

ARKANSAS SENATE

84th General Assembly - Second Extraordinary Session, 2003

Amendment Form

Subtitle of Senate Bill No. 67

"AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR SCHOOL DISTRICTS."

Amendment No. 1 to Senate Bill No. 67.

Amend Senate Bill No. 67 as originally introduced:

Delete everything following the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an additional subchapter to read as follows:

6-13-1601. Purpose.

The purpose of this subchapter is to create countywide administration of public school districts.

6-13-1602. Definitions.

For purposes of this subchapter:

(1) "Administrative functions" means business support services, central support services, general administration support services, operation and maintenance support services, and student transportation support services;

(2) "Business support services" means activities that are related to goods and services for the district, including business services, fiscal operations, budget planning, payroll, financial accounting, internal auditing, purchasing services, printing, and administrative technology services;

(3) "Central support services" means support of each of the other instructional and support services programs, including information services to disseminate educational and administrative information for students, staff, or the public, staff services, recruitment and placement, in-service training for classified staff, and technology services;

(4) "Countywide administration" means one (1) superintendent and a central office performing the administrative functions for all schools within a county;

(5) "General administration support services" means activities that are related to establishing and administering district policy, including the activities of the district board of education, elections, reappraisal of property, the overall general administration of the district, and the office of the superintendent;

(6) "Operation and maintenance support services" means activities related to the operating and maintaining of the plant, grounds,



buildings and equipment, maintaining general purpose vehicles such as trucks, tractors, graders, and staff vehicles, and maintaining order and safety in school buildings and on school grounds;

(7) "State funds" means all money derived from state revenues and distributed through the Department of Education Public School Fund and in addition, the ad valorem property tax, up to the uniform rate of tax established under Arkansas Constitution, Amendment 74, distributed to the district; and

(8) "Student transportation support services" means activities related to the transporting of students to and from school and other activities, including supervision, and vehicle operation and maintenance.

6-13-1603. Countywide administration.

(a)(1) The administrative functions of existing public school districts shall be reorganized so that all schools in a county share one (1) countywide administration.

(2) The administrative reorganization required under this subchapter is intended to require reorganization of only the administration and administrative functions of a school district and shall not be construed to require the consolidation of schools, the relocation of schools, the closing of any facilities, or the transportation of students.

(b) For purposes of this subchapter, a school shall be considered within a county if the school district's principal administrative office is located in the county on the effective date of this subchapter.

6-13-1604. Organization of countywide administration.

(a)(1) The boards of directors of each school district within a county shall collectively meet to develop a plan to create a countywide administration and countywide interim board as allowed by under § 6-13-1406 and in accordance with the provisions of this subchapter.

(2) The plans shall be submitted for approval to the State Board of Education by April 30, 2004.

(3) Each plan shall be drafted in a manner that:

(A) Complies with all state laws, federal laws, state rules and regulations, and applicable court orders;

(B) Is fair to all districts involved; and

(C) Serves the best interest of the students served by each district.

(4) The state board shall require the modification of any plan that is not in compliance with subdivision (a)(1)(C) of this section.

(b) The state board may receive and hear petitions or move on its own motion to create countywide administrations of school districts in such a timeframe to comply with the provisions of this subchapter.

(c)(1) The state board shall cause the creation of countywide administrations in accordance with this subchapter effective July 1, 2004.

(2) The state board may take action prior to July 1, 2004, as necessary for an orderly and efficient transition of administration and administrative functions on July 1, 2004.

(d) No existing school administration shall be reorganized if the reorganization is prohibited by an existing court order.

(e) Countywide school boards established under this subchapter shall be created in compliance with existing laws for school district board of

directors. Additionally, local schools' parent advisory councils as established in this subsection (e) may have a member serve as an ex officio nonvoting member on the countywide board

SECTION 2. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended to add the following sections:

6-13-641. Countywide School District Boards of Directors - Election Zones.

(a) Each school district shall elect its board of directors from single-member electoral zones with the exception that those school districts with seven (7) or nine (9) board members may have two (2) of its members elected at-large.

(b) On or before August 1, 2004, each school district shall produce and file with the county board of election commissioners a map or a legal description of its electoral zones to be used at the next school election.

(c)(1) At the 2004 annual school election, any school district whose boundaries, or both, have changed since the 2003 annual school election or who previously had a board consisting solely of at-large members shall conduct an election at which all board members are elected.

