

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2787

"AN ACT TO PROVIDE STABILITY AND CONTINUITY IN THE EDUCATIONAL ENVIRONMENT OF SCHOOL DISTRICTS IN ACADEMIC FACILITIES DISTRESS OR FISCAL DISTRESS IN AN ECONOMICALLY DEPRESSED AREA."

Amendment No. 1 to House Bill No. 2787.

Amend House Bill No. 2787 as originally introduced:

Add Representatives Blount and Walters as cosponsors of the bill

AND

Add Senator Bryles as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Legislative intent.

(a) The General Assembly finds that:

(1) Research shows that extracurricular activities of public school students are important to public education;

(2) That the state's own public school funding experts, Lawrence O. Picus and Associates, in Recalibrating the Arkansas School Funding Structure - Final Report, August 30, 2006, which is the report presented to the House Interim Committee and the Senate Interim Committee on Education in August 2006, observed that extra-curricular programs, including some athletic programs, "are important to an adequate education program;

(3) That the Picus report also cited research evidencing that "well designed and administered after-school programs yield numerous improvements in academic and behavioral outcomes"; and

(4) That the overall economic health of a school district impacts the academic, fiscal, and facilities viability of a school district.

(b) It is therefore the intent of this act to:

(1) Preserve extracurricular programs that are important for an adequate education by protecting funding for these programs while a school is in fiscal or facilities distress;

(2) Provide consequences for the actions or inactions of superintendents and school district boards of directors who lead a school



district into academic facilities distress or fiscal distress; and
(3) Assess the impact of the overall economic health of a school
district in academic facilities distress or fiscal distress on its distress
status.

SECTION 2. Arkansas Code § 6-21-811(d) - (g), concerning the authority of the Division of Public School Academic Facilities and Transportation with regard to a school district in facilities distress, is amended to read as follows:

(d) When a school district is identified by the division to be in facilities distress, the division may:

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

(ii) The recommendations may include requiring the superintendent and members of the school board to attend leadership training, financial management training, or other training the division deems necessary.

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

(C) The recommendations of the division are binding on the district, the superintendent, and the school board;

(2)(A) Require the superintendent to relinquish all administrative authority with respect to the school district.

(B) The State Board of Education may, upon adequate written notice and opportunity for a hearing, suspend the administrator's license of a superintendent who is asked to relinquish administrative authority of a school district in facilities distress;

(3)(A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Director of the Division of Public School Academic Facilities and Transportation.

(B) The division may direct the school district to compensate from school district funds the individual appointed to operate the school district;

(4) Suspend or remove all members of the current board of directors and call for the election of a new school board for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(5) Require the school district to operate without a local school board under the supervision of the local superintendent or an individual or panel appointed by the director;

(6) Return the administration of the school district to the former board or place the administration of the school district in a newly elected school board;

(7) Require school district staff and employees to attend training in areas of concern for the public school or school district;

(8)(A) Require a school district to cease immediately all expenditures that are related to activities not described as part of an adequate education in § 6-20-2302 and that in the aggregate exceed three percent (3%) of the school district's total expenditures and place money that

would have been spent on the activities into an academic facilities escrow account to be released only upon approval by the division for use in conjunction with a local academic facilities project.

(B)(i) Before requiring a school district to cease the expenditures, the division shall request that the Department of Education evaluate the programs that will lose funding under subdivision (d)(8)(A) of this section to determine the importance of the programs to:

(a) Student achievement;
(b) The opportunity for the students of the school district to receive an adequate education; and
(c) The availability of other public or private funding for the programs.

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

(9) Notify the public school or school district in writing that the deficiencies regarding academic facilities shall be corrected within a time period designated by the division;

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

(B) The state board may approve the petition or take other appropriate action as allowed by this subchapter.

(C)(i) The state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within two (2) consecutive school years of receipt of notice of identification of facilities distress status by the division.

(ii)(a) A school district may appeal the action of the state board to the Commission for Public School Academic Facilities and Transportation in accordance with procedures developed by the state board.

(b) The commission may reverse the action of the state board if the commission finds that the school district could not remove itself from facilities distress due to impossibility caused by external forces beyond the school district's control; and

(11)(A) Take any other action allowed by law that is deemed necessary to assist a public school or school district in removing criteria of facilities distress.

(e) No school district identified by the division as being in facilities distress may incur any debt without the prior written approval of the commission.

(f) A public school or school district in facilities distress may petition the commission for removal from facilities distress status only after the division has certified in writing that the public school or school district has corrected all criteria for being classified as in facilities distress and has complied with all division recommendations and requirements for removal from facilities distress.

(g)(1) The division shall submit a written evaluation on the status of each school district in facilities distress to the commission and the state

board at least one (1) time every six (6) months.

(2)(A) The division's evaluation shall at least annually include its determination of the impact of the relative economic health of the school district on the school district's status of facilities distress.

(B) The division may seek the assistance of the Department of Economic Development or the Arkansas Economic Development Commission in making the determination required by this subsection (g).

SECTION 3. Arkansas Code § 6-20-1908(f) and (g) concerning actions of the State Board of Education relating to a school district in fiscal distress, is amended to read as follows:

(f)(1) The department shall evaluate and make recommendations to the district superintendent regarding staffing of the district and fiscal practices of the district.

(2) The recommendations may include requiring the superintendent and members of the school board to attend leadership training, financial management training, or other training the department deems necessary.

~~(2)(3)~~ (3) The recommendations of the department shall be binding on the district, the superintendent, and the school board.

(g)(1) Every six (6) months, the department shall submit a written evaluation on the status of each school district in fiscal distress to the state board.

(2)(A) The department's evaluation shall at least annually include its determination of the impact of the relative economic health of the school district on the school district's status of fiscal distress.

(B) The department may seek the assistance of the Department of Economic Development or the Arkansas Economic Development Commission in making the determination required by this subsection (g).

SECTION 4. Arkansas Code § 6-20-1909(a)(1), concerning Department of Education actions regarding a school district in fiscal distress, is amended to read as follows:

(1)(A) Require the superintendent to relinquish all administrative authority with respect to the school district.

(B) The State Board of Education may, upon adequate written notice and opportunity for a hearing, suspend the administrator's license of a superintendent who is asked to relinquish administrative authority of a school district in fiscal distress.

SECTION 5. Arkansas Code § 6-15-430(a)(1), concerning State Board of Education actions regarding a school district in academic distress, is amended to read as follows:

(a) The State Board of Education shall have the following authority regarding any public school district in academic distress:

(1)(A) To require the superintendent of the school district to relinquish all authority with respect to the district and to appoint an individual to administratively operate the district under the supervision of the Commissioner of Education, with the cost to be paid from school district funding;

(B) The State Board of Education may, upon adequate written notice and opportunity for a hearing, suspend the administrator's license of a superintendent who is asked to relinquish administrative

authority of a school district in academic distress.”

The Amendment was read _____
By: Representative Flowers
CLR/CLR - 03-19-2007 17:48
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Chief Clerk