

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would be added to the law as it existed prior to this session of the General Assembly, except sections and subchapters repealed entirely are not reproduced or stricken through.

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

A Bill

SENATE BILL 758

4
5 By: Senators Argue, Whitaker, Wilkins, Baker, Altes
6 By: Representatives C. Johnson, White, Green, Anderson, Bledsoe, Borhauer, Haak, Hardwick, Harris,
7 Kenney, Parks, Penix, Rosenbaum

For An Act To Be Entitled

8
9
10 AN ACT TO REORGANIZE THE EXISTING PUBLIC
11 EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND
12 DUTIES OF THE OFFICERS OF THE PUBLIC EDUCATION
13 SYSTEM; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 THE PUBLIC EDUCATION REORGANIZATION ACT.
17
18
19

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

22 WHEREAS, The Arkansas Supreme Court, in the decision of Lake View
23 School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now
24 extant system of public education to be unconstitutional because it is both
25 inequitable and inadequate; and
26

27 WHEREAS, The Arkansas Supreme Court set forth the test for a
28 constitutional system to be one in which the state has an "absolute duty" to
29 provide an "equal opportunity to an adequate education"; and
30

31 WHEREAS, The Arkansas Supreme Court defined an "equal opportunity" to
32 include the "basic components [of] substantially equal curricula,
33 substantially equal facilities, and substantially equal equipment for
34 obtaining an adequate education"; and
35

36 WHEREAS, The Arkansas Supreme Court pointed to discrepancies in teacher



1 salaries finding that “[w]ell paid and well motivated teachers are what make
2 the education engine run”; and

3
4 WHEREAS, The Arkansas Supreme Court has only given until January 1,
5 2004, to implement a constitutional education system; and

6
7 WHEREAS, The State of Arkansas recognizes that it has been the position
8 of the state that any school district, regardless of size, whose students
9 consistently exhibited exceptional performances on state, regional, or
10 national examinations or on other related indicators of academic success
11 would not be adversely affected by any structure of public education; and

12
13 WHEREAS, It is the desire of the State of Arkansas to maintain as many
14 community schools and as much community involvement in public education as
15 possible; and

16
17 WHEREAS, The state recognizes that there is no greater indicator of
18 success in education than the involvement of the parents of students and the
19 members of the community; and

20
21 WHEREAS, Multiple studies of education and education efficiency have
22 determined that there are better ways of delivering an education system than
23 the one that currently exists in Arkansas; and

24
25 WHEREAS, The state is acutely aware of financial and monetary
26 restraints that have been placed on it by both the current state of the
27 economy and the Constitution of the State of Arkansas; and

28
29 WHEREAS, The state has to find an efficient method to use its limited
30 resources to create a system of public education as defined by Article 14, as
31 amended, of the Arkansas Constitution,

32
33 THEREFORE,

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

35
36 SECTION 1. Arkansas Code § 6-1-101(b), pertaining to the requirements

1 of an audit report by an independent accountant, is amended to read as
 2 follows:

3 (b) Any statutorily required audit of an educational institution
 4 performed by an independent accountant shall include, as a minimum and as an
 5 integral part of the annual financial report, a review and comments on
 6 substantial compliance with each of the following:

7 (1) Management letter for audit of political subdivisions, §§
 8 14-75-101 - 14-75-104;

9 (2) School officials prohibited from having interest in sales to
 10 school and from receiving pecuniary profits for favorable actions, §§ ~~6-13-~~
 11 ~~628,~~ 6-21-601, 6-21-603;

12 (3) School elections, §§ 6-14-102, 6-14-118;

13 (4) Management of schools, ~~§§ 6-13-617 - 6-13-620~~ §§ 6-13-637 -
 14 6-13-643 and 6-13-701;

15 (5) Revolving loan fund, §§ 6-19-114, 6-20-801, 6-20-802;

16 (6) District finances, §§ 6-20-402, 6-20-409;

17 (7) District school bonds, §§ 6-20-1208, 6-20-1210;

18 (8) Teachers and employees, §§ 6-17-201, 6-17-203 - 6-17-206, 6-
 19 17-301, 6-17-401;

20 (9) Teachers' salaries, the Minimum Foundation Program Aid Act,
 21 §§ 6-17-803, 6-17-907, 6-17-908, 6-17-911 - 6-17-915, 6-17-918, and 6-17-919;

22 (10) Surety bonds if district has district treasurer, § 19-1-
 23 403;

24 (11) Deposit of funds, §§ 19-8-104, 19-8-106;

25 (12) Investment of funds, § 19-1-504; and

26 (13) Improvement contracts, §§ 22-9-201 - 22-9-205.

27

28 SECTION 2. Arkansas Code § 6-1-202(c)(3), pertaining to the location
 29 of the Arkansas Leadership Institute for Teachers of the Delta, is amended to
 30 read as follows:

31 (3)(A) A-Lift shall be located in Helena, Pine Bluff, or Monticello at
 32 an existing site with space available to house the institute.

33 (B) An existing site may be a two-year institution, a
 34 four-year institution, ~~an education service cooperative,~~ or other
 35 institution.

36 (C) Preference for location shall be given to four-year

1 institutions or ~~education service cooperatives~~ possible education service
 2 centers in Helena, Pine Bluff, or Monticello that have experience in
 3 professional development support mentoring, teacher licensure, and teacher
 4 quality.

5 (D) The board shall have authority to issue the requests
 6 for proposals site selection, and the selection shall be based upon a
 7 response to a request for proposal issued through the board.

8
 9 SECTION 3. Arkansas Code § 6-10-109(b)(1), pertaining to entities that
 10 are eligible for grants to operate Parents As Teachers programs, is amended
 11 to read as follows:

12 (b)(1) Only public school districts or ~~education service cooperatives~~
 13 ~~established under Act 103 of the Extraordinary Session of 1983 [repealed] or~~
 14 ~~under § 6-13-1001 et seq.~~ education service centers are eligible for grants
 15 to operate Parents As Teachers programs.

16
 17 SECTION 4. Arkansas Code § 6-13-101 is repealed.

18
 19 SECTION 5. Arkansas Code § 6-13-102 is amended to read as follows:
 20 6-13-102. Body corporate - Name.

21 (a) Each school district in the state shall be a body corporate, may
 22 contract and be contracted with, and may sue and be sued in its corporate
 23 name, which shall be the name ~~it now has unless changed~~ established by the
 24 State Board of Education on July 1, 2004, unless changed by the state board.

25 (b) The state board in naming school districts shall name them,
 26 " School Unified District No. of County",
 27 " Regional School District of County", or"
 28 Special School District of County", giving each district a name
 29 and showing the name of the county in which situated, and if it has territory
 30 in more than one (1) county, then the name of the county that is the domicile
 31 of the district.

32 (c) A certificate showing the name authenticated by the state board
 33 shall be filed with the county clerk of the county or of each county in which
 34 there is any territory of the district and ~~by him~~ inscribed in a book kept ~~by~~
 35 ~~him~~ for that purpose.

36 (d) All school districts shall have the right to acquire and hold real

1 estate and all other classes of property.

2
3 SECTION 6. Arkansas Code § 6-13-106 is amended to read as follows:

4 6-13-106. ~~Districts where no high school is maintained~~ High schools.

