

Act 811 of the 1989 Regular Session.

Act 811

HB1726

By: Representative Mahony

"AN ACT TO AMEND ARKANSAS CODE OF 1987, 6-15-412, TO REQUIRE THE DISSOLUTION AND MERGER OF A SCHOOL DISTRICT WHICH FAILS TO ACHIEVE REASONABLE PROGRESS IN IMPROVING STUDENT PERFORMANCE WITHIN TWO YEARS OF IMPLEMENTING A SCHOOL IMPROVEMENT PROGRAM; TO AMEND ARKANSAS CODE 6-15-413 TO REQUIRE THE DEPARTMENT OF EDUCATION TO ESTABLISH MINIMUM LEVELS OF ACHIEVEMENT FOR STUDENTS TAKING NORM-REFERENCE TESTS AND TO REQUIRE THE DISSOLUTION AND MERGER OF ANY SCHOOL DISTRICT WHOSE STUDENTS FAIL TO ATTAIN THE ESTABLISHED MINIMUM LEVEL OF ACHIEVEMENT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-15-412, is hereby amended to read as follows:

"6-15-412. (a) It is the policy of this state that at least eight-five percent (85%) of the students in each school and school district at each grade level at which basic competency tests are administered should score at or above the level of performance established for mastery of basic skills.

(b) Any school or school district which has less than eighty-five percent (85%) of its students meeting specified levels of mastery on the basic competency tests and any school which has a definable group of students failing to meet the specified levels of mastery shall participate in a school improvement program administered by the Department of Education.

(c)(1) If a school district fails to achieve reasonable progress in improving student performance on basic competency tests within two (2) years, the Department of Education shall terminate the accreditation of the district and dissolve and merge the district with one or more districts which operate all schools in compliance with the minimum standards for accreditation unless the State Board of Education shall determine that dissolution and merger of the district would be unlikely to result in improved educational opportunities for the students of the district.

(2) If the State Board of Education makes such a determination, the Board shall assume responsibility for operation of the district for a period not less than three years. In operating a district pursuant to the provisions of this Section, the Board shall have and be empowered to exercise the authority vested by Arkansas law in the board of directors of school districts, including, but not limited to, the authority to employ and terminate personnel, to prepare budgets, to submit millage rates for approval at each annual school election, and to allocate the resources of the district to remediate the deficiencies which lead to the district's loss of operating autonomy.

(3) At the end of a three (3) year period, responsibility for operation of the district shall be returned to the local board of directors consisting of the last elected directors of the district unless the State Board of Education determines that state operation of the district for up to an additional three (3) year period would be in the best educational interest of the students. Members of the local board whose terms have expired shall serve until the next school election. Any vacancy on the local board at the time control of the district is returned to the local board shall be filled by

the State Board of Education for a term to last until the next school election. In no event shall the State Board of Education operate a local school district pursuant to the provisions of this Section for more than six (6) years. The State Board of Education shall adopt rules and regulations to implement the provisions of this Section."

SECTION 2. Arkansas Code 6-15-413 is hereby amended to read as follows:

"6-15-413. (a) At such times as the State Board of Education shall designate, the Department of Education shall select a nationally norm-referenced test to be administered to students in at least three (3) grade levels.

(b) The subject area and grade levels shall be designated by the Department of Education.

(c) Testing shall be used to determine the levels of achievement of students in the public schools in this state in comparison with national averages. The State Board of Education shall, by regulation, establish minimum levels of achievement expected for students taking norm-referenced tests administered pursuant to the provisions of this section.

(d) (1) Any school or school district whose students fail to achieve the expected level of achievement established by the State Board of Education shall participate in a school improvement program administered by the Department of Education. If a school district fails to achieve reasonable progress in improving student achievement on norm-referenced tests within two (2) years, the Department of Education shall terminate the accreditation of the district and dissolve and merge the district with one or more districts which operate all schools in compliance with the minimum standards for accreditation unless the State Board of Education shall determine that dissolution and merger of the district would be unlikely to result in improved educational opportunities for the students of the district.

(2) If the State Board of Education makes such a determination, the Board shall assume responsibility for operation of the district for a period of not less than three (3) years. In operating a district pursuant to the provisions of this Section, the Board shall have and be empowered to exercise the authority vested by the Arkansas law in the board of directors of school districts, including, but not limited to, the authority to employ and terminate personnel, to prepare budgets, to submit millage rates for approval at each annual school election, and to allocate the resources of the district to remediate the deficiencies which lead to the district's loss of operating autonomy.

(3) At the end of a three (3) year period, responsibility for operation of the district shall be returned to the local board of directors consisting of the last elected directors of the district unless the State Board of Education determines that state operation of the district for up to an additional three (3) year period would be in the best educational interest of the students. Members of the local board whose terms have expired shall serve until the next school election. Any vacancy on the local board at the time control of the district is returned to the local board shall be filled by the State Board of Education for a term to last until the next school election. In no event shall the State Board of Education operate a local school district pursuant to the provisions of this Section for more than six (6) years."

SECTION 3. Arkansas Code of 1987, Title VI, Chapter 15, Subchapter 4, is hereby amended by adding a new section 6-15-416 to read as follows:

"6-15-416. (a) When the Department of Education determines that a school district has failed to comply with the requirements of Section 6-15-412 or Section 6-15-413 and should be dissolved and merged pursuant to the

authority of Section 6-15-412 or Section 6-15-413 or both, the Department of Education shall notify such district not later than April 15 of the second year of the school improvement program that the district has failed to achieve the required progress in improving student performance and will be dissolved and merged with one or more other school districts.

(b) If a district believes the Department of Education has improperly determined that the district has failed to achieve reasonable progress as required by Section 6-15-412 or Section 6-15-413 or both, the district shall have a right of appeal to the State Board of Education. Such appeal must be filed not later than May 1 following the April 15 notification, and the State Board of Education hearing must be held prior to June 15 of the same year. If the State Board of Education affirms the determination of the Department of Education staff, the district may appeal the ruling of the Board to the Circuit Court of Pulaski County within thirty (30) days after the decision of the State Board of Education. The decision of the State Board of Education shall be affirmed unless the Court determines the action of the Board in ordering the dissolution and merger of the district was arbitrary and capricious or was not supported by any substantial evidence."

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 21, 1989

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