

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

As Engrossed: S2/27/03

A Bill

SENATE BILL 317

5 By: Senators Miller, *Laverty, Glover, J. Jeffress, Critcher, G. Jeffress, Wilkins, J. Bookout, T. Smith*
6
7

For An Act To Be Entitled

9 AN ACT PERTAINING TO STATE SCHOOL STANDARDS; TO
10 PROVIDE FOR AN ADEQUATE AND EFFICIENT EDUCATION
11 IN ARKANSAS SCHOOLS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT PERTAINING TO STATE SCHOOL
14 STANDARDS; TO PROVIDE FOR AN ADEQUATE
15 AND EFFICIENT EDUCATION IN ARKANSAS
16 SCHOOLS.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

24 6-13-1601. Definitions:

25 For the purpose of this subchapter:

26 (1) "Minority" means black or African American, Hispanic American,
27 American Indian or Native American, Asian, and Pacific Islander, or other
28 ethnic group underrepresented in a school;

29 (2)(A) "Individual school" means a public elementary or secondary
30 educational institution that is under the administrative control of a
31 principal or head teacher.

32 (B) "Individual school" does not include any school that is:

33 (i) Exclusively a preschool program; or

34 (ii) An instructional program operated in a correctional
35 facility; and

36 (3) "Teacher" means:



1 (A) An individual who is required to hold a teaching license
2 from the Department of Education, and who is engaged directly in instruction
3 with students in a classroom setting for more than seventy percent (70%) of
4 the individual's contracted time;

5 (B) A guidance counselor; or

6 (C) A librarian.

7
8 6-13-1602. Standards for education.

9 (a) On or before January 1, 2004, every school district in the state
10 shall:

11 (1) Meet all requirements of the Standards for Accreditation of
12 Arkansas Public Schools, comply with state laws, and State Board of Education
13 regulations in existence on January 1, 2003;

14 (2) Meet or exceed all curriculum requirements of the Standards
15 for Accreditation of Arkansas Public Schools, in effect on January 1, 2003;

16 (3) Pay every teacher in the school district in accordance with
17 the minimum base salary under § 6-17-1001, as in effect on January 1, 2003;

18 (4) Provide educational facilities that meet all local, state,
19 and federal building codes and other facility requirements in existence on
20 January 1, 2003;

21 (5) Provide teachers and students with sufficient textbooks,
22 supplies, scientific laboratory equipment, and other equipment needed to
23 allow meaningful participation during instructional periods;

24 (7) Have a student level of proficiency as defined by the State
25 Board of Education, under the Arkansas Comprehensive Testing and Assessment
26 and Accountability Program or meet adequate yearly progress standards as
27 defined in the Arkansas Comprehensive Testing and Assessment and
28 Accountability Program;

29 (8) Adopt a parental involvement plan to enhance parental
30 involvement in the school district, which shall be approved by the State
31 Board of Education; and

32 (9) Establish a task force to research and adopt a plan to close
33 the academic achievement gap for minority and disadvantaged students.

34 (b) On or before January 1, 2006, every school district in the state
35 shall:

36 (1) Meet all laws and regulations as may be adopted by the

1 General Assembly as necessary to ensure that schools provide students with an
2 adequate education and equality of educational opportunity;

3 (2) Meet curriculum requirements as may be required by the
4 General Assembly by law, as necessary to ensure that schools have
5 substantially equal curricula necessary to provide students with an adequate
6 education and to provide equality of educational opportunity;

7 (3) Pay every teacher in accordance with laws as may be adopted
8 by the General Assembly as necessary to ensure that teachers are paid
9 substantially equal salaries in an amount to ensure the quantity and quality
10 of teachers necessary to provide students with an adequate education and to
11 provide equality of educational opportunity;

12 (4) Provide educational facilities as may be required by the
13 General Assembly by law as necessary to ensure that schools have
14 substantially equal facilities necessary to provide students with an adequate
15 education and to provide equality of educational opportunity;

16 (5) Provide equipment required by the General Assembly by law as
17 necessary to ensure that schools have substantially equal equipment necessary
18 to provide students with an adequate education and to provide equality of
19 educational opportunity; and

20 (6) Comply with all requirements of the system or method of
21 assessment, evaluation, and monitoring as may be required by the General
22 Assembly by law to ensure that equal educational opportunity for an adequate
23 education is being substantially afforded to all students in the district.