5 (a)(1) Any school district in this state ~~wherein~~ in which a high
6 school ~~facilities are~~ is not maintained may contract with another school
7 district for the furnishing of high school facilities for the pupils of that
8 district upon such terms and conditions as ~~to the respective board of~~
9 ~~directors~~ State Board of Education may ~~appear~~ find reasonable and proper.

10 ~~(b)(2)~~ These districts are authorized to pay, for the
11 facilities, and the tuition of such pupils out of ~~the school fund apportioned~~
12 ~~to the districts from the Public School Fund of the State of Arkansas~~ any
13 combination of nonrestricted federal, state, and local funds.

14 ~~(e)(3)~~ These school districts may also contract and provide for
15 the transportation of pupils.

16 (b)(1) Any high school extant on July 1, 2004, may remain open and
17 functioning under the following conditions:

18 (A) The high school meets the curriculum, facility, and
19 accreditation standards; and

20 (B) The high school proves to the State Board of Education
21 that it can operate efficiently and meet all teacher salary requirements set
22 by law.

23 (2) Any high school that cannot meet the requirements set forth
24 in subdivision (b)(1) of this section may remain open and functioning if:

25 (A) The school district proves to the State Board of
26 Education that the high school can meet curriculum, accreditation, facility,
27 and efficiency standards and meet teacher salary requirements by entering
28 into cooperative agreements with other high schools or post-secondary
29 institutions to share faculty, equipment, and facilities or by utilizing
30 distance education technologies; or

31 (B) The school district proves to the State Board of Education
32 that it would be unduly cost-prohibitive to transport the students to another
33 high school because of the geographical terrain.

34 (3) Any high school that cannot meet the requirements in
35 subdivisions (b)(1) or (b)(2) of this section shall be closed and the
36 students shall be given freedom of choice to attend another high school

1 located within the school district or in another school district.

2 (c) After July 1, 2004, the State Board of Education may determine the
 3 need for and location of any new high school to be located in a school
 4 district upon petition of the school board of the school district.

5
 6 SECTION 7. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended
 7 to add three (3) additional sections to read as follows:

8 6-13-111. Classes of school districts.

9 (a) There shall be three (3) classes of school districts in this
 10 state, and each shall have the prerogatives, powers, duties, and privileges
 11 as provided by law.

12 (b)(1) Unified School Districts.

13 (A) As of January 1, 2004, any school district that
 14 existed in this state before that date and which had an average daily
 15 membership of one thousand five hundred (1,500) students or greater shall
 16 continue to exist as a unified school district offering all courses and
 17 curricula through the twelfth grade.

18 (B) After July 1, 2004, any unified school district that
 19 has an average daily membership of less than one thousand five hundred
 20 (1,500) for two (2) consecutive years may be dissolved and merged with one
 21 (1) or more other unified, regional, or special school districts.

22 (2) Regional School Districts.

23 (A) As of January 1, 2004, any school district that
 24 existed in this state before that date and which had an average daily
 25 membership of less than one thousand five hundred (1,500) students shall
 26 cease to exist, except as provided in subdivision (b)(3) of this section, and
 27 shall be combined with other school districts.

28 (B)(i) The State Board of Education shall determine the
 29 boundaries of the new regional school districts, which are created from those
 30 school districts that do not qualify as unified school districts under
 31 subdivision (b)(1) of this section. There shall be no more than thirty (30)
 32 regional school districts.

33 (ii) In determining the boundaries of the regional
 34 school districts, the State Board of Education need not abide by either
 35 county boundaries or the boundaries of school districts. This includes the
 36 possibility that a school district falling under subdivision (b)(2)(A) of

1 this section might have to be consolidated with a unified school district.

2 (iii) In determining the boundaries of the regional
 3 school districts, the State Board of Education shall bear in mind the
 4 demographics of the school districts in a manner as to not promote or foster
 5 racial segregation of the public education system in Arkansas.

6 (C) Regional school districts shall provide all courses
 7 and curricula through the twelfth grade.

8 (3) Special School Districts.

9 (A) Any school district that does not qualify as a unified
 10 school district under subdivision (b)(1) of this section, may apply to the
 11 State Board of Education for special school district status. A school
 12 district that qualifies as a special school district shall have the same
 13 prerogatives, powers, duties, and privileges as a unified school district.

14 (B) Any school district applying to be a special school
 15 district must demonstrate to the State Board of Education that it is capable
 16 of continuing to meet all curriculum, accreditation, efficiency, and facility
 17 standards and comply with all laws including those concerning teacher's
 18 salaries in the future.

19 (c) All school districts that are created shall be a unified school
 20 district, a regional school district, or a special school district, with the
 21 same prerogatives, powers, duties, and privileges as provided by law to that
 22 class of school district.

23 (d) Wherever the term "school district" appears in the Arkansas Code,
 24 the term shall apply to all classes of school districts, unless the context
 25 would demand otherwise.

26 (e) The State Board of Education shall have complete and final
 27 authority over the organization and boundaries of school districts.

28
 29 6-13-112. Elementary, middle, and junior high schools.

30 (a) On July 1, 2004, all elementary, middle, and junior high schools
 31 that offer courses and curricula through eighth grade in existence at that
 32 time shall remain in existence.

33 (b) After July 1, 2004, the State Board of Education may determine the
 34 need for and location of new elementary, middle, or junior high schools to be
 35 located in school districts upon petition of the school board of the school
 36 district.

1
2 6-13-113. Closure of schools.

3 (a) After reorganization instituted by this act of the 2003 Regular
4 Session General Assembly and the completion of efficiency, adequacy, and
5 facilities studies, only the State Board of Education may close any school
6 due to continued poor performance by students or failure to meet curriculum,
7 accreditation, facility, or efficiency standards and teacher salary
8 requirements.

9 (b) Recommendations of school district boards of directors and school
10 superintendents shall be considered in any deliberations of the State Board
11 of Education.

12
13 SECTION 8. Effective July 1, 2004, Arkansas Code §§ 6-13-604 through
14 6-13-634 are repealed.

15
16 SECTION 9. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended
17 to add additional sections to read as follows:

18 6-13-635. School district boards of directors – Creation and size.

19 (a) All school districts shall have a board of directors consisting of
20 five (5), seven (7), or nine (9) members.

21 (b) Except as provided in § 6-13-636(a), all school districts shall
22 elect their boards of directors from single-member electoral zones that are
23 in compliance with the federal Voting Rights Act and the Fourteenth Amendment
24 to the United States Constitution.

25 (c)(1) Any school district board of directors may petition the State
26 Board Of Education to change the number of its members, so long as that
27 number of members is five (5), seven (7), or nine (9) members on condition
28 that:

29 (2)(A) Notice of the filing of the petition shall be published
30 within ten (10) days thereafter by one (1) insertion in some newspaper having
31 a general circulation in the district.

32 (B) Upon a showing that an increase or decrease in the
33 number of board members will be beneficial to the district petitioning for
34 it, the state board may increase or decrease the number of directors for the
35 district.

36 (C) The order directing an increase or decrease in the

1 number of board members shall be entered not more than sixty (60) days after
 2 the publication of the notice.

3 (D) The order directing an increase or decrease in the
 4 number of board members shall contain one (1) of the following methods for
 5 implementing the order:

6 (i) If there is a decrease in the number of
 7 directors, the directors in the effected zones shall draw lots to determine
 8 who will leave the board;

9 (ii) If there is an increase in the number of
 10 directors, an individual will be appointed to serve in each of the effected
 11 zone in the same manner as filling other vacancies on the board of directors.

