

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

As Engrossed: S2/27/03 S3/13/03

A Bill

SENATE BILL 317

5 By: Senators Miller, Laverty, Glover, J. Jeffress, Critcher, G. Jeffress, Wilkins, J. Bookout, T. Smith,
6 Wilkinson
7 By: Representatives Weaver, Milligan, Oglesby, L. Evans, Hickinbotham, Gipson, Scrimshire, L. Prater,
8 Mack, Bennett, Adams, Stovall, J. Taylor, Boyd, Norton, House, Gillespie, Jackson, Seawel, Scroggin,
9 Dickinson, Jeffrey, Sullivan, Thomason, Pate, Edwards, P. Bookout
10
11

For An Act To Be Entitled

12 AN ACT PERTAINING TO STATE SCHOOL STANDARDS; TO
13 PROVIDE FOR AN ADEQUATE AND EFFICIENT EDUCATION
14 IN ARKANSAS SCHOOLS; AND FOR OTHER PURPOSES.
15
16

Subtitle

17 AN ACT PERTAINING TO STATE SCHOOL
18 STANDARDS; TO PROVIDE FOR AN ADEQUATE
19 AND EFFICIENT EDUCATION IN ARKANSAS
20 SCHOOLS.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 *SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an*
27 *additional subchapter to read as follows:*

28 6-13-1601. Definitions:

29 For purposes of this subchapter:

30 (1) "Annexation" and "annexed" means the joining of an affected
31 school district or part thereof with a receiving district;

32 (2) "Consolidation" and "consolidate" means the joining of two
33 (2) or more school districts or parts thereof to create a new single school
34 district;

35 (3) "Minority" means black or African American, Hispanic
36 American, American Indian or Native American, Asian, and Pacific Islander, or



02182003KAS1443.VJF449

1 other ethnic group underrepresented in a school;

2 (4)(A) "Individual school" means a public elementary or secondary
3 educational institution that is under the administrative control of a
4 principal or head teacher.

5 (B) "Individual school" does not include any school
6 that is:

7 (i) Exclusively a preschool program; or

8 (ii) An instructional program operated in a
9 correctional facility; and

10 (5) "Teacher" means:

11 (A) An individual who is required to hold a teaching license
12 from the Department of Education, and who is engaged directly in instruction
13 with students in a classroom setting for more than seventy percent (70%) of
14 the individual's contracted time;

15 (B) A guidance counselor; or

16 (C) A librarian.

17
18 6-13-1602. Standards for education.

19 (a) On or before January 1, 2004, every school district in the state
20 shall:

21 (1) Meet all requirements of the Standards for Accreditation of
22 Arkansas Public Schools, comply with state laws, and State Board of Education
23 regulations in existence on January 1, 2003;

24 (2) Meet or exceed all curriculum requirements of the Standards
25 for Accreditation of Arkansas Public Schools, in effect on January 1, 2003;

26 (3) Pay every teacher in the school district in accordance with
27 the minimum base salary under § 6-17-1001, as in effect on January 1, 2003;

28 (4) Provide educational facilities that meet all local, state,
29 and federal building codes and other facility requirements in existence on
30 January 1, 2003;

31 (5) Provide teachers and students with sufficient textbooks,
32 supplies, scientific laboratory equipment, and other equipment needed to
33 allow meaningful participation during instructional periods;

34 (6) Have a student level of proficiency as defined by the State
35 Board of Education, under the Arkansas Comprehensive Testing and Assessment
36 and Accountability Program or meet adequate yearly progress standards as

1 defined in the Arkansas Comprehensive Testing and Assessment and
2 Accountability Program;

3 (7) Adopt a parental involvement plan to enhance parental
4 involvement in the school district, which shall be approved by the State
5 Board of Education; and

6 (8) Establish a task force to research and adopt a plan to close
7 the academic achievement gap for minority and disadvantaged students.

8 (b) On or before January 1, 2006, every school district in the state
9 shall:

10 (1) Meet all laws and regulations as may be adopted by the
11 General Assembly as necessary to ensure that schools provide students with an
12 adequate education and equality of educational opportunity;

13 (2) Meet curriculum requirements as may be required by the
14 General Assembly by law, as necessary to ensure that schools have
15 substantially equal curricula necessary to provide students with an adequate
16 education and to provide equality of educational opportunity;

17 (3) Pay every teacher in accordance with laws as may be adopted
18 by the General Assembly as necessary to ensure that teachers are paid
19 substantially equal salaries in an amount to ensure the quantity and quality
20 of teachers necessary to provide students with an adequate education and to
21 provide equality of educational opportunity;

22 (4) Provide educational facilities as may be required by the
23 General Assembly by law as necessary to ensure that schools have
24 substantially equal facilities necessary to provide students with an adequate
25 education and to provide equality of educational opportunity;

26 (5) Provide equipment required by the General Assembly by law as
27 necessary to ensure that schools have substantially equal equipment necessary
28 to provide students with an adequate education and to provide equality of
29 educational opportunity;

30 (6) Comply with all requirements of the system or method of
31 assessment, evaluation, and monitoring as may be required by the General
32 Assembly by law to ensure that equal educational opportunity for an adequate
33 education is being substantially afforded to all students in the district;
34 and

35 (7) Meet the requirements of this section with the amount of
36 local, state, and federal funds to be provided to school districts based upon

1 the cost of an adequate education as may be determined by the General
2 Assembly by law as necessary to provide equality of educational opportunity.

