

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

A Bill

HOUSE BILL 2697

4
5 By: Representative Green
6
7

For An Act To Be Entitled

8
9 THE OMNIBUS QUALITY EDUCATION ACT OF 2003; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13 THE OMNIBUS QUALITY EDUCATION ACT OF
14 2003.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 6-13-1403 through 6-13-1406 are amended to
20 read as follows:

21 6-13-1403. Conditions under which the State Board of Education may
22 annex school districts.

23 (a) The State Board of Education shall consider the annexation of an
24 affected school district or districts to a receiving district or districts
25 under the following conditions:

26 (1) The State Board of Education determines it is in the best
27 interest of the affected district and the receiving district for a school to
28 be annexed rather than consolidated;

29 ~~(1)(A)~~(2)(A) The affected district or districts file a petition
30 with the state board requesting annexation to a particular receiving district
31 or districts, and a copy of the petition is filed with the county clerk's
32 office of each county where the affected district or districts are located~~+~~.

33 (B) The county clerk's office of each county where the
34 affected district or districts are located certifies in writing that the
35 petition has been signed by a majority of the qualified electors of the
36 district or districts; and



1 (C) The receiving district or districts provide to the
2 state board written proof of consent to receive the affected district or
3 districts by annexation as evidenced by either a vote to approve annexation
4 by resolution by a majority of the members of the local receiving board of
5 education or by vote to approve annexation by a majority of the qualified
6 electors of the receiving district as provided for in § 6-14-122;

7 ~~(2)(A)~~(3)(A) A majority of the qualified electors in the
8 affected district or districts vote to approve the annexation of an affected
9 school district or districts to a receiving district or districts as provided
10 for in § 6-14-122; and

11 (B) The receiving district or districts provide to the
12 state board written proof of consent to receive the affected district or
13 districts by annexation as evidenced by either a vote to approve annexation
14 by resolution by a majority of the members of the local receiving board of
15 education or by vote to approve annexation by a majority of the qualified
16 electors of the receiving district as provided for in § 6-14-122; or

17 ~~(3)(A)~~(4)(A) The local board of education of the affected
18 district or districts vote to approve by resolution the annexation of the
19 affected district or districts to a receiving district or districts by a
20 majority of the members of the local board of education of the affected
21 district or districts; and

22 (B) The receiving district or districts provide to the
23 state board written proof of consent to receive the affected district or
24 districts by annexation as evidenced by either a vote to approve annexation
25 by resolution by a majority of the members of the local receiving board of
26 education or by vote to approve annexation by a majority of the qualified
27 electors of the receiving districts as provided for in § 6-14-122.

28 (b) The state board may vote to approve, by a majority of a quorum
29 present of the members of the state board, the annexation of the affected
30 districts into a receiving district;

31 (1) On its own motion; or

32 (2) ~~upon~~ Upon receipt of a valid petition for annexation and
33 after receiving proof from the petitioning party of at least one (1) of the
34 required conditions set forth in subsection (a) of this section and upon
35 receipt of proof of the issuance of public notice of the intent to annex
36 affected districts into a receiving district or districts in the local

1 newspapers of general circulation in the affected districts for a time period
2 of no less than once a week for two (2) consecutive weeks immediately prior
3 to the time the petition is filed with the state board.

4 (c) In order for the petition for annexation to be valid, it shall be
5 filed with the state board at least thirty (30) days prior to the next
6 regularly scheduled state board meeting, at which time the petition will be
7 presented for hearing before the state board. However, no petition is
8 required for the State Board of Education to annex a school district upon the
9 board on motion or as allowed by law.

10 (d)(1) Upon determination by the State Board of Education to annex a
11 school district or approval of a petition requesting annexation, the state
12 board shall issue an order dissolving the affected districts and establishing
13 the receiving school district or districts.

14 (2)(A) The state board shall issue an order establishing the
15 boundary lines of the receiving district or districts.

16 (B) It shall be the duty of the Department of Education to
17 make changes in the maps of the school districts to properly show the
18 boundary lines of the receiving district or districts.

19 (e) The state board shall issue an order establishing the changed
20 boundaries and shall file the order with the county clerk or clerks of the
21 county or counties where the receiving district or districts are located. The
22 county clerk shall make a permanent record of the order and, thereafter, the
23 boundaries so established shall be boundaries of the receiving district until
24 changes are made according to the provisions of law.

25 (f) The state board shall not annex affected districts that are not
26 geographically contiguous unless the following limited conditions are
27 determined to be valid reasons for annexation:

28 (1) The annexation will result in the overall improvement in the
29 educational benefit to students in all the school districts involved; or

30 (2) The annexation will provide a significant advantage in
31 transportation costs or service to all the school districts involved.

32

33 6-13-1404. Conditions under which the State Board of Education may
34 consolidate school districts.

35 (a) The State Board of Education shall consider the consolidation of
36 affected school districts into a new resulting school district or districts

1 under the following conditions:

2 (1) The State Board of Education determines it is in the best
3 interest of the affected district and the resulting district for a school to
4 be consolidated; or

5 ~~(1)(A)(2)~~ The affected districts file a petition with the state
6 board requesting that the affected districts be consolidated into a resulting
7 district or districts;

8 ~~(B)(3)~~ A copy of the petition has been filed with the county
9 clerk's office of each county where the affected districts are located; ~~and~~

10 ~~(C)(4)~~ The county clerk's office certifies in writing to the
11 state board that the petition has been signed by a majority of the qualified
12 electors of the affected districts;

13 ~~(2)(5)~~ A majority of the qualified electors in the affected
14 districts votes to approve consolidation of the affected districts into a
15 resulting district or districts pursuant to a valid election as provided for
16 in § 6-14-122; ~~and~~

17 ~~(3)(6)~~ The local board of directors votes to approve by
18 resolution of a majority of the members of each local board of education the
19 consolidation of the affected districts into a resulting district or
20 districts.

21 (b) The state board:

22 (1) May consolidate school districts upon its own motion; or

23 (2) May ~~may~~ vote to approve by a majority of a quorum present of
24 the members of the state board the consolidation of the affected districts
25 into a resulting district upon receipt of a valid petition for consolidation,
26 after receiving proof from the petitioning party of at least one (1) of the
27 required conditions set forth in subsection (a) of this section, and upon
28 receipt of proof of the issuance of public notice of the intent to
29 consolidate affected districts into a resulting district or districts in the
30 local newspapers of general circulation in the affected districts for a time
31 period of no less than once a week for two (2) consecutive weeks immediately
32 prior to the time the petition is filed with the state board.

33 (c) In order for the petition for consolidation to be valid, it shall
34 be filed with the state board at least thirty (30) days prior to the next
35 regularly scheduled state board meeting, at which time the petition will be
36 presented for hearing before the state board. However, no petition is

1 required for the State Board of Education to consolidate a school district as
2 provided by law.

3 (d)(1) Upon consolidation of a district by the board or approval of a
4 petition requesting consolidation, the state board shall issue an order
5 dissolving the affected school districts and establishing the resulting
6 school district or districts.

7 (2)(A) The state board shall issue an order establishing the
8 boundary lines of the resulting district or districts.

9 (B) It shall be the duty of the Department of Education to
10 make changes in the maps of the school districts to properly show the
11 boundary lines of the resulting district or districts.

