

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Stephens and Allen**

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For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE AND DIRECT THE STATE BOARD OF
9 EDUCATION TO REORGANIZE THE PUBLIC SCHOOL DISTRICTS OF
10 THIS STATE INTO NOT LESS THAN SEVENTY-FIVE (75), NOR MORE
11 THAN ONE HUNDRED (100) COMPREHENSIVE SCHOOL DISTRICTS; TO
12 PROVIDE THAT THE MEMBERS OF THE SCHOOL BOARDS OF THE
13 COMPREHENSIVE SCHOOL DISTRICTS SHALL BE ELECTED FROM
14 DISTRICTS APPORTIONED WITHIN THE COMPREHENSIVE SCHOOL
15 DISTRICT HAVING SUBSTANTIALLY EQUAL POPULATION; TO PROVIDE
16 THE PROCEDURE FOR TRANSITION FROM THE PRESENT SYSTEM OF
17 SCHOOL DISTRICTS TO THE COMPREHENSIVE SCHOOL DISTRICT
18 SYSTEM AUTHORIZED IN THIS ACT; AND FOR OTHER PURPOSES."

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

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22 SECTION 1. (A) The State Board of Education is hereby authorized and
23 directed to develop a plan, on or before October 1, 1991, for the
24 reorganization of the public school districts in this state into a system
25 consisting of not less than seventy-five (75) nor more than one hundred (100)
26 comprehensive school districts to be effective with the commencement of the
27 school year beginning on July 1, 1994. Each comprehensive school district
28 shall consist of contiguous territory and be of sufficient population and
29 resources through which a comprehensive program of academics and educational
30 opportunities, deemed necessary by the State Board of Education may be
31 established and implemented. Upon completion of the plan, the State Board of
32 Education shall file a copy with the Governor and with the county clerk of
33 each county in this state.

34 (B) Upon completion of the plan for reorganizing the public school
35 districts of this state into a system of comprehensive school districts as

1 authorized herein, the State Board of Education shall hold a public hearing
2 within not less than thirty (30) nor more than forty-five (45) days from the
3 date of completion of said plan, at which the public and concerned
4 organizations may be given an opportunity to be heard. Upon conclusion of
5 such public hearings, the State Board of Education may make such changes or
6 alterations in the plan as the Board deems appropriate, and shall finalize and
7 certify said plan to the Governor of the state of Arkansas, who shall file the
8 same with the Secretary of State as a public record. Any person aggrieved by
9 such plan may appeal from the decision of the State Board of Education to the
10 Circuit Court of Pulaski County within ten (10) days after such plan is
11 certified by the State Board of Education to the Governor, and may appeal from
12 the decision of the Circuit Court of Pulaski County to the Supreme Court of
13 Arkansas within the time provided by law.

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15 SECTION 2. (A) The State Board of Education shall, at the time the
16 plan for reorganization of the school districts of the state into a system of
17 comprehensive school districts as required in this act is developed, establish
18 within each comprehensive school district the boundaries of districts from
19 which members of the school boards of the comprehensive school districts shall
20 be elected whereby each member shall serve from a district having
21 substantially equal population based on the most recent federal decennial
22 census. Upon completion of the federal decennial census of 1990, and each
23 federal decennial census thereafter, the State Board of Education shall
24 reapportion the territory allotted to each district from which members of the
25 school board of each comprehensive school district is elected to assure that
26 districts consist of substantially equal population as determined by the most
27 recent federal decennial census.

28 Any person aggrieved by the action of the State Board of Education in
29 apportioning territory to each of the districts from which members of the
30 school board of the comprehensive school district are to be elected may appeal
31 therefrom within thirty (30) days after the completion of the apportionment or
32 reapportionment of such district, to the circuit court of the county in which
33 the school district is administered, and may appeal from the ruling of the
34 circuit court to the Supreme Court in the manner provided by law. As used in
35 this act, the county in which the school district is administered shall mean

1 the county in which the administrative offices and headquarters of the school
2 district are located.

3 (B) The school board of each of the comprehensive school districts in
4 the state shall consist of seven (7) members who shall be residents and
5 qualified electors of the districts within the comprehensive school districts
6 from which they are elected. In the event a member of the countywide school
7 board shall move from the district within the comprehensive school district
8 from which elected, but shall still reside within the comprehensive school
9 district, he (she) may continue to serve as a member of the school board of
10 the comprehensive school district until the next following annual school
11 election at which a successor shall be elected to serve for the remainder of
12 the unexpired portion of the term of said member. In the event a member of a
13 school board of a comprehensive school district shall move his (her) place of
14 residence outside the territory of the comprehensive school district, a
15 vacancy shall occur, and a successor member who resides within the district in
16 which the vacancy occurs shall be appointed by a majority vote of the
17 membership of the school board who shall serve until the next annual school
18 election, at which time a successor member shall be elected for the remainder
19 of the unexpired portion of the term of the member.

20 (C) At the first meeting of the school board of the comprehensive
21 school district, the members of the school board shall draw lots for their
22 respective terms whereby four (4) of the initial members of the school board
23 shall serve terms of two (2) years, and three (3) initial members of the
24 school board shall serve terms of four (4) years. Successor members shall be
25 elected for terms of four (4) years.