24 (c) School districts shall meet the requirements of this section with
25 the current level of federal and state funding the district receives,
26 including the funding provided as a result of subsection (b) of Amendment 74
27 to the Arkansas Constitution, or within the amount of state and federal funds
28 to be provided to school districts based upon the cost of an adequate
29 education as may be determined by the General Assembly by law as necessary to
30 provide equality of educational opportunity.

31 (d) School districts may consolidate, annex, or detach under §§ 6-13-
32 1401 through 6-13-1501, and school districts that do voluntarily consolidate,
33 annex, or detach shall receive consolidation incentive funding as may be
34 determined by the General Assembly.

35 (e) No school district shall be required to abide by future
36 modifications in the existing standards until those modifications have been

1 approved by the General Assembly.

2
3 6-13-1603. Consolidation requirements.

4 (a)(1) Before May 1, 2006, the State Board of Education shall
5 determine whether each school district, and each individual school in the
6 district, is in full compliance with the provisions of this subchapter.

7 (2)(A) Any school district that is not in full compliance with
8 meeting the standards of this subchapter shall be consolidated with the
9 school district or districts that are:

10 (i) Geographically contiguous with the non complying
11 district; and

12 (ii) In full compliance with provisions of this
13 subchapter.

14 (B) A determination of compliance shall be in the sole
15 judgment of the State Board of Education.

16 (3) Any school district that is an isolated district as defined
17 by Arkansas Code § 6-20-601.

18 (b)(1) Before May 1, 2006, the State Board of Education shall develop
19 a plan for the reorganization of all public school districts not in
20 compliance with this subchapter.

21 (2) Between May 1, 2006 and June 15, 2006, the State Board of
22 Education shall hold no less than four (4) public hearings regarding its
23 proposed reorganization plan to address citizen concerns, comments, and
24 suggestions regarding the plan.

25 (3) The State Board of Education shall finalize the
26 reorganization plan no later than June 20, 2004, and shall effectuate the
27 reorganization on July 1, 2006, pursuant to the plan developed under this
28 subsection (b).

29 (c) The Department of Education and the State Board of Education may
30 take actions prior to July 1, 2006, as necessary for an orderly and efficient
31 transition of personnel, property, and boards of directors on July 1, 2006.

32
33 6-13-1604. Local control - Uniform accounting system.

34 (a) This subchapter does not limit nor diminish the existing powers
35 and duties of local school boards except to the extent specifically provided
36 in this subchapter.

1 (b) The Department of Education, with the advice of the Division of
2 Legislative Audit, shall devise a uniform accounting system to be used by all
3 public elementary and secondary schools in this state beginning with the
4 2004-2005 school year.

5
6 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
7 to read as follows:

8 6-13-1401. Definitions.

9 As used in this subchapter, unless the context otherwise requires:

10 (1) "Affected district" means a school district that loses territory
11 or students as a result of annexation or consolidation;

12 (2) "Annexation" means the joining of an affected school district or
13 part thereof with a receiving district;

14 (3) "Consolidation" means the joining of two (2) or more school
15 districts or parts thereof to create a new single school district;

16 (4) "Receiving district" means a school district or districts that
17 receive territory or students, or both, from an affected district as a result
18 of annexation;

19 (5) "Resulting district" means the new school district created from an
20 affected district or districts as a result of consolidation; ~~and~~

21 (6) "State board" means the State Board of Education; ~~and~~

22 (7) "Voluntary consolidation" means a consolidation that is caused by
23 a petition of the affected district and is not required under § 6-13-1603.

24
25 6-13-1402. Consolidation and annexation authority.

26 ~~There~~ Except as required by § 6-13-1603, there shall not be any
27 consolidation or annexation of any public school district with any other
28 school district in the state without the prior consent and approval of the
29 State Board of Education.

30
31 6-13-1403. Conditions under which the State Board of Education may
32 annex school districts.