12 (e)(1) The state board shall issue an order establishing the changed
13 boundaries and shall file the order with the county clerk or clerks where the
14 resulting district or districts are located.

15 (2) The county clerk shall make a permanent record of the order
16 and, thereafter, the boundaries so established shall be boundaries of the
17 resulting district until changes are made according to the provisions of law.

18 (f) The state board shall not consolidate affected districts that are
19 not geographically contiguous unless the following limited conditions are
20 determined to be valid reasons for consolidation:

21 (1) The consolidation will result in the overall improvement in
22 the educational benefit to students in all the school districts involved; or

23 (2) The consolidation will provide a significant advantage in
24 transportation costs or service to all the school districts involved.

25
26 6-13-1405. Effective date of annexation or consolidation.

27 (a) Upon consolidation or annexation of a school district by the State
28 Board of Education:

29 (1) The effective date of the annexation or consolidation shall
30 be determined by the State Board of Education;

31 (2) The State Board of Education shall prescribe the number of
32 members of the board of directors of the resulting or receiving district;

33 (3) The consolidation plan adopted by the State Board of
34 Education shall be filed with the county clerk of each county that contains
35 territory or a portion of the territory of each affected school district; and

36 (4) All terms and conditions of the consolidation shall be as

1 set forth by the State Board of Education and shall be binding on the school
2 districts and the respective boards of directors.

3 ~~(a)~~(b) Upon a voluntary consolidation:

4 (1) Unless an agreement is reached in the consolidation or
5 annexation agreement to be different, the effective date of the annexation or
6 consolidation shall be the July 1 following the order of the state board
7 directing the annexation or the consolidation.;

8 ~~(b)~~(2) Each board of directors of the affected districts by
9 majority approval of the members of the local board may enter into a written
10 agreement executed by the former president and secretary of each district.
11 The agreement shall prescribe the date of the annexation of the affected
12 district or districts to the receiving district or the formation of the
13 resulting district from consolidation of affected districts.;

14 ~~(e)~~(3) The agreement shall also prescribe the number of members
15 of the board of directors of the resulting district ~~as provided for in § 6-~~
16 ~~13-1205 (repealed).~~;

17 ~~(d)~~(4) An executed copy of the agreement shall be filed with the
18 county clerk of each county that contains territory or a portion of the
19 territory of each affected school district.

20

21 6-13-1406. Board of directors - Term - Election.

22 (a)(1) ~~Unless the board of directors of the affected district or~~
23 ~~districts and the board of directors of the receiving district or districts~~
24 ~~agree otherwise, the~~ The board of directors of the receiving district or
25 districts after annexation shall be the same board of directors of the
26 receiving district prior to annexation until the next regular school
27 election.

28 ~~(2) The boards of directors of the affected districts may by~~
29 ~~agreement establish a new board of directors other than the current board of~~
30 ~~directors of the receiving district composed of not fewer than five (5) nor~~
31 ~~more than seven (7) directors except for those school districts allowed to do~~
32 ~~otherwise pursuant to § 6-13-604.~~

33 ~~(3)~~(2) The At the next regular school election following the
34 annexation, the board of directors of the receiving district ~~created by~~
35 ~~agreement~~ shall be elected from single-member zones of substantially equal
36 population based upon the most recent census information and from which

1 racial minorities may be represented on the board in proportions reflected in
 2 the district as a whole.

3 (b)(1) ~~Unless the boards of directors of the affected districts agree~~
 4 ~~otherwise, the~~ The board of directors of the resulting district after
 5 consolidation shall be composed of seven (7) members until the next regular
 6 school election.

7 (2) The boards of directors of the affected districts may by
 8 agreement establish a an interim board of directors of the resulting district
 9 composed of not fewer than five (5) nor more than seven (7) directors except
 10 for those school districts allowed to do otherwise pursuant to § 6-13-604,
 11 the members of which shall serve until the next regular school election
 12 following the consolidation.

13 (3) ~~The~~ At the next regular school election following the
 14 consolidation, the board of directors of the resulting district shall be
 15 elected from single-member zones of substantially equal population based upon
 16 the most recent census information and from which racial minorities may be
 17 represented on the board in proportions reflected in the district as a whole.

18 (c) The length of the term of each member of the board of directors
 19 after annexation or consolidation shall be for a time period as allowed by
 20 law.

21 (d) At the first meeting of a new board after annexation or
 22 consolidation, the members shall determine their terms by lot so that no more
 23 than two (2) members' terms expire during any one (1) year.

24 (e) Any vacancy on the board shall be filled in the manner provided
 25 for by law.

26 (f) The establishment of a board of directors with an even number of
 27 members following annexation or consolidation is hereby prohibited.

28
 29 SECTION 2. Arkansas Code § 6-13-1409 is amended to read as follows:
 30 6-13-1409. State Board of Education.

31 (a) The State Board of Education shall have the following duties
 32 regarding consolidations and annexations:

33 (1) To form local school districts, change boundary lines of
 34 school districts, dissolve school districts and annex the territory of such
 35 districts to another district, create new school districts, and perform all
 36 other functions regarding changes in school districts in accordance with the

1 law;

2 (2) To transfer funds and attach territory that is in no school
 3 district to other school districts as may seem best for the educational
 4 welfare of the children; and

5 (3) To enact rules and regulations regarding the consolidation
 6 and annexation of school districts under this title.

7 ~~(b)(1) Any person being a party to a proceeding before the state board
 8 concerning consolidation or annexation who feels aggrieved by any final order
 9 or decision of the state board may file a petition for appeal from such a
 10 final order or decision, provided, within thirty (30) days from the date of
 11 the final order or decision complained of, the person shall:~~

12 ~~(A) Make an affidavit that the appeal taken from such a
 13 final order or decision of the state board is not taken for purposes of
 14 delay; and~~

15 ~~(B) Enter into a bond with good and sufficient surety
 16 thereon in such sum as shall be ordered by the state board, not to exceed
 17 twice the amount of property tax revenues involved in the appeal.~~

18 ~~(2) The appeal provided in this section shall be to the Circuit
 19 Court of Pulaski County.~~

20 (b) The millage rate of the electors of the affected district shall
 21 remain the same until an election may be held to change the rate of taxation
 22 for the resulting district or receiving district.

23

24 SECTION 3. Arkansas Code § 6-15-202 is amended to read as follows:

25 6-15-202. Accreditation - Development of regulations and standards.

26 (a) The State Board of Education is authorized and directed to develop
 27 comprehensive regulations, criteria, and ~~minimum~~ standards to be used by the
 28 board and the Department of Education in the accreditation of school programs
 29 in elementary and secondary public schools in this state.

30 (b)(1) All public school districts shall meet the Standards of
 31 Accreditation for Arkansas Public Schools which shall be adopted by the State
 32 Board of Education.

33 (2) The State Board of Education, upon showing of just cause,
 34 may grant a waiver of any standard of accreditation to a school district that
 35 petitions the State Board of Education for a waiver pursuant to rules and
 36 regulations adopted by the board.

1 (3) A public school district shall be determined to have failed
2 to meet the Standards of Accreditation for Arkansas Public Schools when the
3 district or a school in the district has been placed on probationary status
4 for failure to meet the Standards of Accreditation for Arkansas Public
5 Schools.

