

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Representative Hall  
6

# A Bill

HOUSE BILL 1277

## For An Act To Be Entitled

8 AN ACT TO REMOVE THE TIME LIMITATION FOR A SCHOOL  
9 DISTRICT TO REMAIN IN ACADEMIC DISTRESS OR FISCAL  
10 DISTRESS; AND FOR OTHER PURPOSES.  
11

## Subtitle

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13 TO REMOVE THE TIME LIMITATION FOR A  
14 SCHOOL DISTRICT TO REMAIN IN ACADEMIC  
15 DISTRESS OR FISCAL DISTRESS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-15-429 is amended to read as follows:

22 6-15-429. Academic distress – Required action.

23 (a) The State Board of Education shall not remove a public school  
24 district identified as in “academic distress” ~~shall have no more than two (2)~~  
25 ~~consecutive school years from the date of receipt of notice of identification~~  
26 ~~from the Department of Education to be removed~~ from academic distress status  
27 until the state board determines that the school district has corrected all  
28 criteria for being classified in academic distress and has complied with all  
29 Department of Education recommendations and requirement for removal from  
30 academic distress.

31 (b) ~~The State Board of Education~~ state board may at any time take  
32 enforcement action on any school district in academic distress status,  
33 including, but not limited to, annexation, consolidation, or reconstitution  
34 of a school district ~~pursuant to~~ under § 6-13-1401 et seq. and the authority  
35 of this subchapter, ~~except no public school district shall be allowed to~~  
36 ~~remain in academic distress status for a time period greater than two (2)~~



1 ~~consecutive school years from the date of receipt of notice of identification~~  
2 ~~of academic distress from the department.~~

3 ~~(c) If a public school district fails to be removed from academic~~  
4 ~~distress status within the allowed two year time period, the state board~~  
5 ~~shall annex, consolidate, or reconstitute the academic distress school~~  
6 ~~district prior to July 1 of the next school year unless the state board, at~~  
7 ~~its discretion, issues a written finding supported by a majority of the state~~  
8 ~~board explaining in detail that the school district could not remove itself~~  
9 ~~from academic distress during the relevant time period due to impossibility~~  
10 ~~caused by external forces beyond the school district's control.~~

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12 SECTION 2. Arkansas Code § 6-20-1908 is amended to read as follows:

13 6-20-1908. Fiscal distress plan.

14 (a) ~~Those school districts~~ A school district identified by the  
15 Department of Education as being in fiscal distress shall file with the  
16 department within ten (10) days after the final classification by the State  
17 Board of Education a written fiscal distress improvement plan to address any  
18 area in which the school district is experiencing fiscal distress as  
19 identified by the department.

20 (b) ~~Each~~ The school district shall seek and obtain approval of its  
21 plan from the department and shall describe how the school district will  
22 remedy those areas in which the school district is experiencing fiscal  
23 distress and shall establish the time period by which the school district  
24 will remedy all criteria which placed the school district in fiscal distress  
25 status.

26 (c) A school district in fiscal distress may only petition the state  
27 board for removal from fiscal distress status after the department has  
28 certified in writing that the school district has corrected all criteria for  
29 being classified as in fiscal distress and has complied with all department  
30 recommendations and requirements for removal from fiscal distress.

31 (d) ~~No school district shall be allowed to remain in fiscal distress~~  
32 ~~status for more than two (2) consecutive school years from the date that the~~  
33 ~~school district was classified as being in fiscal distress status~~ The state  
34 board shall not release a school district from the classification of fiscal  
35 distress until the state board determines that the school district has  
36 corrected all criteria for being classified in fiscal distress and has

1 complied with all department recommendations and requirement for removal from  
2 fiscal distress.

3 (e) Any school district classified as being in fiscal distress status  
4 shall be required to receive on-site technical evaluation and assistance from  
5 the department.

6 (f)(1) The department shall evaluate and make recommendations to the  
7 school district superintendent regarding staffing of the school district and  
8 fiscal practices of the school district.

9 (2) The recommendations of the department shall be binding on  
10 the school district, the superintendent, and the school board of directors.

11 (g) Every six (6) months, the department shall submit a written  
12 evaluation on the status of each school district in fiscal distress to the  
13 state board.

14 (h)(1) The department may petition the state board at any time for the  
15 consolidation, annexation, or reconstitution of a school district in fiscal  
16 distress or take other appropriate action as allowed by this subchapter in  
17 order to secure and protect the best interest of the educational resources of  
18 the state or to provide for the best interests of students in the school  
19 district.

20 (2) The state board may approve the petition or take other  
21 appropriate action as allowed by this subchapter.

22 ~~(i) The state board shall consolidate, annex, or reconstitute any~~  
23 ~~school district that fails to remove itself from the classification of a~~  
24 ~~school district in fiscal distress within two (2) consecutive school years of~~  
25 ~~receipt of notice of identification of fiscal distress status by the~~  
26 ~~department unless the state board, at its discretion, issues a written~~  
27 ~~finding supported by a majority of the state board, explaining in detail that~~  
28 ~~the school district could not remove itself from fiscal distress due to~~  
29 ~~impossibility caused by external forces beyond the school district's control.~~

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