

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Senator Malone

SENATE BILL 419

"AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO TAKE OVER THE MANAGEMENT AND CONTROL OF THOSE SCHOOL DISTRICTS IN THIS STATE FAILING TO MEET THE REQUIREMENTS OF THE QUALITY EDUCATION ACT OF 1983, IF THE STATE BOARD OF EDUCATION DETERMINES THAT IMPROVED FINANCIAL AND MANAGEMENT PRACTICES WOULD ENABLE THE SCHOOL DISTRICTS TO MEET THE QUALITY EDUCATION STANDARDS THROUGH DIRECT MANAGEMENT INTERVENTION BY THE STATE DEPARTMENT OF EDUCATION; AND FOR OTHER PURPOSES."

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

SECTION 1. LEGISLATIVE INTENT. In the passage of this Act, the General Assembly is cognizant of the requirements of the Constitution of the State of Arkansas that "the State shall ever maintain a general, suitable, and efficient system of free schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education".

In furtherance of the aforementioned constitutional requirement, the General Assembly enacted Act 445 of 1983, under which minimum standards for accrediting public elementary and secondary schools have been adopted under legislative mandates requiring that all school districts in the State meet such standards by June 1, 1987.

It is the purpose and intent of this Act to authorize the State Board of Education to take over the management and operation of those school districts that the State Board of Education determines to have the potential of meeting the quality education standards by the implementation of improved financial and management practices through the use of resources available to the school districts to fund the programs necessary to enable the districts to meet the Quality Education Act standards within a reasonable time through direct State Department of Education intervention in the operation of the districts.

SECTION 2. (a) If any school district in this State which fails to meet the minimum standards for accrediting public elementary and secondary schools in the State on or before June 1, 1987 is determined by the State Board of Education to have made substantial progress in overcoming accreditation deficiencies, or is determined by the State Board of Education to have sufficient financial resources to enable said district to meet the Quality Education standards within a reasonable time through improved management and financial practices, the State Board of Education may issue an order taking over the management of, and control over, the operation of the school district until the district is brought into compliance with the minimum standards for accreditation under the Quality Education Act.

Such takeover shall be in the form of "direct management intervention", under which the State Board of Education will exercise the authority of the school board of the school district, and the State Department of Education will exercise administrative control over the affairs of the school district under the direction and supervision of the State Board of Education.

Provided that, the State Board of Education may delegate to the Director of the General Education Division of the Department of Education and to his staff the authority to exercise any powers the Board deems necessary for the proper administration and operation of the school district.

(b) As used in this Act, "direct management intervention" by the State Department of Education shall include supervision, or management, of expeditious correction of accreditation report deficiencies, improved personnel administration, the implementation of efficient financial and management practices and such other administrative and academic actions required to improve the local district's performance to bring it within conformity to the minimum standards for accreditation of public elementary and secondary schools, as the Board may deem necessary through the use of resources available to the school district.

(c) During the period of the takeover of the operation and management of the school district by the State Board of Education, the school board of the school district shall cease to exercise control over the district, but shall be kept informed with respect to the management and operation of the district by the State Department of Education.

The superintendent of schools of the school district shall be divested of

administrative control over the affairs of the school district during the period of the takeover of the management and operation of the district by the State Department of Education, unless the State Department of Education shall determine that it is in the best interest of the school district that the superintendent continue to exercise management control under the directives and instruction of the State Department of Education.

(d) The takeover of the affairs of the operation of the school district shall be for a period of one (1) academic year, unless the State Board of Education determines that not more than one (1) additional year is necessary to correct such deficiencies. At the end of the takeover period, if the State Board of Education determines that corrective actions have been taken that enable the school district to meet the requirements for accreditation of public elementary and secondary schools within the school district, the State Board may enter an order returning the control and management of the school district to the school board of the school district and the superintendent of schools of the school district, provided that said board and superintendent continue to exercise management and control over the school district in accordance with the approved financial and management practices implemented by the State Department of Education, under direction of the State Board of Education, during the takeover period.

(e) If the State Board of Education determines that the direct management intervention efforts of the State Department of Education have not enabled the school district to meet the minimum standards for accreditation of public elementary and secondary schools within the time limits imposed by the State Board of Education, the State Board shall then proceed to dissolve such school district, to be annexed to another district or districts which operate all schools therein in compliance with the minimum standards for accrediting public elementary and secondary schools in the manner provided by law.

(f) In the event the management and control over the school district is returned to the school board and superintendent of the district, and said district subsequently falls below current minimum standards for accreditation, as determined by the State Board of Education, the State Department of Education may proceed to implement the procedures authorized in Section 5 of Act 445 of 1983, or the State Board of Education may take over the management and operation of the school district until the district is brought into compliance with the minimum requirements of the Quality Education Act of 1983,

as provided hereinabove.

SECTION 3. It is the intent and purpose of this Act to supplement the provisions of Act 445 of 1983, and it is not the intent this Act to repeal or modify the requirements of Act 445 of 1983, as amended, except to the extent provided and authorized herein.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that the Quality Education Act of 1983 mandated that all school districts in this State shall establish programs to enable each district to meet the minimum standards for accrediting public elementary and secondary schools by no later than June 1, 1987, and that those school districts failing to meet the minimum standards requirements of the Quality Education Act by June 1, 1987 shall be dissolved and annexed to another district or districts which operate all schools in compliance with such minimum standards requirements; that information available to the General Assembly indicates that several districts which may fail to comply with the minimum standards requirements of the Quality Education Act by June 1, 1987 could, through the implementation of improved financial and management practices, be brought into compliance with such minimum standards requirements within a reasonable time, thereby avoiding necessity of dissolving said districts; that the passage of this Act is necessary to enable the State Board of Education to take over the management and operation of the school district, and by the implementation of improved financial and management practices attempt to bring the school district within the minimum standards requirements of the Quality Education Act; and that the immediate passage of this Act is necessary to enable the State Board of Education to commence such actions before the beginning of the 1987-88 school year. Therefore, an emergency is hereby declared to exist and this Act, being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect upon its passage and approval.

