

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# **A Bill**

**ACT 1125 OF 1995**  
**HOUSE BILL 1933**

4 **By: Representative Argue and Townsend**  
5 **By: Senators Smith and Ross**

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7

## **For An Act To Be Entitled**

9 "AN ACT TO *AUTHORIZE* LOCAL SCHOOL DISTRICTS TO ADOPT  
10 POLICIES FOR IMPLEMENTING SITE-BASED DECISION MAKING IN  
11 DISTRICT SCHOOLS; TO PROVIDE A FRAMEWORK FOR LOCAL SCHOOL  
12 DISTRICTS CHOOSING TO IMPLEMENT SITE-BASED DECISION  
13 MAKING; AND FOR OTHER PURPOSES."

14

### **Subtitle**

15  
16 "TO PROVIDE A FRAMEWORK FOR LOCAL SCHOOL  
17 DISTRICTS CHOOSING TO IMPLEMENT SITE-  
18 BASED DECISION MAKING IN DISTRICT  
19 SCHOOLS."

20

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

22

23 SECTION 1. LEGISLATIVE INTENT. It is the intention of the General  
24 Assembly through this act to stimulate local innovation and creativity in  
25 restructuring Arkansas public schools and to facilitate the empowerment of  
26 educators and other persons at the local building site level to identify the  
27 needs of their particular students and to implement methods of satisfying  
28 those needs

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30 SECTION 2. DEFINITIONS. As used in this act, unless the context  
31 otherwise requires:

32 (1) "Certified employee" means any person for whom certification is  
33 required as the basis of employment in the public schools of the state.

34 (2) "Site-based decision making" means a joint planning and problem  
35 solving process implemented within a local school building, providing for a  
36 sharing of power, authority and responsibility among teachers, administrators

1 and parents, and designed to shift decision making activity to the local  
2 building level;

3 (3) "Classified employee" means any person for whom certification is  
4 not required as the basis of employment in the public schools of the state;

5 (4) "Parent" means any parent, legal guardian, or other person having  
6 custody or charge of a student enrolled in a public school.

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8 SECTION 3. (a) Following a secret ballot vote by two-thirds (2\3) of  
9 the certified employees in a local building site to implement site-based  
10 decision-making, the local school district board of directors may adopt a  
11 policy for implementing site-based decision making in the district, to  
12 include, but not be limited to, a description of how district policies have  
13 been amended to allow school employees at the local school building site to be  
14 involved in the decision making process as they work to meet educational  
15 goals.

16 (b) For the policy to be implemented, it must be adopted by a majority  
17 of the board of directors of the school district.

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19 SECTION 4. (a) (1) The school district policy adopted by the board of  
20 directors and certified faculty of a local school district shall require the  
21 following when any local school building site elects to implement site-based  
22 decision making under the provisions of this act:

23 (A) A school council shall be established, composed of  
24 teachers, classified employees, and the building principal or administrator.  
25 A majority of the council shall be made up of teachers;

26 (B) The teacher representatives on the council shall be  
27 elected by a majority of the teachers in a secret ballot election conducted by  
28 the teachers in the building. The classified employee representatives shall  
29 be elected by a majority of the classified employees in a secret ballot  
30 election conducted by the classified employees;

31 (C) Members of the school council shall elect a chairman,  
32 vice-chairman, and secretary;

33 (D) The school council may include parent representatives  
34 if two-thirds (2/3) of the parents present at a meeting called for that  
35 purpose vote to participate in site-based decision making. The parent

1 representatives on the council shall be elected by the parents at a meeting  
2 called for that purpose and shall not be relatives of any employee of the  
3 school or any board member;

4           (2) The policy adopted by the local school district board of  
5 directors to implement site-based decision making shall also address the  
6 following:

7                   (A) School budget and administration, including:  
8 discretionary funds; activity and other school funds; funds for maintenance,  
9 supplies and equipment; and accounting and auditing;

10                   (B) Assessment of individual student progress, including  
11 testing and reporting of student progress to students, parents, the school  
12 district, the community, and the state;

13                   (C) School improvement plans, including the form and  
14 function of strategic planning and its relationship to district planning;

15                   (D) Professional development plans developed pursuant to  
16 the state accreditation standards;

17                   (E) Parent, citizen, and community participation including  
18 the relationship of the school council with other groups;

19                   (F) Cooperation and collaboration within the district, with  
20 other districts and with other public and private agencies;

21                   (G) Requirements for waiver of district policies;

22                   (H) Requirements for record keeping by the school council;

23 and

24                   (I) A process for appealing a decision made by a school  
25 council.

26           (b)(1) The school council established under this section may implement  
27 policies in the following areas:

28                   (A) Curriculum, including needs assessment, curriculum  
29 development, alignment with state standards, technology utilization, and  
30 program appraisal;

31                   (B) Assignment of all instructional and non-instructional  
32 staff time; provision for planning time for instructional staff;

33                   (C) Assignment of students to classes and programs within  
34 the school;

35                   (D) Determination of the schedule of the school day and

1 week, subject to the beginning and ending times of the school day and school  
2 calendar year as specified in the personnel policies or negotiated agreement;  
3 (E) Determination of use of school space during the school;  
4 (F) Planning and resolution of issues regarding  
5 instructional practices;  
6 (G) Selection and implementation of discipline and  
7 classroom management techniques, including responsibilities of the student,  
8 parent, teacher, counselor, and principal; and  
9 (H) Selection of extracurricular programs and determination  
10 of policies relating to student participation based on academic qualifications  
11 and attendance requirements, program evaluation and supervision.

12 (2) *The local board may grant to the school council other*  
13 *authority as authorized by law.*  
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15 SECTION 5. The State Department of Education *may* develop sample  
16 guidelines to assist local boards of directors in the development of their  
17 policies, and the department *may* provide professional development activities  
18 to assist schools in implementing site-based decision making.  
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20 SECTION 6. A local school building site that chooses to have site-based  
21 decision making but wishes to be exempt from the administrative structure set  
22 forth by this act may develop a model for implementing site-based decision  
23 making including, but not limited to, a description of the membership,  
24 organization, duties and responsibilities of a school council. The local  
25 school building site shall submit the model through the local district board  
26 of directors to the Director of the General Education Division and the State  
27 Board of Education for approval. The application for approval of the model  
28 shall show evidence that it has been developed by representatives of the  
29 parents, students, employees of the school and that two-thirds (2/3) of the  
30 certified employees voting in a secret ballot election have agreed to the  
31 model.  
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33 SECTION 7. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 9. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Rep. Argue, et al*

APPROVED: 4-10-95

*As Engrossed: 3/10/95*

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