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2 90th General Assembly
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4

A Bill

HOUSE BILL 1733

5 By: Representative Cozart
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE ACHIEVEMENT SCHOOL DISTRICT;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11 TO ESTABLISH THE ACHIEVEMENT SCHOOL
12 DISTRICT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 6-15-430(a), concerning State Board of
20 Education authority over a public school or school district in academic
21 distress, is amended to add an additional subdivision to read as follows:

22 (8) Authorize the Commissioner of Education to assign the school
23 district to the Achievement School District, § 6-15-2901 et seq.; and

24 (9) Take any other necessary and proper action, as determined by
25 the state board, that is allowed by law including without limitation by the
26 department concerning the academic practices and staffing of the school
27 district.
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29 SECTION 2. Arkansas Code § 6-15-430(b)(11), concerning State Board of
30 Education authority over a public school or school district in academic
31 distress, is amended to read as follows:

32 (11) Take any other appropriate action allowed by law that the
33 state board determines is needed to assist and address a public school
34 classified as being in academic distress including without limitation the
35 issuance of binding recommendations by the department concerning the academic
36 practices and staffing of the public school.



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2 SECTION 3. Arkansas Code Title 6, Chapter 15, is amended to add an
3 additional subchapter to read as follows:

4
5 Subchapter 29 – Achievement School District

6
7 6-15-2901. Achievement school district established.

8 (a) The Department of Education shall establish the achievement school
9 district as an organizational unit within the department, to be administered
10 by the Commissioner of Education for the purpose of providing operational
11 oversight and governance of public schools and school districts classified in
12 academic distress when the State Board of Education has:

13 (1) Taken over a public school or school district; and

14 (2) Removed the school board of directors of a school district.

15 (b) As used in this section, "public school" includes a public charter
16 school.

17 (c) The commissioner, in collaboration with the leader of the
18 achievement school district, shall set an annual budget for the achievement
19 school district for the general administrative costs of the school district,
20 including without limitation the maintenance, operations, and salary expenses
21 of the public schools and school districts under the achievement school
22 district's jurisdiction and shall include the achievement school district
23 annual budget as an item in the general department budget.

24 (d) A school or school district in academic distress placed under the
25 jurisdiction of the achievement school district under § 6-15-430 and this
26 section, shall cease to be under the governance and control of the school
27 board of directors of the school district or public charter school from which
28 it originated and shall be under the governance and control of the
29 achievement school district while under the jurisdiction of the achievement
30 school district.

31
32 6-15-2902. Operation of achievement school district.

33 (a) The Commissioner of Education may:

34 (1) Directly operate or contract with one (1) or more not-for-
35 profit entities to operate academic distress schools or school districts
36 assigned to the achievement school district, including providing direct

1 services to students;

2 (2) Assign at any time a school or school district in academic
3 distress to the achievement school district under § 6-15-2901;

4 (3) Remove at any time a public school or school district
5 classified in academic distress from the achievement school district;

6 (4)(A) If the achievement school district chooses to operate
7 directly an achievement school, the employees of the achievement school shall
8 be considered employees of the school district but under the exclusive
9 service, governance, and control of the achievement school district.

10 (B) All subsequent personnel contracts of the school
11 district employees are subject to the requirements and policies in this
12 subchapter, including without limitation the ability of the commissioner to
13 waive provisions of the:

14 (i) Teacher Fair Dismissal Act of 1983, § 6-17-1501
15 et seq.;

16 (ii) Public Employee Fair Hearing Act, § 6-17-1701
17 et seq.;

18 (iii) Other provisions related to personnel policies
19 under this subchapter; and

20 (iv) Any provisions permitting or requiring the
21 negotiated representation of licensed or unlicensed personnel.

22 (C) The achievement school district shall adopt, with the
23 approval of the commissioner, written policies for governing school district
24 personnel working in the achievement school district, including without
25 limitation the inapplicability of the:

26 (i) Teacher Fair Dismissal Act of 1983, § 6-17-1501
27 et seq.;

28 (ii) Public Employee Fair Hearing Act, § 6-17-1701
29 et seq.; and

30 (iii) Any provisions permitting or requiring the
31 negotiated representation of licensed or unlicensed personnel.

32 (D) All employees working in the achievement school
33 district are at-will employees whose employment is subject to reassignment,
34 nonrenewal, or termination by the commissioner.

