

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

A Bill

HOUSE BILL 1566

4
5 By: Representative Pickett
6
7

For An Act To Be Entitled

8
9 AN ACT TO REORGANIZE THE GOVERNANCE OF SCHOOL
10 DISTRICT BOARDS OF EDUCATION; TO CREATE LOCAL
11 SCHOOL COUNCILS; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO REORGANIZE THE GOVERNANCE OF
15 SCHOOL DISTRICT BOARDS OF EDUCATION; TO
16 CREATE LOCAL SCHOOL COUNCILS.
17
18

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

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

23 6-13-1601. District Boards of Education.

24 (a)(1) The State Board of Education shall develop a plan for the
25 grouping of all existing public school districts based on the district
26 average daily membership so that all local school districts are governed by
27 an independent school district board of education or a unified school
28 district board of education as required under this subchapter.

29 (2) The reorganization required under this subchapter is
30 intended to require reorganization of existing local school boards, and shall
31 not be construed to require the relocation of schools or the transporting of
32 students unless it becomes necessary to ensure an adequate education for the
33 students in the districts.

34 (b) The following local school districts, with an average daily
35 membership exceeding four thousand (4,000), shall each be governed by an
36 independent school district board of education:



02142003KAS1239.VJF234

- 1 (1) Rogers School District in Benton County;
- 2 (2) Bentonville School District in Benton County;
- 3 (3) Springdale School District in Washington County;
- 4 (4) Fayetteville School District in Washington County;
- 5 (5) Van Buren School District in Crawford County;
- 6 (6) Fort Smith School District in Sebastian County;
- 7 (7) Texarkana School District in Miller County;
- 8 (8) Russellville School District in Pope County;
- 9 (9) El Dorado School District in Union County;
- 10 (10) Sheridan School District in Grant County;
- 11 (11) Bryant School District in Saline County;
- 12 (12) Little Rock School District in Pulaski County;
- 13 (13) North Little Rock School District in Pulaski County;
- 14 (14) Pulaski County School District in Pulaski County;
- 15 (15) Conway School District in Faulkner County;
- 16 (16) Cabot School District in Lonoke County;
- 17 (17) Pine Bluff School District in Jefferson County;
- 18 (18) West Memphis School District in Crittenden County;
- 19 (19) Jonesboro School District in Craighead County;
- 20 (20) Benton School District in Saline County; and
- 21 (21) Forrest City School District in St. Francis County.

22 (c) The following local school districts shall be grouped such that
 23 the local school districts are governed by one (1) unified school board of
 24 education which will replace the currently existing local school boards. The
 25 local school districts shall remain in place, and shall be governed as
 26 follows:

27 (1) “Unified School District Board of Education Number 1” shall
 28 replace the existing boards of directors of the following local school
 29 districts as in existence on January 1, 2003:

- 30 (A) Pea Ridge School District in Benton County;
- 31 (B) Gravette School District in Benton County;
- 32 (C) Decatur School District in Benton County;
- 33 (D) Gentry School District in Benton County;
- 34 (E) Siloam Springs School District in Benton County; and

35 (2) “Unified School District Board of Education Number 2” shall
 36 replace the existing boards of directors of the following local school

1 districts as in existence on January 1, 2003:

2 (A) Farmington School District in Washington County;

3 (B) Prairie Grove School District in Washington County;

4 (C) Greenland School District in Washington County;

5 (D) Elkins School District in Washington County;

6 (E) West Fork School District in Washington County;

7 (F) Winslow School District in Washington County;

8 (G) Lincoln School District in Washington County; and

9 (3) "Unified School District Board of Education Number 3" shall
10 replace the existing boards of directors of the following local school
11 districts as in existence on January 1, 2003:

12 (A) Mountainburg School District in Crawford County;

13 (B) Cedarville School District in Crawford County;

14 (C) Mulberry School District in Crawford County;

15 (D) Alma School District in Crawford County;

16 (E) Lavaca School District in Sebastian County; and

17 (4) "Unified School District Board of Education Number 4" shall
18 replace the existing boards of directors of the following local school
19 districts as in existence on January 1, 2003:

20 (A) Greenwood School District in Sebastian County;

21 (B) Hackett School District in Sebastian County;

22 (C) Hartford School District in Sebastian County;

23 (D) Mansfield School District in Sebastian County; and

24 (5) "Unified School District Board of Education Number 5" shall
25 replace the existing boards of directors of the following local school
26 districts as in existence on January 1, 2003:

27 (A) Waldron School District in Scott County;

28 (B) Acorn School District in Polk County;

29 (C) Oden School District in Montgomery County;

30 (D) Mena School District in Polk County;

31 (E) Hatfield School District Polk County;

32 (F) Van Cove School District in Polk County; and

33 (6) "Unified School District Board of Education Number 6" shall
34 replace the existing boards of directors of the following local school
35 districts as in existence on January 1, 2003:

36 (A) Wickes School District in Polk County;

1 (10) “Unified School District Board of Education Number 10”
2 shall replace the existing boards of directors of the following local school
3 districts as in existence on January 1, 2003:

- 4 (A) Fourche Valley School District in Yell County;
- 5 (B) Plainview-Rover School District in Yell County;
- 6 (C) Ola School District in Yell County;
- 7 (D) Danville School District in Yell County;
- 8 (E) Western Yell County School District in Yell County;
- 9 (F) Dardanelle School District in Yell County; and

10 (11) “Unified School District Board of Education Number 11”
11 shall replace the existing boards of directors of the following local school
12 districts as in existence on January 1, 2003:

- 13 (A) Booneville School District in Logan County;
- 14 (B) Magazine School District in Logan County;
- 15 (C) Paris School District in Logan County;
- 16 (D) Scranton School District in Logan County;
- 17 (E) County Line School District in Franklin County;
- 18 (F) Charleston School District in Franklin County; and

19 (12) “Unified School District Board of Education Number 12”
20 shall replace the existing boards of directors of the following local school
21 districts as in existence on January 1, 2003:

- 22 (A) Altus-Denning School District in Franklin County;
- 23 (B) Westside School District in Johnson County;
- 24 (C) Clarksville School District in Johnson County;
- 25 (D) Oark School District in Johnson County;
- 26 (E) Ozark School District in Franklin County;
- 27 (F) Pleasant View School District in Franklin County; and

28 (13) “Unified School District Board of Education Number 13”
29 shall replace the existing boards of directors of the following local school
30 districts as in existence on January 1, 2003:

- 31 (A) St. Paul School District in Madison County;
- 32 (B) Deer School District in Newton County;
- 33 (C) Mount Judea School District in Newton County;
- 34 (D) Western Grove School District in Newton County;
- 35 (E) Jasper School District in Newton County;
- 36 (F) Kingston School District in Madison County;

1 (G) Huntsville School District in Madison County; and
2 (14) "Unified School District Board of Education Number 14"
3 shall replace the existing boards of directors of the following local school
4 districts as in existence on January 1, 2003:

- 5 (A) Eureka Springs School District in Carroll County;
- 6 (B) Berryville School District in Carroll County;
- 7 (C) Green Forest School District in Carroll County;
- 8 (D) Alpena School District in Boone County;
- 9 (E) Omaha School District in Boone County; and

10 (15) "Unified School District Board of Education Number 15"
11 shall replace the existing boards of directors of the following local school
12 districts as in existence on January 1, 2003:

- 13 (A) Lead Hill School District in Boone County;
- 14 (B) Bergman School District in Boone County;
- 15 (C) Valley Springs School District in Boone County;
- 16 (D) Harrison School District in Boone County; and

17 (16) "Unified School District Board of Education Number 16"
18 shall replace the existing boards of directors of the following local school
19 districts as in existence on January 1, 2003:

- 20 (A) Lamar School District in Johnson County;
- 21 (B) Dover School District in Pope County;
- 22 (C) Hector School District in Pope County;
- 23 (D) Atkins School District in Pope County;
- 24 (E) Pottsville School District in Pope County; and

25 (17) "Unified School District Board of Education Number 17"
26 shall replace the existing boards of directors of the following local school
27 districts as in existence on January 1, 2003:

- 28 (A) Perry-Casa School District in Perry County;
- 29 (B) Perryville School District in Perry County;
- 30 (C) Paron School District in Saline County;
- 31 (D) Jessieville School District in Garland County;
- 32 (E) Mountain Pine School District in Garland County;
- 33 (F) Fountain Lake School District in Garland County;
- 34 (G) Cutter-Morning Star School District in Garland County;

