

1 INTERIM STUDY PROPOSAL 2013-140

2 State of Arkansas

As Engrossed: H3/26/13

3 89th General Assembly

A Bill

4 Regular Session, 2013

HOUSE BILL 1938

5
6 By: Representative Alexander

7 Filed with: Interim House Committee on Education

8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO SUSPEND THE ADMINISTRATIVE REORGANIZATION
11 OF SCHOOL DISTRICTS; TO REQUIRE A STUDY OF CHANGES
12 RESULTING FROM ADMINISTRATIVE REORGANIZATIONS OF
13 SCHOOL DISTRICTS SINCE 2003; TO REQUIRE A STUDY OF
14 STUDENT TRANSPORTATION IN *SELECTED* SCHOOL DISTRICTS;
15 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
16

17 Subtitle

18 TO SUSPEND ADMINISTRATIVE REORGANIZATIONS
19 OF SCHOOL DISTRICTS; TO REQUIRE A STUDY
20 OF ADMINISTRATIVE REORGANIZATIONS AND
21 STUDENT TRANSPORTATION IN *SELECTED SCHOOL*
22 DISTRICTS; AND TO DECLARE AN EMERGENCY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § *6-13-1603(a)(3)* is amended to read as
29 follows:

30 (3)(A) ~~Any~~ Except as provided under subdivision (a)(3)(B) of
31 this section, a school district on the consolidation list that does not
32 submit a petition under subdivision (a)(2)(A) of this section or that does
33 not receive approval by the state board for a voluntary consolidation or
34 annexation petition shall be administratively consolidated by the state board
35 with or into one (1) or more school districts by May 1, to be effective July

1 1 immediately following the publication of the list required under § 6-13-
2 1602.

3 (B)(i)(a) The state board shall not administratively
4 reorganize a school district or school campus under this section after
5 January 1, 2013, and before April 30, 2015, for reasons other than academic
6 distress, fiscal distress, or failure to comply with state accreditation
7 standards.

8 (b) The number of students enrolled in a
9 district shall not be used as a factor in reaching a finding of academic
10 distress, fiscal distress, or failure to comply with state accreditation
11 standards or in determining of the appropriate response to the finding.

12 (ii) The House Committee on Education and the Senate
13 Committee on Education may extend the period for suspending the application
14 of this section to a date not later than December 31, 2016, pending the
15 completion of:

16 (a) The study required under § 6-19-128 and
17 the consideration of the Bureau of Legislative Research report during an
18 adequacy study; and

19 (b) The review of plans to track student
20 progress required under § 6-13-1606.

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22 SECTION 2. Arkansas Code § 6-13-1606 is amended to add an additional
23 subsection to read as follows:

24 (e)(1) By October 1, 2013, the Bureau of Legislative Research shall
25 review and provide to the House Committee on Education and the Senate
26 Committee on Education an analysis of:

27 (A) The reports provided by the Department of Education
28 under subsection (d) of this section; and

29 (B) All plans developed under this section.

30 (2) The analysis provided under this subsection (e) shall be
31 considered during the adequacy study conducted during the interim preceding
32 the 2015 regular session of the General Assembly.

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34 SECTION 3. Arkansas Code Title 6, Chapter 19, Subchapter 1, is amended
35 to add an additional section to read as follows:

1 6-19-128. Transportation efficiency study for *selected* school
2 districts.

3 (a) The Bureau of Legislative Research, in conjunction with the
4 Department of Education and Division of Public School Academic Facilities and
5 Transportation, shall conduct a study of student transportation in *Arkansas*
6 *school districts selected by the House Committee on Education and the Senate*
7 *Committee on Education* to assess how the time and cost of public school
8 district transportation for students can or should be minimized in the school
9 districts.

10 (b) The study and resulting report shall include without limitation:

11 (1) How *the selected* school districts:

12 (A) Administer student transportation routes and number of
13 school buses to accommodate student needs; and

14 (B) Plan and implement school bus routes to accommodate:

15 (i) Regional or local geography; and

16 (ii) The density or scarcity of student population;

17 (2) The influence of the factors under this subdivision (b)(2)
18 on the time and cost of school bus routes.

