

1 State of Arkansas
2 92nd General Assembly
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4

As Engrossed: S3/26/19

A Bill

SENATE BILL 549

5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE ARKANSAS PUBLIC SCHOOL ACADEMIC
9 FACILITIES PROGRAM ACT; TO AMEND PROVISIONS OF THE
10 ARKANSAS CODE WITH RESPECT TO PUBLIC SCHOOL ACADEMIC
11 FACILITIES; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND PROVISIONS OF THE ARKANSAS CODE
15 WITH RESPECT TO PUBLIC SCHOOL ACADEMIC
16 FACILITIES.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-21-808(c)(2)(B)(ii), concerning the use
23 of the computerized maintenance management system by a public school
24 district, is amended to read as follows:

25 (ii)(a) School districts shall ~~be required to~~
26 participate in any state-level computerized maintenance management system
27 designed to track work orders and preventative maintenance work established
28 by the Division of Public School Academic Facilities and Transportation at no
29 cost to the school district.

30 (b) The cost associated with additional
31 maintenance modules by a school district shall be at the expense of the
32 school district and may be within the nine-percent minimum maintenance
33 expenditures under subdivision (d)(1)(A) of this section~~†.~~

34 (c) School district use of the computerized
35 management maintenance system under this subdivision (c)(2)(B)(ii) shall
36 include without limitation:



1 (1) Entering and tracking all reactive
 2 and preventative maintenance work;

3 (2) Entering preventative maintenance
 4 schedules for academic and non-academic facilities' systems;

5 (3) Documenting completed reactive and
 6 preventative maintenance work; and

7 (4) Scheduling state-mandated
 8 inspections as required under § 6-21-813(e);

9
 10 SECTION 2. Arkansas Code § 6-21-811(g), concerning what actions the
 11 Division of Public School Academic Facilities and Transportation may take
 12 with respect to a public school district that is classified as in facilities
 13 distress, is amended to read as follows:

14 (g) When a school district is classified by the commission to be in
 15 facilities distress, the division may, with the approval of the commission:

16 (1)(A) Provide on-site technical evaluation and assistance and
 17 make written recommendations to the school district superintendent regarding
 18 the care and maintenance of any academic facility in the school district.

19 (B) Any school district classified as being in facilities
 20 distress status shall accept on-site technical evaluation and assistance from
 21 the division.

22 (C) The written recommendations of the division are
 23 binding on the school district, the superintendent, and the board of
 24 directors;

25 (2) Remove permanently, reassign, or suspend on a temporary
 26 basis the superintendent of the school district, and:

27 (A) Appoint an individual in place of the superintendent
 28 to administratively operate the school district under the supervision and
 29 approval of the Commissioner of Education; ~~and~~

30 (B) ~~Compensate from the individual operating the school~~
 31 ~~district funds the individual appointed to operate the~~ from school district
 32 funding; and

33 (C) Authorize the individual to remove, replace, reassign,
 34 or suspend public school district personnel in accordance with state law;

35 (3) Suspend or remove some or all of the current board of
 36 directors and call for the election of a new board of directors for the

1 school district, in which case the school district shall reimburse the county
2 board of election commissioners for election costs as otherwise required by
3 law;

4 (4)(A) Remove on a temporary basis some or all of the powers and
5 duties granted to the current public school district board of directors under
6 § 6-13-620 or any other applicable law but allow the public school district
7 board of directors to continue to operate under the direction and approval of
8 the commissioner.

9 (B) The commission shall define the powers and duties of
10 the public school district board of directors under this section.

11 (C) The public school district board of directors shall
12 act in an advisory capacity to the commissioner with respect to all other
13 powers and duties maintained by the commissioner;

14 ~~(4)(5)~~ Require the school district to operate without a board of
15 directors under the supervision of the superintendent or an individual or
16 panel appointed by the commissioner;

17 ~~(5)(6)~~ Waive the application of Arkansas law or the
18 corresponding State Board of Education or commission rules and regulations,
19 with the exception of:

20 (A) *The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et*
21 *seq.; and*

22 (B) *The Public School Employee Fair Hearing Act, § 6-17-*
23 *1701 et seq.;*

24 (C) Special education programs as provided in this title;

25 (D) Conducting criminal background checks for employees as
26 provided in this title; and

27 (E) Health and safety codes as established by the state
28 board, the commission, and local governmental entities;