35 and

36 (18) "Unified School District Board of Education Number 18"

1 shall replace the existing boards of directors of the following local school
2 districts as in existence on January 1, 2003:

3 (A) Hot Springs School District in Garland County;

4 (B) Lakeside School District in Garland County; and

5 (19) “Unified School District Board of Education Number 19”

6 shall replace the existing boards of directors of the following local school
7 districts as in existence on January 1, 2003:

8 (A) Lake Hamilton School District in Garland County;

9 (B) Bismarck School District in Hot Spring County; and

10 (20) “Unified School District Board of Education Number 20”

11 shall replace the existing boards of directors of the following local school
12 districts as in existence on January 1, 2003:

13 (A) Arkadelphia School District in Clark County;

14 (B) Gurdon School District in Clark County;

15 (C) Prescott School District in Nevada County;

16 (D) Emmet School District in Nevada County; and

17 (21) “Unified School District Board of Education Number 21”

18 shall replace the existing boards of directors of the following local school
19 districts as in existence on January 1, 2003:

20 (A) Nevada School District in Nevada County;

21 (B) Waldo School District in Columbia County;

22 (C) McNeil School District in Columbia County;

23 (D) Stephens School District in Ouachita County;

24 (E) Magnolia School District in Columbia County;

25 (F) Walker School District in Columbia County;

26 (G) Emerson School District in Columbia County; and

27 (22) “Unified School District Board of Education Number 22”

28 shall replace the existing boards of directors of the following local school
29 districts as in existence on January 1, 2003:

30 (A) Junction City School District in Union County;

31 (B) Parkers Chapel School District in Union County;

32 (C) Mount Holly School District in Union County;

33 (D) Smackover School District in Union County;

34 (E) Norphlet School District in Union County;

35 (F) Union School District in Union County;

36 (G) Strong School District in Union County;

1 (H) Huttig School District in Union County; and
2 (23) "Unified School District Board of Education Number 23"
3 shall replace the existing boards of directors of the following local school
4 districts as in existence on January 1, 2003:

- 5 (A) Hampton School District in Calhoun County;
- 6 (B) Bearden School District in Ouachita County;
- 7 (C) Harmony Grove School District in Ouachita County;
- 8 (D) Camden Fairview School District in Ouachita County;

9 and

10 (24) "Unified School District Board of Education Number 24" shall
11 replace the existing boards of directors of the following local school
12 districts as in existence on January 1, 2003:

- 13 (A) Fordyce School District in Dallas County;
- 14 (B) Sparkman School District in Dallas County;
- 15 (C) Carthage School District in Dallas County;
- 16 (D) Kingsland School District in Cleveland County;
- 17 (E) Rison School District in Cleveland County;
- 18 (F) Woodlawn School District in Cleveland County; and

19 (25) "Unified School District Board of Education Number 25" shall
20 replace the existing boards of directors of the following local school
21 districts as in existence on January 1, 2003:

- 22 (A) Ouachita School District in Hot Spring County;
- 23 (B) Malvern School District in Hot Spring County;
- 24 (C) Poyen School District in Grant County;
- 25 (D) Glen Rose School District in Hot Spring County;
- 26 (E) Magnet Cove School District in Hot Spring County;
- 27 (F) Harmony Grove School District in Saline County;
- 28 (G) Bauxite School District in Saline County; and

29 (26) "Unified School District Board of Education Number 26"
30 shall replace the existing boards of directors of the following local school
31 districts as in existence on January 1, 2003:

- 32 (A) East End School District in Perry County;
- 33 (B) Mayflower School District in Faulkner County;
- 34 (C) Vilonia School District in Faulkner County; and

35 (27) "Unified School District Board of Education Number 27"
36 shall replace the existing boards of directors of the following local school

districts as in existence on January 1, 2003:

- (A) Mount Vernon Enola School District in Faulkner County;
- (B) Quitman School District in Cleburne County;
- (C) Guy-Perkins School District in Faulkner County;
- (D) Greenbrier School District in Faulkner County;
- (E) South Side School District in Van Buren County; and

(28) "Unified School District Board of Education Number 28"

shall replace the existing boards of directors of the following local school districts as in existence on January 1, 2003:

- (A) South Conway County School District in Conway County;
- (B) Wonderview School District in Conway County;
- (C) Nemo Vista School District in Conway County;
- (D) Scotland School District in Van Buren County;
- (E) Alread School District in Van Buren County;
- (F) Clinton School District in Van Buren County; and

(29) "Unified School District Board of Education Number 29"

shall replace the existing boards of directors of the following local school districts as in existence on January 1, 2003:

- (A) Leslie School District in Searcy County;
- (B) Witts Springs School District in Searcy County;
- (C) Marshall School District in Searcy County;
- (D) St. Joe School District in Searcy County;
- (E) Bruno-Pyatt School District in Marion County;
- (F) Yellville Summit School District in Marion County;
- (G) Flippin School District in Marion County;
- (H) Cotter School District in Baxter County; and

(30) "Unified School District Board of Education Number 30"

shall replace the existing boards of directors of the following local school districts as in existence on January 1, 2003:

- (A) Viola School District in Fulton County;
- (B) Salem School District in Fulton County;
- (C) Izard County Consolidated School District in Izard County;
- (D) Melbourne School District in Izard County;
- (E) Calico Rock School District in Izard County;
- (F) Norfolk School District in Baxter County;

1 (G) Mount Pleasant School District in Izard County;
 2 (H) Mountain Home School District in Baxter County; and
 3 (31) “Unified School District Board of Education Number 31”
 4 shall replace the existing boards of directors of the following local school
 5 districts as in existence on January 1, 2003:

- 6 (A) Mountain View School District in Stone County;
- 7 (B) Stone County School District in Stone County;
- 8 (C) Rural Special School District in Stone County;
- 9 (D) Shirley School District in Van Buren County;
- 10 (E) West Side School District in Cleburne County;
- 11 (F) Concord School District in Cleburne County;
- 12 (G) Wilburn School District in Cleburne County;
- 13 (H) Heber Springs School District in Cleburne County; and

14 (32) “Unified School District Board of Education Number 32”
 15 shall replace the existing boards of directors of the following local school
 16 districts as in existence on January 1, 2003:

- 17 (A) Pangburn School District in White County;
- 18 (B) White County Central School District in White County;
- 19 (C) Rose Bud School District in White County;
- 20 (D) Bald Knob School District in White County;
- 21 (E) Bradford School District in White County;
- 22 (F) Newark School District in White County;
- 23 (G) Midland School District in Independence County; and

24 (33) “Unified School District Board of Education Number 33”
 25 shall replace the existing boards of directors of the following local school
 26 districts as in existence on January 1, 2003:

- 27 (A) Southside School District in Independence County;
- 28 (B) Sulphur Rock School District in Independence County;
- 29 (C) Cord-Charlotte School District in Independence County;
- 30 (D) Cave City School District in Sharp County;
- 31 (E) Cushman School District in Independence County;
- 32 (F) Batesville School District in Independence County; and

33 (34) “Unified School District Board of Education Number 34”
 34 shall replace the existing boards of directors of the following local school
 35 districts as in existence on January 1, 2003:

- 36 (A) River Valley School District in Lawrence County;

- 1 (B) Evening Shade School District in Sharp County;
- 2 (C) Lynn School District in Lawrence County;
- 3 (D) Sloan-Hendrix School District in Lawrence County;
- 4 (E) Williford School District in Sharp County;
- 5 (F) Highland School District in Sharp County;
- 6 (G) Mammoth Springs School District in Fulton County;
- 7 (H) Randolph County School District in Randolph County;

8 and

9 (35) “Unified School District Board of Education Number 35”
10 shall replace the existing boards of directors of the following local school
11 districts as in existence on January 1, 2003:

- 12 (A) Searcy School District in White County;
- 13 (B) Beebe School District in White County;
- 14 (C) McRae School District in White County; and

15 (36) “Unified School District Board of Education Number 36”
16 shall replace the existing boards of directors of the following local school
17 districts as in existence on January 1, 2003:

- 18 (A) Des Arc School District in Prairie County;
- 19 (B) DeValls Bluff School District in Prairie County;
- 20 (C) Hazen School District in Prairie County;
- 21 (D) Carlisle School District in Lonoke County;
- 22 (E) Lonoke School District in Lonoke County;
- 23 (F) England School District in Lonoke County; and