6 (c) The State Board of Education shall promulgate rules and
7 regulations setting forth:

8 (1) The process for identifying schools and school districts
9 that fail to meet the Standards of Accreditation for Arkansas Public Schools;

10 (2) Enforcement measures the State Board of Education may apply
11 to bring a school or school district into compliance with the Standards of
12 Accreditation for Arkansas Public Schools, including but not limited to,
13 annexation, consolidation, detachment, or reconstitution of the school
14 district in accordance with § 6-13-1401 and 6-13-1501; and

15 (3) The appeal process available to a school district under this
16 subchapter.

17 ~~(b)~~(d) After the regulations are adopted and implemented by the board,
18 standards and procedures shall regularly be reviewed by the House and Senate
19 Interim Committees on Education at least once every two (2) years, and
20 recommendations and advice in regard thereto may be filed by the committees
21 with the board for its consideration.

22
23 SECTION 4. Arkansas Code § 6-15-203 is amended to read as follows:
24 6-15-203. Notification of failure to meet standards - Appeal.

25 (a) The Department of Education shall annually notify all school
26 districts failing to meet ~~minimum~~ standards for accreditation for elementary
27 and secondary schools not later than June 15 of each year of such
28 determination.

29 (b)(1) In the event a school district affected by this subchapter
30 believes the department has improperly determined that ~~the~~ a school or school
31 district fails to meet ~~minimum~~ the standards for accreditation of any school
32 in the district, the school district shall have a right of appeal thereafter
33 to the State Board of Education.

34 (2) Any such appeal shall be held in an open hearing, and the
35 decision of the board shall be in open session.

36 (3) ~~Appeal~~ Appeals must be filed not later than June 30

1 following the June 15 ~~certification~~ determination of accreditation status,
 2 and the board hearing must be held prior to July 15 of the same calendar
 3 year.

4 (4) The board may confirm the classification of a local school
 5 as determined by the department, or it may sustain the appeal of the
 6 district.

7 ~~(5) An appeal from the ruling of the board may be made by any~~
 8 ~~district to a court of competent jurisdiction provided such appeal is made~~
 9 ~~within ninety (90) days after the effective date of any annexation.~~

10
 11 SECTION 5. Arkansas Code § 6-15-206 is amended to read as follows:
 12 6-15-206. Subsequent failure to meet standards.

13 (a) Any school which is determined to meet the ~~minimum~~ standards for
 14 accreditation of Arkansas public elementary and secondary schools as provided
 15 in this subchapter which subsequently falls below current ~~minimum~~ standards
 16 for accreditation as determined by the Department of Education shall be
 17 classified as probationary.

18 (b) Notice thereof shall be filed with the school district in which
 19 the school is located that the school must meet ~~minimum~~ standards for
 20 accreditation within no more than two (2) full school years or be subject to
 21 the mandates of this subchapter ~~with reference to dissolution and annexation~~
 22 including, but not limited to, consolidation, annexation, reconstitution, or
 23 detachment as provided under §§ 6-13-1401 through 6-13-1505. The department
 24 shall prepare and promulgate regulations and guidelines for the maximum times
 25 allowable for correction of ~~particular~~ any violations of standards, provided
 26 no individual violation may exist for more than two (2) full consecutive
 27 school years.

28 (c)(1) School districts shall submit annually evidence of compliance
 29 with standards for accreditation.

30 (2) The department shall ~~periodically~~ review annually the
 31 educational standards of school districts for the purpose of determining
 32 whether ~~minimum~~ standards for accreditation of the schools therein are in
 33 compliance with current state standards for accreditation.

34 ~~(d)(e) Review~~ An onsite review of each school's compliance shall be
 35 made at least every ~~five (5)~~ two (2) years and more frequently if the
 36 department has reason to believe that the school district or any school

1 therein has fallen below ~~minimum~~ standards for accreditation.

2 ~~(e)~~(f) The department shall cooperate with local schools and school
 3 authorities in order to assist affected school districts and schools therein
 4 to achieve compliance with the ~~minimum~~ standards for accreditation as
 5 provided in this subchapter.

6
 7 SECTION 6. Arkansas Code § 6-15-211 is repealed.

8 ~~6-15-211. Amount of state aid to consolidated or annexed districts.~~
 9 ~~In any consolidation or annexation as the result of this subchapter,~~
 10 ~~the combined districts shall not receive less state aid for each of the next~~
 11 ~~two (2) school years than was received the year previous to the annexation.~~

12
 13 SECTION 7. Arkansas Code § 6-15-402 is amended to read as follows:

14 6-15-402. Purpose.

15 (a)(1) The purpose of this subchapter is to provide the statutory
 16 framework necessary to ensure that all students in the public schools of this
 17 state demonstrate grade-level academic proficiency through the application of
 18 knowledge and skills in the core academic subjects consistent with state
 19 curriculum frameworks, performance standards, and assessments. The State of
 20 Arkansas recognizes and declares that students who are not performing at
 21 grade-level standards of academic proficiency are especially harmed by social
 22 promotion because they are not equipped with the necessary academic skills to
 23 be successful and productive members of society. The Department of Education
 24 is committed to having all students perform at grade level and beyond. For
 25 this reason, the Arkansas Comprehensive Testing, Assessment, and
 26 Accountability Program will emphasize point-in-time intervention and
 27 remediation upon the discovery that any student is not performing at grade
 28 level.

29 (2) This subchapter is constructed around a system that includes
 30 statewide indicators, individual school improvement indicators, and a locally
 31 generated school accountability narrative. The total program shall be applied
 32 to each school in the state public school system.

33 (3) This subchapter is designed to be a multiyear commitment to
 34 assess the academic progress and performance of Arkansas' public school
 35 students.

36 (b) The purposes of the assessment and accountability program

1 developed pursuant to the provisions of this under this subchapter shall be
2 to:

- 3 (1) Improve student learning and classroom instruction;
- 4 (2) Provide public accountability by exemplifying expected
5 achievement levels, ~~and~~ by reporting on school and school district
6 performance, and applying a framework for state action for a school or school
7 district that fails expected achievement levels as defined in the Arkansas
8 Comprehensive Accountability and Assessment Program rules and regulations;
9 and
- 10 (3) Provide evaluation data of school and school district
11 performance in order to assist policymakers at all levels in decision making.

13 SECTION 8. Arkansas Code § 6-15-403 is amended to read as follows:
14 6-15-403. Authority of State Board of Education.

15 The State Board of Education through the Department of Education is
16 ~~hereby~~ authorized to:

17 (1) Develop a single comprehensive testing, assessment, and
18 accountability program which utilizes the most current and effective testing,
19 evaluation, and assessment research information designed to achieve the
20 following purposes set forth in this subchapter:

- 21 (A) Set clear academic standards;
- 22 (B) Establish professional development;
- 23 (C) Establish expected achievement levels;
- 24 (D) Report on student achievement and other indicators;
- 25 (E) Provide evaluation data;
- 26 (F) Recognize academic excellence and failure; ~~and~~
- 27 (G) Apply awards and sanctions; and
- 28 (H) Comply with 20 U.S.C. § 6301, et seq., of the Elementary and
29 Secondary Schools Act (ESEA) of 1965;

30 (2) Promulgate such rules and regulations as may be necessary to
31 develop and implement the comprehensive testing, assessment and
32 accountability program; and

33 (3) Employ staff and enter into contracts as may be necessary to carry
34 out the provisions of this subchapter.

