

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 1042

5 By: Senator L. Chesterfield
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE THE COMMISSIONER OF EDUCATION TO
9 APPEAR AT A MEETING OF THE SENATE COMMITTEE ON
10 EDUCATION AND THE HOUSE COMMITTEE ON EDUCATION BEFORE
11 THE COMMISSIONER ASSUMES THE ADMINISTRATION OF A
12 SCHOOL DISTRICT IDENTIFIED AS BEING IN FISCAL
13 DISTRESS, ACADEMIC DISTRESS, OR FACILITIES DISTRESS;
14 AND FOR OTHER PURPOSES.
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Subtitle

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18 TO REQUIRE THE COMMISSIONER OF EDUCATION
19 TO APPEAR AT A MEETING OF THE SENATE
20 COMMITTEE ON EDUCATION AND THE HOUSE
21 COMMITTEE ON EDUCATION BEFORE THE
22 COMMISSIONER ASSUMES THE ADMINISTRATION
23 OF A SCHOOL DISTRICT.
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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 § 6-15-430(a), concerning State Board of
29 Education authority over a school in academic distress, is amended to add an
30 additional subdivision to read as follows:

31 (a)(1) The State Board of Education shall have the following authority
32 regarding any public school district in academic distress:

33 ~~(1)~~(A) To require the superintendent of the school
34 district to relinquish all authority with respect to the school district and
35 to appoint an individual to administratively operate the school district
36 under the supervision of the Commissioner of Education, with the cost to be



1 paid from school district funding;

2 ~~(2)(B)~~ To suspend or remove some or all of the current
3 board of directors and call for the election of a new school board of
4 directors for the school district, in which case the school district shall
5 reimburse the county board of election commissioners for election costs as
6 otherwise required by law;

7 ~~(3)(C)~~ To allow the school district to operate without the
8 local school board of directors under the supervision of the local school
9 district administration or an administration chosen by the Commissioner of
10 Education;

11 ~~(4)(D)~~ To waive the application of Arkansas law, with the
12 exception of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., and
13 the Public School Employee Fair Hearing Act, § 6-17-1701 et seq., or the
14 Department of Education rules and regulations;

15 ~~(5)(E)~~ To require the annexation, consolidation, or
16 reconstitution of the public school district; and

17 ~~(6)(F)~~ To take any other necessary and proper action, as
18 determined by the state board, that is allowed by law.

19 (2) Not less than thirty (30) days before the commissioner
20 assumes the administrative authority of a school district under this section,
21 the commissioner shall appear at a joint meeting of the Senate Committee on
22 Education and the House Committee on Education at which the committees shall:

23 (A) Review the reasons for the commissioner's action;

24 (B) Request additional information from the commissioner
25 that the committees deem necessary; and

26 (C) Approve or disapprove of the action.

27
28 SECTION 2. Arkansas Code § 6-20-1909, concerning Department of
29 Education authority over a school district in fiscal distress, is amended to
30 add an additional subsection to read as follows:

31 (e) Not less than thirty (30) days before the commissioner assumes the
32 administrative authority of a school district under this section, the
33 commissioner shall appear at a joint meeting of the Senate Committee on
34 Education and the House Committee on Education at which the committees shall:

35 (A) Review the reasons for the commissioner's action;

36 (B) Request additional information from the commissioner

1 that the committees deem necessary; and

2 (C) Approve or disapprove of the action.

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4 SECTION 3. Arkansas Code § 6-21-811(g), concerning the authority of
5 the Division of Public School Academic Facilities and Transportation and the
6 Commissioner of Education over a school district in facilities distress, is
7 amended to read as follows:

8 (g)(1) When a school district is identified by the commission to be in
9 facilities distress, the division may with the approval of the commission:

10 ~~(1)(A)(A)(i)~~ Provide on-site technical evaluation and
11 assistance and make recommendations to the school district superintendent
12 regarding the care and maintenance of any academic facility in the school
13 district.

14 ~~(B)(ii)~~ Any school district identified as being in
15 facilities distress status shall accept on-site technical evaluation and
16 assistance from the division.

