

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: S2/9/17 S2/21/17  
**A Bill**

SENATE BILL 274

By: Senator Elliott  
By: Representative Tucker

### For An Act To Be Entitled

AND ACT TO REVISE THE CIRCUMSTANCES UNDER WHICH A PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT THAT HAS BEEN TAKEN OVER BY THE STATE FOR BEING IN ACADEMIC *DISTRESS CAN BE RETURNED TO LOCAL CONTROL; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

### Subtitle

TO REVISE THE CIRCUMSTANCES UNDER WHICH A PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT THAT HAS BEEN TAKEN OVER BY THE STATE FOR BEING IN ACADEMIC DISTRESS CAN BE *RETURNED TO LOCAL CONTROL; AND TO DECLARE AN EMERGENCY.*

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

*SECTION 1. Arkansas Code § 6-15-430(a)(7), concerning actions the State Board of Education may take if a school district is classified as being in academic distress, is amended to read as follows:*

*(7) Return the administration of the school district to the former board of directors or to a newly elected board of directors as provided in subsection (d) of this section if:*

*~~(A) The Department of Education certifies in writing to the state board and to the school district that the school district has corrected all issues that caused the classification of academic distress; and~~*

*~~(B) The state board determines that the school district~~*



~~has corrected all issues that caused the classification of academic distress;  
and~~

SECTION 2. Arkansas Code § 6-15-430(b)(10), concerning actions the State Board of Education may take if a school district is classified as being in academic distress, is amended to read as follows:

(10) Return the administration of the school district to the former board of directors or to a newly elected board of directors as provided in subsection (d) of this section if:

~~(A) The department certifies in writing to the state board and to the school district that the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

~~(B) The state board determines the public school has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress; and~~

SECTION 3. Arkansas Code § 6-15-430(d)(2)(A), concerning academic distress, is amended to read as follows:

(2)(A) ~~If the state board determines that sufficient progress has been made by a public school or school district in academic distress toward correcting all issues that caused the classification of academic distress, but the public school or school district has not yet resolved all issues that caused the classification of academic distress, the~~ The commissioner, with the approval of the state board, may appoint a community advisory board of either five (5) or seven (7) members to serve under the supervision and direction of the commissioner if the state board determines that sufficient progress has been made by a public school or school district in academic distress toward correcting issues that caused the classification of academic distress.

SECTION 4. Arkansas Code § 6-15-430(d)(2)(D), concerning the duties of a community advisory board, is amended to read as follows:

(D) The duties of a community advisory board include without limitation:

(i) Meeting monthly during a regularly scheduled public meeting with the state-appointed administrator regarding the progress of the public school or school district toward correcting ~~all~~ issues that caused the classification of academic distress;

(ii) Seeking community input from the residents of the school district regarding the progress of the public school or school district toward correcting ~~all~~ issues that caused the classification of academic distress;

(iii) Conducting hearings and making recommendations to the commissioner regarding personnel and student discipline matters under the appropriate district policies;

(iv) Working to build community capacity for the continued support of the school district; and

(v) Submitting quarterly reports to the commissioner and the state board regarding the progress of the public school or school district toward correcting ~~all~~ issues that caused the classification of academic distress.

SECTION 5. Arkansas Code § 6-15-430(d)(3)(A), concerning academic distress, is amended to read as follows:

(3)(A) By April 1 of each year following the appointment of a community advisory board under subdivision (d)(2) of this section, the state board shall determine the extent of the public school's or school district's progress toward correcting ~~all~~ issues that caused the classification of academic distress and shall:

(i) Allow the community advisory board to remain in place for one (1) additional year;

(ii) Return the school district to local control by calling for the election of a newly elected board of directors if:

(a) The department certifies in writing to the state board and to the school district that:

(1) ~~the~~ The public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress;

(2) The public school or school district

has made sufficient progress on the issues that caused the classification of academic distress such that the public school or school district should be returned to the local control of its residents; or

(3) It is in the best interest of the public school or school district to return the public school or school district to the local control of its residents; and

(b) The state board determines:

(1) ~~the~~ The public school or school district has corrected all issues that caused the classification of academic distress and that no public school within the school district is classified as being in academic distress;

(2) The public school or school district has made sufficient progress on the issues that caused the classification of academic distress such that the public school or school district should be returned to the local control of its residents; or

(3) That it is in the best interest of the public school or school district to return the public school or school district to the local control of its residents; or

(iii) Annex, consolidate, or reconstitute the school district pursuant to this title.

SECTION 6. Arkansas Code § 6-15-430(e)(1), concerning academic distress, is amended to read as follows:

(e)(1) ~~If, by~~ By the end of the fifth school year following the public school's or school district's classification of academic distress status, ~~the public school or school district in academic distress has not corrected all issues that caused the classification of academic distress,~~ the state board, after a public hearing, shall consolidate, annex, or reconstitute the school district under this section if:

(A) The public school or school district in academic distress has not corrected all issues that caused the classification of academic distress;

(B) The public school or school district has not made sufficient progress on the issues that caused the classification of academic distress such that the public school or school district should be returned to the local control of its residents; or

(C) It is not in the best interest of the public school or school district to return the public school or school district to the local control of its residents.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that a public school and school district are best served when the residents of the school district exercise local control over the school district; that the criteria for the return to local control of a public school or school district that has been taken over by the state because of a classification of being in academic distress are rigid and without flexibility; that the State Board of Education should be able to exercise discretion in returning a public school or school district to local control; and that this act is immediately necessary to prevent further harm to public schools or school districts that are under the control of the state by allowing the State Board of Education to exercise discretion in returning the public schools or school districts to local control of their residents. 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/Elliott