

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2356

5 By: Representative Mahony
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE THE REMOVAL OF A SUPERINTENDENT
10 OF A SCHOOL DISTRICT IN ACADEMIC DISTRESS; TO
11 CREATE A PROCEDURE FOR HOLDING INDIVIDUAL SCHOOLS
12 WITHIN A DISTRICT ACCOUNTABLE FOR ACADEMIC
13 PERFORMANCE; TO REQUIRE THE REMOVAL OF PRINCIPALS
14 OF INDIVIDUAL SCHOOLS NOT PERFORMING AT
15 ACCEPTABLE ACADEMIC LEVELS; TO AMEND THE
16 REQUIREMENTS FOR VALID CONTRACTS WITH CERTAIN
17 EMPLOYEES OF SCHOOL DISTRICTS; AND FOR OTHER
18 PURPOSES.

Subtitle

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21 TO REQUIRE THE REMOVAL OF
22 SUPERINTENDENTS AND PRINCIPALS OF A
23 SCHOOL DISTRICT IN ACADEMIC DISTRESS;
24 AND TO CREATE A PROCEDURE FOR HOLDING
25 SCHOOLS ACCOUNTABLE FOR ACADEMIC
26 PERFORMANCE.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 6-17-301 is amended to add a new subsection
32 to read as follows:

33 6-17-301. Employment of certified personnel.

34 (a) District school boards may employ superintendents, deputy
35 superintendents, assistant superintendents, and high school principals, as
36 well as department heads, coaches, teachers, and other certified personnel,



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1 by written contract for a period of time not more than three (3) years.

2 (b) Such contracts may be renewed annually.

3 (c) No contract between a school district and a superintendent or
 4 principal shall be valid and enforceable by the employee unless the contract
 5 contains provision allowing termination of the contract if the
 6 superintendent, deputy superintendent, assistant superintendent, or principal
 7 has his or her authority removed under §§ 6-20-1608 through 6-20-1910.

8
 9 SECTION 2. Arkansas Code § 6-20-1608 is amended to read as follows:
 10 6-20-1608. Limitation on Department of Education’s authority.

11 The Department of Education shall not take over the operation of a
 12 Phase I or Phase II school district, but shall:

13 (1) Require the superintendent to relinquish all authority with
 14 respect to the district;

15 (2) Appoint an individual to operate the district under the
 16 supervision of the Director of the Department of Education; and

17 (3) Compensate nondepartment employees for operating the district
 18 using the salary formerly given to the district superintendent.

19
 20 SECTION 3. Arkansas Code § 6-20-1609 is amended to read as follows:
 21 6-20-1609. Phase III school districts. [Effective July 1, 2000.]

22 (a) Those school districts that do not meet the Department of
 23 Education’s criteria for repeating procedures set forth for Phase II and
 24 those districts that did not follow the recommendations of the department for
 25 Phase II school districts shall be classified as Phase III school districts.

26 (b) During the 1998-1999 school year and each year thereafter until
 27 the school district is no longer classified as a Phase III district, the
 28 department ~~shall have the following authority in dealing with any district~~
 29 ~~classified as a Phase III school district:~~

30 (1) ~~To~~ Shall require the superintendent to relinquish all
 31 authority with respect to the district, to appoint an individual to operate
 32 the district under the supervision of the Director of the Department of
 33 Education, and to compensate non-department employees for operating the
 34 district using the salary formerly given to the district superintendent;

35 (2) ~~To~~ May have all the powers and duties of the local school
 36 board under § 6-13-620;

1 (3) ~~Te~~ May determine that it is in the best interests of the
2 students in the district to continue operation of the district or that
3 annexation to an adjacent district or districts is necessary;

4 (4) ~~Te~~ May call for the election of a new school board for the
5 district, in which case the district shall reimburse the county board of
6 election commissioners for election costs as otherwise required by law;

7 (5) ~~Te~~ May allow the district to operate without a local school
8 board under the supervision of the local school district administration;

9 (6) ~~Te~~ May turn the administration of the district over to the
10 former board or to a newly elected school board; and

11 (7) ~~Te~~ May waive the application of Arkansas law, with the
12 exception of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules
13 and regulations.
14

15 SECTION 4. Arkansas Code Title 6, Chapter 20, is amended to add an
16 additional subchapter to read as follows:

17 6-20-1901. Purpose.

18 The purpose of this subchapter is to improve the capacity of individual
19 schools within a district whose students are not achieving at academically
20 desired levels through targeted assistance coordinated by the Department of
21 Education.

22
23 6-20-1902. Definitions.

24 For purposes of this subchapter, a "school in academic distress" means
25 an individual school within a district whose students do not score at levels
26 established by the Department of Education on:

- 27 (1) The Arkansas Writing Assessment;
28 (2) The Stanford 8 Achievement Test;
29 (3) The exit examination administered by the department; or
30 (4) Any other test approved by the department.

31
32 6-20-1903. Rules and regulations - State Board of Education.

33 (a) By January 1, 2004, the State Board of Education shall promulgate
34 rules and regulations to establish and implement a program for identifying,
35 evaluating, assisting, and addressing schools in academic distress.

36 (b)(1) The state board shall further promulgate rules and regulations

1 for classifying a school district as a Phase I, Phase II, or Phase III
 2 district, and for a local school board to appeal to the state board any
 3 ruling by the Department of Education that is relative to classification
 4 under this subchapter.

5 (2) An appeal shall be made within thirty (30) days after the
 6 ruling, and the state board shall act on the appeal within sixty (60) days.

7
 8 6-20-1904. Rules and regulations - Department of Education.