17 ~~(C)(iii)~~ The recommendations of the division are
18 binding on the school district, the superintendent, and the school board of
19 directors;

20 ~~(2)(B)~~ Require the superintendent to relinquish all
21 administrative authority with respect to the school district;

22 ~~(3)(A)(C)(i)~~ Appoint an individual in place of the
23 superintendent to administratively operate the school district under the
24 supervision and approval of the Commissioner of Education, or his or her
25 designee.

26 ~~(B)(ii)~~ The division may direct the school district
27 to compensate from school district funds the individual appointed to operate
28 the school district;

29 ~~(4)(D)~~ Suspend or remove any or all members of the current
30 board of directors and call for the election of a new school board of
31 directors for the school district, in which case the school district shall
32 reimburse the county board of election commissioners for election costs as
33 otherwise required by law;

34 ~~(5)(E)~~ Require the school district to operate without a
35 local school board of directors under the supervision of the local
36 superintendent;

1 ~~(6)~~(F) Require the school district to operate without a
2 local school board of directors under the supervision of an individual or
3 panel appointed by the Commissioner of Education;

4 ~~(7)~~(G) Return the administration of the school district to
5 the former board of directors or place the administration of the school
6 district ~~in~~ under the supervision of a newly elected school board of
7 directors;

8 ~~(8)~~(H) Require school district staff and employees to
9 attend training in areas of concern for the public school or school district;

10 ~~(9)~~(A)(I)(i) Require a school district to cease all
11 expenditures related to activities not described as part of an adequate
12 education in § 6-20-2302 and place money that would have been spent on the
13 activities into an academic facilities escrow account to be released only
14 upon approval by the division for use in conjunction with a local academic
15 facilities project.

16 ~~(B)~~(ii) School districts shall include a clause
17 addressing this contingency in all contracts with personnel who are involved
18 with activities not described as part of an adequate education;

19 ~~(10)~~(J) Notify the public school or school district in
20 writing that the deficiencies regarding academic facilities shall be
21 corrected within a time period designated by the division;

22 ~~(11)~~(A)(K)(i) Petition the State Board of Education at any
23 time for the consolidation, annexation, or reconstitution of a school
24 district in facilities distress or take other appropriate action as allowed
25 by this subchapter in order to secure and protect the best interest of the
26 educational resources of the state or to provide for the best interest of
27 students in the school district.

28 ~~(B)~~(ii) The state board may approve the petition or
29 take other appropriate action as allowed by this subchapter.

30 ~~(C)~~(iii) The state board shall consolidate, annex,
31 or reconstitute any school district that fails to remove itself from the
32 classification of a school district in facilities distress within two (2)
33 consecutive school years of receipt of notice of identification of facilities
34 distress status by the division;

35 ~~(12)~~(L) Correct the failure of a school district to
36 complete its agreed plan or to pass the millage in the special election under

1 subdivision (f)(2) of this section by contracting for and completing the
2 necessary improvements under the agreed plan;

3 ~~(13)(A)(M)(i)~~ ~~If the division recommends and the~~
4 ~~commission concurs that the academic facilities in the public school district~~
5 ~~in facilities distress are inadequate to provide an adequate education, the~~
6 ~~state board may dissolve the school district and transfer students to public~~
7 ~~schools in other public school districts~~ Dissolve the school district and
8 transfer students to public schools in other public school districts if the
9 division recommends and the commission concurs that the academic facilities
10 in the public school district in facilities distress are inadequate to
11 provide an adequate education.

12 ~~(B)(ii)~~ The state board shall assign the public
13 school district's territory, property, and debt; and

14 ~~(14)(N)~~ Take any other action allowed by law that is
15 deemed necessary to assist a public school or school district in removing
16 criteria of facilities distress.

17 (2) Not less than thirty (30) days before the commissioner
18 assumes the administrative authority of a school district under this section,
19 the commissioner shall appear at a joint meeting of the Senate Committee on
20 Education and the House Committee on Education at which the committees shall:

21 (A) Review the reasons for the commissioner's action;

22 (B) Request additional information from the commissioner
23 that the committees deem necessary; and

24 (C) Approve or disapprove of the action.

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