24 (37) “Unified School District Board of Education Number 37”
25 shall replace the existing boards of directors of the following local school
26 districts as in existence on January 1, 2003:

- 27 (A) Humphrey School District in Arkansas County;
- 28 (B) Altheimer School District in Jefferson County;
- 29 (C) White Hall School District in Jefferson County; and

30 (38) “Unified School District Board of Education Number 38”
31 shall replace the existing boards of directors of the following local school
32 districts as in existence on January 1, 2003:

- 33 (A) Dollarway School District in Jefferson County;
- 34 (B) Watson Chapel School District in Jefferson County; and

35 (39) “Unified School District Board of Education Number 39”
36 shall replace the existing boards of directors of the following local school

1 districts as in existence on January 1, 2003:

2 (A) Star City School District in Lincoln County;

3 (B) Monticello School District in Drew County; and

4 (40) "Unified School District Board of Education Number 40"

5 shall replace the existing boards of directors of the following local school
6 districts as in existence on January 1, 2003:

7 (A) Drew Central School District in Drew County;

8 (B) Warren School District in Bradley County;

9 (C) Hermitage School District in Bradley County;

10 (D) Fountain Hill School District in Ashley County; and

11 (41) "Unified School District Board of Education Number 41"

12 shall replace the existing boards of directors of the following local school
13 districts as in existence on January 1, 2003:

14 (A) Crossett School District in Ashley County;

15 (B) Hamburg School District in Ashley County; and

16 (42) "Unified School District Board of Education Number 42"

17 shall replace the existing boards of directors of the following local school
18 districts as in existence on January 1, 2003:

19 (A) Eudora School District in Chicot County;

20 (B) Lakeside School District in Garland County;

21 (C) Dermott School District in Chicot County;

22 (D) Arkansas City School District in Desha County;

23 (E) McGehee School District in Desha County; and

24 (43) "Unified School District Board of Education Number 43"

25 shall replace the existing boards of directors of the following local school
26 districts as in existence on January 1, 2003:

27 (A) Delta Special School District in Desha County;

28 (B) Dumas School District in Desha County;

29 (C) Grady School District in Lincoln County;

30 (D) Gould School District in Lincoln County;

31 (E) Gillett School District in Arkansas County;

32 (F) Elaine School District in Phillips County;

33 (G) DeWitt School District in Arkansas County; and

34 (44) "Unified School District Board of Education Number 44"

35 shall replace the existing boards of directors of the following local school
36 districts as in existence on January 1, 2003:

1 (A) Helena-West Helena School District in Phillips County;
 2 (B) Lakeview School District in Phillips County;
 3 (C) Barton-Lexa School District in White County;
 4 (D) Marvell School District in Phillips County; and
 5 (45) “Unified School District Board of Education Number 45”
 6 shall replace the existing boards of directors of the following local school
 7 districts as in existence on January 1, 2003:

- 8 (A) Holly Grove School District in Monroe County;
- 9 (B) Stuttgart School District in Arkansas County;
- 10 (C) Clarendon School District in Monroe County;
- 11 (D) Lee County School District in Lee County; and

12 (46) “Unified School District Board of Education Number 46”
 13 shall replace the existing boards of directors of the following local school
 14 districts as in existence on January 1, 2003:

- 15 (A) Brinkley School District in Monroe County;
- 16 (B) Cotton Plant School District in Woodruff County;
- 17 (C) Augusta School District in Woodruff County;
- 18 (D) McCrory School District in Woodruff County;
- 19 (E) Riverview School District in White County;
- 20 (F) Palestine/Wheatley School District in St. Francis

21 County; and

22 (47) “Unified School District Board of Education Number 47”
 23 shall replace the existing boards of directors of the following local school
 24 districts as in existence on January 1, 2003:

- 25 (A) Wynne School District in Cross County;
- 26 (B) Cross County School District in Cross County;
- 27 (C) Parkin School District in Cross County; and

28 (48) “Unified School District Board of Education Number 48”
 29 shall replace the existing boards of directors of the following local school
 30 districts as in existence on January 1, 2003:

- 31 (A) Earle School District in Crittenden County;
- 32 (B) Crawfordsville School District in Crittenden County;
- 33 (C) Hughes School District in St. Francis County;
- 34 (D) Marion School District in Crittenden County;
- 35 (E) Turrell School District in Crittenden County; and

36 (49) “Unified School District Board of Education Number 49”

1 shall replace the existing boards of directors of the following local school
2 districts as in existence on January 1, 2003:

- 3 (A) South Mississippi County School District in
- 4 Mississippi County;
- 5 (B) Osceola School District in Mississippi County;
- 6 (C) Manila School District in Mississippi County;
- 7 (D) Buffalo Island Central School District in Craighead
- 8 County; and

9 (50) “Unified School District Board of Education Number 50”
10 shall replace the existing boards of directors of the following local school
11 districts as in existence on January 1, 2003:

- 12 (A) Armorel School District in Mississippi County;
- 13 (B) Blytheville School District in Mississippi County;
- 14 (C) Gosnell School District in Mississippi County; and

15 (51) “Unified School District Board of Education Number 51”
16 shall replace the existing boards of directors of the following local school
17 districts as in existence on January 1, 2003:

- 18 (A) East Poinsett County School District in Poinsett
- 19 County;
- 20 (B) Marked Tree School District in Poinsett County;
- 21 (C) Truman School District in Poinsett County;
- 22 (D) Harrisburg School District in Poinsett County;
- 23 (E) Weiner School District in Poinsett County; and

24 (52) “Unified School District Board of Education Number 52”
25 shall replace the existing boards of directors of the following local school
26 districts as in existence on January 1, 2003:

- 27 (A) Newport School District in Jackson County;
- 28 (B) Jackson County School District in Jackson County;
- 29 (C) Swifton School District in Jackson County;
- 30 (D) Westside Consolidated School District in Craighead
- 31 County; and

32 (53) “Unified School District Board of Education Number 53”
33 shall replace the existing boards of directors of the following local school
34 districts as in existence on January 1, 2003:

- 35 (A) Valley View School District in Craighead County;
- 36 (B) Bay School District in Craighead County;

1 (C) Riverside School District in Craighead County;
 2 (D) Brookland School District in Craighead County; and
 3 (54) “Unified School District Board of Education Number 54”
 4 shall replace the existing boards of directors of the following local school
 5 districts as in existence on January 1, 2003:

- 6 (A) Greene County Tech School District in Greene County;
- 7 (B) Nettleton School District in Craighead County;
- 8 (C) Paragould School District in Greene County; and

9 (55) “Unified School District Board of Education Number 55”
 10 shall replace the existing boards of directors of the following local school
 11 districts as in existence on January 1, 2003:

- 12 (A) Marmaduke School District in Greene County;
- 13 (B) Rector School District in Clay County;
- 14 (C) Piggott School District in Clay County;
- 15 (D) Corning School District in Clay County;
- 16 (E) Delaplaine School District in Greene County; and

17 (56) “Unified School District Board of Education Number 56”
 18 shall replace the existing boards of directors of the following local school
 19 districts as in existence on January 1, 2003:

- 20 (A) Biggers-Reyno School District in Randolph County;
- 21 (B) Pocahontas School District in Randolph County;
- 22 (C) Maynard School District in Randolph County;
- 23 (D) Walnut Ridge School District in Lawrence County;
- 24 (E) Hoxie School District in Lawrence County;
- 25 (F) Black Rock School District in Lawrence County.

26 (d) On or before July 1, 2003, the State Board of Education shall
 27 adopt a plan to reorganize the school boards of local school districts in the
 28 state according to the plan developed under subsection (a), except no board
 29 shall be reorganized if the reorganization would conflict with an existing
 30 court ordered desegregation plan.

31 (e) The State Board of Education may take actions prior to July 1,
 32 2003, as necessary for an orderly and efficient transition of personnel,
 33 property, and boards of directors on July 1, 2003.

34 (f) Each unified school district and independent school district in
 35 the state shall be a body corporate, may contract and be contracted with, and
 36 may sue and be sued in its corporate name.

1 (g) A certificate showing the name, authenticated by the State Board
2 of Education, shall be filed with the county clerk of the county in which
3 each local school district is located.

4 (h) Beginning July 1, 2006, unified school districts may detach to
5 create new districts if the average daily membership of the unified school
6 district exceeds eight thousand (8,000) students, and both the newly-created
7 district and the previously existing unified school district have an average
8 daily membership in excess of four thousand (4,000).