19 (3) A review of other states' practices concerning student
20 transportation in school districts.

21 (c)(1) The bureau, the department, and the division, shall prepare a
22 report with analysis, findings, and recommendations based on the study.

23 (2) The findings and recommendations shall include without
24 limitation:

25 (A) A list of school districts for which a boundary
26 adjustment or other alternative would reduce the school district's
27 transportation time or cost;

28 (B) A detailed description of each alternative for
29 reducing *the selected school districts'* transportation time or cost,
30 including without limitation:

31 (i) The estimated number of hours of transportation
32 time to be saved per student presented by school district and by statewide
33 total; and

34 (ii) The total estimated cost to be saved under the
35 alternative presented by school district and by statewide total; and

1 (C) A description of the proposed implementation of any
2 alternative, including without limitation:

3 (i) The cost of implementation; and

4 (ii) For any boundary change considered in the
5 alternative, whether the boundary change will result in changes to an
6 affected school district's compliance with the State Board of Education's
7 standards for academic achievement, accreditation, and financial management.

8 (3) The bureau shall present its report to the House Committee
9 on Education and the Senate Committee on Education for the biennial adequacy
10 study by October 1, 2014, unless the report deadline is extended by the House
11 Committee on Education and the Senate Committee on Education acting jointly
12 to a date not later than October 1, 2016.

13 (d)(1) The study and report required under this section are subject to
14 the availability of reliable data.

15 (2)(A) School districts shall comply in a timely manner with
16 requests from the bureau, the department, or the division for information
17 needed under this section.

18 (B) The department and the division shall assist in
19 obtaining the requested information from school districts and shall report
20 the noncompliance of a school district:

21 (i) In the report required under this section; or

22 (ii) At the request of the House Committee on
23 Education or the Senate Committee on Education.

24 (3) If the bureau, the department, and the division agree that
25 changes to coding requirements for school districts are needed for obtaining
26 future data concerning student transportation, the report shall reflect those
27 recommendations.

28
29 SECTION 4. Arkansas Code § 6-20-602(b)(2)(C)(i), concerning state
30 board approval of the closure of isolated schools, are amended to read as
31 follows:

32 (C)(i) ~~Upon~~ Except as provided under subdivision (b)(2)(E)
33 of this section, upon receiving a petition for approval of a motion to close
34 all or part of an isolated school under subdivision (b)(2)(A) of this
35 section, the state board shall have the authority to review and approve or
36 disapprove the petition.

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2 SECTION 5. Arkansas Code § 6-20-602(b)(2), concerning state board
3 approval of the closure of isolated schools, is amended to add an additional
4 subdivision to read as follows:

5 (E)(i)(a) The state board shall not approve the closure of
6 a school or shall suspend the closure of a school under this section after
7 January 1, 2013, and before April 30, 2015, for reasons other than academic
8 distress, fiscal distress, or failure to comply with state accreditation
9 standards.

10 (b) The number of students enrolled in a
11 district shall not be used as a factor in reaching a finding of academic
12 distress, fiscal distress, or failure to comply with state accreditation
13 standards or in determining the appropriate response to the finding.

14 (ii) The House Committee on Education and the Senate
15 Committee on Education may extend the period for suspending the application
16 of this section to a date not later than December 31, 2016, pending the
17 completion of the study required under § 6-19-128 and the consideration of
18 the Bureau of Legislative Research report during an adequacy study.

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20 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that the closure of schools and
22 administrative reorganization of school districts under current law may cause
23 irreparable harm to small and rural schools and school districts; that the
24 present law should be reviewed before further application of the law; and
25 that this act is immediately necessary to suspend the application of the law
26 pending that review. Therefore, an emergency is declared to exist, and this
27 act being immediately necessary for the preservation of the public peace,
28 health, and safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,
31 the expiration of the period of time during which the Governor may veto the
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is
34 overridden, the date the last house overrides the veto.

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/s/Alexander

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Referred by the Arkansas House of Representatives
Prepared by: CLR/VJF