36 SECTION 9. Arkansas Code § 6-15-404 is amended to read as follows:

1 6-15-404. Program implementation.

2 (a)(1) The Department of Education shall develop and implement testing
 3 for public school students at the primary and middle-level grades, as well as
 4 end-of-course testing, which is criterion-referenced and which measures
 5 application of knowledge and skills in reading and writing literacy,
 6 mathematics and, as funds are available, in science and social studies.

7 ~~(2) The department shall test public school students with a~~
 8 ~~nationally norm-referenced test to be selected by the State Board of~~
 9 ~~Education at the middle level and high school grades.~~

10 ~~(3)~~(2) The board shall establish expected levels of achievement
 11 on the criterion-referenced examinations.

12 ~~(4)~~(3) The State of Arkansas shall participate in the
 13 administration of the National Assessment of Educational Progress
 14 examinations.

15 (b) Any student failing to achieve the established standard on the
 16 criterion-referenced examinations shall be evaluated by school personnel, who
 17 shall jointly develop an academic improvement plan to assist the student in
 18 achieving the expected standard in subject areas where performance is
 19 deficient.

20 (c)(1) Each school shall develop one (1) comprehensive, long-range
 21 school improvement plan focused on student achievement.

22 (2)(A) Any school that fails to achieve expected levels of
 23 student performance on criterion-referenced tests, ~~norm-referenced tests,~~ and
 24 related indicators, as defined ~~in this subchapter~~ by rule and regulation,
 25 shall ~~participate in~~ implement a comprehensive school improvement plan
 26 accepted by the department. This improvement plan shall assist those
 27 students performing below grade level in achieving the expected standard.

28 (B) This plan shall be part of each school's long-range
 29 comprehensive school improvement plan and shall be reported to the public.

30 (C) Progress on improved achievement shall be included as
 31 part of the school's and school district's annual report to the public.

32 (d) The department and the local school districts shall annually
 33 compile and disseminate to the public results of administering all required
 34 examinations. The results of the end-of-course testing shall become a part of
 35 each student's transcript or permanent record and shall be recorded on these
 36 documents in a manner prescribed by the state board.

1 (e) The state board shall promulgate rules and regulations as may be
 2 necessary to require the Department of Education to establish and implement a
 3 program for identifying, evaluating, assisting, and addressing public schools
 4 or public school districts, including but not limited to public schools in
 5 academic distress, and districts or schools failing to meet established
 6 levels of academic achievement on the state mandated criterion-referenced
 7 examination.

8
 9 SECTION 10. Arkansas Code § 6-15-406 is amended to read as follows:
 10 6-15-406. Assessment of basic skills.

11 The comprehensive testing, assessment, and accountability program to be
 12 developed by the Department of Education and approved by the State Board of
 13 Education shall include, but is not limited to, the following components or
 14 characteristics:

15 (1) Assessment of academic achievement at grade levels selected to be
 16 tested by the department;

17 (2) ~~Longitudinal~~ Trend data collection;

18 (3) A variety of assessment methods;

19 (4) Construction of a database composed of academic performance
 20 indicators that shall apply to every school and school district in the state
 21 that will allow the department, over time, to identify those schools and
 22 school districts that are performing at or below proficient levels
 23 established under this subchapter; and

24 (5) Meaningful comparisons of Arkansas students with those of other
 25 states, regions, and the nation through the National Assessment of
 26 Educational Progress examination.

27
 28 SECTION 11. Arkansas Code § 6-15-419 is amended to read as follows:
 29 6-15-419. Definitions.

30 The following definitions shall apply in this subchapter, unless the
 31 context otherwise requires:

32 (1)(A) "Academic improvement plan" means a plan detailing supplemental
 33 or intervention and remedial instruction, or both, in deficient academic
 34 areas for any student who is not proficient on a portion or portions of the
 35 state-mandated criterion-referenced assessments.

36 (B)(i) Such a plan shall be created and implemented by

1 appropriate teachers, counselors, and any other pertinent school personnel.

2 (ii) All academic improvement plans shall be annually
 3 reviewed and revised to ensure effectiveness and to ensure student
 4 demonstration of proficiency in the targeted academic areas on the next
 5 state-mandated criterion-referenced assessments.

6 (iii) A cumulative review of all academic improvement
 7 plans shall be part of the data used by the school in creating and revising
 8 its comprehensive school improvement plan.

9 (iv) All academic improvement plans shall be subject to
 10 review by the Department of Education.

11 (C) In any instance where a student with disabilities identified
 12 under the Individuals with Disabilities Education Act has an individualized
 13 education program that already addresses any academic area or areas in which
 14 the student is not proficient on state-mandated criterion-referenced
 15 assessments, the individualized education program shall serve to meet the
 16 requirement of an academic improvement plan;

17 (2) "Annexation" means the joining of an affected school district or
 18 part of the school district with a receiving district under §§ 6-13-1401
 19 through 6-13-1409;

20 ~~(1)-(3)~~ "School improvement plan Comprehensive school plan" means the
 21 individual school's comprehensive plan based on priorities indicated by
 22 assessment and other pertinent data and designed to ensure that all students
 23 demonstrate proficiency on all portions of state-mandated criterion-
 24 referenced assessments; ~~and~~

25 (4) "Consolidation" means the joining of two (2) or more school
 26 districts or parts of the school districts to create a new single school
 27 district under §§ 6-13-1401 through 6-13-1409;

28 (5) "Department" means the Department of Education;

29 ~~(2)-(6)~~ "District improvement plan" means a districtwide plan
 30 coordinating the actions of the various comprehensive school improvement
 31 plans within a district. The main focus of the district improvement plan
 32 shall be to ensure that all students demonstrate proficiency on all portions
 33 of state-mandated criterion-referenced assessments;

34 ~~(3)-(7)~~ "Early intervention" means short-term, intensive, focused,
 35 individualized instruction developed from ongoing, daily, systematic
 36 diagnosis that occurs while a child is in the initial, kindergarten through

1 grade one (K-1), stages of learning early reading, writing, and mathematical
 2 strategies to ensure acquisition of the basic skills and to prevent the child
 3 from developing poor problem-solving habits which become difficult to change.
 4 The goal is to maintain a student’s ability to function proficiently at grade
 5 level;

6 ~~(4)~~(8) "End of course" means an examination taken at the completion of
 7 a course of study to determine whether a student demonstrates attainment of
 8 the knowledge and skills necessary to mastery of that subject;

9 ~~(5)~~(9) "Grade level" means performing at the proficient or advanced
 10 level on state-mandated criterion-referenced tests;

11 ~~(6)~~(10) "High school" means grades nine through twelve (9-12);

12 ~~(7)~~(11) "Middle level" means grades five through eight (5-8);

13 ~~(8)~~(12) "Point-in-time intervention and remediation" means
 14 intervention and remediation applied during the academic year upon the
 15 discovery that a student is not performing at grade level;

16 ~~(9)~~(13) "Primary" means kindergarten through grade four (K-4);

17 (14) "Public school" means those schools or school districts created
 18 pursuant to Title 6 of the Arkansas Code except specifically excluding those
 19 schools or educational programs created by or receiving authority to exist
 20 pursuant to § 6-15-501, § 9-28-205, §§ 12-29-301 through 12-29-310, or other
 21 provisions of Arkansas law;

22 (15) "Reconstitution" means the reorganization of the administrative
 23 unit or governing body of a public school district, including but not limited
 24 to the replacement or removal of a current superintendent or the removal or
 25 replacement of a current school board or both;

26 ~~(10)~~(A)~~(i)~~(16)(A)(i) "Remediation" means a process of using diagnostic
 27 instruments to provide corrective, specialized, supplemental instruction to
 28 help a student in grades two through four (2-4) overcome academic
 29 deficiencies.