9
10 6-13-1602. District boards of education.

11 (a) The terms of all members of all local school district boards of
12 directors of all local districts that will be governed by the unified
13 district board of education serving on December 31, 2003, shall expire at
14 midnight December 31, 2003, and new members elected under subsection (b) of
15 this section shall begin their term on January 1, 2004.

16 (b)(1) There is established for each independent school district and
17 each unified school district a district board of directors.

18 (2) The board of directors shall be made up of nine (9) members
19 as follows:

20 (A) One (1) representative from each local school
21 district; and

22 (B) The remaining number of members to be elected at
23 large.

24 (3) The members of the independent school district's board of
25 directors and the unified school district's board of directors shall be
26 elected at the annual school election which shall be held each year on the
27 first Tuesday of November.

28 (c) At the time of the election, and during all times the member is
29 servng on the board of directors, each member shall:

30 (1) Be a qualified elector of the school district which he or
31 she serves, unless the person is elected at large, then he or she shall be a
32 qualified elector of any district in the system; and

33 (2) Not be eligible for employment in any school district in the
34 system for which he or she serves as director.

35 (d)(1) Upon taking office in 2004, the members of the board shall draw
36 lots to determine the length of their terms, and the terms shall be staggered

1 so that the terms of no more than one-third (1/3) of the member's terms
2 expire in the same year.

3 (2) Subsequent terms shall be for three (3) years.

4 (e) The election of members to the district boards of education
5 created by this act shall be held in a manner to comply with the federal
6 Voting Rights Act, in existence on January 1, 2003, and the State Board of
7 Education shall have the authority to modify the election procedures in this
8 section as necessary to comply with the federal Voting Rights Act, in
9 existence on January 1, 2003.

10
11 SECTION 2. (a) Except to the extent of a conflict with section 4 of
12 this act, each independent school district's board of directors and each
13 unified school district's board of directors created by this act shall have
14 the same authority and responsibility as is now or may hereafter be vested in
15 local school boards, and the laws relating to the management and operation of
16 school districts and the authority and responsibility of local school boards
17 shall be applicable to the independent school district's board of directors
18 and each unified school district's board of directors.

19 (b)(1) The Department of Education shall provide training to the
20 members of the board of directors as provided by this section.

21 (2) Incoming members of the board of directors shall be required
22 to complete a concentrated thirty (30) hours of training within sixty (60)
23 days from the annual school election from which they are elected.

24 (3) The Department of Education shall declare vacant the office
25 of a board of directors' member who fails to complete the three-day training
26 program provided under this subsection (b) within the six (6) month period
27 allowed.

28 (4) Vacancies declared under this subsection (b) shall be filled
29 by a majority vote of the board of directors.

30 (c) The training of the board of directors shall include topics
31 relevant to school operations and their responsibilities as board of
32 directors' members, including, but not limited to, legal requirements, role
33 differentiation, financial management, and authorities, and improving student
34 achievement.

35
36 SECTION 3. Each of the school districts created by this act shall

1 assume responsibility for payment of the bonded indebtedness of each former
2 school district of which all or part of the territory is encompassed in the
3 new school district created herein.

4
5 SECTION 4. (a) For the purpose of this section:

6 (1) "Minority" means black or African American, Hispanic
7 American, American Indian or Native American, Asian, and Pacific Islander, or
8 other ethnic groups underrepresented in the school;

9 (2)(A) "School" means an elementary or secondary educational
10 institution that is under the administrative control of a principal or head
11 teacher, and is not a program or part of another school.

12 (B) The term "school" does not include district-operated
13 schools that are:

14 (i) Exclusively vocational-technical, special
15 education, or preschool programs;

16 (ii) Instructional programs operated in institutions
17 or schools outside of the district; or

18 (iii) Alternative schools designed to provide
19 services to at-risk populations with unique needs;

20 (3) "Teacher" means:

21 (A) An individual who is required to hold a teaching
22 license from the department and who is engaged directly in instruction with
23 students in a classroom setting for more than seventy percent (70%) of the
24 individual's contracted time;

25 (B) A guidance counselor; or

26 (C) A librarian; and

27 (4) "Parent" means:

28 (A) A natural parent; or

29 (B) A person with whom the student resides if the person
30 is a stepparent, legal guardian, person in loco parentis, or person who has
31 legal custody of a student under a court order.

32 (b)(1) Each district board of education shall adopt a policy for
33 implementing school-based decision making in the district which shall
34 include, but not be limited to, a description of how the district's policies
35 have been amended to allow the professional staff members of a school to be
36 involved in the decision making process as they work to meet educational

1 goals established by the district board of education, the State Board of
 2 Education, and the General Assembly.

3 (2)(A) The policy may include a requirement that each local
 4 school council make an annual report at a public meeting of the district
 5 board of education describing the school's progress in meeting the
 6 educational goals and district goals established by the board.

7 (B) The policy shall also address and comply with the
 8 requirements of subdivision (b)(3) of this section.

9 (3)(A)(i) Each school shall be required to form a local school
 10 council composed of three (3) parents, three (3) teachers, and the principal
 11 or administrator of the school.

12 (ii) The membership of the council may be increased,
 13 but it may only be increased proportionately.

14 (iii) A parent representative on the council shall
 15 not be an employee or a relative of an employee of the school in which that
 16 parent serves, nor shall the parent representative be an employee or a
 17 relative of an employee in the district administrative offices.

18 (iv) A parent representative shall not be a district
 19 board of education member or a board member's spouse.

20 (B)(i) The teacher representatives shall be elected for
 21 two (2) year terms by a majority of the teachers. A teacher elected to a
 22 local school council shall not be involuntarily transferred during his or her
 23 term of office.

24 (ii) The parent representatives shall be elected for
 25 two (2) year terms. The parent members shall be elected by the parents of
 26 students preregistered to attend the school during the term of office in an
 27 election conducted by the parent and teacher organization of the school or,
 28 if none exists, the largest organization of parents formed for this purpose.

29 (iii) The principal or head teacher shall be the
 30 chair of the local school council.

31 (C)(i) Local school councils in schools having eight
 32 percent (8%) or more minority students enrolled, as determined by the
 33 enrollment on the preceding October 1, shall have at least one (1) minority
 34 member.

35 (ii) If the council in schools having eight percent
 36 (8%) or more minority students enrolled does not have a minority member, the

1 principal, in a timely manner, shall be responsible for carrying out the
 2 following:

3 (a) Organizing a special election to elect an
 4 additional member; calling for nominations, and notifying the parents of the
 5 students of the date, time, and location of the election to elect a minority
 6 parent to the council by ballot; and

7 (b) Allowing the teachers in the building to
 8 select one (1) minority teacher to serve as a teacher member on the council.
 9 If there are no minority teachers who are members of the faculty, an
 10 additional teacher member shall be elected by a majority of all teachers.
 11 Term limitations shall not apply for a minority teacher member who is the
 12 only minority on faculty.

13 (D)(i) The local school council shall have the
 14 responsibility to set school policy consistent with district board policy.
 15 The policy which shall provide an environment to enhance the students'
 16 achievement and help the school meet the goals established by the district
 17 board of education, the State Board of Education, and the General Assembly.

18 (ii) The principal or head teacher shall be the
 19 primary administrator and the instructional leader of the school, and with
 20 the assistance of the total school staff shall administer the policies
 21 established by the local school council and the district board of education.

22 (E)(i) If a local school council establishes committees,
 23 it shall adopt a policy to facilitate the participation of interested
 24 persons, including, but not limited to, classified employees and parents.

25 (ii) The policy shall include the number of
 26 committees, their jurisdiction, composition, and the process for membership
 27 selection.

28 (F) The local school council and each of its committees
 29 shall determine the frequency of and agenda for their meetings. Matters
 30 relating to formation of local school councils that are not provided for by
 31 this section shall be addressed by district board of education policy.

32 (G) The meetings of the local school council shall be open
 33 to the public in accordance with the Arkansas Freedom of Information Act and
 34 all interested persons may attend;

35 (H)(i) After receiving notification of the funds available
 36 for the school from the district board of education, the local school council

1 shall determine, within the parameters of the total available funds, the
2 number of persons to be employed in each job classification at the school.

