Any provisions permitting or requiring the negotiated representation of licensed or unlicensed personnel.

(C) The achievement school district shall adopt, with the approval of the commissioner, written policies for governing school district personnel working in the achievement school district, including without limitation the inapplicability of the:

(i) Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;

(ii) Public Employee Fair Hearing Act, § 6-17-1701 et seq.; and

(iii) Any provisions permitting or requiring the negotiated representation of licensed or unlicensed personnel.

(D) All employees working in the achievement school district are at-will employees whose employment is subject to reassignment, nonrenewal, or termination by the commissioner.

(5) If a school or school district in academic distress placed in the achievement school district is operated by a not-for-profit entity or

is operated as a conversion public charter school, the not-for-profit entity or the conversion public charter school shall be exempt from the following provisions of law and corresponding rules and regulations:

- (A) Teacher licensure under §§ 6-15-1004, 6-17-309, 6-17-401, 6-17-902, and 6-17-919;
- (B) Uniform school start and end dates under § 6-10-106;
- (C) School district board of directors under § 6-13-601 et seq.;
- (D) School board elections under § 6-14-101 et seq.;
- (E) Length of school day under § 6-16-102;
- (F) Daily planning period under § 6-17-114;
- (G) Noninstructional duties under § 6-17-117;
- (H) Certified personnel policies and committees under § 6-17-201 et seq.;
- (I) Teacher fair dismissal under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.;
- (J) Public school employee fair hearing under the Public School Employee Fair Hearing Act, § 6-17-1701 et seq.;
- (K) Any provisions permitting or requiring the negotiated representation of licensed and unlicensed personnel;
- (L) Compensation under the Classified School Employee Minimum Salary Act, § 6-17-2201 et seq. and, the Teacher Compensation Program of 2003, § 6-17-2401 et seq.;
- (M) Classified personnel policies and committees under, the Teacher Compensation Program of 2003, § 6-17-2401 et seq.; and
- (N) Other provisions of Title 6 of the Arkansas Code and corresponding rules and regulations with the exception of those listed under subsection § 6-23-401(b); and
- (6) Grant waivers of other provisions of Title 6 of the Arkansas Code and corresponding rules and regulations with the exception of those listed under § 6-23-401(b) to a not-for-profit entity or conversion charter if authorized by the commissioner.

(b) The commissioner, acting on behalf of the achievement school district, may also:

- (1) Receive and spend federal, state, and local grants and funding, including without limitation local property tax revenue, funds

provided under the Individuals with Disabilities Education Act 20 U.S.C, § 1400 et seq., and funds provided under the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10;

(2)(A) Receive donations of any kind from any source for the benefit of the achievement school district.

(B) All donations received by the achievement school district shall be conditioned as gifts to the achievement school district and not to a particular public school or school district within the achievement school district;

(3)(A) Require a public school district with an achievement school located in the public school district to provide school support or student support services to the achievement school, including without limitation:

(i) Transportation;

(ii) Food service;

(iii) Building support and maintenance;

(iv) Alternative school environments;

(v) Special education services, such as identification and assessment; and

(vi) Athletics and other interscholastic activities governed by the Arkansas Activities Association.

(B) The achievement school district may reimburse the public school district from funds received from the district or otherwise for school support of student support services provided under subdivision (b)(3)(A) of this section at a rate approved by the commissioner;

(4)(A) Utilize, free of charge, other than for routine maintenance and repair, any school building, facility, or property of an achievement school, including any school building, facility, or property that was available to the students, faculty, and staff before the achievement school joined the achievement school district.

(B) The achievement school district shall be responsible for paying all utilities in use at a school building, facility, or property utilized by an achievement school.

(C) Extensive repairs to a school building, facility, or property used by an achievement school shall be considered capital expenses and are the responsibility of the public school district.

(D) A not-for-profit entity that requests and receives an open-enrollment public charter for an achievement school may rent the school building, facility, or property of the achievement school from the public school district for one dollar (\$1.00) per year as long as the open-enrollment public charter school exists in that facility;

(5) (A) Procure property, goods, and services in the same manner and under the same laws and rules as public school districts.