33 (a) The State Board of Education shall consider the annexation of an
34 affected school district or districts to a receiving district or districts
35 under the following conditions:

36 (1) The State Board of Education determines it is in the best

1 interest of the affected district and the receiving district reorganized § 6-
2 13-1603 to be annexed rather than consolidated; or

3 ~~(1)~~(A)(2)(A) The affected district or districts file a petition
4 with the state board requesting annexation to a particular receiving district
5 or districts, and a copy of the petition is filed with the county clerk's
6 office of each county where the affected district or districts are located;

7 (B) The county clerk's office of each county where the
8 affected district or districts are located certifies in writing that the
9 petition has been signed by a majority of the qualified electors of the
10 district or districts; and

11 (C) The receiving district or districts provide to the
12 state board written proof of consent to receive the affected district or
13 districts by annexation as evidenced by either a vote to approve annexation
14 by resolution by a majority of the members of the local receiving board of
15 education or by vote to approve annexation by a majority of the qualified
16 electors of the receiving district as provided for in § 6-14-122;

17 ~~(2)~~(A)(3)(A) A majority of the qualified electors in the
18 affected district or districts vote to approve the annexation of an affected
19 school district or districts to a receiving district or districts as provided
20 for in § 6-14-122; and

21 (B) The receiving district or districts provide to the
22 state board written proof of consent to receive the affected district or
23 districts by annexation as evidenced by either a vote to approve annexation
24 by resolution by a majority of the members of the local receiving board of
25 education or by vote to approve annexation by a majority of the qualified
26 electors of the receiving district as provided for in § 6-14-122; or

27 ~~(3)~~(A)(4)(A) The local board of education of the affected
28 district or districts vote to approve by resolution the annexation of the
29 affected district or districts to a receiving district or districts by a
30 majority of the members of the local board of education of the affected
31 district or districts; and

32 (B) The receiving district or districts provide to the
33 state board written proof of consent to receive the affected district or
34 districts by annexation as evidenced by either a vote to approve annexation
35 by resolution by a majority of the members of the local receiving board of
36 education or by vote to approve annexation by a majority of the qualified

1 electors of the receiving districts as provided for in § 6-14-122.

2 (b) The state board may vote to approve, by a majority of a quorum
3 present of the members of the state board, the annexation of the affected
4 districts into a receiving district:

5 (1) As required under § 6-13-1603; or

6 (2) ~~upon~~ Upon receipt of a valid petition for annexation and
7 after receiving proof from the petitioning party of at least one (1) of the
8 required conditions set forth in subsection (a) of this section and upon
9 receipt of proof of the issuance of public notice of the intent to annex
10 affected districts into a receiving district or districts in the local
11 newspapers of general circulation in the affected districts for a time period
12 of no less than once a week for two (2) consecutive weeks immediately prior
13 to the time the petition is filed with the state board.

14 (c) In order for the petition for annexation to be valid, it shall be
15 filed with the state board at least thirty (30) days prior to the next
16 regularly scheduled state board meeting, at which time the petition will be
17 presented for hearing before the state board, except no petition is required
18 for the State Board of Education to annex a school district under § 6-13-
19 1603.

20 (d)(1) Upon determination by the State Board of Education to annex
21 rather than consolidate a school district under § 6-13-1603 or approval of a
22 petition requesting annexation, the state board shall issue an order
23 dissolving the affected districts and establishing the receiving school
24 district or districts.

25 (2)(A) The state board shall issue an order establishing the
26 boundary lines of the receiving district or districts.

27 (B) It shall be the duty of the Department of Education to
28 make changes in the maps of the school districts to properly show the
29 boundary lines of the receiving district or districts.

30 (e) The state board shall issue an order establishing the changed
31 boundaries and shall file the order with the county clerk or clerks of the
32 county or counties where the receiving district or districts are located. The
33 county clerk shall make a permanent record of the order and, thereafter, the
34 boundaries so established shall be boundaries of the receiving district until
35 changes are made according to the provisions of law.

36 (f) The state board shall not annex affected districts that are not

1 geographically contiguous unless the following limited conditions are
2 determined to be valid reasons for annexation:

3 (1) The annexation will result in the overall improvement in the
4 educational benefit to students in all the school districts involved; or

5 (2) The annexation will provide a significant advantage in
6 transportation costs or service to all the school districts involved.

7
8 6-13-1404. Conditions under which the State Board of Education may
9 consolidate school districts.

10 (a) The State Board of Education shall consider the consolidation of
11 affected school districts into a new resulting school district or districts
12 under the following conditions:

13 (1) The State Board of Education determines it is in the best
14 interest of the affected district and the resulting district for a school to
15 be consolidated rather than annexed under § 6-13-1603; or

16 ~~(1)(A)~~(2)(A) The affected districts file a petition with the
17 state board requesting that the affected districts be consolidated into a
18 resulting district or districts;

19 (B) A copy of the petition has been filed with the county
20 clerk's office of each county where the affected districts are located; ~~and~~

21 (C) The county clerk's office certifies in writing to the
22 state board that the petition has been signed by a majority of the qualified
23 electors of the affected districts;

24 ~~(2)~~(D) A majority of the qualified electors in the affected
25 districts votes to approve consolidation of the affected districts into a
26 resulting district or districts pursuant to a valid election as provided for
27 in § 6-14-122; and

28 ~~(3)~~(E) The local board of directors votes to approve by
29 resolution of a majority of the members of each local board of education the
30 consolidation of the affected districts into a resulting district or
31 districts.

