

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/25/11

# A Bill

HOUSE BILL 1854

5 By: Representative Perry  
6

## For An Act To Be Entitled

8 AN ACT TO INCLUDE PUBLIC SCHOOLS IN STATE BOARD OF  
9 EDUCATION INTERVENTIONS FOR ACADEMIC DISTRESS AND  
10 SCHOOL IMPROVEMENT; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13  
14 TO INCLUDE PUBLIC SCHOOLS IN STATE BOARD  
15 OF EDUCATION INTERVENTIONS FOR ACADEMIC  
16 DISTRESS AND SCHOOL IMPROVEMENT.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 *SECTION 1. Arkansas Code § 6-15-425 is amended to read as follows:*

22 *6-15-425. School improvement or academic distress.*

23 *(a) ~~Those public individual schools~~ A public school or school district*  
24 *identified by the Department of Education as failing to meet established*  
25 *levels of academic achievement shall be classified as being in:*

26 *(1) school School improvement as required by the Arkansas*  
27 *Comprehensive Testing, Assessment, and Accountability Program rules and*  
28 *regulations;*

29 *(2) Academic distress as required under §§ 6-15-428 – 6-15-431;*

30 *or*

31 *~~(b)(3) Those public school districts identified by the~~*  
32 *~~department as failing to meet established levels of academic achievement~~*  
33 *~~shall be classified as being either in school improvement or academic~~*  
34 *~~distress, or both, Both, as required by the applicable program rules and~~*  
35 *~~regulations.~~*  
36



1           SECTION 2. Arkansas Code § 6-15-428 is amended to read as follows:  
2           6-15-428. Academic distress identification, notification,  
3           classification, and appeal.

4           (a) The school board president and superintendent of a school district  
5           of which the school district or a public school is identified by the  
6           Department of Education as being in academic distress shall be notified in  
7           writing by the department via certified mail, return receipt requested, and  
8           shall have a right of appeal to the State Board of Education.

9           (b) Any school district identified or in which a public school is  
10           identified in academic distress may appeal to the state board by filing a  
11           written appeal with the Commissioner of Education via certified mail, return  
12           receipt requested, within thirty (30) calendar days of receipt of the written  
13           notice of academic distress status from the department.

14           (c)(1) The state board shall hear the appeal of the school district  
15           within sixty (60) days of receipt of the written appeal in the commissioner's  
16           office.

17           (2) The state board's determination shall be final except that a  
18           school district may appeal to Pulaski County Circuit Court under the Arkansas  
19           Administrative Procedure Act, § 25-15-201 et seq.

20           (d) Those school districts or public schools identified by the  
21           department as being in academic distress shall be classified as school  
22           districts or public schools in academic distress upon final determination by  
23           the state board.

24  
25           SECTION 3. Arkansas Code § 6-15-429 is amended to read as follows:  
26           6-15-429. Academic distress – Required action.

27           (a) A public school or school district identified as in "academic  
28           distress" shall have no more than two (2) consecutive school years from the  
29           date of receipt of notice of identification from the Department of Education  
30           to be removed from academic distress status.

31           (b)(1) The State Board of Education may at any time take enforcement  
32           action on any school district in academic distress status, ~~including, but not~~  
33           ~~limited to,~~ including without limitation annexation, consolidation, or  
34           reconstitution of a school district pursuant to § 6-13-1401 et seq. and the  
35           authority of this subchapter, ~~except no.~~

36           (2) The state board may take enforcement action at any time on

1 any public school in academic distress under this subchapter.

2 (3)(A) Except as provided under subdivision (b)(3)(B) of this  
 3 section, a public school or school district shall not be allowed to remain in  
 4 academic distress status for a time period greater than two (2) consecutive  
 5 school years from the date of receipt of notice of identification of academic  
 6 distress from the department.

7 (B) The state board may issue a written finding supported  
 8 by a majority of the state board explaining in detail that the public school  
 9 or school district could not remove itself from academic distress during the  
 10 relevant time period due to impossibility caused by external forces beyond  
 11 the control of the public school or school district.

12 (c) If a public school district classified as being in academic  
 13 distress fails to be removed from academic distress status within the allowed  
 14 two-year time period, the state board shall annex, consolidate, or  
 15 reconstitute the academic-distress school district prior to before July 1 of  
 16 the next school year unless the state board, at its discretion, issues a  
 17 written finding supported by a majority of the state board explaining in  
 18 detail that the school district could not remove itself from academic  
 19 distress during the relevant time period due to impossibility caused by  
 20 external forces beyond the school district's control.