(B) The achievement school district procurement procedures shall comply with § 6-21-304 and be approved by the commissioner;

(6) Prepare and utilize publications for marketing and needs of the achievement school district that advance the mission of the achievement school district;

(7)(A) Request waivers from applicable laws and regulations.

(B) A waiver shall not be granted for federal or state laws or regulations listed under § 6-23-401(b) or waivers regarding:

(i) Civil rights;

(ii) Health and safety;

(iii) Public records;

(iv) Immunizations;

(v) Weapons on school grounds;

(vi) Background checks and fingerprinting of school personnel;

(vii) Provisions of special education services;

(viii) Parental rights;

(ix) Student assessment and accountability;

(x) Open meetings; and

(xi) Instructional time.

(C) Waivers provided to achievement schools shall not exceed the waivers that apply to public charter schools; and

(8) Establish the jurisdiction of the achievement school district's local educational authority for an academic distress priority achievement improvement plan for the academic distress school or school district.

6-15-2903. Funding

(a) The achievement school district ,may receive funds and act as a

fiscal agent for funding under § 6-20-2305 for each school assigned to the achievement school district.

(b) Funds received under subsection (a) of this section that are not utilized by the achievement school district or a school within the achievement school district shall be held by the Department of Education in a reserve fund and distributed to the public school district of an achievement school when the achievement school is removed from the achievement school district unless assigned to another public school or school district as allowed by law.

(c) The department shall develop rules addressing the management of funding allocations and disbursements as authorized under this subchapter and § 6-11-105.

6-15-2904. Placement in the achievement school district – Transition from the achievement school district.

(a)(1) A school or school district in academic distress placed in the achievement school district shall remain in the achievement school district for a minimum of three (3) school years or an initial term of five (5) school years.

(2) The Commissioner of Education shall determine if the public school or school district has demonstrated sufficient academic results for two (2) consecutive years to be removed from the achievement school district and returned to the local school district or open-enrollment public charter school.

(3) An academic distress school or school district shall remain in the achievement school district for more than five (5) years if the public school or school district fails to show sufficient academic improvement for two (2) consecutive years as determined by the commissioner.

(b)(1) The commissioner shall develop a transition plan for achievement schools to become independent open-enrollment public charter schools if an achievement school has improved student progress under the achievement school's academic distress priority achievement improvement plan for three (3) consecutive school years and received the approval of the commissioner and the state charter authorizer.

(2) The commissioner shall transfer the authority over an achievement school that meets the requirements of subdivision (b)(1) of this

section to a not-for-profit entity at the request of a not-for-profit entity that intends to operate the achievement school as an open-enrollment public charter school.

(c) A not-for-profit entity that receives a charter to operate an achievement school as an open-enrollment public charter school outside the jurisdiction of the achievement school district may rent the school building, facility, or property of the achievement school from the public school district for no more than one dollar (\$1.00) per year for a twenty-year period.

(d) If a an achievement school is not transitioned to an independent open-enrollment public charter school under subsection (b) of this section, the governance and operations of the school shall be returned to its school district by the commissioner upon evidence of completion of the priority achievement improvement plan.

(e) The achievement school district, at an appropriate time to foster transition, may appoint a local achievement advisory council made up of volunteers from parent, staff, and community stakeholders selected by the achievement school district.

6-15-2905. Effect on public schools and school districts in academic distress.

A public school or school district that is classified by the State Board of Education as being in academic distress and taken over by the state board as of the effective date of this act is eligible to become part of the achievement school district at the discretion of the Commissioner of Education.

SECTION 4. Arkansas Code § 6-17-204, concerning incorporation of personnel policies into teachers' contracts, is amended to add an additional subsection to read as follows:

(f) This section does not apply to a teacher working in the achievement school district under § 6-15-2901 et seq.

SECTION 5. Arkansas Code § 6-23-105, concerning the basis and procedure for public charter school probation or charter modification, revocation, or denial or renewal, is amended to add an additional subsection

to read as follows:

(e) The Commissioner of Education may remove a charter granted to a charter holder for a public charter school that is required to be placed in the achievement school district under § 6-15-2901 et seq.