30 (ii) For students in grades five through twelve (5-12),
 31 remediation shall be a detailed, sequential set of instructional strategies
 32 implemented to remedy any academic deficiencies indicated by below-basic or
 33 basic performance on the state-mandated criterion-referenced assessments.

34 (B) Remediation shall not interfere with or inhibit student
 35 mastery of current grade level academic learning expectations;

36 (17) "School district in academic distress" means any public school or

1 public school district failing to meet the minimum level of academic
 2 achievement on the state mandated criterion-referenced examination as
 3 required by the State Board of Education in the "Arkansas Comprehensive
 4 Testing, Assessment, and Accountability Program";

5 ~~(12)~~(18) "Social promotion" means the passage or promotion from one
 6 grade to the next of a student who has not demonstrated knowledge or skills
 7 required for grade-level academic proficiency; and

8 (19) "State Board" means the State Board of Education.

9
 10 SECTION 12. Arkansas Code § 6-15-420 is amended to read as follows:
 11 6-15-420. Informal standards of learning.

12 (a)(1) In order for students to be academically prepared to achieve
 13 proficiency in reading and writing literacy and mathematics, the Department
 14 of Education shall require each public school serving students in
 15 kindergarten through grade four (K-4) to develop, select, and implement
 16 ongoing, informal assessments linked to the Arkansas frameworks.

17 (2) Literacy assessment training and mathematics assessment
 18 training utilizing research-based diagnostic instruments or tools will be
 19 provided for teachers by the department. Where grant funds are available in
 20 the areas of highest need, a literacy coordinator may be trained.

21 (b)(1) Any student in kindergarten through grade one (K-1) failing to
 22 perform at the proficient level in reading and writing literacy or
 23 mathematics shall be evaluated as early as possible within each of the
 24 kindergarten through grade one (K-1) academic years. Those students shall be
 25 evaluated by personnel with expertise in reading and writing literacy or
 26 mathematics who shall develop and implement an academic improvement plan,
 27 using early intervention strategies sanctioned by the department, to assist
 28 the student in achieving the expected standard.

29 (2) Any student in grades two through four (2-4) failing to
 30 perform at the proficient level in reading and writing literacy or
 31 mathematics shall be evaluated by personnel with expertise in reading and
 32 writing literacy or mathematics who shall develop and implement an academic
 33 improvement plan, using remediation strategies sanctioned by the department,
 34 to assist the student in achieving the expected standard.

35 (c)(1) Upon completion of the intervention and remediation plans in
 36 subdivisions (b)(1) and (b)(2) of this section, those schools that fail to

1 achieve expected levels of student performance at the primary level on
 2 criterion-referenced tests, as defined in this subchapter, shall participate
 3 in a comprehensive school improvement plan accepted by the department.

4 (2)(A) This plan shall be part of each school’s long-range
 5 comprehensive school improvement plan and shall be reported to the public.

6 (B) Progress on improved achievement shall be included as
 7 part of the school and school district’s annual report to the public.

8 (d)(1) As part of the comprehensive testing, assessment, and
 9 accountability program, the department shall ensure that each school and
 10 school district establishes a plan to assess whether children in the middle-
 11 level and high school grades are performing at proficient levels in reading
 12 and writing literacy, mathematics and, as funds are available, other core
 13 academic subjects.

14 (2) Each school and school district shall use a combination of
 15 assessment measures, which shall include, but not be limited to, state-
 16 mandated criterion-referenced or ~~norm-referenced testing, or both~~ testing.

17 (e) Any student failing to demonstrate a proficient level of
 18 achievement in reading and writing literacy or mathematics or, as funds are
 19 available, other core academic subjects, shall participate in an individual
 20 academic improvement plan specifically designed to achieve proficient-level
 21 performance standards in these areas.

22
 23 SECTION 13. Arkansas Code § 6-15-421 is amended to read as follows:
 24 6-15-421. Awards and sanctions.

25 (a)~~(1)~~ The Department of Education is authorized to develop and
 26 implement, contingent upon appropriation and funding being provided by the
 27 General Assembly, a program of rewards to recognize individual schools that
 28 demonstrate exceptional performance in levels of student achievement and to
 29 recognize schools that demonstrate significant improvement in student
 30 achievement.

31 (b)(1) Each school that does not attain the expected levels of student
 32 performance on state-mandated indicators and individual school improvement
 33 indicators shall be designated by one (1) of several levels of sanction.

34 (2) Each level of sanction shall determine specific
 35 interventions to be provided to the ~~school~~ students of public schools or
 36 public school districts by the department. The levels of sanction developed

1 under this subchapter shall be incorporated into the existing school
2 improvement plan academic distress policy.

3 (c) The State Board of Education through the department is hereby
4 authorized to promulgate such rules and regulations as may be necessary to
5 carry out the provisions of this subchapter.

6
7 SECTION 14. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended
8 to add an additional section to read as follows:

9 6-15-424. School improvement or academic distress.

10 (a) Those public schools or public school districts identified by the
11 Department of Education as failing to meet established levels of academic
12 achievement shall be classified as being either in school improvement or
13 academic distress as required by the Arkansas Comprehensive Testing,
14 Assessment, and Accountability Program rules and regulations.

15 (b) Those public schools or school districts identified by the
16 Department of Education as being classified as in school improvement or
17 academic distress shall be notified by the department, via certified mail
18 return receipt requested, and shall have a right of appeal.

19 (c) Any school district identified in academic distress status may
20 appeal to the State Board of Education by filing a written appeal, with the
21 office of the Director of Education, by certified mail, return receipt
22 requested, with thirty (30) days of receipt of notice of identified academic
23 distress status from the department.

24 (d) The State Board of Education shall hear the appeal within sixty
25 (60) days after receipt of the written notice of appeal of the school
26 district. The State Board of Education's determination shall be final on any
27 appeal, and there shall be no further right of appeal except as allowed by
28 the Arkansas Administrative Procedures Act.

29 (e)(1) A public school or public school district classified as in
30 "school improvement" shall develop and file with the Department of Education
31 a comprehensive school improvement plan designed to ensure that all students
32 demonstrate proficiency on all portions of state-mandated criterion-
33 referenced assessments.

34 (2) Each public school or public school district classified as
35 in "school improvement" shall comply with all requirements and sanctions
36 placed on the public school or public school district by the Department of

1 Education as allowed in the Arkansas Comprehensive Testing, Assessment, and
2 Accountability Program rules and regulations.