26 (D) At the first meeting of the school board of a comprehensive school
27 district held following the first annual school election held subsequent to
28 the reapportionment of the districts from which school board members are
29 elected following each federal decennial census, the members of the school
30 board shall determine, by lot, their respective terms in the same manner as
31 provided in subsection (C) of this section for the establishment of the terms
32 of the initial members elected to the school board of the comprehensive school
33 district.

34 (E) The first board of directors of the comprehensive school districts
35 as established by the State Board of Education pursuant to this act shall be

1 elected at the annual school election in 1992, and shall take office January,
2 1993, for the purpose of advance planning, and to enter into teacher contracts
3 and to perform such additional duties as may be necessary for the
4 implementation of the boards' duties upon the establishment of the
5 comprehensive school district effective July 1, 1994, and thereafter, and to
6 prepare a proposed budget for the operation of the comprehensive school
7 districts for the school year commencing July 1, 1994, to be submitted to a
8 vote of the qualified electors at the 1993 school election. It is the intent
9 of this act that existing school districts and the school boards thereof,
10 shall continue to function until June 30, 1994, at which time said school
11 districts and their respective school boards shall cease to exist to be
12 replaced by comprehensive school districts established under this act to be
13 operative on July 1, 1994, and thereafter.

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15 SECTION 3. Each comprehensive school district created under the
16 provisions of this act shall have the same rights, responsibilities, and
17 privileges as are now, or may hereafter be provided by law, for public school
18 districts in this state.

19 The board of directors of each such district shall have such authority
20 and responsibility as is now, or may hereafter be vested, in school boards,
21 and except as otherwise provided in this act, the laws in effect on the
22 effective date of this act relating to management and operation of school
23 districts and the authority and responsibility of local school boards, shall,
24 insofar as is practicable, be applicable to comprehensive school districts and
25 the board of directors thereof.

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27 SECTION 4. Notwithstanding any provision of this act, or any other laws
28 to the contrary, effective with the school year commencing July 1, 1994, and
29 thereafter, each comprehensive school district established under the
30 provisions of this act shall:

31 (a) Continue to operate each of the senior high schools and junior high
32 schools operated by the respective school districts in the territory
33 encompassed within the comprehensive school district prior to July 1, 1992,
34 for a period of five (5) years until studies can be made on the need for, and
35 economies of, merging one or more of such senior high schools or junior high

1 schools, or the need for the establishment of new junior high schools or
2 senior high schools, or the abandonment or relocation of existing senior or
3 junior high schools deemed necessary to serve the needs of the school
4 district. After a period of five (5) years has expired, the school board of
5 the comprehensive school district may merge or consolidate any of the existing
6 senior or junior high schools of the school district into one or more of the
7 existing senior or junior high schools in the district, or may abolish or
8 establish any new senior and/or junior high school in the district as deemed
9 necessary to meet the educational needs of the district. Provided, that
10 before any existing senior or junior high school is closed as a result of such
11 merger, or any new senior or junior high school is established, the school
12 board shall obtain the approval of a majority of the qualified electors of the
13 attendance area served by such school voting on such issue at an annual school
14 election, or shall obtain the approval of a majority of the qualified electors
15 of the comprehensive school district voting on such issue at an annual school
16 election.

17 (b) Continue to maintain and operate each elementary school existing
18 within the territory embraced by the comprehensive school district on June 30,
19 1994, and shall not merge, consolidate, abolish, abandon, or relocate the
20 operation of any such elementary school unless:

21 (i) upon approval of a majority of the electors of the attendance area
22 of the elementary school voting thereon at an annual school election upon the
23 issue thereof being submitted by the school board of the comprehensive school
24 district to the electors of the attendance area, or upon petition therefor
25 signed by not less than ten percent (10%) of the electors of the attendance
26 area of such school district requesting that such issue be placed on the
27 annual school election ballot. In determining the number of electors required
28 for such petitions, the total votes cast at the last school election on the
29 issue or office receiving the highest number of votes in the attendance area
30 served by such elementary school shall govern; or

31 (ii) the elementary school fails to meet the minimum standard
32 requirements of the Quality Education Act; or

33 (iii) enrollment within such elementary school drops below standards
34 promulgated by the school board of the comprehensive school district, based
35 upon minimum enrollment standards for elementary schools, or shall drop below

1 standards promulgated by regulations of the State Board of Education for the
2 operation of the elementary schools in this state.

3 Upon an elementary school being closed, the school-age children therein
4 shall be transferred to one or more elementary schools within the district, as
5 determined by the school board.

6 (c) All teachers and clerical, and other employees of each
7 comprehensive school district shall be employed by the school board of the
8 comprehensive school district in the manner now provided by law. Provided,
9 that the school board of each comprehensive school district shall, insofar as
10 is practicable, give priority in the employment of administrators, teachers,
11 and clerical employees of the comprehensive school district when established
12 on July 1, 1994, to those administrators and clerical and other employees who
13 were employed in schools during the preceding school year whose territory was
14 merged, either in whole or in part, into the comprehensive school district on
15 July 1, 1994.

16 The administration staff of a comprehensive school district created
17 under the provisions of this act shall be no larger than the largest
18 administration staff of any former school district in the county in which the
19 comprehensive district is to be administered.

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21 SECTION 5. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 6. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 7. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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