

INTERIM STUDY PROPOSAL 2013-140

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

As Engrossed: H3/26/13

A Bill

HOUSE BILL 1938

5
6 By: Representative Alexander

7 Filed with: Interim House Committee on Education
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO SUSPEND THE ADMINISTRATIVE REORGANIZATION OF
11 SCHOOL DISTRICTS; TO REQUIRE A STUDY OF CHANGES
12 RESULTING FROM ADMINISTRATIVE REORGANIZATIONS OF
13 SCHOOL DISTRICTS SINCE 2003; TO REQUIRE A STUDY OF
14 STUDENT TRANSPORTATION IN *SELECTED* SCHOOL DISTRICTS;
15 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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17
18 **Subtitle**

19 TO SUSPEND ADMINISTRATIVE
20 REORGANIZATIONS OF SCHOOL DISTRICTS; TO
21 REQUIRE A STUDY OF ADMINISTRATIVE
22 REORGANIZATIONS AND STUDENT
23 TRANSPORTATION IN *SELECTED SCHOOL*
24 DISTRICTS; AND TO DECLARE AN EMERGENCY.

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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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29 SECTION 1. Arkansas Code § 6-13-1603(a)(3) is amended to read as follows:

30 (3)(A) Any Except as provided under subdivision (a)(3)(B) of this section, a school district
31 on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that
32 does not receive approval by the state board for a voluntary consolidation or annexation petition shall be
33 administratively consolidated by the state board with or into one (1) or more school districts by May 1, to
34 be effective July 1 immediately following the publication of the list required under § 6-13-1602.

35 (B)(i)(a) The state board shall not administratively reorganize a school
36 district or school campus under this section after January 1, 2013, and before April 30, 2015, for reasons

1 other than academic distress, fiscal distress, or failure to comply with state accreditation standards.

2 (b) The number of students enrolled in a district shall not be
3 used as a factor in reaching a finding of academic distress, fiscal distress, or failure to comply with state
4 accreditation standards or in determining of the appropriate response to the finding.

5 (ii) The House Committee on Education and the Senate Committee on
6 Education may extend the period for suspending the application of this section to a date not later than
7 December 31, 2016, pending the completion of:

8 (a) The study required under § 6-19-128 and the consideration
9 of the Bureau of Legislative Research report during an adequacy study; and

10 (b) The review of plans to track student progress required under
11 § 6-13-1606.

12
13 SECTION 2. Arkansas Code § 6-13-1606 is amended to add an additional subsection to read as
14 follows:

15 (e)(1) By October 1, 2013, the Bureau of Legislative Research shall review and provide to the
16 House Committee on Education and the Senate Committee on Education an analysis of:

17 (A) The reports provided by the Department of Education under subsection (d) of
18 this section; and

19 (B) All plans developed under this section.

20 (2) The analysis provided under this subsection (e) shall be considered during the
21 adequacy study conducted during the interim preceding the 2015 regular session of the General
22 Assembly.

23
24 SECTION 3. Arkansas Code Title 6, Chapter 19, Subchapter 1, is amended to add an additional
25 section to read as follows:

26 6-19-128. Transportation efficiency study for selected school districts.

27 (a) The Bureau of Legislative Research, in conjunction with the Department of Education and
28 Division of Public School Academic Facilities and Transportation, shall conduct a study of student
29 transportation in Arkansas school districts selected by the House Committee on Education and the
30 Senate Committee on Education to assess how the time and cost of public school district transportation
31 for students can or should be minimized in the school districts.

32 (b) The study and resulting report shall include without limitation:

33 (1) How the selected school districts:

34 (A) Administer student transportation routes and number of school buses to
35 accommodate student needs; and

36 (B) Plan and implement school bus routes to accommodate:

1 (i) Regional or local geography; and

2 (ii) The density or scarcity of student population;

3 (2) The influence of the factors under this subdivision (b)(2) on the time and cost of
4 school bus routes.

5 (3) A review of other states' practices concerning student transportation in school
6 districts.

7 (c)(1) The bureau, the department, and the division, shall prepare a report with analysis, findings,
8 and recommendations based on the study.

9 (2) The findings and recommendations shall include without limitation:

10 (A) A list of school districts for which a boundary adjustment or other alternative
11 would reduce the school district's transportation time or cost;

12 (B) A detailed description of each alternative for reducing the selected school
13 districts' transportation time or cost, including without limitation:

14 (i) The estimated number of hours of transportation time to be saved per
15 student presented by school district and by statewide total; and

16 (ii) The total estimated cost to be saved under the alternative presented
17 by school district and by statewide total; and

18 (C) A description of the proposed implementation of any alternative, including
19 without limitation:

20 (i) The cost of implementation; and

21 (ii) For any boundary change considered in the alternative, whether the
22 boundary change will result in changes to an affected school district's compliance with the State Board of
23 Education's standards for academic achievement, accreditation, and financial management.

24 (3) The bureau shall present its report to the House Committee on Education and the
25 Senate Committee on Education for the biennial adequacy study by October 1, 2014, unless the report
26 deadline is extended by the House Committee on Education and the Senate Committee on Education
27 acting jointly to a date not later than October 1, 2016.

28 (d)(1) The study and report required under this section are subject to the availability of reliable
29 data.

30 (2)(A) School districts shall comply in a timely manner with requests from the bureau, the
31 department, or the division for information needed under this section.

32 (B) The department and the division shall assist in obtaining the requested
33 information from school districts and shall report the noncompliance of a school district:

34 (i) In the report required under this section; or

35 (ii) At the request of the House Committee on Education or the Senate
36 Committee on Education.

1 (3) If the bureau, the department, and the division agree that changes to coding
 2 requirements for school districts are needed for obtaining future data concerning student transportation,
 3 the report shall reflect those recommendations.

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 5 SECTION 4. Arkansas Code § 6-20-602(b)(2)(C)(i), concerning state board approval of the
 6 closure of isolated schools, are amended to read as follows:

7 (C)(i) ~~Upon~~ Except as provided under subdivision (b)(2)(E) of this section, upon
 8 receiving a petition for approval of a motion to close all or part of an isolated school under subdivision
 9 (b)(2)(A) of this section, the state board shall have the authority to review and approve or disapprove the
 10 petition.

11
 12 SECTION 5. Arkansas Code § 6-20-602(b)(2), concerning state board approval of the closure of
 13 isolated schools, is amended to add an additional subdivision to read as follows:

14 (E)(i)(a) The state board shall not approve the closure of a school or shall
 15 suspend the closure of a school under this section after January 1, 2013, and before April 30, 2015, for
 16 reasons other than academic distress, fiscal distress, or failure to comply with state accreditation
 17 standards.

18 (b) The number of students enrolled in a district shall not be
 19 used as a factor in reaching a finding of academic distress, fiscal distress, or failure to comply with state
 20 accreditation standards or in determining the appropriate response to the finding.

21 (ii) The House Committee on Education and the Senate Committee on
 22 Education may extend the period for suspending the application of this section to a date not later than
 23 December 31, 2016, pending the completion of the study required under § 6-19-128 and the
 24 consideration of the Bureau of Legislative Research report during an adequacy study.

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 26 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of
 27 the State of Arkansas that the closure of schools and administrative reorganization of school districts
 28 under current law may cause irreparable harm to small and rural schools and school districts; that the
 29 present law should be reviewed before further application of the law; and that this act is immediately
 30 necessary to suspend the application of the law pending that review. Therefore, an emergency is
 31 declared to exist, and this act being immediately necessary for the preservation of the public peace,
 32 health, and safety shall become effective on:

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

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