29 ~~(6)(7)~~ In the absence of a school district board of directors,
30 direct the commissioner to assume all authority of the board of directors as
31 may be necessary for the day-to-day governance of the school district;

32 (8) Require reassignment of some or all of the administrative,
33 instructional, or support staff of a public school;

34 (9) Require reorganization, closure, or dissolution of one (1)
35 or more of the public schools within the classified school district;

36 ~~(7)(A)(10)(A)~~ Return the administration of the school district

1 to the former board of directors or place the administration of the school
2 district in a newly elected board of directors if:

3 (i) The division certifies in writing to the
4 commission and to the school district that the school district has corrected
5 all issues that caused the classification of facilities distress and the
6 school district has not experienced any additional indicators of facilities
7 distress; and

8 (ii) The commission determines the school district
9 has corrected all issues that caused the classification of facilities
10 distress.

11 (B) If the division calls for an election of a new school
12 district board of directors, the school district shall reimburse the county
13 board of election commissioners for election costs as otherwise required by
14 law;

15 ~~(8)~~(11) Require school district staff and employees to attend
16 training in areas of concern for the public school or school district;

17 ~~(9)(A)~~(12)(A) Require a school district to cease all
18 expenditures related to activities not described as part of an adequate
19 education in § 6-20-2302 and place money that would have been spent on the
20 activities into an academic facilities escrow account to be released only
21 upon approval by the division for use in conjunction with a local academic
22 facilities project.

23 (B) School districts shall include a clause addressing
24 this contingency in all contracts with personnel who are involved with
25 activities not described as part of an adequate education;

26 ~~(10)~~(13) Notify the public school or school district in writing
27 that the deficiencies regarding academic facilities shall be corrected within
28 a time period designated by the division;

29 ~~(11)(A)~~(14)(A) Petition the state board at any time for the
30 consolidation, annexation, or reconstitution of a school district in
31 facilities distress or take other appropriate action as allowed by this
32 subchapter in order to secure and protect the best interest of the
33 educational resources of the state or to provide for the best interest of
34 students in the school district.

35 (B) The state board may approve the petition under
36 subdivision (g)(14)(A) of this section or take other appropriate action as

1 allowed by this subchapter.

2 (C) Except as ~~set forth~~ established in subdivision
 3 ~~(g)(11)(D)~~ (g)(14)(D) of this section or subsection (n) of this section, the
 4 state board shall consolidate, annex, or reconstitute any school district
 5 that fails to remove itself from the classification of a school district in
 6 facilities distress within five (5) consecutive school years of
 7 classification of facilities distress status.

8 (D) The state board may grant additional time for a public
 9 school or school district to remove itself from facilities distress by
 10 issuing a written finding supported by a majority of the state board
 11 explaining in detail that the public school or school district could not
 12 remove itself from facilities distress during the relevant time period due to
 13 impossibility caused by external forces beyond the control of the public
 14 school or school district;

15 ~~(12)(15)~~ Correct the failure of a school district to complete
 16 its agreed plan or to pass the millage in the special election under
 17 subdivision (f)(2) of this section by contracting for and completing the
 18 necessary improvements under the agreed plan;

19 ~~(13)(A)(16)(A)~~ If the ~~division recommends and the commission~~
 20 ~~concurs that the academic facilities in the public school district in~~
 21 ~~facilities distress are inadequate to provide an adequate education,~~ academic
 22 facilities in the public school district in facilities distress are
 23 inadequate to provide an adequate education, recommend that the state board
 24 ~~may~~ dissolve the school district and transfer students to public schools in
 25 other public school districts.

26 (B) ~~The~~ If the state board elects to dissolve the school
 27 district and transfer students to public schools in other public school
 28 districts, the state board shall assign the public school district's
 29 territory, property, and debt; and

30 ~~(14)(17)~~ Take any other action allowed by law that is deemed
 31 necessary to assist a public school or school district in correcting the
 32 issues that caused the classification of facilities distress, to secure and
 33 protect the best interest of the educational resources of the state, or to
 34 provide for the best interest of students in the school district.

35

36 SECTION 3. Arkansas Code § 6-21-811(m), concerning actions the

1 Commission for Arkansas Public School Academic Facilities and Transportation
2 may take with respect to public school districts in facilities distress, is
3 repealed.