3 (f)(1)(A) A public school district classified as in "academic
4 distress" shall have no more than two (2) full school years from the date of
5 classification to be removed from academic distress status.

6 (B) If the public school district fails to be removed from
7 academic distress status within the allowed two (2) year time period, or by
8 an earlier date if so determined by the Department of Education, the State
9 Board of Education shall annex, consolidate, or reconstitute the academic
10 distress public school district before July 1 of the next school year.

11 (2) A public school district classified as in academic distress
12 shall comply with all requirements and sanctions placed on a public school or
13 the public school district by the Department of Education as allowed in the
14 Arkansas Comprehensive Testing, Assessment, and Accountability Program rules
15 and regulations.

16 (g) The State Board of Education may at any time annex, consolidate,
17 detach, or reconstitute pursuant to this subchapter any public school
18 district determined to be in academic distress, except no public school
19 district shall be allowed to remain in academic distress status for a time
20 period greater than two (2) full school years from the date of classification
21 of academic distress.

22 (h) The Director of the Department of Education shall have the
23 following authority regarding any public school district in academic
24 distress:

25 (1) Require the superintendent of the school district to
26 relinquish all authority with respect to the district, to appoint an
27 individual to administratively operate the district under the supervision of
28 the Director of the Department of Education, and the cost to be paid from
29 school district funding;

30 (2) Remove the current board of directors and call for the
31 election of a new school board for the school district in which case the
32 school district shall reimburse the county board of election commissioners
33 for election costs as otherwise required by law;

34 (3) Allow the school district to operate without the local
35 school board under the supervision of the local school district
36 administration or an administration chosen by the Director of the Department

1 of Education;

2 (4) Waive the application of Arkansas law, with the exception of
3 the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq. and the Public
4 School Employee Fair Hearing Act, § 6-17-1701 et seq. or department rules and
5 regulations;

6 (5) Call for the annexation, consolidation, detachment, or
7 reconstitution of the public school district; and

8 (6) Take any other necessary and proper action, as determined by
9 the director, that is allowed by law.

10 (i)(1) Any student attending a public school district classified as
11 being in academic distress shall automatically be eligible and entitled
12 pursuant to § 6-18-206, the "Arkansas Public School Choice Act", to transfer
13 to another geographically contiguous school district during the entire time
14 period the district is classified as being in academic distress.

15 (2) The cost of transporting the student from the resident
16 district to the nonresident district shall be the cost of the resident
17 district.

18 (3) The nonresident district shall count the student for average
19 daily membership purposes.

20
21 SECTION 15. Arkansas Code Title 6, Chapter 15, Subchapter 4 is amended
22 to add an additional section to read as follows:

23 6-15-425. Unsafe School Choice Program.

24 (a) Any student that becomes the victim of a violent criminal offense
25 while in or on the grounds of an Arkansas public elementary, secondary, or
26 public charter school, or who is attending a persistently dangerous public
27 school shall be allowed to attend a safe public school within the local
28 educational agency pursuant to rules and regulations established by the State
29 Board of Education and the requirements 20 U.S.C. § 9532 of the Elementary
30 and Secondary Education Act (ESEA) of 1965.

31 (b) The State Board of Education shall promulgate rules and
32 regulations, as necessary, to administer the Unsafe School Choice Program.

33
34 SECTION 16. Arkansas Code Title 6, Chapter 20, is amended to add a new
35 subchapter read as follows:

36 6-20-1901. Title

1 This subchapter shall be known as and may be cited as the “Arkansas
 2 Fiscal Assessment and Accountability Program”.

3
 4 6-20-1902. Purpose

5 The purpose of this subchapter shall be to establish and implement a
 6 program by which the Department of Education shall identify, assess and
 7 address school districts in fiscal distress.

8
 9 6-20-1903. Definitions

10 For purposes of this subchapter:

11 (1) “Annexation” means the joining of an affected school district or
 12 part of the school district with a receiving district pursuant to § 6-13-
 13 1401;

14 (2) “Consolidation” means the joining of two (2) or more school
 15 districts or parts of the districts to create a new single school district
 16 pursuant to § 6-13-1401;

17 (3) “Department” means the Arkansas Department of Education;

18 (4) “Fiscal distress status” means a public school district determined
 19 by the department and classified by the state board as being placed in fiscal
 20 distress status pursuant to this subchapter;

21 (5) “School district” means a public school district created or
 22 established pursuant to Title 6 of the Arkansas Code;

23 (6) “State Board” means the Arkansas State Board of Education; and

24 (7) “Reconstitution” means the reorganization of the administrative
 25 unit or the governing school board of a school district, including, but not
 26 limited to, the replacement or removal of a current superintendent or the
 27 removal or replacement of a current school board or both.

28
 29 6-20-1904. Indicators of fiscal distress.

30 Any school district with any of the following criteria may be
 31 identified by the Department of Education to be a school district in fiscal
 32 distress upon final approval by the state board:

33 (1) A declining balance determined to jeopardize the fiscal integrity
 34 of a school district; and

35 (2) Any act or violation determined to jeopardize the fiscal integrity
 36 of a school district, including, but not limited to:

- 1 (A) Failure to properly maintain school facilities;
- 2 (B) Violation of local, state, or federal fire, health, and
- 3 safety code provisions or law;
- 4 (C) Violation of local, state, or federal construction code
- 5 provisions or law;
- 6 (D) Material state or federal audit exceptions or violations;
- 7 (E) Failure to provide timely and accurate legally-required
- 8 financial reports to the Department of Education, the Division of Legislative
- 9 Audit, the General Assembly, or the Internal Revenue Service;
- 10 (F) Insufficient funds to cover payroll, salary, employment
- 11 benefits, or legal tax obligations;
- 12 (G) Failure to meet legally binding minimum teacher salary
- 13 schedule obligations;
- 14 (H) Failure to comply with state law governing purchasing or bid
- 15 requirements;
- 16 (I) Default on any school district debt obligation;
- 17 (J) Material discrepancies between budgeted and actual school
- 18 district expenditures;
- 19 (K) Failure to comply with audit requirements of § 6-20-301; and
- 20 (L) Failure to comply with any provision of the Arkansas Code
- 21 that specifically places a school district in fiscal distress based on
- 22 noncompliance;
- 23 (3) Any other fiscal condition of a school district deemed to have a
- 24 detrimental negative impact on the continuation of educational services by
- 25 that school district.
- 26
- 27 6-20-1905. Notification and appeal.
- 28 (a) The Department of Education shall provide written notice, via
- 29 certified mail return receipt requested, to the president of the school board
- 30 and the superintendent of each school district identified as being in fiscal
- 31 distress.
- 32 (b) Any school district identified in fiscal distress status may
- 33 appeal to the State Board of Education by filing a written appeal, with the
- 34 office of the Director of the Department of Education, by certified mail
- 35 return receipt requested, within thirty (30) days receipt of notice of
- 36 identified fiscal distress status from the department.

1 (c) The state board shall hear the appeal within sixty (60) days after
2 receipt of the written notice of appeal of the school district.

3 (d) The written appeal shall state, in clear terms, the reason why the
4 school district should not be classified as in fiscal distress.

