

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1539

5 By: Representative Mahony
6
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT LOCAL SCHOOL BOARDS OF
10 EDUCATION FROM ENTERING INTO CONTRACTS, EXCEPT
11 UNDER CERTAIN CONDITIONS, UNTIL JULY 1, 2004; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO PROHIBIT LOCAL SCHOOL BOARDS
16 OF EDUCATION FROM ENTERING INTO
17 CONTRACTS, EXCEPT UNDER CERTAIN
18 CONDITIONS, UNTIL JULY 1, 2004; AND FOR
19 OTHER PURPOSES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-13-620 is amended to read as follows:
25 6-13-620. Powers and duties.

26 (a) The Except as prohibited under subsections (b) and (c) of this
27 section, the board of directors of each school district in the state shall be
28 charged with the following powers and perform the following duties:

29 (1) Have the care and custody of the schoolhouse, grounds, and
30 other property belonging to the district and shall keep it in good repair and
31 in sanitary and sightly condition;

32 (2) Lease sixteenth section lands located in the school
33 district, individually or in conjunction with the other boards of directors
34 of other school districts interested in the sixteenth section, as the case
35 may be;

36 (3) Purchase buildings or rent schoolhouses and sites therefor



1 and sell, rent, or exchange the sites or schoolhouses;

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

6 (B) There shall be four (4) copies of each contract made:

7 (i) One (1) copy to be retained by the board;

8 (ii) One (1) copy to be given to the employee;

9 (iii) One (1) copy to be forwarded to the county

10 treasurer if the county treasurer serves as treasurer for the school

11 district; and

12 (iv) One (1) copy to be filed with the county clerk.

13 (C) The issuing of annual contracts to personnel other
14 than substitute teachers employed on a daily basis and teachers shall be in
15 writing and shall recite the duration of employment, specific duties, and
16 annual salary;

17 (5) See that all subjects for study prescribed by the state
18 board or by law for all grades of schools in their district are taught;

19 (6) Visit classrooms frequently, but no less than annually, in
20 the schools in their district while children are present, see to the welfare
21 of the pupils, encourage them in their studies, and assist the teachers in
22 the work so far as they can;

23 (7) Prepare and publish the district's budget for the ensuing
24 year, in accordance with § 6-13-622;

25 (8) Issue warrants on the county treasurer, when the county
26 treasurer serves as treasurer of the school district, in accordance with the
27 provisions of this act for the payment of salaries due teachers and other
28 employees and for any other lawful purposes and state in the warrants the
29 consideration for which each is drawn, provided that the issuance of the
30 warrants for the purposes set out in subdivision (10) of this section shall
31 be governed by the penalty therein set out. The warrant shall be in the form
32 approved by the state board;

33 (9) Obtain from the county collector and county treasurer
34 information from time to time as to the state of finances of their school
35 district and keep their expenditures safely within the means of the district;

36 (10) Buy and pay for out of district school funds supplies such

1 as fuel, crayons, charts, globes, dictionaries, etc. which may be necessary
 2 for the efficient operation of the schools, provided, no warrants shall be
 3 issued by any school board for the payment of the supplies or services set
 4 out in this subdivision (10) until the supplies or services shall have been
 5 delivered to the school. If any school board or any part of the directors of
 6 any school board in the State of Arkansas shall issue warrants in payment of
 7 supplies or services prior to the delivery of the supplies or services to the
 8 school and if the school district suffers any loss because of the failure of
 9 the seller to deliver the supplies or services or because of the defective
 10 quality of the supplies or services or for any other reason, then the
 11 directors shall be personally liable to the school district for the total
 12 amount of loss suffered by the district;

13 (11)(A) If in any school district it should be apparent that the
 14 schools cannot be operated for the remainder of the school year without
 15 incurring more indebtedness than that represented by outstanding bonds and
 16 those that may be issued for buildings, equipment for the school buildings,
 17 purchasing sites, and repairing school buildings or the improvement of sites,
 18 it shall be the duty of the school district board of directors to close the
 19 school and cease paying the teachers for the remainder of that fiscal year.
 20 Each contract made with the teachers shall be subject to that contingency,
 21 and the district shall not be liable for teachers' salaries for the time the
 22 school is so closed.