32 (b) The state board:

33 (1) Shall consolidate school districts as required under § 16-
34 13-1603; or

35 (2) May ~~may~~ vote to approve by a majority of a quorum present of
36 the members of the state board the consolidation of the affected districts

1 into a resulting district upon receipt of a valid petition for consolidation,
2 after receiving proof from the petitioning party of at least one (1) of the
3 required conditions set forth in subsection (a) of this section, and upon
4 receipt of proof of the issuance of public notice of the intent to
5 consolidate affected districts into a resulting district or districts in the
6 local newspapers of general circulation in the affected districts for a time
7 period of no less than once a week for two (2) consecutive weeks immediately
8 prior to the time the petition is filed with the state board.

9 (c) In order for the petition for consolidation to be valid, it shall
10 be filed with the state board at least thirty (30) days prior to the next
11 regularly scheduled state board meeting, at which time the petition will be
12 presented for hearing before the state board, except no petition is required
13 for the State Board of Education to consolidate a school district under § 6-
14 13-1603.

15 (d)(1) Upon consolidation of a district under § 6-13-1603 or approval
16 of a petition requesting consolidation, the state board shall issue an order
17 dissolving the affected school districts and establishing the resulting
18 school district or districts.

19 (2)(A) The state board shall issue an order establishing the
20 boundary lines of the resulting district or districts.

21 (B) It shall be the duty of the Department of Education to
22 make changes in the maps of the school districts to properly show the
23 boundary lines of the resulting district or districts.

24 (e)(1) The state board shall issue an order establishing the changed
25 boundaries and shall file the order with the county clerk or clerks where the
26 resulting district or districts are located.

27 (2) The county clerk shall make a permanent record of the order
28 and, thereafter, the boundaries so established shall be boundaries of the
29 resulting district until changes are made according to the provisions of law.

30 (f) The state board shall not consolidate affected districts that are
31 not geographically contiguous unless the following limited conditions are
32 determined to be valid reasons for consolidation:

33 (1) The consolidation will result in the overall improvement in
34 the educational benefit to students in all the school districts involved; or

35 (2) The consolidation will provide a significant advantage in
36 transportation costs or service to all the school districts involved.

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2 6-13-1405. Effective date of annexation or consolidation.

3 (a) Upon consolidation or annexation of a school district under § 6-
4 13-1603 or not in compliance with the provisions of § 6-13-1602:

5 (1) The effective date of the annexation or consolidation shall
6 be as set forth under § 6-13-1603;

7 (2) The State Board of Education shall prescribe the number of
8 members of the board of directors of the resulting district;

9 (3) The consolidation plan adopted by the State Board of
10 Education shall be filed with the county clerk of each county that contains
11 territory or a portion of the territory of each affected school district; and

12 (4) All terms and conditions of the consolidation shall be as
13 set forth in the State Board of Education reorganization plan.

14 ~~(a)~~(b) Upon a voluntary consolidation:

15 (1) Unless an agreement is reached in the consolidation or
16 annexation agreement to be different, the effective date of the annexation or
17 consolidation shall be the July 1 following the order of the state board
18 directing the annexation or the consolidation~~;~~;

19 ~~(b)~~(2) Each board of directors of the affected districts by
20 majority approval of the members of the local board may enter into a written
21 agreement executed by the former president and secretary of each district.
22 The agreement shall prescribe the date of the annexation of the affected
23 district or districts to the receiving district or the formation of the
24 resulting district from consolidation of affected districts~~;~~;

25 ~~(e)~~(3) The agreement shall also prescribe the number of members
26 of the board of directors of the resulting district ~~as provided for in § 6-~~
27 ~~13-1205 (repealed)~~~~;~~ and

28 ~~(d)~~(4) An executed copy of the agreement shall be filed with the
29 county clerk of each county that contains territory or a portion of the
30 territory of each affected school district.

31
32 6-13-1406. Board of directors - Term - Election.