12
 13 6-13-636. School district boards of directors – Election zones.

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

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

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

25 (2) At the first meeting of the board of directors following the
 26 2004 school election in those school districts to which subdivision (c)(1)
 27 applies, members shall draw lots for term lengths in compliance with § 6-13-
 28 638.

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

35 (2) The election following the adjustment of electoral zone
 36 boundaries shall be of the same manner as provided in subsection (c) of this

1 section.

2
3 6-13-637. Qualifications for office and oath.

4 (a)(1) No person shall be eligible to be a member of any school
5 district board of directors in this state unless he or she is a qualified
6 elector of the school district and electoral zone in which he or she serves.

7 (2) No person who is elected to a school district board of
8 directors shall be eligible for employment in that school district.

9 (3) No person shall be eligible to be a member of any school
10 district board of directors in this state if the State Board of Education has
11 determined under the Administrative Accountability Law, § 6-15-1601, et seq.,
12 that the person committed an act or violation that jeopardized the fiscal or
13 academic integrity of a school or school district.

14 (b)(1) Each director elected or appointed shall, within ten (10) days
15 after receiving notice of his or her election or appointment, subscribe to
16 the following oath:

17 "I, _____, do solemnly swear or affirm, that I will support the
18 Constitution of the United States and the Constitution of the State of
19 Arkansas, and that I will not be interested, directly or indirectly, in any
20 contract made by the district of which I am a director, except as permitted
21 by state law and that I will faithfully discharge the duties as school
22 director in _____ (Unified / Regional / Special) School District of Arkansas,
23 upon which I am about to enter."

24 (2) The county clerk, upon receipt of the oath prescribed for a
25 director, shall immediately commission the persons, and they shall enter, at
26 once, upon their duties as directors.

27
28 6-13-638. School district board of directors – Length of terms and
29 vacancy in office.

30 (a)(1) All members of a school district board of directors shall be
31 elected to a term of office of not less than three (3) years nor more than
32 five (5) years in length and with the expiration of the terms so arranged
33 that, as nearly as possible, an equal number of positions are filled each
34 year.

35 (2) All members of a school district board of directors shall
36 have terms of office of equal length.

1 (b)(1) If a vacancy occurs on the school district board of directors,
 2 the vacancy shall be filled by a majority vote of the remaining directors.

3 (2) If, as a result of several vacancies on the board, only a
 4 minority of the directors remains or if the remaining directors fail to fill
 5 vacancies within thirty (30) days, the vacancies shall be filled by
 6 appointment by the county quorum court of the county in which the school
 7 district is domiciled.

8 (3) All appointed directors shall serve only to the next annual
 9 school election, at which time the electors shall select, in the usual
 10 manner, directors to serve the unexpired terms of the vacating directors.

11 (c)(1)(A) When a member of the board of directors of any school
 12 district in this state pleads guilty or nolo contendere to, or is found guilty
 13 of a felony, a vacancy shall immediately exist on that board of directors
 14 from the date of the final judgment of conviction.

15 (B) When the State Board of Education determines a member
 16 of the board of directors of any school district in this state has committed
 17 an act or violation that jeopardizes the fiscal or academic integrity of a
 18 school or school district under the Administrative Accountability Law, § 6-
 19 15-1601, et seq., a vacancy shall immediately exist on that board of
 20 directors from the date of the final determination of the State Board of
 21 Education.

22 (2) The prosecuting attorney who successfully prosecutes a
 23 school district board member for a felony shall immediately notify the
 24 remaining members of that board of the fact of the conviction and of the
 25 existence of a vacancy on the board of directors of the school district.

26 (3) The remaining members of the board of directors of the
 27 school district shall at their next regular meeting select a person to fill a
 28 vacancy created under this subsection (c) until the next regular school
 29 election, at which election a successor member shall be elected for the
 30 remaining portion of the vacated term.

31 (d)(1) In cases where directors have entered the services of the armed
 32 forces of the United States, temporary vacancies on the boards are declared
 33 to exist until the end of the terms of the members or until their return to
 34 civilian life in the district if their return occurs before the expiration of
 35 their elected terms.

36 (2) These vacancies shall be filled in the manner prescribed by

1 law, except that appointments of the successors shall be conditional upon the
 2 return of the members to resume their normal civilian activities in the
 3 district. Upon return, they may resume their duties as directors for their
 4 unexpired terms by written notice to the secretaries of their respective
 5 school boards.

6 (3) Directors appointed under this subsection (d) shall take the
 7 required oath of office and conform in all respects to legal provisions
 8 regarding directors.

9 (4) It shall be the duty of the secretary of the school board to
 10 notify the county clerk in which the school district is domiciled of the
 11 appointments within five (5) days after the appointment if made by the local
 12 board. This notice shall state the name of the person whom the appointee is
 13 succeeding and the expiration date of the term of office.

14 (5) Directors serving in the armed forces shall be eligible for
 15 reelection in the usual manner prescribed by law. If reelected, the
 16 procedure for filling the temporary vacancies provided under this subsection
 17 (d) shall be again followed in the appointment of the successor to the
 18 absentee, and all other provisions of this section shall prevail.

19 (6) If there is a majority of the directors left after the
 20 absences mentioned in this section, the majority may act without notice to
 21 those so absent as fully and as effectively as if all directors were present.

22 (7) If there is more than a majority remaining after the
 23 absences, notice must be given for a reasonable length of time before the
 24 meeting to directors not so absent of the time, place, and purpose of a
 25 meeting of the board, unless the meeting is a regular and not a special or
 26 called meeting.

27 (e) If a member of the board of directors of a school district no
 28 longer resides in the school district, a vacancy shall exist and the vacancy
 29 shall be filled as provided by this section.

30
 31 6-13-639. School district boards of directors – Organization.

32 (a) At the first regular meeting following the annual school election,
 33 the board of directors of each school district shall organize by electing:

34 (1) One (1) of their number president;

35 (2) One (1) of their number vice-president; and

36 (3) A secretary who may, but need not be, a member of the board.

1 (b)(1) The board, by resolution adopted by a majority vote, may
 2 designate the ex officio financial secretary as the disbursing officer of the
 3 district, and no warrant or other order of payment shall be valid in the
 4 absence of the manual or electronic signature as authorized by law of the
 5 disbursing officer.

6 (2) The resolution must be filed with the county treasurer and
 7 the Director of the Department of Finance and Administration.

8 (3)(A) The disbursing officer shall give bond in the amount of
 9 two thousand dollars (\$2,000) or an amount equal to ten percent (10%) of the
 10 total amount of estimated revenue of the school district for the school year
 11 covered by the bond, whichever is the greater, the maximum not to exceed
 12 twenty thousand dollars (\$20,000), for the faithful discharge of his or her
 13 duties and for the proper accounting of all school money that may come into
 14 his or her hands or under his or her control.

15 (B) The surety on the bond shall be a surety company
 16 authorized to do business in the State of Arkansas.

17 (C) The bond shall be filed in the office of the county
 18 clerk and a copy filed with the Director of the Department of Education.

19 (D) The board shall pay for premiums of the bonds in the
 20 same manner as other fixed charges.