35 (5) If a school or school district in academic distress placed
36 in the achievement school district is operated by a not-for-profit entity or

1 is operated as a conversion public charter school, the not-for-profit entity
2 or the conversion public charter school shall be exempt from the following
3 provisions of law and corresponding rules and regulations:

4 (A) Teacher licensure under §§ 6-15-1004, 6-17-309, 6-17-
5 401, 6-17-902, and 6-17-919;

6 (B) Uniform school start and end dates under § 6-10-106;

7 (C) School district board of directors under § 6-13-601 et
8 seq.;

9 (D) School board elections under § 6-14-101 et seq.;

10 (E) Length of school day under § 6-16-102;

11 (F) Daily planning period under § 6-17-114;

12 (G) Noninstructional duties under § 6-17-117;

13 (H) Certified personnel policies and committees under § 6-
14 17-201 et seq.;

15 (I) Teacher fair dismissal under The Teacher Fair
16 Dismissal Act of 1983, § 6-17-1501 et seq.;

17 (J) Public school employee fair hearing under the Public
18 School Employee Fair Hearing Act, § 6-17-1701 et seq.;

19 (K) Any provisions permitting or requiring the negotiated
20 representation of licensed and unlicensed personnel;

21 (L) Compensation under the Classified School Employee
22 Minimum Salary Act, § 6-17-2201 et seq. and, the Teacher Compensation Program
23 of 2003, § 6-17-2401 et seq.;

24 (M) Classified personnel policies and committees under,
25 the Teacher Compensation Program of 2003, § 6-17-2401 et seq.; and

26 (N) Other provisions of Title 6 of the Arkansas Code and
27 corresponding rules and regulations with the exception of those listed under
28 subsection § 6-23-401(b); and

29 (6) Grant waivers of other provisions of Title 6 of the Arkansas
30 Code and corresponding rules and regulations with the exception of those
31 listed under § 6-23-401(b) to a not-for-profit entity or conversion charter
32 if authorized by the commissioner.

33 (b) The commissioner, acting on behalf of the achievement school
34 district, may also:

35 (1) Receive and spend federal, state, and local grants and
36 funding, including without limitation local property tax revenue, funds

1 provided under the Individuals with Disabilities Education Act 20 U.S.C, §
2 1400 et seq., and funds provided under the Elementary and Secondary Education
3 Act of 1965, Pub. L. No. 89-10;

4 (2)(A) Receive donations of any kind from any source for the
5 benefit of the achievement school district.

6 (B) All donations received by the achievement school
7 district shall be conditioned as gifts to the achievement school district and
8 not to a particular public school or school district within the achievement
9 school district;

10 (3)(A) Require a public school district with an achievement
11 school located in the public school district to provide school support or
12 student support services to the achievement school, including without
13 limitation:

14 (i) Transportation;

15 (ii) Food service;

16 (iii) Building support and maintenance;

17 (iv) Alternative school environments;

18 (v) Special education services, such as
19 identification and assessment; and

20 (vi) Athletics and other interscholastic activities
21 governed by the Arkansas Activities Association.

22 (B) The achievement school district may reimburse the
23 public school district from funds received from the district or otherwise for
24 school support of student support services provided under subdivision
25 (b)(3)(A) of this section at a rate approved by the commissioner;

26 (4)(A) Utilize, free of charge, other than for routine
27 maintenance and repair, any school building, facility, or property of an
28 achievement school, including any school building, facility, or property that
29 was available to the students, faculty, and staff before the achievement
30 school joined the achievement school district.

31 (B) The achievement school district shall be responsible
32 for paying all utilities in use at a school building, facility, or property
33 utilized by an achievement school.

34 (C) Extensive repairs to a school building, facility, or
35 property used by an achievement school shall be considered capital expenses
36 and are the responsibility of the public school district.

1 (D) A not-for-profit entity that requests and receives an
 2 open-enrollment public charter for an achievement school may rent the school
 3 building, facility, or property of the achievement school from the public
 4 school district for one dollar (\$1.00) per year as long as the open-
 5 enrollment public charter school exists in that facility;

6 (5) (A) Procure property, goods, and services in the same
 7 manner and under the same laws and rules as public school districts.

8 (B) The achievement school district procurement procedures
 9 shall comply with § 6-21-304 and be approved by the commissioner;

10 (6) Prepare and utilize publications for marketing and needs of
 11 the achievement school district that advance the mission of the achievement
 12 school district;

13 (7)(A) Request waivers from applicable laws and regulations.