23 (B) Should any director participate in keeping a school
 24 open and incurring additional expenses which would cause increased
 25 indebtedness of the district prohibited in this subdivision (11), he or she
 26 shall be liable personally for the amount of such additional indebtedness.

27 (C) However, in cases of emergency, the state board may
 28 grant special permission to a district to create temporary current
 29 indebtedness.

30 (D) Nothing herein shall prevent any school district board
 31 of directors from borrowing money from banks, from individuals, or from next
 32 year's revenue in order to provide funds in such amount that the maximum
 33 nonbonded indebtedness of its school district so incurred shall not be
 34 greater than the maximum nonbonded indebtedness of the district was at any
 35 time during the preceding fiscal year.

36 (E) If any nonbonded debt is funded by the issuance of

1 bonds, the amount so funded shall not be considered in determining the
2 maximum amount of nonbonded indebtedness during the preceding fiscal year;

3 (12) Do all other things necessary and lawful for the conduct of
4 efficient free public schools in the district;

5 (13) Publish on the district’s web site, if the district has a
6 web site:

7 (A) Minutes of regular and special meetings of the school
8 board;

9 (B) The budget for the ensuing year;

10 (C) Financial breakdown of monthly expenses of the
11 district;

12 (D) Salary schedule for all employees;

13 (E) The school district’s yearly audit; and

14 (F) The annual statistical report; and

15 (14) If a district does not have a web site, then on or before
16 July 1, 2003, the district’s educational cooperative shall develop a web site
17 for the district, or the cooperative shall enter into an agreement with a
18 local city, county, or other local governmental agency to have the district’s
19 information as required in subdivision (13) of this section published on an
20 existing local city, county, or other local governmental agency’s web site.

21 (b) Beginning on the effective date of this subsection (b) through
22 July 1, 2004, notwithstanding any other provision of law except for currently
23 binding contractual obligations or enforceable court ordered mandates, no
24 school board of directors of any public school district or charter school
25 shall enter into any contractual obligation exceeding five thousand dollars
26 (\$5,000) for the purchase, sale, construction, improvement, repair, or
27 equipment for facilities, buildings, or real property sites without the prior
28 written approval of the State Board of Education.

29 (c) Beginning on the effective date of this subsection (c) through
30 July 1, 2004, notwithstanding any other provision of law except for currently
31 binding contractual obligations or enforceable court ordered mandates, no
32 school board of directors of any public school district or charter school
33 shall enter into any personal, professional, or other service contract on
34 behalf of the school district for a time period greater than one (1) year
35 without prior written approval of the State Board of Education.

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SECTION 2. Arkansas Code § 6-17-301 is amended to read as follows:
 6-17-301. Employment of certified personnel.

(a) ~~District~~ Except as prohibited under subsections (c) and (d) of this section, school boards may employ superintendents, deputy superintendents, assistant superintendents, and high school principals, as well as department heads, coaches, teachers, and other certified personnel, by written contract for a period of time not more than three (3) years.

(b) Such contracts may be renewed annually.

(c) Beginning on the effective date of this subsection (c) through July 1, 2004, notwithstanding any other provision of law except for currently binding contractual obligations or enforceable court ordered mandates, no Arkansas public school district board of directors, or the governing board of an educational cooperative or charter school may employ or extend the employment contract of any superintendent, assistant superintendent, school principal, department head, coach, teacher, or other certified or non-certified personnel for a period of time beyond June 30, 2004 without the prior written approval of the State Board of Education.

(d) No employment contract or extension to an employment contract entered into February 1, 2003, may have a combined total increase in salaries, income, and benefits of greater than five percent (5%) of the immediate previous existing contract for the same or substantially similar personnel position without the prior written approval of the State Board of Education, except for salary or benefit increases legislatively approved and mandated by the Arkansas General Assembly.

