

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 1260

4
5 By: Representative Cook
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For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF TITLE 6, CHAPTER
10 20, SUBCHAPTER 16 OF THE ARKANSAS CODE PERTAINING TO
11 STATE ASSISTANCE TO SCHOOL DISTRICTS IN ACADEMIC OR
12 FISCAL DISTRESS; TO AMEND THREE SECTIONS OF THE
13 ARKANSAS CODE TO DELETE LANGUAGE WHICH REFERS TO 6-20-
14 313 WHICH HAS BEEN REPEALED; AND FOR OTHER PURPOSES."

Subtitle

16
17 "AN ACT TO AMEND VARIOUS SECTIONS OF THE
18 ARKANSAS CODE PERTAINING TO STATE
19 ASSISTANCE TO SCHOOL DISTRICTS IN
20 ACADEMIC OR FISCAL DISTRESS."
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code 6-20-1602 is amended to read as follows:

26 "6-20-1602. Definitions.

27 (a) For purposes of this subchapter, a 'school district in academic
28 distress' shall mean any school district whose students ~~do not score at levels~~
29 fail to meet achievement standards as established by the Department of
30 Education ~~or~~:

31 ~~(1) The Arkansas Writing Assessment;~~

32 ~~(2) The Stanford 8 Achievement Test;~~

33 ~~(3) The exit examination administered by the Department of~~
34 ~~Education; or~~

35 ~~(4) Any other test approved by the department.~~

36 (b) For purposes of this subchapter, a 'school district in fiscal

1 distress' shall mean any school district that has a steadily declining
 2 balance, as defined by the Department of Education, or any school district
 3 that has not received annual audits of their accounts from Legislative Audit
 4 or a certified public accountant, or any school district that has any other
 5 fiscal condition deemed to have negative impact on the continuance of
 6 educational services."

7
 8 SECTION 2. Arkansas Code Annotated 6-20-1603(a) is amended to read as
 9 follows:

10 "(a) ~~By March 1, 1996, the~~ The State Board of Education shall promulgate
 11 rules and regulations to establish and implement a program for identifying,
 12 evaluating, assisting, and addressing school districts in fiscal or academic
 13 distress."

14
 15 SECTION 3. Arkansas Code 6-20-1604 is amended to read as follows:
 16 "6-20-1604. Rules and regulations - Department of Education.

17 The Department of Education is hereby authorized to develop indicators
 18 of fiscal distress and academic distress in school districts and to promulgate
 19 the necessary rules and regulations so that the Director of ~~General~~ the
 20 Department of Education shall provide technical assistance to school districts
 21 determined by the director to be in fiscal or academic distress and shall
 22 ensure, to the extent possible, that a fiscal crisis or an academic crisis
 23 will not interrupt the educational services provided to the students of a
 24 school district."

25
 26 SECTION 4. Arkansas Code Annotated 6-20-1605 is amended to read as
 27 follows:

28 "6-20-1605. Identification of districts in distress.

29 Prior to the beginning of ~~the 1996-97 school year, and~~ each school year
 30 ~~thereafter~~, the Department of Education shall identify all school districts
 31 that are in academic or fiscal distress and shall further document any school
 32 districts that meet the criteria for academic or fiscal distress but which,
 33 after investigation, the department determines are not in academic or fiscal
 34 distress."

35
 36 SECTION 5. Arkansas Code Annotated 6-20-1607 is amended to read as

1 follows:

2 "6-20-1607. Classification of school districts in distress.

3 ~~(a)(1) During the 1997-98 school year, and each school year thereafter,~~
 4 ~~the~~ The department shall determine which school districts shall be classified
 5 as Phase I districts or Phase II districts.

6 (2) A school district may be classified a Phase I district for
 7 more than one (1) year.

8 (3) No Phase I or Phase II district shall incur additional debt
 9 without the approval of the Department of Education.

10 ~~(b) During the 1997-98 school year, and each school year thereafter, e~~
 11 Only those districts classified as Phase II districts by the Director of the
 12 ~~General Department of Education Division of the Department of Education~~ shall
 13 be required to receive on-site technical assistance by a team of educators
 14 assigned by the department to work directly with the districts.

15 (c) During the first six (6) months of the school year in which a
 16 district is classified as a Phase II district, the department team shall
 17 evaluate and make recommendations to the district superintendent regarding the
 18 staffing of the district and concerning fiscal or academic policies or
 19 practices of the district, if necessary to address the fiscal or academic
 20 distress of the district as defined by the department.

21 (d) The recommendations of the department shall be binding on the
 22 district, the superintendent, and the school board; provided, however, that it
 23 shall be the duty of the district to follow all Arkansas laws.

24 (e) A district classified as a Phase II school district that fails to
 25 follow recommendations of the department shall be immediately classified as a
 26 Phase III school district.

