

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/21/05 S2/24/05

A Bill

SENATE BILL 391

5 By: Senators Laverty, Bryles, G. Jeffress
6 By: Representative Ragland
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For An Act To Be Entitled

10 AN ACT TO PROVIDE SPECIAL NEEDS FUNDING FOR
11 CERTAIN ISOLATED SCHOOL AREAS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO PROVIDE SPECIAL NEEDS FUNDING
16 FOR CERTAIN ISOLATED SCHOOL AREAS.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 6-20-602 is amended to read as follows:*
22 *6-20-602. Isolated schools.*

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

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

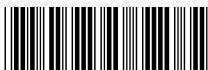
27 *(2) Is subject to administrative consolidation or annexation*
28 *under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5).*

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

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

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

36 *(B) Any school board seeking the State Board of*



1 Education's approval to close isolated schools or parts thereof under
2 subsection (b)(2)(A) of this section, shall:

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

7 (ii) The petition shall:

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

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

12 (c) State how the closure will serve the best
13 interest of the students in the district as a whole;

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

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

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

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

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

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

35 (c)(1) Funding for isolated school districts or any parts thereof
36 shall be expended by the resulting or receiving district only on the

1 operation, maintenance, and other expenses of the isolated schools within the
2 resulting or receiving district.

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

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

12
13 SECTION 2. Arkansas Code Title 6, Chapter 20, Subchapter 6 is amended
14 to add an additional section to read as follows:

15 6-20-604. Additional funding.

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

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

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

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

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

36 (3) The Director of the Department of Education determines that

1 to combine the isolated school's operation to one (1) district campus would:

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

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

7 (c) A school district meeting the requirements of subsection (b) of
8 this section shall receive an additional amount equal to twenty percent (20%)
9 of the foundation funding received by the school district under § 6-20-
10 2305(a)(2) for the operation of the isolated school areas if the district
11 has:

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

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

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

18 (d) A school district meeting the requirements of subsection (b) of
19 this section shall receive an additional amount equal to fifteen percent
20 (15%) of the foundation funding received by the school district under § 6-20-
21 2305(a)(2) for the operation of the isolated school areas if the district
22 has:

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

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

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

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

36 (f) A school district eligible for special needs funding under this

1 section shall continue to be eligible to receive isolated school funding
2 provided under § 6-20-603.

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/s/ Lavery