14 (B) A waiver shall not be granted for federal or state laws
 15 or regulations listed under § 6-23-401(b) or waivers regarding:

16 (i) Civil rights;

17 (ii) Health and safety;

18 (iii) Public records;

19 (iv) Immunizations;

20 (v) Weapons on school grounds;

21 (vi) Background checks and fingerprinting of school
 22 personnel;

23 (vii) Provisions of special education services;

24 (viii) Parental rights;

25 (ix) Student assessment and accountability;

26 (x) Open meetings; and

27 (xi) Instructional time.

28 (C) Waivers provided to achievement schools shall not
 29 exceed the waivers that apply to public charter schools; and

30 (8) Establish the jurisdiction of the achievement school
 31 district's local educational authority for an academic distress priority
 32 achievement improvement plan for the academic distress school or school
 33 district.

34
 35 6-15-2903. Funding

36 (a) The achievement school district ,may receive funds and act as a

1 fiscal agent for funding under § 6-20-2305 for each school assigned to the
2 achievement school district.

3 (b) Funds received under subsection (a) of this section that are not
4 utilized by the achievement school district or a school within the
5 achievement school district shall be held by the Department of Education in a
6 reserve fund and distributed to the public school district of an achievement
7 school when the achievement school is removed from the achievement school
8 district unless assigned to another public school or school district as
9 allowed by law.

10 (c) The department shall develop rules addressing the management of
11 funding allocations and disbursements as authorized under this subchapter and
12 § 6-11-105.

13
14 6-15-2904. Placement in the achievement school district – Transition
15 from the achievement school district.

16 (a)(1) A school or school district in academic distress placed in the
17 achievement school district shall remain in the achievement school district
18 for a minimum of three (3) school years or an initial term of five (5) school
19 years.

20 (2) The Commissioner of Education shall determine if the public
21 school or school district has demonstrated sufficient academic results for
22 two (2) consecutive years to be removed from the achievement school district
23 and returned to the local school district or open-enrollment public charter
24 school.

25 (3) An academic distress school or school district shall remain
26 in the achievement school district for more than five (5) years if the public
27 school or school district fails to show sufficient academic improvement for
28 two (2) consecutive years as determined by the commissioner.

29 (b)(1) The commissioner shall develop a transition plan for
30 achievement schools to become independent open-enrollment public charter
31 schools if an achievement school has improved student progress under the
32 achievement school's academic distress priority achievement improvement plan
33 for three (3) consecutive school years and received the approval of the
34 commissioner and the state charter authorizer.

35 (2) The commissioner shall transfer the authority over an
36 achievement school that meets the requirements of subdivision (b)(1) of this

1 section to a not-for-profit entity at the request of a not-for-profit entity
2 that intends to operate the achievement school as an open-enrollment public
3 charter school.

4 (c) A not-for-profit entity that receives a charter to operate an
5 achievement school as an open-enrollment public charter school outside the
6 jurisdiction of the achievement school district may rent the school building,
7 facility, or property of the achievement school from the public school
8 district for no more than one dollar (\$1.00) per year for a twenty-year
9 period.

10 (d) If a an achievement school is not transitioned to an independent
11 open-enrollment public charter school under subsection (b) of this section,
12 the governance and operations of the school shall be returned to its school
13 district by the commissioner upon evidence of completion of the priority
14 achievement improvement plan.

15 (e) The achievement school district, at an appropriate time to foster
16 transition, may appoint a local achievement advisory council made up of
17 volunteers from parent, staff, and community stakeholders selected by the
18 achievement school district.

19
20 6-15-2905. Effect on public schools and school districts in academic
21 distress.

22 A public school or school district that is classified by the State
23 Board of Education as being in academic distress and taken over by the state
24 board as of the effective date of this act is eligible to become part of the
25 achievement school district at the discretion of the Commissioner of
26 Education.

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28 SECTION 4. Arkansas Code § 6-17-204, concerning incorporation of
29 personnel policies into teachers' contracts, is amended to add an additional
30 subsection to read as follows:

31 (f) This section does not apply to a teacher working in the
32 achievement school district under § 6-15-2901 et seq.

33
34 SECTION 5. Arkansas Code § 6-23-105, concerning the basis and
35 procedure for public charter school probation or charter modification,
36 revocation, or denial or renewal, is amended to add an additional subsection

1 to read as follows:

2 (e) The Commissioner of Education may remove a charter granted to a
3 charter holder for a public charter school that is required to be placed in
4 the achievement school district under § 6-15-2901 et seq.

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