27 (f) At the conclusion of ~~the 1997-98 school year, and each~~ school year
 28 ~~thereafter,~~ the department shall report the progress of all districts
 29 classified as Phase II school districts to the State Board of Education."
 30

31 SECTION 6. Arkansas Code 6-20-1609(b) is amended to read as follows:

32 ~~"(b) During the 1998-99 school year, and each year thereafter until the~~
 33 ~~school district is no longer classified as a Phase III district, the~~ The
 34 Department of Education shall have the following authority in dealing with any
 35 district classified as a Phase III school district:

36 (1) To require the superintendent to relinquish all authority with

1 respect to the district, to appoint an individual to operate the district
 2 under the supervision of the Director of ~~General~~ the Department of Education,
 3 and to compensate non-Department of Education employees for operating the
 4 district using the salary formerly given to the district superintendent;

5 (2) To have all powers and duties of the local school board under
 6 § 6-13-620;

7 (3) To determine that it is in the best interests of the students
 8 in the district to continue operation of the district or that annexation to an
 9 adjacent district or districts is necessary;

10 (4) To call for the election of a new school board for the
 11 district, in which case the district shall reimburse the county board of
 12 education for election costs as otherwise required by law;

13 (5) To allow the district to operate without a local school board
 14 under supervision of the local school district administration;

15 (6) To turn the administration of the district over to the former
 16 board or a newly elected school board; and

17 (7) To waive the application of Arkansas law, with the exception
 18 of §§ 6-17-1501 et seq. and 6-17-1701 et seq., or Department of Education
 19 rules and regulations; ~~and.~~

20 ~~(8) To compensate non-Department of Education employees for~~
 21 ~~assisting Phase III districts from set-aside funds authorized under § 6-20-313~~
 22 ~~[repealed]."~~

23
 24 SECTION 7. Arkansas Code 6-20-104 is amended to read as follows:

25 "6-20-104. Reimbursement for educational services provided in juvenile
 26 detention facilities.

27 (a) As used in this section, unless the context otherwise requires:
 28 'Juvenile detention facility' means any facility operated by a political
 29 subdivision of the state for the temporary care of juveniles alleged to be
 30 delinquent, or adjudicated delinquent, who require secure custody in a
 31 physically restricting facility. Under § 9-27-330(a)(11), such facility must
 32 provide educational and other rehabilitative services to adjudicated
 33 delinquents who may be ordered by the court to remain in the juvenile
 34 detention facility for an indeterminate period not to exceed ninety (90) days.

35 ~~(b) The Department of Education and all local school district~~
 36 ~~administrators are hereby authorized and directed to cooperate with officials~~

~~1 responsible for the operation of juvenile detention facilities to ensure that
2 state funds for special education set aside under § 6-20-313 [repealed] shall
3 follow the students who are being held in these facilities so the students can
4 be afforded educational opportunities necessary for rehabilitation.~~

(c)(b)(1) Upon disposition by the juvenile court that an adjudicated juvenile shall stay in a juvenile detention facility for any period of time, the facility shall notify the juvenile's resident school district of his whereabouts and, within five (5) days after the juvenile is released, shall certify the detention dates to the district.

(2) The resident school district, within thirty (30) days after receiving certification, shall remit state funds to the juvenile detention facility for the days that the juvenile should have attended classes in the district.

(3) If the amount of state funds due cannot be agreed upon by the juvenile detention facility and the resident school district, an appeal shall be made to the Department of Education. All decisions rendered shall be final.

(d)(c) The Department of Education shall issue regulations for the effective implementation of this section, including:

~~(1) The classification of juvenile detention centers as approved residential treatment facilities under § 6-20-313; and~~

~~(2) The the designation of the resident district of a student who is no longer attending school in the district but is being held in a juvenile detention center as responsible for educating the student for any period of time the student is being held in the facility."~~

SECTION 8. Arkansas Code 6-51-305(a)(3) is amended to read as follows:

"(3) Additionally, centers shall be eligible for any new vocational program start-up funds which become available from funds set aside under the provisions of §§ 6-20-310, and 6-20-311, ~~and 6-20-313~~ of 'The School Finance Act of 1984' for capital equipment moneys provided in the Public School Fund, and for federal vocational education funds."

SECTION 9. Arkansas Code 25-6-103(b)(3) is amended to read as follows:

"(3) The board shall also have the authority to administer special programs of vocational education supported with moneys set aside for vocational education from the Public School Fund through §§ 6-20-310 - ~~6-20-~~

1 ~~313~~ 6-20-311. This authority shall be extended to subsequent amendments, if
 2 any, to §§ 6-20-310—~~6-20-313~~ and 6-20-311."

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 4 SECTION 10. All provisions of this act of a general and permanent
 5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 6 Code Revision Commission shall incorporate the same in the Code.

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 8 SECTION 11. If any provision of this act or the application thereof to
 9 any person or circumstance is held invalid, such invalidity shall not affect
 10 other provisions or applications of the act which can be given effect without
 11 the invalid provision or application, and to this end the provisions of this
 12 act are declared to be severable.

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 14 SECTION 12. All laws and parts of laws in conflict with this act are
 15 hereby repealed.

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 17 SECTION 13. EMERGENCY. It is found and determined by the Eighty Second
 18 General Assembly that the immediate effectiveness of this act is essential to
 19 the operation of the Department of Education, which must identify schools and
 20 school districts in academic or fiscal distress in the early spring of each
 21 school year, and essential to furthering the educational well-being of
 22 students in those schools and school districts. Therefore, an emergency is
 23 declared to exist and this act being immediately necessary for the
 24 preservation of the public peace, health and safety shall become effective on
 25 the date of its approval by the Governor. If the bill is neither approved nor
 26 vetoed by the Governor, it shall become effective on the expiration of the
 27 period of time during which the Governor may veto the bill. If the bill is
 28 vetoed by the Governor and the veto is overridden, it shall become effective
 29 on the date the last house overrides the veto.