5 (e) Notwithstanding any appeal rights in this subchapter, no appeal
6 shall stay the department's authority to take action to protect the fiscal
7 integrity of any school district identified as in fiscal distress.

8 (f) The decision of the State Board of Education on appeal shall be a
9 final order and there is no further right of appeal except as allowed by the
10 Arkansas Administrative Procedures Act, § 25-15-201, et seq.

11
12 6-20-1906. Classification of fiscal distress status.

13 (a) Those school districts identified by the Department of Education
14 as being in fiscal distress shall be classified as a school district in
15 fiscal distress upon final determination by the State Board of Education.

16 (b) Any district classified as in fiscal distress shall be required to
17 publish at least one (1) time for two (2) consecutive weeks in a newspaper of
18 general circulation in the school district, the school district's
19 classification as a school district in fiscal distress and the reasons why
20 the school district was classified as being in fiscal distress.

21
22 6-20-1907. Fiscal distress debt.

23 No school district identified in fiscal distress may incur any debt
24 without the prior written approval of the Department of Education.

25
26 6-20-1908. Fiscal distress plan.

27 (a) Those school districts identified by the Department of Education
28 as being in fiscal distress shall file, with the department within ten (10)
29 days after the final classification by the State Board, a written fiscal
30 distress improvement plan to address any area in which the school district is
31 experiencing fiscal distress as identified by the department.

32 (b) Each school district shall seek and obtain approval of their plan
33 from the department and shall describe how the school district will remedy
34 those areas in which the school district is experiencing fiscal distress and
35 shall establish the time period by which the school district will remedy all
36 criteria which placed the school district in fiscal distress status.

1 (c) A school district in fiscal distress may only petition the State
 2 Board of Education for removal from fiscal distress status after the
 3 department has, certified in writing, that the school district has corrected
 4 all criteria for being classified as in fiscal distress and has complied with
 5 all department recommendations and requirements for removal from fiscal
 6 distress.

7 (d) No school district shall be allowed to remain in fiscal distress
 8 status for more than two (2) full school years from the date the school
 9 district was classified as being in fiscal distress status.

10 (e) Any school district classified as being in fiscal distress status
 11 shall be required to receive on-site technical evaluation and assistance from
 12 the department.

13 (f)(1) The department shall evaluate and make recommendations to the
 14 district superintendent regarding staffing of the district and fiscal
 15 practices of the district.

16 (2) The recommendations of the department shall be binding on
 17 the district, the superintendent, and the school board.

18 (g) Every six (6) months, the department shall submit a written
 19 evaluation on the status of each school district in fiscal distress to the
 20 State Board of Education.

21 (h)(1) The department may petition the State Board of Education, at
 22 any time, for the consolidation, annexation, or reconstitution of a school
 23 district in fiscal distress or take other appropriate action as allowed by
 24 this subchapter in order to secure and protect the best interest of the
 25 educational resources of the state or provide for the best interests of
 26 students in the school district.

27 (2) The State Board of Education may approve the petition or
 28 take other appropriate action as allowed by this subchapter.

29 (i) The State Board of Education shall consolidate, annex, or
 30 reconstitute any school district that fails to remove itself from the
 31 classification of a school district in fiscal distress within two (2) full
 32 school years of notice of classification by the department.

33
 34 6-20-1909. Department fiscal distress actions.

35 (a) In addressing school districts in fiscal distress, the department
 36 may:

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

3 (2) Appoint an individual in place of the superintendent to
 4 administratively operate the school district under the supervision and
 5 approval of the Director of the Department of Education, and to compensate
 6 non-department agents operating the school district from school district
 7 funding;

8 (3) Call for the temporary suspension of the local school board;

9 (4) Require the school district to operate without a local
 10 school board under the supervision of the local superintendent or an
 11 individual or panel appointed by the Director of the Department of Education;

12 (5) Place the administration of the school district over to the
 13 former board or to a newly elected school board; and

14 (6) Take any other action allowed by law that is deemed
 15 necessary to assist a district in removing criteria of fiscal distress.

16 (b) The department may impose various reporting requirements on the
 17 school district.

18 (c) The department shall monitor the fiscal operations and accounts of
 19 the school district.

20 (d) The department shall require school district staff and employees
 21 to obtain fiscal instruction or training in areas of fiscal concern for the
 22 school district.

23
 24 6-20-1910. State board actions.

25 (a) After a public hearing, the State Board of Education shall
 26 consolidate, annex, detach, or reconstitute the school district in fiscal
 27 distress to another school district or school districts upon a majority vote
 28 of a quorum of the members of the state board as permitted or required by
 29 this subchapter.

30 (b) The state board has exclusive jurisdiction to determine the
 31 boundary lines of the receiving or resulting school district and to allocate
 32 assets and liabilities of the district.

33 (c) The decision of the State Board of Education shall be final with
 34 no further right of appeal except as allowed by the Arkansas Administrative
 35 Procedures Act, § 25-12-101, et seq.

36

1 6-20-1911. Rules and Regulations.

2 (a) The department shall promulgate rules and regulations as necessary
 3 to identify, evaluate, assist, and address school districts in fiscal
 4 distress.

5 (b) The department may promulgate further rules and regulations as
 6 necessary to administer the Arkansas Fiscal Assessment and Accountability
 7 Program.

8
 9 SECTION 17. Arkansas Code, Title 6, Chapter 20, Subchapter 16 is
 10 repealed.

11 ~~6-20-1601. Purpose.~~

12 ~~The purpose of this subchapter shall be to improve the capacity of~~
 13 ~~local school districts whose students are not achieving at academically~~
 14 ~~desired levels and local school districts in fiscal distress through targeted~~
 15 ~~assistance coordinated by the Department of Education.~~

16
 17 ~~6-20-1602. Definitions.~~

18 ~~(a) For purposes of this subchapter, a "school district in academic~~
 19 ~~distress" shall mean any school district whose students do not score at~~
 20 ~~levels established by the Department of Education on:~~

- 21 ~~(1) The Arkansas Writing Assessment;~~
- 22 ~~(2) The Stanford 8 Achievement Test;~~
- 23 ~~(3) The exit examination administered by the department; or~~
- 24 ~~(4) Any other test approved by the department.~~

25 ~~(b) For purposes of this subchapter, a "school district in fiscal~~
 26 ~~distress" shall mean any school district that:~~

- 27 ~~(1) Has a steadily declining balance;~~
- 28 ~~(2) Has not complied with the audit requirements in § 6-20-301~~
 29 ~~et seq.;~~
- 30 ~~(3) Has failed to comply with a statute that automatically~~
 31 ~~places the school district in fiscal distress; or~~
- 32 ~~(4) Has any other fiscal condition deemed to have a detrimental~~
 33 ~~negative impact on continuation of educational services.~~

34 ~~All of these determinations for fiscal distress except for subdivision~~
 35 ~~(b)(3) of this section shall be as defined by the department through rules~~
 36 ~~and regulations promulgated by the State Board of Education.~~

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~~6-20-1603. Rules and regulations—State Board of Education.~~

~~(a) By March 1, 1996, the State Board of Education shall promulgate rules and regulations to establish and implement a program for identifying, evaluating, assisting, and addressing school districts in fiscal or academic distress.~~