3 (ii) The council may make personnel decisions on
4 vacancies occurring after the local school council is formed, but shall not
5 have the authority to recommend transfers or dismissals;

6 (I)(i)(a) The personnel policies of each district shall
7 remain in effect until school personnel policies are adopted by the local
8 school councils.

9 (b) Within the first year of the local school
10 council, the council shall vote to adopt personnel policies for the school in
11 accordance with the provisions of Arkansas Code § 6-17-205(b).

12 (c) All proposals on personnel policies shall
13 be presented no later than thirty (30) days before the end of the regular
14 school year while teachers are at work and therefore available to consider
15 the proposals.

16 (d) Policies which the local school council
17 adopts during the transition shall be implemented in accordance with Arkansas
18 Code § 6-17-204(b).

19 (ii)(a) Within the first thirty (30) days of the
20 first day of school after the creation of an independent school board of
21 education or a unified school district board of education, the classroom
22 teachers of each school shall conduct an election pursuant to Arkansas Code §
23 6-17-203 for the creation of a committee on personnel policies for each
24 school.

25 (b) Within ninety (90) days of the election of
26 a committee on personnel policies, the committee shall submit proposed
27 personnel policies for consideration by the school board.

28 (J)(i) From a list of applicants submitted by the local
29 superintendent, the principal at the participating school shall select
30 personnel to fill vacancies, after consultation with the local school
31 council. The superintendent shall provide additional applicants upon request
32 when qualified applicants are available;

33 (ii) Requests for transfer shall conform to any
34 employer-employee bargained contract which is in effect.

35 (iii) If the vacancy to be filled is the position of
36 principal, the local school council shall select the new principal from among

1 those persons recommended by the local superintendent.

2 (iv) When a vacancy in the position of school
 3 principalship occurs, the local school council shall receive training in
 4 recruitment and interviewing techniques prior to carrying out the process of
 5 selecting a principal. The council shall select the trainer to deliver the
 6 training.

7 (v) Personnel decisions made at the school level
 8 under the authority of this subsection shall be binding on the superintendent
 9 who completes the hiring process.

10 (K) The district board of education shall adopt policies
 11 to assign the following duties to the local school councils:

12 (i) Implementation of school policy, district
 13 policies, and state and federal mandates, compliance with requirement to
 14 provide an adequate education consistent with state law, and making
 15 recommendations to the district board concerning their local schools;

16 (ii) Determining the school's curriculum, including
 17 needs assessment, curriculum development, and aligning the school curriculum
 18 with the state standards;

19 (iii) Determining the technology necessary to
 20 enhance learning and promoting the use of technology by students and teachers
 21 in the school;

22 (iv) Assigning students to classes and programs
 23 within the school;

24 (v) Developing the school day and school week
 25 schedule according to the school calendar adopted by the district board;

26 (vi) Determining the most efficient use of space
 27 available in the school;

28 (vii) Planning and resolution of issues regarding
 29 instructional practices;

30 (viii) Selection and implementation of discipline
 31 and classroom management techniques, including the responsibilities of the
 32 student, parent, teacher, counselor, and principal;

33 (ix) Selection of extracurricular programs and
 34 determination of policies relating to student participation based on academic
 35 qualifications and attendance requirements, program evaluations, and
 36 supervision;

1 (x) Determining, within limitation of the district
2 budget, how many individuals will be employed in the school;

3 (xi) Selection of the principal from a list
4 containing a minimum of three (3) persons recommended by the superintendent;

5 (xii) Approval of certified and noncertified staff
6 for the school selected by the principal;

7 (xiii) Selection of instructional materials, student
8 support services, and exercises any other authority as may be set out in
9 district policy; and

10 (xiv)(a) Annual review data on its students'
11 performance as shown by the Arkansas Comprehensive Testing, Assessment and
12 Accountability Program.

13 (b) The data shall include, but not be limited
14 to, information on performance levels of all students tested, and information
15 on the performance of students disaggregated by race, gender, disability, and
16 participation in the federal free and reduced price lunch program;

17 (xv)(a) Adoption of a plan to ensure that each
18 student makes progress toward meeting the goals by the district's local board
19 of education, the State Board of Education, and the General Assembly.

20 (b) The Department of Education shall provide
21 each local school council the data needed to complete the review required by
22 subdivisions (b)(3)(L)(xiv) no later than December 31 of each year; and

23 (xvi)(a) Selection of textbooks, instructional
24 materials, and student support services shall be provided in the school.

25 (b) Subject to available resources, the
26 district board of education shall allocate an appropriation to each school
27 that is adequate to meet the school's needs related to instructional
28 materials and school-based student support services, as determined by the
29 local school council.

30 (c) The local school council shall consult
31 with the school media librarian on the maintenance of the school library
32 media center, including the purchase of instructional materials, information
33 technology, and equipment.

34 (L) The policy adopted by the district board of education
35 to implement school-based decision making shall also address the following:

36 (i) School budget and administration, including,

1 discretionary funds, activity and other school funds, funds for maintenance,
 2 supplies, and equipment, and procedures for authorizing reimbursement for
 3 training and other expenses;

4 (ii) Assessment of individual student progress,
 5 including testing and reporting of student progress to students, parents, the
 6 school district, the community, and the state;

7 (iii) School improvement plans;

8 (iv) Professional development plans;

9 (v) Parent, citizen, and community participation
 10 including the relationship of the council with other groups;

11 (vi) Cooperation and collaboration within the
 12 district, with other districts, and with other public and private agencies;

13 (vii) Requirements for waiver of district policies;

14 (viii) Requirements for record keeping by the local
 15 school council; and

16 (ix) A process for appealing a decision made by a
 17 local school council.

18 (4)(A) In addition to the authority the district board of
 19 education is required to grant to the local school council in this section,
 20 the district board of education may grant to the local school council any
 21 other authority permitted by law.

22 (B) The district board of education shall make available
 23 liability insurance coverage for the protection of all members of the local
 24 school council from liability arising in the course of pursuing their duties
 25 as members of the council.

26 (c)(1)(A) An affected party who believes a violation of this
 27 subsection has occurred may file a written complaint with the Department of
 28 Education.

29 (B) The office shall investigate the complaint and resolve
 30 the conflict, if possible, or forward the matter to the State Board of
 31 Education.

32 (2)(A) If the state board determines a violation has occurred,
 33 the party shall be subject to reprimand.

34 (B) A second violation of this subsection may be grounds
 35 for removing a superintendent, a member of a local school council, or a
 36 school board member from office, or grounds for dismissal of an employee for

1 misconduct in office or willful neglect of duty.

2
3 SECTION 5. Local School Council Training.

4 (a)(1) Training of local school council members shall be provided at
5 the direction of the Department of Education.

6 (2) Incoming local school council members shall be required to
7 complete a concentrated thirty (30) hours of training with sixty (60) days of
8 taking office.

9 (3) The Department of Education shall declare vacant the office
10 of a local school council member who fails to complete the concentrated
11 thirty (30) hours of training provided for under this section within the six
12 (6) month period allowed.

13 (4) Vacancies declared under this section shall be filled by a
14 majority vote of the local school council.

15 (b) Training of the local school council shall include topics relevant
16 to school operations and their responsibilities as local school council
17 members, including, but not limited to, legal requirements, role
18 differentiation, financial management, and authorities, and improving student
19 achievement.

20
21 SECTION 6. Effective January 1, 2004, Arkansas Code § 6-13-608 is
22 repealed.

23 ~~6-13-608. Length of directors' terms. [Effective July 1, 2000.]~~

24 ~~(a) All members of a school district board of directors shall be~~
25 ~~elected to a term of office of not less than three (3) years nor more than~~
26 ~~five (5) years in length and with the expiration of such terms so arranged~~
27 ~~that, as nearly as possible, an equal number of positions are filled each~~
28 ~~year. All members of a school district board of directors shall have terms~~
29 ~~of office of equal length.~~

30 ~~(b) [Repealed.]~~

31 ~~(c) [Repealed.]~~

32
33 SECTION 7. Effective January 1, 2004, Arkansas Code § 6-13-614 is
34 repealed.

35 ~~6-13-614. Districts with five directors and fewer than 150 pupils—~~
36 ~~Vacancies on board.~~

1 ~~In any school district in this state required by § 6-13-602 [repealed]~~
 2 ~~to elect and maintain five (5) directors, no vacancy caused by expiration of~~
 3 ~~the term of a member of the board or otherwise shall be filled when the~~
 4 ~~number of pupils officially enumerated in the district next before the~~
 5 ~~vacancy does not exceed one hundred fifty (150) until it is necessary to fill~~
 6 ~~the vacancy in order that the district may have a board of directors~~
 7 ~~consisting of three (3) members.~~

8
 9 SECTION 8. Effective January 1, 2004, Arkansas Code § 6-13-615 is
 10 repealed.