9 The Department of Education shall:

10 (1) Develop indicators of academic distress in an individual school;

11 (2) Promulgate the necessary rules and regulations that:

12 (A) Require the Director of the Department of Education to
 13 provide technical assistance to an individual school determined by the
 14 director to be in academic distress; and

15 (B) Ensure, to the extent possible, that an academic crisis will
 16 not interrupt the educational services provided to the students of an
 17 individual school.

18
 19 6-20-1905. Identification of districts in distress.

20 Prior to the beginning of the 2004-2005 school year and before each
 21 school year thereafter, the Department of Education shall identify an
 22 individual school in a district that is in academic distress, and shall
 23 document any schools that meet the criteria for academic distress, but which,
 24 after investigation, the department determines are not in academic distress.

25
 26 6-20-1906. School improvement plan.

27 (a) Individual schools identified by the Department of Education as
 28 being in academic distress shall be classified as Phase I school districts.

29 (b)(1)(A) An individual school classified as a Phase I school shall
 30 develop and file with the local school board and the Department of Education
 31 a school improvement plan to address any areas in which the school is
 32 experiencing academic distress as identified by the department.

33 (B) If an individual school, by and through the school's
 34 district board of directors, does not file a school improvement plan with the
 35 department, the individual school shall be immediately classified as a Phase
 36 II school.

1 (2) The department shall provide technical assistance to an
 2 individual school classified as a Phase I school.

3 (A) The department shall monitor the progress of an
 4 individual school in Phase I academic distress.

5 (B) Districts that are implementing individual school
 6 improvement plans shall continue to be classified as Phase I schools for the
 7 remainder of the school year.

8 (C) If the department determines that an individual school
 9 is not implementing its school improvement plan according to department
 10 regulations, the school shall be immediately classified as a Phase II school.

11
 12 6-20-1907. Classification of school districts in distress.

13 (a)(1) During the 2004-2005 school year, and each school year
 14 thereafter, the Department of Education shall determine which individual
 15 school shall be classified as Phase I districts or Phase II districts.

16 (2) A school may be classified as a Phase I district for more
 17 than one (1) year.

18 (b)(1) During the 2004-2005 school year, and each school year
 19 thereafter, a school classified as a Phase II school by the Director of the
 20 Department of Education is required to receive onsite technical assistance by
 21 a team of educators assigned by the department to work directly with the
 22 individual school.

23 (2) During the first six (6) months of the school year in which
 24 a school is classified as a Phase II district, the team of educators assigned
 25 by the department shall evaluate and make recommendations to the district
 26 superintendent and the school board of directors concerning the staffing of
 27 the school, and concerning academic policies or practices of the school if
 28 necessary to address the academic distress of the school as defined by the
 29 department.

30 (3)(A) The recommendations of the department shall be binding on
 31 the district, the superintendent, the school board, the principal of the
 32 school, and the school. However, it shall be the duty of the district and
 33 school to follow all Arkansas laws.

34 (B) A school classified as a Phase II school that fails to
 35 follow recommendations of the department shall be immediately classified as a
 36 Phase III school district.

1 (d) At the conclusion of the 2004-2005 school year, and at the
 2 conclusion of each school year thereafter, the department shall report the
 3 progress of all schools classified as Phase II schools to the State Board of
 4 Education.

5
 6 6-20-1908. Limitation on Department of Education's authority.

7 The Department of Education shall not take over the operation of a
 8 Phase I or Phase II school.

9
 10 6-20-1909. Phase III school districts.

11 (a) An individual school that does not meet the Department of
 12 Education's criteria for repeating procedures set forth for Phase II, and
 13 whose district did not follow the recommendations of the department for the
 14 Phase II school within the district, shall be classified as a Phase III
 15 school.

16 (b) During the 2004-2005 school year, and during each year thereafter
 17 until the school is no longer classified as a Phase III school, the
 18 department, in dealing with any district with a school classified as a Phase
 19 III school:

20 (1) Shall require the principal of the individual school to
 21 relinquish all authority with respect to the individual school and within the
 22 district, to appoint an individual to operate the school under the
 23 supervision of the Director of the Department of Education, and to compensate
 24 nondepartment employees for operating the district using the salary formerly
 25 given to the principal of the school;

26 (2) May require the superintendent to:

27 (A) Relinquish all authority with respect to the district;

28 (B) Appoint an individual to operate the district under
 29 the supervision of the Director of the Department of Education; and

30 (C) Compensate nondepartment employees for operating the
 31 district using the salary formerly given to the district superintendent;

32 (3) May have all the powers and duties of the local school board
 33 under § 6-13-620 with respect to the individual school and the entire
 34 district;

35 (4) May determine that it is in the best interests of the
 36 students in the school to continue operation of the school or that

1 consolidation with another school in the district is necessary;

2 (5)(A) May call an election of a new school board for the
3 district.

4 (B) If an election is called, the district shall reimburse
5 the county board of election commissioners for election costs as otherwise
6 required by law;

7 (6) May allow the district to operate without a local school
8 board under the supervision of the local school district administration; and

9 (7) May turn the administration of the district over to the
10 former board or to a newly elected school board.

11
12 6-20-1910. Annexation - Appeals.

13 (a) If it is in the best interest of the students in a school
14 classified as a Phase III school for the individual school to consolidate
15 with another individual school in the district, as determined by the
16 Department of Education, the department shall hold a public hearing to
17 discuss the consolidation of the school.

18 (b) After the public hearing, the State Board of Education may
19 consolidate the school with another school or schools in the district upon a
20 majority vote of the members of the state board.

21 (c) If the state board consolidates the school, the state board shall
22 have exclusive authority to determine the attendance zones of the new school.

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