~~(b)(1) The state board shall further promulgate rules and regulations by which a school district shall be classified as a Phase I, Phase II, or Phase III district and by which a local school board may appeal to the state board any ruling by the Department of Education that is relative to classification under this subchapter.~~

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

~~6-20-1604. Rules and regulations—Department of Education.~~

~~The Department of Education is hereby authorized to develop indicators of fiscal distress and academic distress in school districts and to promulgate the necessary rules and regulations so that the Director of the Department of Education shall provide technical assistance to school districts determined by the director to be in fiscal or academic distress and shall ensure, to the extent possible, that a fiscal crisis or an academic crisis will not interrupt the educational services provided to the students of a school district.~~

~~6-20-1605. Identification of districts in distress.~~

~~Prior to the beginning of the 1996-1997 school year and each school year thereafter, the Department of Education shall identify all school districts that are in academic or fiscal distress and shall further document any school districts that meet the criteria for academic or fiscal distress but which, after investigation, the department determines are not in academic or fiscal distress.~~

~~6-20-1606. School improvement plan.~~

~~(a) Those school districts identified by the Department of Education as being in academic or fiscal distress shall be classified as Phase I school districts.~~

1 ~~(b)(1)(A)—A district classified as a Phase I school district shall~~
 2 ~~develop and file with the department a school improvement plan to address any~~
 3 ~~areas in which the school district is experiencing academic or fiscal~~
 4 ~~distress as identified by the department.~~

5 ~~(B)—If a district does not file a school improvement plan~~
 6 ~~with the department, the district shall be immediately classified as a Phase~~
 7 ~~II school district.~~

8 ~~(2)—The department shall provide technical assistance to any~~
 9 ~~district classified as a Phase I district.~~

10 ~~(A)—The department shall monitor the progress of school~~
 11 ~~districts in Phase I.~~

12 ~~(B)—Districts that are implementing school improvement~~
 13 ~~plans shall continue to be classified as Phase I school districts for the~~
 14 ~~remainder of the school year.~~

15 ~~(C)—If the department determines that a district is not~~
 16 ~~implementing its school improvement plan according to department regulations,~~
 17 ~~the district shall be immediately classified as a Phase II school district.~~

18
 19 ~~6-20-1607. Classification of school districts in distress.~~

20 ~~(a)(1)—During the 1997-1998 school year and each school year~~
 21 ~~thereafter, the Department of Education shall determine which school~~
 22 ~~districts shall be classified as Phase I districts or Phase II districts.~~

23 ~~(2)—A school district may be classified a Phase I district for~~
 24 ~~more than one (1) year.~~

25 ~~(b)—No Phase I or Phase II district shall incur additional debt~~
 26 ~~without the approval of the department.~~

27 ~~(c)(1)—During the 1997-1998 school year and each school year~~
 28 ~~thereafter, only those districts classified as Phase II districts by the~~
 29 ~~Director of the Department of Education shall be required to receive on-site~~
 30 ~~technical assistance by a team of educators assigned by the department to~~
 31 ~~work directly with the districts.~~

32 ~~(2)—During the first six (6) months of the school year in which~~
 33 ~~a district is classified as a Phase II district, the department team shall~~
 34 ~~evaluate and make recommendations to the district superintendent regarding~~
 35 ~~the staffing of the district and concerning fiscal or academic policies or~~
 36 ~~practices of the district if necessary to address the fiscal or academic~~

1 ~~distress of the district as defined by the department.~~

2 ~~(3)(A) The recommendations of the department shall be binding on~~
 3 ~~the district, the superintendent, and the school board; provided, however,~~
 4 ~~that it shall be the duty of the district to follow all Arkansas laws.~~

5 ~~(B) A district classified as a Phase II school district~~
 6 ~~that fails to follow recommendations of the department shall be immediately~~
 7 ~~classified as a Phase III school district.~~

8 ~~(d) At the conclusion of the 1997-98 school year, and each year~~
 9 ~~thereafter, the department shall report the progress of all districts~~
 10 ~~classified as Phase II school districts to the State Board of Education.~~

11
 12 ~~6-20-1608. Limitation on Department of Education's authority.~~

13 ~~The Department of Education shall not take over the operation of a~~
 14 ~~Phase I or Phase II school district.~~

15
 16 ~~6-20-1609. Phase III school districts.~~

17 ~~(a) Those school districts that do not meet the Department of~~
 18 ~~Education's criteria for repeating procedures set forth for Phase II and~~
 19 ~~those districts that did not follow the recommendations of the department for~~
 20 ~~Phase II school districts shall be classified as Phase III school districts.~~

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

25 ~~(1) To require the superintendent to relinquish all authority~~
 26 ~~with respect to the district, to appoint an individual to operate the~~
 27 ~~district under the supervision of the Director of the Department of~~
 28 ~~Education, and to compensate non-department employees for operating the~~
 29 ~~district using the salary formerly given to the district superintendent;~~

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

32 ~~(3) To determine that it is in the best interests of the~~
 33 ~~students in the district to continue operation of the district or that~~
 34 ~~annexation to an adjacent district or districts is necessary;~~

35 ~~(4) To call for the election of a new school board for the~~
 36 ~~district, in which case the district shall reimburse the county board of~~

1 ~~election commissioners for election costs as otherwise required by law;~~

2 ~~(5) To allow the district to operate without a local school~~
3 ~~board under the supervision of the local school district administration;~~

4 ~~(6) To turn the administration of the district over to the~~
5 ~~former board or to a newly elected school board; and~~

6 ~~(7) To waive the application of Arkansas law, with the exception~~
7 ~~of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and~~
8 ~~regulations.~~

9
10 ~~6-20-1610. Annexation—Appeals.~~

11 ~~(a) If it is in the best interests of students in a district~~
12 ~~classified as a Phase III school district to be annexed to another district~~
13 ~~or districts, as determined by the Department of Education, the department~~
14 ~~shall hold a public hearing to discuss the annexation of the district.~~

15 ~~(b) After the public hearing, the State Board of Education may annex~~
16 ~~the district to another district or districts upon a majority vote of the~~
17 ~~members of the state board.~~

18 ~~(c) If the state board annexes the district, the state board shall~~
19 ~~have exclusive authority to determine the boundary lines of the new district~~
20 ~~or districts and to allocate the assets and liabilities of the district.~~

21 ~~(d) Any district that appeals the decision of the state board in~~
22 ~~regard to annexation shall file the appeal in Pulaski County Circuit Court.~~
23 ~~Jurisdiction and venue shall not lie in any other court or the circuit court~~
24 ~~in the county where the administrative office of the district is located.~~

25
26 SECTION 18. Effective Date.

27 Unless otherwise provided in this act, this act shall become effective
28 on July 1, 2003.

29
30 SECTION 19. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
32 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
33 now extent system of education to be unconstitutional because it is both
34 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
35 for a constitutional system to be one in which the State has an “absolute
36 duty” to provide an “equal opportunity to an adequate education”; and the

1 Arkansas Supreme Court instructed the General Assembly to define and provide
2 what is necessary to provide an adequate and equitable education for the
3 children of Arkansas-forthwith. Therefore, an emergency is declared to exist
4 and this act being immediately necessary for the preservation of the public
5 peace, health, and safety shall become effective on:

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

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

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

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