

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

As Engrossed: S2/9/17 S2/21/17

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 TO REVISE THE CIRCUMSTANCES UNDER WHICH A
17 PUBLIC SCHOOL OR PUBLIC SCHOOL DISTRICT
18 THAT HAS BEEN TAKEN OVER BY THE STATE FOR
19 BEING IN ACADEMIC DISTRESS CAN BE
20 *RETURNED TO LOCAL CONTROL; AND TO DECLARE*
21 *AN EMERGENCY.*
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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(a)(7), concerning actions the*
28 *State Board of Education may take if a school district is classified as being*
29 *in academic distress, is amended to read as follows:*

30 *(7) Return the administration of the school district to the*
31 *former board of directors or to a newly elected board of directors as*
32 *provided in subsection (d) of this section if:*

33 ~~*(A) The Department of Education certifies in writing to*~~
34 ~~*the state board and to the school district that the school district has*~~
35 ~~*corrected all issues that caused the classification of academic distress; and*~~

36 ~~*(B) The state board determines that the school district*~~



1 ~~has corrected all issues that caused the classification of academic distress;~~
2 ~~and~~

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4 SECTION 2. Arkansas Code § 6-15-430(b)(10), concerning actions the
5 State Board of Education may take if a school district is classified as being
6 in academic distress, is amended to read as follows:

7 (10) Return the administration of the school district to the
8 former board of directors or to a newly elected board of directors as
9 provided in subsection (d) of this section if:

10 ~~(A) The department certifies in writing to the state board~~
11 ~~and to the school district that the public school has corrected all issues~~
12 ~~that caused the classification of academic distress and that no public school~~
13 ~~within the school district is classified as being in academic distress; and~~

14 ~~(B) The state board determines the public school has~~
15 ~~corrected all issues that caused the classification of academic distress and~~
16 ~~that no public school within the school district is classified as being in~~
17 ~~academic distress; and~~

18
19 SECTION 3. Arkansas Code § 6-15-430(d)(2)(A), concerning academic
20 distress, is amended to read as follows:

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

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33 SECTION 4. Arkansas Code § 6-15-430(d)(2)(D), concerning the duties of
34 a community advisory board, is amended to read as follows:

35 (D) The duties of a community advisory board include
36 without limitation:

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

5 (ii) Seeking community input from the residents of
6 the school district regarding the progress of the public school or school
7 district toward correcting ~~all~~ issues that caused the classification of
8 academic distress;

9 (iii) Conducting hearings and making recommendations
10 to the commissioner regarding personnel and student discipline matters under
11 the appropriate district policies;

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

14 (v) Submitting quarterly reports to the commissioner
15 and the state board regarding the progress of the public school or school
16 district toward correcting ~~all~~ issues that caused the classification of
17 academic distress.

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19 SECTION 5. Arkansas Code § 6-15-430(d)(3)(A), concerning academic
20 distress, is amended to read as follows:

21 (3)(A) By April 1 of each year following the appointment of a
22 community advisory board under subdivision (d)(2) of this section, the state
23 board shall determine the extent of the public school's or school district's
24 progress toward correcting ~~all~~ issues that caused the classification of
25 academic distress and shall:

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

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

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

32 (1) ~~the~~ The public school or school
33 district has corrected all issues that caused the classification of academic
34 distress and that no public school within the school district is classified
35 as being in academic distress;

36 (2) The public school or school district

1 has made sufficient progress on the issues that caused the classification of
 2 academic distress such that the public school or school district should be
 3 returned to the local control of its residents; or

4 (3) It is in the best interest of the
 5 public school or school district to return the public school or school
 6 district to the local control of its residents; and

7 (b) The state board determines:

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

12 (2) The public school or school district
 13 has made sufficient progress on the issues that caused the classification of
 14 academic distress such that the public school or school district should be
 15 returned to the local control of its residents; or

16 (3) That it is in the best interest of
 17 the public school or school district to return the public school or school
 18 district to the local control of its residents; or

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

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

24 (e)(1) ~~If, by~~ By the end of the fifth school year following the public
 25 school's or school district's classification of academic distress status, ~~the~~
 26 ~~public school or school district in academic distress has not corrected all~~
 27 ~~issues that caused the classification of academic distress,~~ the state board,
 28 after a public hearing, shall consolidate, annex, or reconstitute the school
 29 district under this section if:

30 (A) The public school or school district in academic
 31 distress has not corrected all issues that caused the classification of
 32 academic distress;

33 (B) The public school or school district has not made
 34 sufficient progress on the issues that caused the classification of academic
 35 distress such that the public school or school district should be returned to
 36 the local control of its residents; or

1 (C) It is not in the best interest of the public school or
2 school district to return the public school or school district to the local
3 control of its residents.

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

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

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

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

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27 /s/Elliott
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