21 (3) Subdivision (b)(3) of this section shall only be operative
 22 if Arkansas Code Title 21, Chapter 2, Subchapter 7 is repealed or a person is
 23 not entitled to be bonded under this program.

24
 25 6-13-640. School district boards of directors – Meetings.

26 (a)(1) The board of directors shall hold regular monthly meetings
 27 during the school term and shall meet on call of the president or any three
 28 (3) members of the board or when petitioned to do so by a petition in writing
 29 signed by fifty (50) electors in the district.

30 (2) Regular meetings of the school board and all school board
 31 committees, and special meetings of the school board and school board
 32 committees that deal with personnel or personnel policies, shall, except in
 33 emergency situations, be held after 5:00 p.m.

34 (b)(1) Minutes of regular and special meetings of the school board
 35 shall be kept by the secretary of the board and filed by him or her in a
 36 permanent record.

1 (2) This record shall also contain a copy of all budgets of the
 2 district and all reports of the county treasurer on the financial affairs of
 3 the district.

4 (c)(1)(A) A majority of a quorum voting affirmatively shall be
 5 required for the passage of any motion or resolution.

6 (B) Any member who abstains from voting shall be counted
 7 toward satisfying the quorum requirements, but shall not be counted as either
 8 for or against any motion.

9 (C) If a member announces a conflict of interest with
 10 regard to the issue, the member may leave the meeting until the voting on the
 11 issue is concluded.

12 (2) For the purposes of this section, a "quorum" shall be a
 13 majority of the membership of the board.

14 (d)(1) Any member of the board who misses three (3) regular and
 15 consecutive board meetings during a school year for any reason other than
 16 military service or illness of the member may be removed from office by a
 17 majority vote of the remaining board members, but only after an opportunity
 18 for a hearing before the board upon fifteen (15) days notice by personal
 19 delivery or by certified mail with return receipt signed by addressee only
 20 requested.

21 (2) If the board takes action to remove the member from office,
 22 the remaining members shall then appoint another individual to serve until
 23 the next annual school election, when electors shall select in the usual
 24 manner a director to serve the unexpired term of the removed member.

25
 26 6-13-641. School district boards of directors – Publication of the
 27 budget and previous year's annual expenditures.

28 (a) The requirement of Article 14, Section 3 of the Arkansas
 29 Constitution, as amended, for publication of the budget shall be discharged
 30 by the board of directors of each school district by publication of its
 31 budget one (1) time in some newspaper published in the county or counties in
 32 which the district operates.

33 (b) The publication shall be made not less than sixty (60) days before
 34 the election at which the annual school district ad valorem tax is voted
 35 upon.

36 (c) At the same time as the publication of the budget, the school

1 district shall publish the expenditures of the school district for the
2 previous year, or the most recent year for which complete expenditure data is
3 available.

4
5 6-13-642. School district boards of directors – Training and
6 instruction.

7 (a)(1)(A) Effective July 1, 2003, all members of a school district
8 board of directors elected for an initial or noncontinuous term of office
9 shall obtain a minimum of six (6) hours of training and instruction,
10 including, but not limited to, the school laws of Arkansas and the laws,
11 rules, and regulations governing the powers, duties, and responsibilities of
12 school boards, improvement of student achievement, academic and fiscal
13 accountability, student assessment, school finance, and ethics by January 1,
14 2004.

15 (B) Beginning January 1, 2004, and each year thereafter,
16 in addition to the six (6) hours training requirement, these new members of a
17 school district board of directors shall also comply with all other training
18 requirements contained in this section, for a total of fifteen (15) hours of
19 training obtained between the time of their election and the end of their
20 first full calendar year of office, and nine (9) hours each year thereafter.

21 (C) Beginning January 1, 2004, and every year thereafter,
22 all existing and reelected board members shall obtain a minimum of nine (9)
23 hours training and instruction, including, but not limited to, the school
24 laws of Arkansas and the laws, rules, and regulations governing the powers,
25 duties, and responsibilities of school boards, improvement of student
26 achievement, academic and fiscal accountability, student assessment, school
27 finance, and ethics by December 31 of each calendar year.

28 (D) Hours of training and instruction obtained in excess
29 of the minimum requirements may cumulate and be carried over from year to
30 year.

31 (2)(A) This instruction may be received from an institution of
32 higher learning in this state, from instruction sponsored by the Department
33 of Education, or by an inservice training program conducted by the Arkansas
34 School Boards Association or some other provider.

35 (B) Any instruction not provided by the Department of
36 Education shall be preapproved as to form and content by the Department of

1 Education.

2 (3) Any school board member completing a course of instruction
 3 shall receive a certification of completion, and a copy shall be entered in
 4 the minutes of the local school board on which he or she serves.

5 (4) If any member of a school district board of directors fails
 6 to obtain required training by the end of the calendar year, and fails to
 7 cure the deficiency by March 1 of the following calendar year and no time
 8 extension request has been filed, as determined by the records of the
 9 Department of Education, a vacancy shall exist on the board of directors by
 10 operation of law from the date of receipt of notification by the
 11 superintendent. The Department of Education shall immediately notify the
 12 superintendent by certified mail, return receipt requested, with a copy to
 13 the board president, of the existence of a vacancy on the board of directors,
 14 and the resulting vacancy may be filled in accordance with the law.

15 (5)(A) If any member or members of a school district board of
 16 directors fails to obtain all required training by the end of the calendar
 17 year, the failure shall constitute one (1) citation against the district as
 18 measured by the standards of accreditation.

19 (B) If a member of a school district board of directors is
 20 unable to obtain required training because of military service of the member
 21 or illness of the member verified by a written sworn statement of the
 22 member's attending physician, the Department of Education shall grant a time
 23 extension permitting the member additional time to obtain required training.

24 (C) The issuance of a time extension shall not constitute
 25 a citation against the district as measured by the Standards for
 26 Accreditation of Arkansas Public Schools and shall not operate to remove a
 27 member of a school district board of directors from office.

28 (b) Local school district boards of directors are authorized to pay
 29 per diem and other necessary expenses from funds belonging to the school
 30 district and to reimburse school board directors for expenses incurred in
 31 attending inservice workshops, conferences, and other courses of training and
 32 instruction required in completing the hours of instruction as required in
 33 subsection (a) of this section or other instruction as authorized and
 34 approved by the school district board of directors.

35 (c)(1) The State Board of Education shall modify the Standards of
 36 Accreditation for Arkansas Public Schools as required by this section, and it

1 shall be the responsibility of the Department of Education to receive and
 2 maintain records of instructional hours obtained by members of school
 3 district boards of directors.

4 (2) The State Board of Education may promulgate rules and
 5 regulations consistent with the provisions and intent of this section.

6
 7 6-13-643. School district boards of directors – Powers and duties.