3 (c) School districts shall meet the requirements of this section with
4 the current level of federal and state funding the district receives,
5 including the funding provided as a result of subsection (b) of Amendment 74
6 to the Arkansas Constitution, or within the amount of state and federal funds
7 to be provided to school districts based upon the cost of an adequate
8 education as may be determined by the General Assembly by law as necessary to
9 provide equality of educational opportunity.

10 (d) School districts may consolidate, annex, or detach under §§ 6-13-
11 1401 through 6-13-1501, and school districts that do voluntarily consolidate,
12 annex, or detach shall receive consolidation incentive funding as may be
13 determined by the General Assembly.

14 (e) No school district shall be required to abide by future
15 modifications in the existing standards until those modifications have been
16 approved by the General Assembly.

17 (f) Any school district determined by the State Board of Education not
18 in full compliance with meeting the standards of this section on January 1,
19 2006, shall be subject to the provisions of § 6-13-1603, which include being
20 consolidated or annexed to districts that are geographically contiguous and
21 in full compliance with the provisions of this subchapter, or shall be taken
22 over by the Department of Education.

23 (g)(1) On January 1, 2004, the State Board of Education shall make a
24 determination of the districts not in compliance with subsection (a).

25 (2) Districts not meeting the standards shall be given until May
26 1, 2004, to adopt a plan approved by the Department of Education and the
27 State Board of Education to consolidate or annex with a district that meets
28 the standards.

29 (3) Upon approval the plan shall be implemented in June or after
30 school has been dismissed for the year.

31 (h) If no plan is presented to the department, the department shall
32 recommend to the State Board of Education in the May meeting, a plan for the
33 districts that do not meet the standards that may include consolidation,
34 annexation, and control of the district by the department, the following
35 shall apply:

36 (1) Between January 1, 2004 and May 1, 2004, the State Board of

1 Education shall develop a plan for the reorganization of all public school
2 districts not in compliance with § 6-13-1602(a)(1)- (a)(9);

3 (2) Between May 1, 2004 and June 15, 2004, the State Board of
4 Education shall hold no less than four (4) public hearings regarding its
5 proposed reorganization plan to address citizen concerns, comments, and
6 suggestions regarding the plan;

7 (3) The State Board of Education shall finalize the
8 reorganization plan no later than June 20, 2004, and shall effectuate the
9 reorganization on July 1, 2004, pursuant to the plan developed under
10 subsection (b) of this section; and

11 (4) The Department of Education and the State Board of Education
12 may take actions prior to July 1, 2004 as necessary for an orderly and
13 efficient transition of personnel, property, and boards of directors on July
14 1, 2004.

15
16 6-13-1603. Consolidation requirements.

17 (a)(1) Before May 1, 2006, the State Board of Education shall
18 determine whether each school district, and each individual school in the
19 district, is in full compliance with the provisions of this subchapter.

20 (2)(A)(i) Any school district that is not in full compliance
21 with meeting the standards of this subchapter shall be consolidated with the
22 school district or districts that are:

23 (a) Geographically contiguous with the non
24 complying district; and

25 (b) In full compliance with provisions of this
26 subchapter.

27 (ii) A determination of compliance shall be in the
28 sole judgment of the State Board of Education.

29 (B)(i) If there are no contiguous districts that are in
30 full compliance with the provisions of this subchapter, if the school
31 district qualifies as an isolated district, or if consolidation of the
32 district not in compliance would have a negative educational impact or pose
33 an undue economic hardship on the contiguous district that is in compliance,
34 the State Board of Education may determine the best alternative to bring the
35 district into full compliance with the standards of this subchapter,
36 including consolidation, annexation, detachment, or requiring the school

1 district to surrender control of the district to the Department of Education.

2 (ii) If a school district believes it qualifies as
3 an isolated district and does not meet the provisions of this subsection (a),
4 it shall submit a petition with all supporting documents and information, to
5 the State Board of Education by January 1, 2006, requesting a determination
6 of status as an isolated district. The State Board shall follow the criteria
7 listed in existing law in § 6-20-601 in making the determination of an
8 isolated district.

9 (iii) The State Board of Education may make the
10 decision on the best alternative to bring those districts qualifying for
11 isolated status into compliance, including consolidation, annexation, or
12 surrendering control to the State Department of Education.

13 (b)(1) Before May 1, 2006, the State Board of Education shall develop
14 a plan for the reorganization of all public school districts not in
15 compliance with this subchapter.

16 (2) Between May 1, 2006 and June 15, 2006, the State Board of
17 Education shall hold no less than four (4) public hearings regarding its
18 proposed reorganization plan to address citizen concerns, comments, and
19 suggestions regarding the plan.

20 (3) The State Board of Education shall finalize the
21 reorganization plan no later than June 20, 2006, and shall effectuate the
22 reorganization on July 1, 2006, pursuant to the plan developed under this
23 subsection (b).

24 (c) The Department of Education and the State Board of Education may
25 take actions prior to July 1, 2006, as necessary for an orderly and efficient
26 transition of personnel, property, and boards of directors on July 1, 2006.

27
28 6-13-1604. Local control - Uniform accounting system.

29 (a) This subchapter does not limit nor diminish the existing powers
30 and duties of local school boards except to the extent specifically provided
31 in this subchapter.

32 (b) The Department of Education, with the advice of the Division of
33 Legislative Audit, shall devise a uniform accounting system to be used by all
34 public elementary and secondary schools in this state beginning with the
35 2004-2005 school year.

36 /s/ Miller