1 2	State of Arkansas 90th General Assembly		нз/12/15 нз/20/15 Bill		
2	Regular Session, 2015	1 1	DIII	HOUSE BILL 1605	
4	Regular Session, 2015			HOUSE BILL 1005	
5	By: Representatives Tucke	r, C. Douglas, Murdock	, Sabin, Blake, Bennett, Johnso	n, E. Armstrong, Davis	
6	By: Senators L. Chesterfie	ld, Elliott, K. Ingram, D	Johnson	-	
7		-			
8		For An Act	To Be Entitled		
9	AN ACT TO PROMOTE TRANSPARENCY BY THE STATE BOARD OF				
10	EDUCATIO	ON OR THE DEPARTME	NT OF EDUCATION WHEN A		
11	SCHOOL I	DISTRICT IS TAKEN	OVER BY THE STATE; TO		
12	DECLARE	AN EMERGENCY; AND	FOR OTHER PURPOSES.		
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14					
15		Sı	ıbtitle		
16	ТО	PROMOTE TRANSPARE	ENCY BY THE STATE		
17	BO	ARD OF EDUCATION (OR THE DEPARTMENT OF		
18	ED	UCATION WHEN A SCF	HOOL DISTRICT IS TAKEN		
19	OV	ER BY THE STATE; A	AND TO DECLARE AN		
20	EM	ERGENCY.			
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23	BE IT ENACTED BY THE	E GENERAL ASSEMBLY	OF THE STATE OF ARKANS	AS:	
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25	SECTION 1. An	kansas Code § 6-1	3-112(a), concerning th	e	
26	responsibilities of	the State Board o	f Education and Commiss	ioner of	
27	Education regarding	school districts	under state authority,	is amended to	
28	read as follows:				
29	(a) Within ter	n (10) days of the	meeting of the State B	oard of Education	
30	at which the state h	oard assumes auth	ority of a school distr	ict or within ten	
31	(10) days of the dat	e upon which the	Commissioner of Educati	on assumes	
32	authority of a schoo	ol district, the c	ommissioner shall provi	de the following	
33	information to the o	hairs of the Hous	e Committee on Educatio	n and the Senate	
34	Committee on Educati	ion <u>and to each me</u>	mber of the General Ass	embly that	
35	represents the area	in which the scho	ol district is located:		
36	(1) A c]	ear statement of	the reasons the distric	t <u>Reasons the</u>	



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1 school district has been placed under the authority of the state board or the 2 commissioner: and 3 (2) A clear statement of the steps Steps necessary for the school 4 district to remove itself from the authority of the state board or the 5 commissioner. 6 7 SECTION 2. Arkansas Code § 6-13-112, concerning the responsibilities 8 of the State Board of Education and the Commissioner of Education regarding 9 school districts under state authority, is amended to add an additional 10 subsection to read as follows: (f)(1) As used in this section, "documents" means writings, recorded 11 12 sounds, films, tapes, electronic or computer-based information, data, 13 compilations, and communications received or initiated by a public entity or third-party person or entity, including the agents or employees of the public 14 15 entity or third-party person or entity. 16 (2)(A) If the state board assumes authority of a public school 17 or school district classified in academic distress under § 6-15-430, fiscal distress under § 6-13-1029, or facilities distress under § 6-21-811 and 18 19 enters into a contract, agreement, memorandum of understanding, or other 20 instrument for services with a third-party person or entity for consultation, evaluation, information, or any other purpose related to the administration 21 22 or operation of a public school or school district that is under the 23 administrative control of the state, then the contract, agreement, memorandum of understanding, or other instrument for services and all documents related 24 to or produced as a result of the contract, agreement, memorandum of 25 understanding, or other instrument for services, if the documents relate to 26 27 the educational policies or procedures of a public school or school district under the administrative control of the state, shall be made open and 28 29 available to the public upon request, as provided by the procedures and 30 exemptions under § 25-19-105. 31 (B) Subdivision (f)(2)(A) of this section applies to 32 documents created or maintained by a subcontractor or affiliate of a thirdparty person or entity if the documents relate to the educational policy or 33 procedures of a public school or school district under the administrative 34 35 control of the state. 36 (C) Subdivision (f)(2)(A) of this section shall be

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1	included as a provision in and is applicable to all contracts, agreements,		
2	memorandums of understanding, or other instruments for services regardless of		
3	whether or not the contract, agreement, memorandum of understanding, or other		
4	instrument for services is supported wholly or partially with public funds,		
5	including those supported without public funds.		
6	(3) The documents identified under subdivision (f)(2) of this		
7	section are subject to public disclosure regardless of whether or not the		
8	documents:		
9	(A) Originated with the third-party person or entity or		
10	elsewhere; or		
11	(B) Are in the possession, custody, or control of the		
12	third-party person or entity, commissioner, state board, or department.		
13	(4) The commissioner is responsible for providing public access		
14	for the examination and copying of documents requested by the public.		
15	(5) Within ten (10) days of the commissioner, state board, or		
16	department entering into a contract, agreement, memorandum of understanding,		
17	or other instrument for services with a third-party person or entity for		
18	consultation, evaluation, information, or any other purpose related to the		
19	administration or operation of a public school or school district that is		
20	under the administrative control of the state, the commissioner, state board,		
21	or department shall provide the following information to the chairs of the		
22	House Committee on Education and the Senate Committee on Education and to		
23	each member of the General Assembly who represents the area in which the		
24	public school or school district is located:		
25	(A) The identity of the third-party person or entity, and		
26	any subcontractors or affiliates of the third-party person or entity;		
27	(B) The financial terms agreed to between the third-party		
28	person or entity and the commissioner, state board, or department;		
29	(C) The scope of work of the third-party person or entity;		
30	(D) Any other material terms, in writing or otherwise,		
31	agreed to between the third-party person or entity and the commissioner,		
32	state board, or department, that related in any way to the public school or		
33	school district under state authority and		
34	(E) All documents identified under subdivision (f)(2) of		
35	this section in existence at the time of the communication made under		
36	subdivisions (f)(5)(A)-(D) of this section		

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1	(6) Nothing in subsection (f) applies to a third-party person or				
2	entity or to the documents, contracts, agreements, memorandums of				
3	understanding, or instruments for services in connection with a third-party				
4	person or entity providing a grant or other unilateral funding to a public				
5	school or school district unless the third-party person or entity has				
6	otherwise entered into a contract, agreement, memorandum of understanding, or				
7	other instrument for services with the state board for consultation,				
8	evaluation, information, or any other purpose related to the operation or				
9	administration of a public school or school district under the administrative				
10	control of the state, in which case subsection (f) applies.				
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12	SECTION 3. EMERGENCY CLAUSE. It is found and determined by the				
13	<u>General Assembly of the State of Arkansas that the state is assuming</u>				
14	authority of more school districts every year; that transparency over the				
15	steps taken by the state to aid school districts under state authority is				
16	necessary; and that this act is immediately necessary to ensure that the				
17	public is aware of what is being done to aid school districts under state				
18	authority and the information being used as a basis for decision making.				
19	Therefore, an emergency is declared to exist, and this act being immediately				
20	necessary for the preservation of the public peace, health, and safety shall				
21	become effective on:				
22	(1) The date of its approval by the Governor;				
23	(2) If the bill is neither approved nor vetoed by the Governor,				
24	the expiration of the period of time during which the Governor may veto the				
25	<u>bill; or</u>				
26	(3) If the bill is vetoed by the Governor and the veto is				
27	overridden, the date the last house overrides the veto.				
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29	/s/Tucker				
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