8 (a) The board of directors of each school district in the state shall
 9 be charged with the following powers and perform the following duties,
 10 subject to those powers and duties reserved to the State Board of Education:

11 (1) May enter into employment contracts with those individuals
 12 that it hires to carry out the functions of the school district;

13 (2) Shall the care and custody of the educational facilities,
 14 grounds, and other property belonging to the district and shall keep it in
 15 good repair and in sanitary and sightly condition;

16 (3) May lease sixteenth section lands located in the school
 17 district, individually or in conjunction with the other boards of directors
 18 of other school districts interested in the sixteenth section, as the case
 19 may be;

20 (4) May purchase buildings or rent educational facilities and
 21 sites therefor and sell, rent, or exchange the sites or educational
 22 facilities;

23 (5) Shall see that the curriculum prescribed by the state board
 24 or by law for all grades of schools in their district are taught;

25 (6) Shall visit classrooms frequently, but no less than
 26 annually, in the schools in their district while children are present, see to
 27 the welfare of the pupils, encourage them in their studies, and assist the
 28 teachers in the work so far as they can;

29 (7) Shall prepare and publish the district's budget for the
 30 ensuing year, in accordance with § 6-13-641;

31 (8)(A) May issue warrants on the county treasurer, when the
 32 county treasurer serves as treasurer of the school district, in accordance
 33 with the law for the payment of salaries due teachers and other employees and
 34 for any other lawful purposes and declare in the warrants the consideration
 35 for which each is drawn.

36 (B) The warrant shall be in the form approved by the state

1 board;

2 (9) Shall obtain from the county collector and county treasurer
 3 information from time to time as to the state of finances of their school
 4 district and keep their expenditures safely within the means of the district;

5 (10)(A) May buy and pay for, out of the school district's funds,
 6 supplies and technological resources which may be necessary for the efficient
 7 operation of the schools.

8 (B) However, no warrants shall be issued by any school
 9 board for the payment of the supplies or services set out in this subdivision
 10 until the supplies or services have been delivered to the school;

11 (11)(A)(i) Shall close the schools and cease paying the teachers
 12 for the remainder of that fiscal year, if it should be apparent that the
 13 schools cannot be operated for the remainder of the school year without
 14 incurring more indebtedness than that represented by outstanding bonds and
 15 those that may be issued for buildings, equipment for the school buildings,
 16 purchasing sites, and repairing school buildings or the improvement of sites.

17 (ii) Each contract made with the teachers shall be
 18 subject to that contingency, and the district shall not be liable for
 19 teachers' salaries for the time the school is so closed.

20 (B) However, in cases of emergency, the state board may
 21 grant special permission to a district to create temporary current
 22 indebtedness.

23 (C) Nothing in this section shall prevent any school
 24 district board of directors from borrowing money from banks, from
 25 individuals, or from next year's revenue in order to provide funds in an
 26 amount that the maximum nonbonded indebtedness of its school district so
 27 incurred shall not be greater than the maximum nonbonded indebtedness of the
 28 district was, at any time, during the preceding fiscal year.

29 (D) If any nonbonded debt is funded by the issuance of
 30 bonds, the amount so funded shall not be considered in determining the
 31 maximum amount of nonbonded indebtedness during the preceding fiscal year;

32 (12) Shall publish on the district's web site:

33 (A) Minutes of regular and special meetings of the school
 34 board;

35 (B) The budget for the ensuing year;

36 (C) Financial breakdown of monthly expenses of the

1 district;

2 (D) Salary schedule and fringe benefits for all employees;

3 (E) The school district's yearly audit; and

4 (F) The annual statistical report;

5 (13) May convey any of the district's sixteenth section lands in
6 exchange for any other land that would be more beneficial to the district;

7 (14)(A) May employ legal counsel to defend the school district,
8 any member of the board of directors, or any school official in any legal
9 proceeding to which the school district, any member thereof, or any school
10 official may be a defendant, when a proceeding is instituted against it or
11 against any member of the board of directors, by virtue of his or her actions
12 in connection with his or her duties as a board member.

13 (B) All costs, expenses, and liabilities of proceedings so
14 defended shall be a charge against the school district and paid out of funds
15 provided by the governing body of the school district;

16 (15)(A) May without any authorization by electors of the
17 district execute and deliver oil, gas, and mineral leases upon the lands of
18 the district, which leases are to contain the terms and are to be given for
19 consideration as is acceptable to the board of directors.

20 (B) All oil, gas, and mineral leases covering lands of any
21 school district, executed by the board of directors of the district, are
22 valid, effectual, and binding on the district.

23 (C) All oil, gas, and mineral leases covering the lands of
24 any school district of this state which have been made and executed by the
25 board of directors of the district are declared to be binding on the district
26 and effectual for all the purposes therein set out;

27 (16)(A) May purchase liability insurance to protect the
28 individual members of the board of directors from legal liability for
29 activities arising out of duties as a director, including liability arising
30 out of alleged malfeasance, errors, omissions, wrongful acts not related to
31 bodily injury or property damage, and other actions taken in the performance
32 of their duties as directors.

33 (B) The board of directors may pay the premium on the
34 liability insurance policy from funds belonging to the school district; and

35 (17) May do all other things necessary and lawful for the
36 conduct of efficient free public schools in the district.

1 (b) If the board of directors of a school district permits access to
 2 the school grounds, facilities, and records by any person or group of persons
 3 whose purpose is to make students aware of occupational and educational
 4 options and opportunities, the board shall also permit access on the same
 5 basis to official recruiting representatives of the military forces of the
 6 state and the United States to enable those representatives to inform
 7 students of educational and career opportunities available in the military.

8
 9 SECTION 10. Arkansas Code § 6-13-801(b), pertaining to the authority
 10 of school districts to enter in to an educational compact, is amended to read
 11 as follows:

12 ~~(b) If all of the school districts that have entered into a compact~~
 13 ~~are within the service area of the same education service cooperative, that~~
 14 ~~education service cooperative is~~ Education service centers are also
 15 authorized to enter into ~~the~~ a compact.

16
 17 SECTION 11. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13,
 18 Subchapter 9 is repealed.

19
 20 SECTION 12. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13,
 21 Subchapter 10 is repealed.

22
 23 SECTION 13. Arkansas Code § 6-13-1501 is amended to read as follows:
 24 6-13-1501. Creation of district by detaching territory from existing
 25 district.

26 (a)(1) It is the intent of the General Assembly, by this subchapter,
 27 to provide opportunities for children of this state by allowing local
 28 community members the opportunity to establish and maintain public schools in
 29 a manner that optimizes educational resources within a community.

30 (2) The General Assembly finds that the educational needs of the
 31 students of this state shall be best served by not allowing creation of a
 32 district under this subchapter with fewer than ~~four thousand (4,000)~~ one
 33 thousand five hundred (1,500) students, thus ensuring adequate educational
 34 opportunities for students.

35 (b) A new school district may be created by detaching territory from:

- 36 (1) An existing school district; or

1 (2) Two or more existing contiguous school districts.

2 (c) A school district created under this subchapter shall have all the
 3 rights, privileges, and responsibilities of ~~other public~~ unified school
 4 districts.

5
 6 SECTION 14. Arkansas Code § 6-13-1502 is amended to read as follows:

7 6-13-1502. Minimum area and attendance requirements.

8 (a) A new district may not be created in an area with fewer than ~~four~~
 9 ~~thousand (4,000)~~ one thousand five hundred (1,500) students in average daily
 10 membership.

11 (b) An existing district shall not be reduced by means of detachment
 12 to an area with fewer than ~~four thousand (4,000)~~ one thousand five hundred
 13 (1,500) students in average daily membership.