11 ~~6-13-615. Local option to elect directors from single member zones.~~

12 ~~(a)(1) Qualified electors of a school district may, by petition, have~~
 13 ~~placed on the ballot of any annual school election the issue to determine~~
 14 ~~whether to elect the school district board of directors from single member~~
 15 ~~zones.~~

16 ~~(2) The petitions calling for such an issue to be placed on the~~
 17 ~~ballot shall be signed by not less than ten percent (10%) of the qualified~~
 18 ~~electors of the district, based upon the total number of registered voters in~~
 19 ~~the district.~~

20 ~~(3) The petitions may be circulated between ninety (90) days and~~
 21 ~~forty five (45) days prior to the election date.~~

22 ~~(4) The petitions shall be filed with the county election~~
 23 ~~commission of the county in which the largest portion of the school district~~
 24 ~~lies.~~

25 ~~(b)(1) Within ten (10) days of the receipt and verification of the~~
 26 ~~sufficiency of the petitions, the county election commission shall notify the~~
 27 ~~board of directors of the affected school district that the issue shall be~~
 28 ~~placed on the ballot of the next school election.~~

29 ~~(2) The county election commission shall specify the wording of~~
 30 ~~the ballot to be used to determine whether to elect the school district board~~
 31 ~~of directors from single member zones.~~

32 ~~(c) If a majority of the qualified electors of the school district~~
 33 ~~shall vote for the election of the school district board of directors from~~
 34 ~~single member districts, the county election commission of the county in~~
 35 ~~which the largest portion of the school district lies shall establish, within~~
 36 ~~the school district, boundaries for the election of directors of the school~~

1 board which shall have substantially equal population based on the most
2 recent available census information and from which racial minorities may be
3 represented on the board in proportions reflected in the district population
4 as a whole.

5 (d) ~~The members of the board of directors of the school district shall~~
6 ~~be elected for a three year term. Provided, any member of the board shall~~
7 ~~hold office until his successor has been elected and qualified. A member of~~
8 ~~the board who is qualified to serve the zone he represents may succeed~~
9 ~~himself.~~

10 (e)(1) ~~Following the election, the new school district board of~~
11 ~~directors at their initial meeting shall, by lot, establish their initial~~
12 ~~terms so that an equal number of positions are filled each year and not more~~
13 ~~than three (3) members' terms expire each year.~~

14 (2) ~~The regular term of office for the school district board of~~
15 ~~directors elected after the initial election following the decision to elect~~
16 ~~from single member zones shall be the same as the term of the school district~~
17 ~~board of directors of the district prior to the change in the method of~~
18 ~~election of the school district board of directors.~~

19
20 SECTION 9. Arkansas Code § 6-13-617 is amended to read as follows:
21 6-13-617. Oath.

22 (a) Each director elected or appointed shall, within ten (10) days
23 after receiving notice of his or her election or appointment, subscribe to
24 the following oath:

25 "I, _____, do hereby solemnly swear or affirm, that I will
26 support the Constitution of the United States and the Constitution of the
27 State of Arkansas, and that I will not be interested, directly or indirectly,
28 in any contract made by the district of which I am a director, except as
29 permitted by state law and that I will faithfully discharge the duties as
30 school director in _____ School District, No. _____ of
31 _____ County, Arkansas _____ School District No. _____,
32 upon which I am about to enter."

33 (b) The county clerk, upon receipt of the oath prescribed for a
34 director, shall immediately commission such persons, and they shall enter at
35 once upon their duties as directors.

36

1 SECTION 10. Arkansas Code § 6-13-618(a), concerning the organization
 2 of the school district board of directors, is amended to read as follows:

3 (a) At the first meeting following the November 2003 school election,
 4 the member receiving the most votes in the election shall serve as president
 5 for the purpose of calling an organizational meeting to be held not later
 6 than the second Monday in January, and shall preside as president at that
 7 meeting until the board shall elect one (1) member to be president, and at
 8 that meeting and at the first regular meeting following the annual school
 9 election thereafter, the board of directors of each school district shall
 10 organize by electing:

- 11 (1) One (1) of their number president;
- 12 (2) One (1) of their number vice president; and
- 13 (3) A secretary who may, but need not be, a member of the board.

14
 15 SECTION 11. Arkansas Code § 6-13-631 is repealed.

16 ~~6-13-631. Effect of minority population on election.~~

17 ~~(a) Beginning with the 1994 annual school election, the qualified~~
 18 ~~electors of a school district having a ten percent (10%) or greater minority~~
 19 ~~population out of the total population, as reported by the most recent~~
 20 ~~federal decennial census information, shall elect the members of the board of~~
 21 ~~directors as authorized in this section, utilizing selection procedures in~~
 22 ~~compliance with the federal Voting Rights Act of 1965, as amended.~~

23 ~~(b)(1) At least ninety (90) days before the election, the local board~~
 24 ~~of directors shall:~~

25 ~~(A) By resolution, choose to elect board members from five~~
 26 ~~(5) or seven (7) single member zones or from five (5) single member zones and~~
 27 ~~two (2) at large; and~~

28 ~~(B) With the approval of the controlling county board of~~
 29 ~~election commissioners, divide each school district having a ten percent~~
 30 ~~(10%) or greater minority population into five (5) or seven (7) single member~~
 31 ~~zones in accordance with the federal Voting Rights Act of 1965, as amended.~~

32 ~~(2) Zones shall have substantially equal population, with~~
 33 ~~boundaries based on the most recent available federal decennial census~~
 34 ~~information.~~

35 ~~(c) A board of directors choosing to elect board members by five (5)~~
 36 ~~single member zones and two (2) at large positions may fill the two (2) at-~~

1 ~~large positions by drawing lots from among the current board members.~~

2 ~~(d)(1)(A)—A candidate for election from a single member zone must be a~~
 3 ~~qualified elector and a resident of the zone.~~

4 ~~(B)—A candidate for an at large position must be a~~
 5 ~~qualified elector and a resident of the district.~~

6 ~~(2)(A)—Except as provided in subsection (e) of this section, a~~
 7 ~~district board member shall serve a five year term.~~

8 ~~(B)—A term shall commence when the county court declares~~
 9 ~~the results of the election by an order entered of record.~~

10 ~~(e)—At the first meeting of a new board of directors, the members~~
 11 ~~shall establish initial terms by lot so that, to the extent possible, an~~
 12 ~~equal number of positions are filled each year and not more than two (2)~~
 13 ~~members' terms expire each year.~~

14 ~~(f)(1)—After each federal decennial census and at least ninety (90)~~
 15 ~~days before the annual school election, the local board of directors, with~~
 16 ~~the approval of the controlling county board of election commissioners, shall~~
 17 ~~divide each school district having a ten percent (10%) or greater minority~~
 18 ~~population into single member zones. The zones shall be based on the most~~
 19 ~~recent federal decennial census information and be substantially equal in~~
 20 ~~population.~~

21 ~~(2)—At the annual school election following the rezoning, a new~~
 22 ~~school board shall be elected in accordance with procedures set forth in this~~
 23 ~~section.~~

24 ~~(g)(1)—The following school districts shall be exempt from the~~
 25 ~~provisions of this section:~~

26 ~~(A)—A school district that is currently operating under a~~
 27 ~~federal court order enforcing school desegregation or the federal Voting~~
 28 ~~Rights Act of 1965, as amended;~~

29 ~~(B)—A school district that is operating under a~~
 30 ~~preconsolidation agreement that is in compliance with the federal Voting~~
 31 ~~Rights Act of 1965, as amended;~~

32 ~~(C)—A school district that has a zoned board meeting the~~
 33 ~~requirements of the federal Voting Rights Act of 1965, as amended; and~~

34 ~~(D)—A school district that a federal court has ruled is~~
 35 ~~not in violation of the federal Voting Rights Act of 1965, as amended, so~~
 36 ~~long as the court order is in effect.~~

1 ~~(2) A school district which on August 13, 1993, was in the~~
 2 ~~process of defending a lawsuit brought under the federal Voting Rights Act of~~
 3 ~~1965, as amended, shall also be exempt from the provisions of this section~~
 4 ~~until such time as the lawsuit has been finally resolved.~~

