

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

*As Engrossed: H3/26/13*

## A Bill

HOUSE BILL 1938

5 By: Representative Alexander  
6

### For An Act To Be Entitled

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

### Subtitle

16  
17 TO SUSPEND ADMINISTRATIVE REORGANIZATIONS  
18 OF SCHOOL DISTRICTS; TO REQUIRE A STUDY  
19 OF ADMINISTRATIVE REORGANIZATIONS AND  
20 STUDENT TRANSPORTATION IN *SELECTED SCHOOL*  
21 DISTRICTS; AND TO DECLARE AN EMERGENCY.  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

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

28 (3)(A) ~~Any~~ Except as provided under subdivision (a)(3)(B) of  
29 this section, a school district on the consolidation list that does not  
30 submit a petition under subdivision (a)(2)(A) of this section or that does  
31 not receive approval by the state board for a voluntary consolidation or  
32 annexation petition shall be administratively consolidated by the state board  
33 with or into one (1) or more school districts by May 1, to be effective July  
34 1 immediately following the publication of the list required under § 6-13-  
35 1602.

36 (B)(i)(a) The state board shall not administratively



1 reorganize a school district or school campus under this section after  
2 January 1, 2013, and before April 30, 2015, for reasons other than academic  
3 distress, fiscal distress, or failure to comply with state accreditation  
4 standards.

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

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

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

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

18  
19 SECTION 2. Arkansas Code § 6-13-1606 is amended to add an additional  
20 subsection to read as follows:

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

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

26 (B) All plans developed under this section.

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

30  
31 SECTION 3. Arkansas Code Title 6, Chapter 19, Subchapter 1, is amended  
32 to add an additional section to read as follows:

33 6-19-128. Transportation efficiency study for selected school  
34 districts.

35 (a) The Bureau of Legislative Research, in conjunction with the  
36 Department of Education and Division of Public School Academic Facilities and

1 Transportation, shall conduct a study of student transportation in Arkansas  
2 school districts selected by the House Committee on Education and the Senate  
3 Committee on Education to assess how the time and cost of public school  
4 district transportation for students can or should be minimized in the school  
5 districts.

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

7 (1) How the selected school districts:

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

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

11 (i) Regional or local geography; and

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

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

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

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

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

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

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

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

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

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

34 (i) The cost of implementation; and

35 (ii) For any boundary change considered in the  
36 alternative, whether the boundary change will result in changes to an

1 affected school district's compliance with the State Board of Education's  
2 standards for academic achievement, accreditation, and financial management.

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

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

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

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

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

17 (ii) At the request of the House Committee on  
18 Education or the Senate Committee on Education.

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

23  
24 SECTION 4. Arkansas Code § 6-20-602(b)(2)(C)(i), concerning state  
25 board approval of the closure of isolated schools, are amended to read as  
26 follows:

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

32  
33 SECTION 5. Arkansas Code § 6-20-602(b)(2), concerning state board  
34 approval of the closure of isolated schools, is amended to add an additional  
35 subdivision to read as follows:

36 (E)(i)(a) The state board shall not approve the closure of

1 a school or shall suspend the closure of a school under this section after  
2 January 1, 2013, and before April 30, 2015, for reasons other than academic  
3 distress, fiscal distress, or failure to comply with state accreditation  
4 standards.

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

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

14  
15 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
16 General Assembly of the State of Arkansas that the closure of schools and  
17 administrative reorganization of school districts under current law may cause  
18 irreparable harm to small and rural schools and school districts; that the  
19 present law should be reviewed before further application of the law; and  
20 that this act is immediately necessary to suspend the application of the law  
21 pending that review. Therefore, an emergency is declared to exist, and this  
22 act being immediately necessary for the preservation of the public peace,  
23 health, and safety shall become effective on:

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

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

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

30  
31  
32 */s/Alexander*