14 ~~(c) A new district to be created by detachment must only be made up of~~
 15 ~~students from one (1) existing district.~~

16 ~~(d) This subchapter shall apply only to school districts that in the~~
 17 ~~school year immediately preceding the detachment had an average daily~~
 18 ~~membership of at least fifteen thousand (15,000) students but not more than~~
 19 ~~twenty thousand (20,000) students.~~

20
 21 SECTION 15. Arkansas Code § 6-13-1504 is amended to read as follows:

22 6-13-1504. Election.

23 (a)(1) Not later than the ~~thirtieth~~ sixtieth day after the date the
 24 State Board of Education receives a petition or resolution under this
 25 subchapter, the state board shall hold a hearing on the validity of the
 26 petition or resolution.

27 (2) To be valid, a petition or resolution shall:

28 (A) State the purpose for which the petition or resolution
 29 is being submitted;

30 (B) Contain a plat or map of the proposed new district;

31 (C) Contain an independent feasibility study stating:

32 (i) Cost of operation of the new district and the
 33 ability to operate the new district taking into consideration the tax base,
 34 debt service, ~~and~~ division of assets to the new district, and the ability of
 35 the new district to meet all curriculum, accreditation, facility, and
 36 efficiency standards and meet teacher salary requirements;

1 (ii) A list of the public school assets to be
 2 transferred from the existing district to the new district;

3 (iii) The size of the new district; and

4 (iv) The effect of detachment on court-ordered
 5 desegregation; and

6 (D) Be signed by at least ten percent (10%) of the
 7 registered voters of the area proposed for detachment.

8 (b)(1) If the state board determines that the petition or resolution
 9 is valid and the petition or resolution does not conflict with subdivision
 10 (b)(2) of this section, the state board may, after complying with subdivision
 11 (b)(2) of this section, order an election on the proposition of detachment to
 12 be held at the next annual school election or general election.

13 (2)(A) The state board shall not order any creation of a new
 14 district by detachment under this subchapter or any other act or combination
 15 of any acts that hampers, delays, or in any manner negatively affects
 16 desegregation efforts of a school district or districts in this state.

17 (B) ~~Prior to~~ Before the entry of any order for election on
 18 the question of detachment, the state board shall seek an advisory opinion
 19 from the Attorney General concerning the impact of the proposed detachment
 20 and creation of a new school district on the effort of the state to assist
 21 the affected school district or districts in the desegregation of the public
 22 schools of this state.

23 (3) The order for election on the proposition of detachment
 24 shall:

25 (A) Contain a plat or map of the proposed new district;
 26 and

27 (B) Comply with all requirements and procedures set forth
 28 in § 6-14-101 et seq. that do not conflict with the provisions of this
 29 subchapter.

30 (c)(1)(A) The state board shall certify ~~two (2)~~ copies of the
 31 detachment order and convey one (1) copy to the county clerk and one (1) copy
 32 to the county election commission in the county or counties in which land
 33 involved in the detachment is situated at least sixty (60) days ~~prior to~~
 34 before the date the commission sets for election on the question of
 35 detachment.

36 (B)(i) No later than forty-five (45) days ~~prior to~~ before

1 the election, the county clerk of each county affected shall identify all
 2 persons who reside within the area proposed to be detached, and the county
 3 clerk shall determine the names and addresses of all qualified electors
 4 residing within that area.

5 (ii) The failure to identify all persons residing
 6 within the area proposed to be detached or the failure to determine the names
 7 and addresses of all qualified electors residing within that area shall not
 8 invalidate or otherwise affect the results of the election.

9 (C) All of the qualified electors residing within the
 10 territory to be detached shall be entitled to vote in the election.

11 (D) The petitioners shall give notice of the election by
 12 publication of at least one (1) insertion in a newspaper having general
 13 circulation in each school district from which territory is being detached.

14 (2)(A) The county clerk shall prepare a list by precinct of all
 15 those qualified electors residing within the area to be detached who are
 16 qualified to vote in that precinct and furnish that list to the election
 17 officials at the time the ballot boxes and voting machines are delivered.

18 (B) If the county clerk or the county election commission
 19 shall fail to perform any duties required, then any interested party may
 20 apply for a writ of mandamus to require the performance of the duties.

21 (C) The failure of the county clerk or the county election
 22 commission to perform the duties shall not void the detachment election
 23 unless a court finds that the failure to perform the duties substantially
 24 prejudiced an interested party.

25 (d)(1) The ballot shall be printed to permit voting for or against the
 26 proposition in a manner similar to the following: "Creation of a new school
 27 district by detachment of property and territory that includes the following
 28 property and territory from the _____ School District+ of
 29 _____ County."

30 (2) The ballot description of the property and territory to be
 31 detached shall be sufficient to give general notice of the territory
 32 affected.

33
 34 SECTION 16. Arkansas Code § 6-13-1505(d), pertaining to the creation
 35 of a school district by detachment and the millage rate of that new district,
 36 is amended to read as follows:

1 (d)(1) The millage rate of the qualified electors of the detached
2 territory shall remain the same until an election may be held to change the
3 rate of taxation for the detached area.

4 (2) In the detached territory, the interim board of directors of
5 the new school district shall submit to the qualified electors of the
6 district at the next school election a proposed tax millage rate for the
7 district. If the qualified electors of the new district approve the proposed
8 millage rate, it shall be the tax rate for the new school district, provided
9 the tax rate complies with the uniform rate of tax.

10 (3) In the detached territory, if the qualified electors have
11 failed to approve the millage rate proposed at the first annual school
12 election for the detached territory, then the millage rate for the new
13 district shall be the uniform rate of tax and whatever debt service millage
14 necessary to secure the bonded indebtedness of the new district.

15
16 SECTION 17. Arkansas Code Title 6, Chapter 13 is amended to add a new
17 subchapter:

18 6-13-1601. Education service centers – Establishment.

19 (a)(1) The State Board of Education may establish education service
20 centers in the state.

21 (2) The education service centers shall serve as intermediate
22 service units and part of the Department of Education and shall be eligible
23 to receive and expend funds from state and federal government, school
24 districts, and other public and private sources.

25 (b) Education service centers established under this subchapter shall
26 provide to schools and school districts assistance in:

27 (1) Using educational resources more effectively through
28 cooperation among schools or school districts or refocusing of resources;

29 (2) Promoting coordination among schools, school districts,
30 other institutions, and the Department of Education in order to provide
31 services that are consistent with providing an equal opportunity to an
32 adequate education for each and every student; and

33 (3) Engaging parents in the support of programs that improve
34 student achievement.

35 (c)(1) The General Assembly designates that the education service
36 centers created by this subchapter meet the definition of "local education

1 agencies" by virtue of the fact that each is a public authority, legally
 2 constituted within this state to perform a service function for a public
 3 elementary and secondary school in school districts and other political
 4 subdivisions of the state and to form a consortia of schools and school
 5 districts which are recognized by the General Assembly as administrative
 6 agents for public elementary and secondary schools.

7 (2) This section intends to recognize the function of the
 8 education service centers and to provide eligibility to the education service
 9 centers to receive state and federal funds upon written requests from the
 10 school districts.

11
 12 6-13-1602. Education service centers – Area of service – Establishment
 13 and adjustment.

14 (a) The State Board of Education shall establish the service area
 15 boundaries for the education service centers created under this subchapter.

16 (b) Each school district in the state shall be assigned to an
 17 education service center.