21  
 22 SECTION 4. Arkansas Code § 6-15-430 is amended to read as follows:

23 6-15-430. State Board of Education authority over ~~school~~ schools or  
 24 school districts in academic distress.

25 ~~The State Board of Education shall have the following authority~~  
 26 ~~regarding any public~~ Regarding a school district classified as being in  
 27 academic distress, the State Board of Education may:

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

33 ~~(2) To suspend~~ Suspend or remove some or all of the current  
 34 board of directors and call for the election of a new ~~school~~ board of  
 35 directors for the school district, in which case the school district shall  
 36 reimburse the county board of election commissioners for election costs as

1 otherwise required by law;

2 (3) ~~To allow~~ Allow the school district to operate without ~~the~~  
3 ~~local school~~ a board of directors under the supervision of the ~~local~~ school  
4 district administration or an administration chosen by the Commissioner of  
5 Education;

6 (4) ~~To waive~~ Waive the application of Arkansas law, with the  
7 exception of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and  
8 the Public School Employee Fair Hearing Act, § 6-17-1701 et seq., or the  
9 ~~Department of Education~~ state board rules and regulations;

10 (5) ~~To require~~ Require the annexation, consolidation, or  
11 reconstitution of the ~~public~~ school district; and

12 (6) ~~To take~~ Take any other ~~necessary and proper~~ action, ~~as~~  
13 ~~determined by the state board, that is~~ appropriate action allowed by law that  
14 the state board determines is necessary to assist and address a public school  
15 classified as being in academic distress.

16 (b) Regarding a public school classified as being in academic  
17 distress, the state board may:

18 (1) Require the reorganization of the public school or  
19 reassignment of the administrative, instructional, or support staff of the  
20 public school;

21 (2) Require the public school to institute and fully implement a  
22 student curriculum and professional development for teachers and  
23 administrators that are based on state academic content and achievement  
24 standards, with the cost to be paid by the school district where the public  
25 school is located;

26 (3) Require the principal of the public school to relinquish all  
27 authority with respect to the public school;

28 (4) Suspend or remove some or all of the licensed personnel of  
29 the public school and replace them with licensed personnel hired under the  
30 supervision of the Commissioner of Education;

31 (5) Remove the public school from the jurisdiction of the school  
32 district where the public school is located and establish alternative public  
33 governance and supervision of the public school;

34 (6) Require closure or dissolution of the public school;

35 (7)(A) Reconstitute the leadership of the school district in  
36 which the public school is located by temporarily or permanently removing or

1 suspending the superintendent of the school district or any particular board  
 2 members of a school district.

3 (B) The state board may appoint an administrator or call  
 4 for the election of new school board members to administer the affairs and  
 5 provide governance of the school district, or both.

6 (C) If the state board calls for an election of a new  
 7 school district board of directors under subdivision (b)(7)(B) of this  
 8 section, the school district shall reimburse the county board of election  
 9 commissioners for election costs as otherwise required by law; and

10 (8) Take any other appropriate action allowed by law that the  
 11 state board determines is needed to assist and address a public school  
 12 classified as being in academic distress.

13 ~~(b)(1)(c)(1)~~ Any A student attending a public school district  
 14 classified as being in academic distress shall is automatically be eligible  
 15 and entitled pursuant to under the Arkansas Public School Choice Act of 1989,  
 16 § 6-18-206, to transfer to another geographically contiguous school district  
 17 not in academic distress during the time period that a the resident school  
 18 district is classified as being in academic distress and, therefore,

19 (2) A student transferring under this subsection is not be  
 20 required to file a petition by July 1 but shall meet all other requirements  
 21 and conditions of the Arkansas Public School Choice Act of 1989, § 6-18-206.

22 ~~(2)(3)~~ The If a student transfers under this subsection to a  
 23 nonresident school district, the cost of transporting the student from the  
 24 resident district to the nonresident district shall be the cost of the  
 25 resident district.

26 ~~(3)(4)~~ The nonresident district shall count the student for  
 27 average daily membership purposes.

28  
 29 SECTION 5. Arkansas Code § 6-15-431 is amended to read as follows:  
 30 6-15-431. Academic distress rules and regulations.

31 (a) The State Board of Education shall promulgate rules and  
 32 regulations as necessary to identify, evaluate, assist, and address public  
 33 schools and school districts determined to be in academic distress.

34 (b) The academic distress rules and regulations shall be incorporated  
 35 as part of the Arkansas Comprehensive Testing, Assessment, and Accountability  
 36 Program rules and regulations.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

/s/Perry