33 ~~(a)(1) Unless the board of directors of the affected district or~~
34 ~~districts and the board of directors of the receiving district or districts~~
35 ~~agree otherwise, the~~ The board of directors of the receiving district or
36 districts after annexation shall be the same board of directors of the

1 receiving district prior to annexation until the next regular school
2 election.

3 ~~(2) The boards of directors of the affected districts may by~~
4 ~~agreement establish a new board of directors other than the current board of~~
5 ~~directors of the receiving district composed of not fewer than five (5) nor~~
6 ~~more than seven (7) directors except for those school districts allowed to do~~
7 ~~otherwise pursuant to § 6-13-604.~~

8 ~~(3)~~(2) The At the next regular school election following the
9 annexation, the board of directors of the receiving district ~~created by~~
10 ~~agreement~~ shall be elected from single-member zones of substantially equal
11 population based upon the most recent census information and from which
12 racial minorities may be represented on the board in proportions reflected in
13 the district as a whole.

14 (b)(1) ~~Unless the boards of directors of the affected districts agree~~
15 ~~otherwise, the~~ The board of directors of the resulting district after
16 consolidation shall be composed of seven (7) members until the next regular
17 school election.

18 ~~(2) The boards of directors of the affected districts may by~~
19 ~~agreement establish a board of directors of the resulting district composed~~
20 ~~of not fewer than five (5) nor more than seven (7) directors except for those~~
21 ~~school districts allowed to do otherwise pursuant to § 6-13-604.~~

22 ~~(3)~~(2) The At the next regular school election following the
23 annexation, the board of directors of the resulting district shall be elected
24 from single-member zones of substantially equal population based upon the
25 most recent census information and from which racial minorities may be
26 represented on the board in proportions reflected in the district as a whole.

27 (c) The length of the term of each member of the board of directors
28 after annexation or consolidation shall be for a time period as allowed by
29 law.

30 (d) At the first meeting of a new board after annexation or
31 consolidation, the members shall determine their terms by lot so that no more
32 than two (2) members' terms expire during any one (1) year.

33 (e) Any vacancy on the board shall be filled in the manner provided
34 for by law.

35 (f) The establishment of a board of directors with an even number of
36 members following annexation or consolidation is hereby prohibited.

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6-13-1407. Creation of a district - When part of a district taken.

(a) Any receiving or resulting district created under this section or as a result of § 6-13-1603, shall become the successor in interest to the property of the district dissolved, shall become liable for the contracts and debts of such a district, and may sue and be sued therefor.

(b) When territory less than the entire district is annexed or consolidated to a district, the receiving or resulting district shall take the property of the district from which the territory was taken, as the State Board of Education shall deem proper, and shall be liable for that part of all indebtedness of the district from which the territory was taken as shall be assigned to it by the state board unless otherwise approved by a majority vote of the affected school district's or districts' board or boards of directors.

6-13-1408. Annexation or consolidation not to negatively impact state-assisted desegregation.

(a) The State Board of Education shall not order any annexation or consolidation under this subchapter or any other act or any combination of acts which hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.

(b) Prior to the entry of any order under this subchapter or § 6-13-1603, the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a district or districts in desegregation of the public schools of this state.

(c) Any order of annexation or consolidation or combination thereof that violates the provisions of this section shall be null and void.

6-13-1409. State Board of Education.

~~(a)~~ The State Board of Education shall have the following duties regarding consolidations and annexations:

(1) To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of such districts to another district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the

1 law;

2 (2) To transfer funds and attach territory that is in no school
3 district to other school districts as may seem best for the educational
4 welfare of the children; and

5 (3) To enact rules and regulations regarding the consolidation and
6 annexation of school districts under this title.

7 ~~(b)(1) Any person being a party to a proceeding before the state board
8 concerning consolidation or annexation who feels aggrieved by any final order
9 or decision of the state board may file a petition for appeal from such a
10 final order or decision, provided, within thirty (30) days from the date of
11 the final order or decision complained of, the person shall:~~

12 ~~(A) Make an affidavit that the appeal taken from such a
13 final order or decision of the state board is not taken for purposes of
14 delay; and~~

15 ~~(B) Enter into a bond with good and sufficient surety
16 thereon in such sum as shall be ordered by the state board, not to exceed
17 twice the amount of property tax revenues involved in the appeal.~~

18 ~~(2) The appeal provided in this section shall be to the Circuit
19 Court of Pulaski County.~~

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/s/ Miller