SECTION 3. Arkansas Code § 6-17-410(e)(2), concerning revocation of a teacher's license, is amended to add an additional subdivision to read as follows:

(2) For the purposes of this subsection, "cause" means any of the following:

(A) Pleading guilty or nolo contendere to or being found guilty of a felony not listed in subsection (c) of this section;

(B) Pleading guilty or nolo contendere to or being found guilty of a nonfelony negligent homicide or a misdemeanor involving physical mistreatment or abuse against a child and not listed in subsection (c) of this section;

- 1 (C) Holding a license obtained by fraudulent means;
- 2 (D) Revocation of a license in another state;
- 3 (E) Intentionally compromising the validity or security of any
- 4 student test or testing program administered by or required by the board or
- 5 the Department of Education;
- 6 (F) Having the completed examination test score of any testing
- 7 program required by the board for teacher licensure declared invalid by the
- 8 testing program company and so reported to the Department of Education by the
- 9 testing company;
- 10 (G) Having an expunged or pardoned conviction for any sexual or
- 11 physical abuse offense committed against a child; ~~or~~
- 12 (H) Failing to establish or maintain the necessary requirements
- 13 and standards set forth in Arkansas law or board rules and regulations for
- 14 teacher licensure; or
- 15 (I) Having knowingly and intentionally violated the provisions
- 16 of § 6-17-301(c) and (d), or § 6-20-1201.

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18 SECTION 4. Arkansas Code § 6-20-1201 is amended to read as follows:

19 6-20-1201. Authority to borrow money and issue negotiable bonds.

20 (a) After July 1, 2004, all ~~All~~ school districts are authorized to

21 borrow money and to issue negotiable bonds for the repayment thereof from

22 school funds for the building and equipping of school buildings, for making

23 additions and repairs thereto, for purchasing sites therefor, for purchasing

24 new or used school buses, for refurbishing school buses, for the professional

25 development and training of teachers or other programs authorized under the

26 federally recognized Qualified Zone Academy Bond program codified at 26

27 U.S.C. § 1397E, and for paying off outstanding postdated warrants,

28 installment contracts, revolving loans, and lease-purchase agreements, as

29 provided in this act.

30 (b) No school district shall have the authority to act in accordance

31 with the provisions of subsection (a) of this section from the effective date

32 of this subdivision (b) through July 1, 2004.

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34 SECTION 5. The Arkansas Department of Education shall promulgate rules

35 and regulations to administer Arkansas Code § 6-17-301(c) and (d), § 6-13-

36 620(15) and (16), and § 6-20-1201 including, but not limited to, providing

1 necessary State Board of Education approval of local board for action and
2 expenditures in emergency circumstances.

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4 SECTION 6. Title 6, Chapter 24, Subchapter 1 is amended by adding an
5 additional section to read as follows:

6 6-24-120. Violations.

7 (a) Any board member, administrator, employee or non-employee of a
8 public school district, educational cooperative or charter school who
9 knowingly and intentionally violates the provisions of § 6-17-301(c) or (d),
10 § 6-13-620(15) or (16) or § 6-20-1201 shall be guilty of an unclassified
11 felony.

12 (b) Any board member of a public school district, educational
13 cooperative, or charter school who shall knowingly and intentionally violates
14 the provisions of § 6-17-301(c) or (d), § 6-13-620(15) or (16), or § 6-20-
15 1201 shall be subject to removal from office under § 6-13-612.

16
17 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that on November 21, 2002, the
19 Arkansas Supreme Court ruled in the matter of Lake View School District No.
20 25, et al. v. Mike Huckabee, Governor, et al. that the Arkansas school
21 funding system is unconstitutional under Article 14 §1 and Article 2, §§ 2,
22 3, and 18 of the Arkansas Constitution; that as a result of the ruling the
23 General Assembly must review the education system in Arkansas in order to
24 ensure that every student in the Arkansas public school system has an equal
25 opportunity to obtain an adequate education; and that this act is immediately
26 necessary to prevent unnecessary legal obstacles and impediments to the
27 General Assembly's ability to act in an efficient and expeditious manner in
28 this regard. Therefore, an emergency is declared to exist and this act being
29 immediately necessary for the preservation of the public peace, health, and
30 safety shall become effective on:

- 31 (1) The date of its approval by the Governor;
32 (2) If the bill is neither approved nor vetoed by the Governor,
33 the expiration of the period of time during which the Governor may veto the
34 bill; or
35 (3) If the bill is vetoed by the Governor and the veto is
36 overridden, the date the last house overrides the veto.