5 ~~(3)(A) A school district released from operating under a federal~~
 6 ~~court order enforcing school desegregation shall comply with the provisions~~
 7 ~~of this section.~~

8 ~~(B) The district shall use the most recent federal~~
 9 ~~decennial census information to create zones pursuant to this section within~~
 10 ~~one hundred eighty (180) calendar days after the release from the court~~
 11 ~~order.~~

12 ~~(h)(1) On or before August 1, 2002, and every decade thereafter, each~~
 13 ~~and every school district shall submit to the Department of Education a~~
 14 ~~letter stating whether or not its school board falls under this section. In~~
 15 ~~that same letter, each school district that falls under this section shall~~
 16 ~~state how it has complied with this section. Furthermore, in the same~~
 17 ~~letter, any school district that believes that it is exempt from this section~~
 18 ~~shall state under which provision it is exempt.~~

19 ~~(2) The department shall withhold twenty percent (20%) of the~~
 20 ~~annual state funds allocation to a school district not in compliance with~~
 21 ~~this section.~~

22 ~~(i) The State Board of Education is hereby authorized to adopt rules~~
 23 ~~and regulations necessary for the implementation of this section.~~

24
 25 SECTION 12. Effective January 1, 2004, Arkansas Code § 6-13-634 is
 26 repealed.

27 ~~6-13-634. School district board of directors—Size.—[Effective July~~
 28 ~~1, 2000.]~~

29 ~~(a) As of July 1, 2000, all school districts shall have a board of~~
 30 ~~directors with no fewer than five (5) and no more than seven (7) members, or~~
 31 ~~no more than nine (9) members in the case of a school district having an~~
 32 ~~average daily attendance of twenty four thousand (24,000) or more.~~

33 ~~(b) Subsection (a) of this section shall not apply to those school~~
 34 ~~districts which have a board of directors of more than seven (7) members, or~~
 35 ~~no more than nine (9) members in the case of a school district having an~~
 36 ~~average daily attendance of twenty four thousand (24,000) or more, if that~~

1 ~~school district is operating under a court order or a consolidation agreement~~
 2 ~~that provides for a board of directors.~~

3
 4 SECTION 13. Arkansas Code § 6-14-102 is amended to read as follows:

5 6-14-102. Annual school election date - Special school election.

6 (a) The annual school election shall be held in each school district
 7 of the state on the ~~third~~ first Tuesday in ~~September~~ November.

8 (b) The election shall be held so that one (1) person from each school
 9 district is elected to serve on the board of directors of the school system.

10 ~~(b) The board of directors of any school district shall have the~~
 11 ~~authority to hold the annual school election on a date other than that fixed~~
 12 ~~by law provided that:~~

13 ~~(1)(A) The proposed budget of expenditures for the previous~~
 14 ~~year, as published, incorrectly stated a proposed expenditure or rate of tax~~
 15 ~~levy, as set forth in a certificate or certificates signed by each member of~~
 16 ~~the board of directors, or was not published within the time required by law;~~

17 ~~(B) The district has suffered damage to its physical~~
 18 ~~facilities in an amount exceeding one hundred twenty five thousand dollars~~
 19 ~~(\$125,000) as a result of fire or other natural disaster and the board of~~
 20 ~~directors has determined that the proceeds of insurance on those facilities~~
 21 ~~will be insufficient to restore or replace the facilities; or~~

22 ~~(C) The district will lose state aid because of a court~~
 23 ~~decision or legislation enacted by the General Assembly, and the board of~~
 24 ~~directors takes action to change the date of the annual school election to~~
 25 ~~consider a millage increase no less than sixty (60) days after the court's~~
 26 ~~decision or the effective date of the legislation;~~

27 ~~(2) All constitutional and statutory requirements for the annual~~
 28 ~~school election are met; and~~

29 ~~(3) The date of the election is approved by the Director of the~~
 30 ~~Department of Education.~~

31 ~~(c)(1) In any election year, if no more than one (1) candidate for~~
 32 ~~school district director presents a petition or notice in writing to the~~
 33 ~~county board of election commissioners as required by § 6-14-111, and if~~
 34 ~~there are no other ballot issues to be submitted to district electors for~~
 35 ~~consideration, the board of directors of any school district, by resolution~~
 36 ~~duly adopted, may request the county board of election commissioners to~~

1 ~~reduce the number of polling places.~~

2 ~~(2) The county board of election commissioners shall provide at~~
 3 ~~least one (1) polling place.~~

4 ~~(3) In a county that uses voting machines or electronic voting,~~
 5 ~~the county board of election commissioners may choose to use paper ballots~~
 6 ~~for the election.~~

7 ~~(d) The board of directors of any school district shall have the~~
 8 ~~authority to request the county board of election commissioners to call a~~
 9 ~~special election for the purpose of considering a rate of tax for additional~~
 10 ~~millages for maintenance and operations or for debt service as authorized by~~
 11 ~~Arkansas Constitution, Amendment 74, provided that:~~

12 ~~(1) All constitutional and statutory requirements for a special~~
 13 ~~school election are met; and~~

14 ~~(2) The date of the election is approved by the director.~~

15
 16 SECTION 14. Arkansas Code § 6-14-106 is amended to read as follows:

17 6-14-106. Polling places.

18 (a) The county board of election commissioners of each county shall
 19 designate all the polling sites for each school district in its respective
 20 county, ~~including districts having territory in more than one (1) county but~~
 21 ~~which are domiciled in its county for administrative purposes,~~ and shall
 22 provide the election supplies and appoint the election officials for holding
 23 all school elections.

24 ~~(b)(1) If a school district has territory in more than one (1) county,~~
 25 ~~the county board of election commissioners of the county in which it is~~
 26 ~~domiciled shall either: The county board of elections shall designate no less~~
 27 ~~than one (1) polling place in a school district.~~

28 ~~(2) The county board of elections shall designated the same~~
 29 ~~polling places for the annual school elections and the general elections in~~
 30 ~~years that both elections are held.~~

31 ~~(1) Designate one (1) or more polling sites in each county in~~
 32 ~~which any part of the district lies; or~~

33 ~~(2) Designate one (1) or more polling sites in the county in~~
 34 ~~which the district is domiciled for administrative purposes, at which all~~
 35 ~~qualified electors of the district, regardless of their county of residence,~~
 36 ~~may vote.~~

1 ~~(e) When the county board of election commissioners of any county in~~
 2 ~~which a district is domiciled for administrative purposes determines that a~~
 3 ~~polling site shall not be designated in the other county in which a portion~~
 4 ~~of the district lies, it shall designate a polling site in the county in~~
 5 ~~which the district is administered for those electors of the district in the~~
 6 ~~other county to vote. The board shall take appropriate action to assure that~~
 7 ~~the necessary precinct registration files are delivered to that polling site~~
 8 ~~in order that the electors in the nonadministering county may vote in the~~
 9 ~~school election.~~

10 ~~(d)~~(c) The board of directors of each school district shall cause to
 11 be published, by at least one (1) insertion in a newspaper with general
 12 circulation in the county wherein the school district is located, not more
 13 than ten (10) days nor less than three (3) days prior to any school election,
 14 a notice identifying the polling site for each ward or precinct. If the
 15 polling site for any ward or precinct has changed since the last election,
 16 the notice shall indicate the change.

17
 18 SECTION 15. Arkansas Code § 6-17-301 is amended to add new subsections
 19 to read as follows:

20 6-17-301. Employment of certified personnel.

21 (a) District school boards may employ superintendents, deputy
 22 superintendents, assistant superintendents, and high school principals, as
 23 well as department heads, coaches, teachers, and other certified personnel,
 24 by written contract for a period of time not more than three (3) years.

25 (b) Such contracts may be renewed annually.

26 (c) Beginning on the effective date of this subsection (c), no
 27 contract between a school district and a superintendent, deputy
 28 superintendent, or assistant superintendent shall be valid and enforceable by
 29 the employee unless the contract contains a provision allowing termination of
 30 the contract if the superintendent, deputy superintendent, or assistant
 31 superintendent, has his or her job terminated because of consolidation or an
 32 action of the General Assembly or State Board of Education.