(2) At the first meeting of the board of directors following the 2004 school election in those school districts to whom subsection (c)(1) applies, members shall draw lots for term lengths in compliance with Arkansas Code § 6-13-643.

(d)(1) Upon completion of the 2010 decennial census and every decennial census thereafter, and ninety (90) days prior to the 2012 school election and every school election falling two (2) years hence of the decennial census, the school district shall redraw its electoral zones to be in compliance with the Voting Rights Act and the Fourteenth Amendment of the United States Constitution.

(2) The election following the adjustment of electoral zone boundaries shall be of the same manner as explicated in subsection (c) of this section.

SECTION 3. Arkansas Code § 6-13-620(a)(4), concerning the powers and duties of the local school board of directors, is amended to read as follows:

(4)(A)(i) Employ teachers and other employees necessary for the proper conduct of the public schools of the district and make written contracts with teachers and all other employees in the form prescribed by the State Board of Education.

(ii) If a school district shares a countywide administration, the board of directors of each school shall not have the authority to hire a superintendent or other countywide administrative staff. A superintendent and countywide administrative staff shall be hired by the executive committee as set forth under § 6-13-1605.

SECTION 4. Arkansas Code § 6-13-109 is amended to read as follows:
6-13-109. School superintendent. [Effective July 1, 2000.]

(a)(1) The public school districts in the state shall each employ a superintendent of schools, whose qualifications and duties shall be prescribed by the General Assembly and the State Board of Education.

(2) If a school district shares a countywide administration and administrative function, there shall be only one (1) superintendent for all

of the districts served by the countywide administration who shall be hired by the countywide school board as set forth under § 6-13-1605.

(b) "Superintendent of schools" is defined as the executive officer of a school district board of directors directing the affairs of the school district and teaching not more than one-half (1/2) of the time in the school day.

SECTION 5. Arkansas Code, Title 6, Chapter 13, is amended to add the following new subchapter:

6-13-1701. Parent Advisory Council - Establishment.

Each school shall establish a Parent Advisory Council based on the following tenets:

(1) A student's education is a responsibility shared by the school and family during the entire time that he/she spends in school;

(2) Schools and parents must work as knowledgeable partners in order to support the goal of the schools to educate all students effectively;

(3) Parents are integral components of a school's ability to provide for the educational success of students, although parents and students are diverse in culture, language, and needs;

(4) The engagement of parents is essential to improve student achievement; and

(5) Schools should foster a safe and secure environment that supports active parental involvement.

6-13-1702. Parent Advisory Council - Membership.

The Parent Advisory Council shall consist of the school principal and no fewer than six (6) parents or legal guardians, representative of the grade levels, race, gender, and socio-economic status of the school's population. No parent or legal guardian representative on the Parent Advisory Council may be an employee of that school. Each school shall establish policies regarding individual members' length of service on the council and filling vacancies. Membership on the council shall be by nomination from the school principal and that school's organized parent group. The school district board of directors will confirm nominations.

6-13-1703. Parent Advisory Council - Meetings.

The Parent Advisory Council shall be convened at least quarterly during the school year.

6-13-1704. Parent Advisory Council - Roles and Responsibilities.

The Parent Advisory Council shall recognize the principal as the chief academic and operational officer of the school. It also shall:

(a)(1) Annually review the school improvement plan including the disaggregation of achievement data from each tested grade or course in the school as well as the performance of the various student subgroups;

(2) Annually review the school's report card including the narrative of yearly progress based on current state and federal requirements;

(3) Make recommendations encouraging regular, two-way meaningful communication with parents and legal guardians such as publishing the school's process for resolving parental concerns, including whom to approach first and how to develop solutions;

(4) Make recommendations regarding the school's parental

involvement program, including activities such as sponsoring seminars to inform parents and legal guardians of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for post secondary opportunities, as well as other activities to promote parent participation;

(5) Provide input into the development of parental involvement activities as required in the School Improvement Plan;

(6) Make recommendations regarding appropriate professional development activities to be included as part of the required professional development for teachers and administrators. These professional activities shall enhance the understanding of effective parent involvement; and

(7) Make recommendations regarding the school's collaboration with community organizations for the purpose of enhancing student achievement.

(b) The Parent Advisory Council for each school may choose one (1) member of the council to serve as an ex officio, nonvoting member of the countywide school board of directors.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education in the state to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an "absolute duty" to provide an "equal opportunity to an adequate education"; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; and the provisions of this bill are necessary steps toward accomplishing that goal. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Whitaker

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Secretary