4 ~~(m) If the division or commissioner assumes authority over a public
5 school district in facilities distress under subsection (g) of this section,
6 the commission may pursue the following process for returning a public school
7 district to the local control of its residents:~~

8 ~~(1) During the second full school year following the assumption
9 of authority, the commission shall determine the extent of the school
10 district's progress toward correcting all issues that caused the
11 classification of facilities distress;~~

12 ~~(2)(A) If the commission determines that sufficient progress has
13 been made by a school district toward correcting all criteria for being
14 classified as in facilities distress, but the school district has not yet
15 resolved all issues that caused the classification of facilities distress,
16 the commissioner, with the approval of the commission, may appoint a
17 community advisory board of either five (5) or seven (7) members to serve
18 under the supervision and approval of the commissioner.~~

19 ~~(B) The members of the community advisory board shall be
20 residents of the school district and shall serve on a voluntary basis without
21 compensation.~~

22 ~~(C) The Department of Education shall cause to be provided
23 to the community advisory board technical assistance and training in, at a
24 minimum, the areas required in § 6-13-629.~~

25 ~~(D) The duties of the community advisory board include
26 without limitation:~~

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

31 ~~(ii) Seeking community input from the residents of
32 the school district regarding the progress of the school or school district
33 toward correcting all issues that caused the classification of facilities
34 distress;~~

35 ~~(iii) Conducting hearings and making recommendations
36 to the commissioner regarding personnel and student discipline matters as set~~

1 ~~forth in the appropriate district policies;~~

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

4 ~~(v) Submitting quarterly reports to the commissioner~~
5 ~~and the commission regarding the progress of the school or school district~~
6 ~~toward correcting all issues that caused the classification of facilities~~
7 ~~distress.~~

8 ~~(E) The members of the community advisory board shall~~
9 ~~serve at the pleasure of the commissioner until;~~

10 ~~(i) The school district is returned to local control~~
11 ~~and a permanent school district board of directors is elected and qualified;~~
12 ~~or~~

13 ~~(ii) The state board, upon petition of the~~
14 ~~commission or division annexes, consolidates, or reconstitutes the school~~
15 ~~district pursuant to this title or under another provision of law;~~

16 ~~(3) By April 1 of each year following the appointment of a~~
17 ~~community advisory board pursuant to subdivision (m)(2) of this section, the~~
18 ~~commission shall determine the extent of the school district's progress~~
19 ~~toward correcting all criteria for being classified as in facilities distress~~
20 ~~and shall;~~

21 ~~(A) Allow the community advisory board to remain in place~~
22 ~~for an additional year;~~

23 ~~(B)(i) Return the school district to local control by~~
24 ~~calling for the election of a newly elected school district board of~~
25 ~~directors if;~~

26 ~~(a) The division certifies in writing to the~~
27 ~~commission and to the school district that the school district has corrected~~
28 ~~all issues that caused the classification of facilities distress; and~~

29 ~~(b) The commission determines the school~~
30 ~~district has corrected all issues that caused the classification of~~
31 ~~facilities distress.~~

32 ~~(ii) If the division or commission calls for an~~
33 ~~election of a new school district board of directors, the school district~~
34 ~~shall reimburse the county board of election commissioners for election costs~~
35 ~~as otherwise required by law; or~~

36 ~~(C) Petition the state board for the annexation;~~

1 ~~consolidation, or reconstitution of the school district under this section;~~
2 ~~and~~

3 ~~(4)(A) If the division, with the approval of the commission,~~
4 ~~calls for an election of a new school district board of directors pursuant to~~
5 ~~subdivision (g)(7) of this section, the commissioner, with the approval of~~
6 ~~the commission, may appoint an interim board of directors to govern the~~
7 ~~school district until a permanent school district board of directors is~~
8 ~~elected and qualified.~~

9 ~~(B) The interim board of directors shall consist of either~~
10 ~~five (5) or seven (7) members.~~

11 ~~(C) The members of the interim board of directors shall be~~
12 ~~residents of the school district and otherwise eligible to serve as board~~
13 ~~members under applicable law.~~

14 ~~(D) The members of the interim board of directors shall~~
15 ~~serve on a voluntary basis without compensation.~~

16
17 SECTION 4. Arkansas Code § 6-21-812(a)(2), concerning student
18 transfers under the Public School Choice Act of 2015 from a public school
19 district classified as being in facilities distress, is amended to read as
20 follows:

21 (2) The student is not required to file a petition to transfer
22 by ~~June~~ May 1 but shall meet all other requirements and conditions of the
23 Public School Choice Act of 2015, § 6-18-1901 et seq.

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25
26 /s/J. English

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29 **APPROVED: 4/12/19**