33 (d) Any employee, superintendent, deputy superintendent, assistant
 34 superintendent, or high school principal, as well as department heads,
 35 coaches, teachers, and other certified personnel, whose written contract for
 36 employment is with a district reorganized as a unified district under this

1 act shall be:

2 (1) Compensated in accordance with the terms of the contract;

3 and

4 (2) Allowed to amend the contract to continue employment under
5 the unified district as agreed to by the employee and the newly created local
6 board of education.

7

8 SECTION 16. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended
9 to read as follows:

10 6-17-201. Requirement.

11 (a) Each school district board of education in the state shall have a
12 set of written personnel policies, including the teacher salary schedule.

13 (b)(1) No school district shall receive in any year any funds from the
14 Public School Fund until ~~such~~ the district board of education has filed by
15 the established deadline its current personnel policies including any salary
16 schedules, as required by this subchapter, signed by the president of the
17 board.

18 (2) The policy and schedules shall be filed with the Department
19 of Education no later than September 15 of each year.

20 (c) The department shall notify any district that has not filed such
21 policies in accordance with this section.

22

23 6-17-202. Applicability.

24 (a) The provisions of this subchapter shall not apply in any district
25 which chooses to officially recognize in its policies an organization
26 representing the majority of the teachers of the district for the purpose of
27 negotiating personnel policies, salaries, and educational matters of mutual
28 concern under a written policy agreement.

29 (b) School boards or their representatives shall not take or threaten
30 actions which interfere with, restrain, or coerce a teacher in the exercise
31 of the teacher's right to have an organization represent a majority of the
32 teachers as set forth in this section.

33

34 6-17-203. Committee for each school district.

35 (a) Each school district board of education shall have a committee on
36 personnel policies which shall consist of no fewer than five (5) classroom

1 teachers, and no more than three (3) administrators, one (1) of which may be
 2 the superintendent.

3 (b) The classroom teacher members of each ~~district's~~ committee on
 4 personnel policies shall be elected by a majority of the classroom teachers
 5 voting by secret ballot. The election shall be solely and exclusively
 6 conducted by the classroom teachers, including the distribution of ballots to
 7 all classroom teachers.

8

9 6-17-204. Incorporation into teachers' contracts.

10 (a) The personnel policies of all school ~~districts~~ district boards of
 11 education shall be considered to be incorporated as terms of the certified
 12 personnel contracts and shall be binding upon the certified personnel and the
 13 district board of education and local school council.

14 (b)(1) Any changes or additions to the personnel policies shall not be
 15 considered a part of certified personnel contracts until the next fiscal
 16 year.

17 (2)(A) Any changes or additions to the personnel policies may
 18 take effect before the next fiscal year only if the changes or additions are
 19 approved by a majority of the certified personnel employed by the district
 20 voting by secret ballot.

21 (B) The voting and counting shall be conducted by the
 22 personnel policy committee.

23 (3) All changes or additions to the personnel policies or new
 24 personnel policies shall be made in accordance with this subchapter.

25 (c)(1)(A) A district board of education may adopt a uniform policy, in
 26 accordance with this subchapter, limiting the number of past years'
 27 experience for which all newly employed certified personnel will receive
 28 credit on the salary schedule.

29 (B) The policy shall be written so that a prospective
 30 certified employee can determine his or her placement on the salary schedule.

31 (2) A school district board of education shall adopt, in
 32 accordance with this subchapter, a supplement to the salary schedule for
 33 those certified staff employed longer than the period covered by the salary
 34 schedule and for duties in addition to certified employees' regular teaching
 35 assignments.

36 (3) Compensation policies approved by the personnel policy

1 committee shall not apply to the chief administrator who is charged with
 2 administration of salary policy for all employees.

3 (4) No certified person may waive payment according to the
 4 salary schedule.

5 (d) Under the provisions of The Educator's Compensation Act of 2001, §
 6 6-17-2101 et seq., § 6-5-307(a), and § 6-20-412, no school district shall be
 7 prohibited from paying certified staff additional salary increases as a
 8 supplement to the salary schedule even though the certified staff is not
 9 employed an additional time period longer than the period covered by the
 10 salary schedule or required to perform duties in addition to the certified
 11 employees' regular teaching assignments.

12
 13 6-17-205. Organization and duties of committee.

14 (a)(1) Each school district's committee on personnel policies shall
 15 organize itself in the first quarter of each school year and elect a chairman
 16 and a secretary.

17 (2) The committee shall develop a calendar of meetings
 18 throughout the year to review the district's personnel policies in order to
 19 determine whether additional policies or amendments to existing policies are
 20 needed and to review any proposed distribution of a salary underpayment from
 21 previous years.

22 (3) Minutes of the committee meetings shall be promptly reported
 23 and distributed to members of the board and posted in the buildings of the
 24 district, including the administrative offices.

25 (b)(1) Either the committee or the board of directors may propose new
 26 personnel policies or amendments to existing policies if the proposals by the
 27 board have been submitted to the committee at least ten (10) working days
 28 prior to presentation to the board.

29 (2) The superintendent may recommend any changes in personnel
 30 policies to the board of directors or to the personnel policies committee.
 31 The recommendations shall become proposals if adopted by either the ~~board~~
 32 district board of education, local school council, or the committee.

33 (c) The chair of the committee or a committee member designated by the
 34 chair will have the opportunity to orally present the committee's proposed
 35 policies or amendments to existing policies to the ~~board of directors~~
 36 district board of education.

1 (d) After presentation to the ~~board~~ local school council, the ~~board~~
 2 local school council shall take action no later than its next regular board
 3 meeting.

4 (e) The ~~board of directors~~ district board of education shall have the
 5 authority to adopt, reject, or refer back to the committee on personnel
 6 policies for further study and revision any proposed policies or amendments
 7 to existing policies that are submitted to the ~~board~~ district board of
 8 education for consideration.

9
 10 6-17-206. Copies furnished teachers and administrators.

11 (a) Each teacher or administrator being employed by a school ~~district~~
 12 for the first time shall be given a copy of the ~~district's~~ district board of
 13 education's personnel policies in effect at the time of his employment.

14 (b) Each teacher or administrator who was employed before July 20,
 15 1987, shall be given a copy of the ~~district's~~ district board of education's
 16 personnel policies at the time his contract is renewed or extended.

17 (c) Each teacher or administrator shall be furnished a copy of any
 18 amendments to the personnel policies within thirty (30) days after approval
 19 of the amendments by the ~~board of directors of the district~~ district board of
 20 education.

21
 22 6-17-207. Accreditation of district.

23 No ~~district~~ district board of education which does not have written
 24 personnel policies shall be accredited by the Department of Education.

25
 26 6-17-208. Grievance procedure.

27 (a)(1) It is the public policy of the State of Arkansas that each
 28 school district board of education shall have a written grievance procedure
 29 which provides for an orderly method of resolving concerns raised by an
 30 employee at the lowest possible administrative level.

31 (2)(A) "Grievance" means any concern related to personnel
 32 policies or salary raised by an employee; and

33 (B) "Employee" means a person employed by a school
 34 ~~district~~ under a written contract.

35 (b)(1) The grievance policy shall at least include the following
 36 provisions:

1 (A) A procedure for resolving the matter informally with
2 the employee's immediate supervisor;

3 (B) A procedure to appeal in writing an unsatisfactorily
4 resolved grievance from the immediate supervisor to the superintendent of
5 schools or his or her designee;

6 (C)(i) A procedure to appeal in writing an
7 unsatisfactorily resolved grievance from the superintendent or his or her
8 designee to the ~~school board~~ district board of education at the next
9 regularly scheduled school board meeting unless both parties have agreed to a
10 different date.

11 (ii) The hearing shall be open or closed at the
12 discretion of the employee.

13 (iii) If the hearing is open, the parent or guardian
14 of any student under the age of eighteen (18) years who gives testimony may
15 elect to have the student's testimony given in a closed session; and

16 (D) The right of all parties to be represented by a person
17 of his or her own choosing, at least at the school board level of the
18 procedure.

19 (2)(A) The determination by the principal, superintendent, or
20 their designees that the concern expressed by the employee is not a grievance
21 may be appealed to the ~~school board~~ district board of education for a final
22 decision.

23 (B) At the hearing, the employee shall have an adequate
24 opportunity to present the grievance, and both parties shall have the
25 opportunity to present and question witnesses.

26 (c) The grievance policy shall be adopted in accordance with this
27 subchapter and other applicable policies of the district board of education.

28
29
30
31
32
33
34
35
36