

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 391

"AN ACT TO PROVIDE SPECIAL NEEDS FUNDING FOR CERTAIN ISOLATED SCHOOL
AREAS."

Amendment No. 2 to Senate Bill No. 391.

Amend Senate Bill No. 391 as originally introduced:

Add Senator Bryles as a cosponsor

AND

Delete everything following the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-20-602 is amended to read as follows:
6-20-602. Isolated schools.

(a) "Isolated school" means a school within a school district that:

(1) Prior to administrative consolidation or annexation under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5) qualified as an isolated school district under § 6-20-601; and

(2) Is subject to administrative consolidation or annexation under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5).

(b) Any isolated school within a resulting or receiving district shall remain open, unless the school board of the resulting or receiving district adopts a motion to isolated or parts thereof school by:

(1) Unanimous vote of the full board of directors; or

(2)(A) A majority vote of the full board of directors, but less than a unanimous vote, and such motion is considered by and approved by a majority vote of members of the State Board of Education.

(B) Any school board seeking the State Board of Education's approval to close isolated schools or parts thereof under subsection (b)(2)(A) of this section, shall:

(i) No less than thirty (30) days prior to a regularly scheduled State Board of Education meeting, request a hearing on the matter before the State Board of Education and file a petition to have the motion reviewed and approved by the State Board of Education.

(ii) The petition shall:

(a) Identify the specific isolated schools or part thereof that the local board has moved to close; and

(b) State all reasons that the isolated schools or part thereof should be closed;

(c) State how the closure will serve the best



interest of the students in the district as a whole;

(d) State if the closure will have any negative impact on desegregation efforts or violate any valid court order from a court of proper jurisdiction; and

(E) Have attached a copy of the final motion approving the closure by the local board of directors.

(C) Upon receiving a petition for approval of a motion to close all or part of an isolated school under subsection (b)(2)(A) of this section, the State Board of Education shall have the authority to review and approve or disapprove the petition.

(1) The State Board of Education shall only approve a motion to close isolated schools or parts thereof under subsection (b)(2)(A) of this section, if the closure is in the best interest of the student's in the school district as a whole.

(2) The State Board of Education shall not close a school if the State Board of Education finds the closure will have any negative impact on desegregation efforts or will violate any valid court order from a court of proper jurisdiction.

(D) The State Board of Education is not authorized to require the closure of an isolated school or any parts thereof without a motion from the local board of directors as required under subsection (b)(2)(A) of this section.

(c)(1) Funding for isolated school districts or any parts thereof shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving district.

(2)(A) A school district eligible to receive isolated funding under § 6-20-603 shall continue to receive partial funding under § 6-20-603 even if part of the isolated schools are closed, but a school district shall not receive funding under § 6-20-603 for any isolated schools or parts thereof that have been closed by the local board of directors.

(B) If part of the isolated schools in a district are closed, the school district shall receive funding under § 6-20-603 based on the third quarter average daily membership of the isolated schools or parts thereof that remain open in the district.

SECTION 2. Arkansas Code Title 6, Chapter 20, Subchapter 6 is amended to add an additional section to read as follows:

6-20-604. Additional funding.

(a)(1) The General Assembly finds that school consolidations and annexations required by Act 60 of the 2nd Extraordinary Session of the Eighty-Fourth General Assembly and new requirements under the Standards for Accreditation of Arkansas Public Schools adopted by the State Board of Education have disproportionately increased the cost of operations for school districts that contained isolated schools.

(2) The General Assembly further finds that school districts which contained isolated schools need additional funding to provide an adequate education for students attending schools in those districts.

(b) A school district shall receive special needs funding as set forth under subsections (c) through (e) of this section if the school district meets the following requirements of subsections (c) through (e) of this section, and:

(1) The school district was consolidated or annexed under Act 60 of the Second Extraordinary Session of the Eight-Fourth General Assembly;

(2) The local board of directors by majority vote determines that a school within its district that is an isolated school area for grades kindergarten through twelve (K-12) listed in § 6-20-603 is so isolated that to combine its operation to one (1) district campus would be impractical or unwise; and

(3) The Director of the Department of Education determines that to combine the isolated school's operation to one (1) district campus would:

(A) Cause students riding a school bus to have a minimum travel time in excess of one hour and thirty minutes (1 hr 30 min) one-way; or

(B) Place students in harm's way due to a high-risk travel route based on the topography or geographic location of the district.

(c) A school district meeting the requirements of subsection (b) of this section shall receive an additional amount equal to twenty percent (20%) of the foundation funding received by the school district under § 6-20-2305(a)(2) for the operation of the isolated school areas if the district has:

(1) School facilities open for grades kindergarten through twelve (K-12) in two (2) or more isolated school areas listed in § 6-20-603;

(2) A third-quarter average daily membership of five hundred (500) or less in the preceding school year; and

(3) A density ratio of one and three-tenths (1.3) students or less per square mile.

(d) A school district meeting the requirements of subsection (b) of this section shall receive an additional amount equal to fifteen percent (15%) of the foundation funding received by the school district under § 6-20-2305(a)(2) for the operation of the isolated school areas if the district has:

(1) School facilities open for grades kindergarten through twelve (K-12) in two (2) or more isolated school areas listed in § 6-20-603;

(2) A third-quarter average daily membership of five hundred and one (501) to one thousand (1,000) in the preceding school year; and

(3) A density ratio of one and four tenths (1.4) students or less per square mile.

(e) A school district meeting the requirements of subsection (b) of this section shall receive an amount equal to ten percent (10%) of the foundation funding received by the school district under § 6-20-2305(a)(2) based on the average daily membership of the isolated school area under § 6-20-2305(a)(2) if the district has school facilities open for grades kindergarten through twelve (K-12) in one (1) or more isolated school areas listed in § 6-20-603.

(f) A school district eligible for special needs funding under this section shall continue to be eligible to receive isolated school funding provided under § 6-20-603."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Lavery

KAC/KAC - 02-17-2005 16:41

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Secretary