18 (c) The State Board of Education, either upon the request of one (1)
 19 or more school district boards of directors or upon its own motion, and
 20 consistent with the provisions of this section, may alter the service area of
 21 education service centers if it determines that an alteration of the service
 22 area is in the best interest of the students in the areas involved.

23
 24 6-13-1603. Education service centers – Committees.

25 (a) Each education service center shall have an advisory committee to
 26 aid the director of the education service center in meeting the objectives of
 27 the education service center and the state.

28 (b)(1) The advisory committee shall consist of nine (9) individuals
 29 appointed by the director of the education service center with the approval
 30 of the Director of the Department of Education.

31 (2) The members of the advisory committee shall each serve
 32 three-year staggered terms, with an equal number rotating off of the advisory
 33 committee each year.

34 (3) The membership of the committee shall include at least three
 35 (3) teachers, at least three (3) parents, and at least two (2)
 36 administrators.

1 (c) The duties of the advisory committee are:

2 (1)(A) Establishment of policies and procedures for the
3 operation and management of the education service center.

4 (B) The policies and procedures shall be in written form
5 and shall be approved by and filed with the State Board of Education;

6 (2) Making surveys or other inquiries that may be required to
7 determine the service needs of school districts in the service area of the
8 education service center and developing plans to provide the needed services;

9 (3) Implementation of policies established by the State Board of
10 Education for the operation of the education service center;

11 (4) Cooperation with other education service centers, school
12 districts, and other agencies to provide programs and services for children
13 and adults residing within their respective areas; and

14 (5) Carrying out other duties that may be required for the
15 efficient operation of the education service center.

16 (d)(1) The advisory committee shall meet at least quarterly.

17 (2)(A) At least annually and on a schedule set by the Director
18 of the Department of Education, the education service center shall report to
19 the Director of the Department of Education on the prior year's operations.

20 (B) The education service center's reports to the Director
21 of the Department of Education shall be written reports, with copies to each
22 school and school district that is in the service area of the education
23 service center.

24 (e) Each education service center may establish other committees of
25 local school personnel needed to keep its programs responsive to the schools
26 it serves.

27
28 6-13-1604. Education service centers – Director.

29 (a) Each education service center shall be administered by a director
30 who shall perform the following duties:

31 (1) Administer the programs and services of the education
32 service center;

33 (2) Direct expenditures of funds within the budget;

34 (3) Receive and expend funds needed to provide programs and
35 services in the area;

36 (4) Secure and maintain facilities as are required to provide

1 authorized programs and services; and

2 (5) Perform other duties as required by the Director of the
3 Department of Education and the policies, rules, and regulations of the State
4 Board of Education.

5 (b)(1) The director of the education service center shall be an
6 employee of the Department of Education.

7 (2) The Director of the Department of Education shall solicit
8 recommendations from the advisory committee of the education service center
9 as to the employment and termination of the director of the education service
10 center.

11
12 6-13-1605. Education service centers – Personnel.

13 The personnel of education service centers shall be employees of the
14 Department of Education.

15
16 6-13-1606. Education service centers – Professional development
17 center.

18 (a) Each education service center shall establish a professional
19 development center that will provide curriculum development assistance,
20 educational materials, and professional development services to educators,
21 parents, and other community groups within the school districts in the
22 service area or to other entities.

23 (b) A professional development coordinator, who shall report to the
24 director of the education service center, shall manage the professional
25 development center.

26 (c) Each professional development center shall develop, maintain, and
27 deliver services to improve student, school, and school district academic
28 performance and to implement initiatives identified by the Director of the
29 Department of Education.

30 (d) Each professional development center shall develop an annual
31 professional development plan. Each plan must include the purposes and
32 description of services the center will provide to schools in school
33 improvement and other schools or entities served by the center.

34 (e) Each professional development center shall annually report to the
35 Director of Education regarding professional development activities for the
36 previous year as required by the department.

1 (f) Each professional development center shall provide for the
2 services of a mathematics specialist, literacy specialist, instructional
3 technology specialist, and other specialists, including, but not limited to,
4 gifted and talented, special education, early childhood, as identified and
5 required by the Department of Education, with special attention and
6 additional services provided to those schools and school districts with high
7 concentrations of low income families or students from low income families as
8 indicated by eligibility for the free or reduced price lunch program under
9 the National School Lunch Act or any other act of the United States Congress,
10 in existence on January 1, 2003.

11
12 6-13-1607. Education service centers – Technology support center

13 Each education service center shall to establish a technology support
14 center for the purpose of:

15 (1) Providing relevant technology staff development for personnel of
16 member schools;

17 (2) Assisting member schools with determining technology needs,
18 technology planning, and the appropriate types of technology including
19 computer hardware and software necessary to meet those needs;

20 (3) Assisting with technology system analysis and local network
21 design;

22 (4) Providing member schools with information on technology standards
23 and specifications;

24 (5) Developing and coordinating technical training and support
25 services at the education service center;

26 (6) Assisting the Department of Education in awarding and monitoring
27 state and federal technology grants and resources;

28 (7) Coordinating information with the Arkansas Public School Computer
29 Network so that member schools will be informed on technological activity in
30 the state; and

31 (8) Assisting with requests for proposal development and bid analysis
32 so that member schools will be better able to spend funds for technology.

33
34 6-13-1608. Education service centers – Sharing and coordinating
35 activities.

36 The Department of Education shall oversee the sharing and coordination

1 of activities among the education service centers.

2
3 6-13-1609. Education service centers - Programs and services.

4 (a) The programs and services of each education service center shall
5 be based upon the needs of the schools and school districts included in its
6 service area and as they directly relate to the educational priorities of the
7 state as established by the State Board of Education.

8 (b) Education service centers may provide shared educational programs
9 and services such as needs assessment and school improvement planning, staff
10 development, curriculum development, itinerant teachers, distance learning,
11 instructional materials, adult and vocational education, programs for gifted
12 and talented children, education for children with disabilities, alternative
13 educational programs, secondary area vocational centers, community-based
14 education programs, and other services that the State Board of Education may
15 approve or that school districts may support with local funds.

16 (c)(1) Each education service center shall conduct annual surveys and
17 needs assessments to assist the center in its first priority of helping
18 schools and school districts improve their educational programs and
19 practices.

20 (2) Annual surveys and needs assessments may include written
21 surveys, visits to schools to meet with local personnel, meeting with school
22 councils, and other means to identify local needs throughout the service
23 area.

24 (3)(A) School districts may enter into contracts with the
25 education service center for services supported partially or completely by
26 local, state, or federal funds.

27 (B) No school district shall be assessed a membership fee.

28 (4) School districts within the service area of one (1)
29 education service center may also contract for services with another
30 education service center.

31
32 6-13-1610. Education service centers – Evaluations.

33 (a) On a schedule, which shall not be longer than a five (5) year
34 cyclical period, established by the Director of the Department of Education,
35 an evaluation committee of seven (7) persons shall visit all education
36 service centers.

1 (b) Each evaluation shall include, but not be limited to, an
 2 investigation of user satisfaction, service adequacy, extent of local
 3 financial support, staff qualifications, performance and administration
 4 effectiveness, and support and implementation of state initiatives as
 5 designated by the State Board of Education.

6 (c)(1) The report of the committee shall be filed with the education
 7 service center visited, with its constituent schools and school districts,
 8 and with the Department of Education.

