

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S2/9/17

A Bill

SENATE BILL 274

5 By: Senator Elliott
6 *By: Representative Tucker*
7

For An Act To Be Entitled

9 AND ACT TO REVISE THE CIRCUMSTANCES UNDER WHICH A
10 PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT THAT HAS BEEN
11 TAKEN OVER BY THE STATE FOR BEING IN ACADEMIC
12 *DISTRESS CAN BE RETURNED TO LOCAL CONTROL; TO DECLARE*
13 *AN EMERGENCY; AND FOR OTHER PURPOSES.*
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Subtitle

16
17 TO REVISE THE CIRCUMSTANCES UNDER WHICH A
18 PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT
19 THAT HAS BEEN TAKEN OVER BY THE STATE FOR
20 BEING IN ACADEMIC DISTRESS CAN BE
21 *RETURNED TO LOCAL CONTROL; AND TO DECLARE*
22 *AN EMERGENCY.*
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 6-15-430(d)(2)(A), concerning academic
28 distress, is amended to read as follows:

29 (2)(A) ~~If the state board determines that sufficient progress~~
30 ~~has been made by a public school or school district in academic distress~~
31 ~~toward correcting all issues that caused the classification of academic~~
32 ~~distress, but the public school or school district has not yet resolved all~~
33 ~~issues that caused the classification of academic distress, the The~~
34 commissioner, with the approval of the state board, may appoint a community
35 advisory board of either five (5) or seven (7) members to serve under the
36 supervision and direction of the commissioner if the state board determines



1 that sufficient progress has been made by a public school or public school
2 district in academic distress toward correcting issues that caused the
3 classification of academic distress but:

4 (i) The public school or public school district has
5 not yet resolved all issues that caused the classification of academic
6 distress; or

7 (ii) It is not in the best interest of the public
8 school or public school district to return the public school or public school
9 district to the local control of its residents.

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11 SECTION 2. Arkansas Code § 6-15-430(d)(2)(D), concerning academic
12 distress, is amended to read as follows:

13 (D) The duties of a community advisory board include
14 without limitation:

15 (i) Meeting monthly during a regularly scheduled
16 public meeting with the state-appointed administrator regarding the progress
17 of the public school or school district toward correcting ~~all~~ issues that
18 caused the classification of academic distress;

19 (ii) Seeking community input from the residents of
20 the school district regarding the progress of the public school or school
21 district toward correcting ~~all~~ issues that caused the classification of
22 academic distress;

23 (iii) Conducting hearings and making recommendations
24 to the commissioner regarding personnel and student discipline matters under
25 the appropriate district policies;

26 (iv) Working to build community capacity for the
27 continued support of the school district; and

28 (v) Submitting quarterly reports to the commissioner
29 and the state board regarding the progress of the public school or school
30 district toward correcting ~~all~~ issues that caused the classification of
31 academic distress.

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33 SECTION 3. Arkansas Code § 6-15-430(d)(3)(A), concerning academic
34 distress, is amended to read as follows:

35 (3)(A) By April 1 of each year following the appointment of a
36 community advisory board under subdivision (d)(2) of this section, the state

1 board shall determine the extent of the public school's or school district's
2 progress toward correcting ~~all~~ issues that caused the classification of
3 academic distress and shall:

4 (i) Allow the community advisory board to remain in
5 place for one (1) additional year;

6 (ii) Return the school district to local control by
7 calling for the election of a newly elected board of directors if:

8 (a) The department certifies in writing to the
9 state board and to the school district that:

10 (1) the ~~The~~ public school or school
11 district has corrected all issues that caused the classification of academic
12 distress and that no public school within the school district is classified
13 as being in academic distress; or

14 (2) It is in the best interest of the
15 public school or public school district to return the public school or public
16 school district to the local control of its residents; and

17 (b) The state board determines:

18 (1) the ~~The~~ public school or school
19 district has corrected all issues that caused the classification of academic
20 distress and that no public school within the school district is classified
21 as being in academic distress; or

22 (2) That it is in the best interest of
23 the public school or public school district to return the public school or
24 public school district to the local control of its residents; or

25 (iii) Annex, consolidate, or reconstitute the school
26 district pursuant to this title.

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28 SECTION 4. Arkansas Code § 6-15-430(e)(1), concerning academic
29 distress, is amended to read as follows:

30 (e)(1) ~~If, by~~ By the end of the fifth school year following the public
31 school's or school district's classification of academic distress status, ~~the~~
32 ~~public school or school district in academic distress has not corrected all~~
33 ~~issues that caused the classification of academic distress,~~ the state board,
34 after a public hearing, shall consolidate, annex, or reconstitute the school
35 district under this section if:

36 (A) The public school or public school district in

1 academic distress has not corrected all issues that caused the classification
2 of academic distress; or

3 (B) It is not in the best interest of the public school or
4 public school district to return the public school or public school district
5 to the local control of its residents.

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7 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that a public school and public
9 school district are best served when the residents of the public school
10 district exercise local control over the public school district; that the
11 criteria for the return to local control of a public school or public school
12 district that has been taken over by the state because of a classification of
13 being in academic distress are rigid and without flexibility; that the State
14 Board of Education should be able to exercise discretion in returning a
15 public school or public school district to local control; and that this act
16 is immediately necessary to prevent further harm to public schools or public
17 school districts that are under the control of the state by allowing the
18 State Board of Education to exercise discretion in returning the public
19 schools or public school districts to local control of their residents.
20 Therefore, an emergency is declared to exist, and this act being immediately
21 necessary for the preservation of the public peace, health, and safety shall
22 become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,
25 the expiration of the period of time during which the Governor may veto the
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is
28 overridden, the date the last house overrides the veto.

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30 /s/Elliott
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