9 (2) The advisory committee and the director of the education
 10 service center shall acknowledge receipt of the report and comment on any
 11 deficiencies identified in the report.

12 (d) The intent of this evaluation procedure is to:

13 (1) Provide a means for schools and school districts to express
 14 their concerns about the operation of their education service center;

15 (2) Ensure that each education service center remains alert and
 16 responsive to the needs of the local schools it serves; and

17 (3) Ensure that state initiatives as designated by the State
 18 Board of Education are supported and implemented.

19 (e)(1) For each evaluation, the Director of Education shall appoint
 20 the committee and designate its chairperson.

21 (2) The committee shall include the following from outside the
 22 service area of the education service center being evaluated:

23 (A) A Department of Education staff member;

24 (B) A teacher;

25 (C) A public school administrator;

26 (D) A representative of higher education;

27 (E) A parent serving as a member of a school's Parent
 28 Advisory Council;

29 (F) A member of a school district board of directors; and

30 (G) A representative of business and industry.

31
 32 6-13-1611. Education service centers – Regulations.

33 The State Board of Education may develop policies, rules, and
 34 regulations as needed for the proper administration of this subchapter
 35 consistent with the need to support and assist education service centers in
 36 the delivery of services to schools and school districts and with prudent use

1 of available human and financial resources.

2
3 SECTION 18. Arkansas Code Title 6, Chapter 13, is amended to add the
4 following new subchapter:

5 6-13-1701. Parent advisory council – Establishment.

6 Each school shall establish a parent advisory council based on the
7 following principles:

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

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

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

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

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

19
20 6-13-1702. Parent advisory council – Membership.

21 (a)(1) The Parent Advisory Council shall consist of the school
22 principal and no fewer than six (6) parents or legal guardians, or both,
23 representative of the grade levels, race, gender, and socioeconomic status of
24 the school’s population.

25 (2) No parent or legal guardian representative on the parent
26 advisory council may be an employee of that school.

27 (b) Each school shall establish policies regarding individual member’s
28 length of service on the council and filling vacancies.

29 (c) Membership on the council shall be by nomination from the school
30 principal and that school’s organized parent group.

31 (d) The school district board of directors will confirm nominations.

32
33 6-17-1703. Parent advisory council – Meetings.

34 The parent advisory council shall meet at least quarterly during the
35 school year.

36

1 6-13-1704. Parent advisory council – Roles and responsibilities.

2 (a) The parent advisory council shall recognize the principal as the
3 chief academic and operational officer of the school.

4 (b) The parent advisory council shall:

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

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

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

14 (4) Make recommendations regarding the school’s parental
15 involvement program, including activities such as sponsoring seminars to
16 inform parents and legal guardians of high school students about how to be
17 involved in the decisions affecting course selection, career planning, and
18 preparation for post secondary opportunities, as well as other activities to
19 promote parent participation;

20 (5) Provide input into the development of parental involvement
21 activities as required in the school improvement plan;

22 (6)(A) Make recommendations regarding appropriate professional
23 development activities to be included as part of the required professional
24 development for teachers and administrators.

25 (B) These professional activities shall enhance the
26 understanding of effective parent involvement; and

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

30
31 6-13-1705. Parent advisory council – School roles and
32 responsibilities.

33 (a)(1) With input from the parent advisory council, each school shall
34 develop a written parent involvement policy to encourage parents and legal
35 guardians to participate as full partners in the decisions that affect his or
36 her child and family.

1 (2) The policy shall be distributed to all parents and guardians
 2 of students in that school.

3 (b)(1) Each school shall annually disseminate through multi-media an
 4 explanation of the appropriate state and federal accreditation standards,
 5 curriculum standards, and assessment and accountability requirements.

6 (2) The school shall also report how the school complies with
 7 those established standards and requirements.

8
 9 6-13-1706. Parent advisory council – Monitoring.

10 The organization of the parent advisory council and its required
 11 activities shall be monitored by the Department of Education during the
 12 official scheduled compliance review of the school.

13
 14 SECTION 19. Arkansas Code § 6-15-211 is repealed.

15
 16 SECTION 20. Arkansas Code Title 6, Chapter 15, Subchapter 2, is
 17 amended to add an additional section to read as follows:

18 6-15-213. Failure to meet standards.

19 (a) The State Board of Education may reorganize any school district
 20 that fails to meet the curriculum, accreditation, efficiency, or facilities
 21 standards or teacher salary requirements as determined by the Department of
 22 Education and the Arkansas General Assembly.

23 (b)(1) The board shall have complete authority to reorganize a school
 24 district under subsection (a) in any manner that the board determines is
 25 necessary.

26 (2) To reorganize a school district the board may consolidate,
 27 annex, merge, or detach part of the school district with one (1) or more
 28 other school districts or the dissolution of the school district into
 29 multiple school districts.

30 (c) If a school district fails to meet curriculum, accreditation,
 31 efficiency, or facilities standards or teacher salary requirements in any
 32 given year, the Director of the Department of Education shall take immediate
 33 action to correct the situation, including, but not limited to, removal of
 34 the superintendent.

35
 36 SECTION 21. Arkansas Code § 6-15-504(b)(1)(A), pertaining to testing

1 of home-schooled students is amended to read as follows:

2 (b)(1)(A) The administration of the tests required of home-schooled
3 students shall be ~~by the directors of the education service cooperatives~~
4 ~~established under § 6-13-1001 et seq.~~ or as otherwise designated by the
5 Department of Education.

6
7 SECTION 22. Arkansas Code Title 6, Chapter 15, is amended to add the
8 following new subchapter:

9 6-15-1601. Title.

10 This subchapter shall be known and may be cited as the “Administrative
11 Accountability Law”.

12
13 6-15-1602. Purpose.

14 The purpose of this subchapter shall be to assist the State Board of
15 Education and the Department of Education to provide substantially equal
16 educational opportunities to all students.

17
18 6-15-1603. Rules and regulations-State Board of Education.

19 (a)(1) By July 1, 2004, the State Board of Education shall promulgate
20 rules and regulations to establish and implement a program for identifying,
21 evaluating, and addressing actions or violations by a school superintendent
22 that jeopardize the fiscal or academic integrity of a school or school
23 district under § 6-17-410.

24 (2) Actions or violations by a school superintendent that
25 jeopardize the fiscal or academic integrity of a school or school district
26 may include, but are not limited to, violations of Arkansas or federal law,
27 rules and regulations, and reporting requirements.

28 (b)(1) By July 1, 2004, the State Board of Education shall promulgate
29 rules and regulations to establish and implement a program for identifying,
30 evaluating, and addressing actions or violations by a school board director
31 that jeopardize the fiscal or academic integrity of a school or school
32 district.

33 (2) Actions or violations by a school board director that
34 jeopardize the fiscal or academic integrity of a school or school district
35 may include, but are not limited to, violations of Arkansas or federal law,
36 rules and regulations and reporting requirements.

1 (c) If the Department of Education determines that any school
2 superintendent or school board director has committed an action or violation
3 that may jeopardize the fiscal or academic integrity of a school or school
4 district, a written notice of the board's finding shall be submitted in
5 writing via certified mail to that individual and the school district board
6 of directors.

7 (d)(1) The school superintendent under § 6-17-410 or school board
8 director under this subchapter may appeal to the State Board of Education
9 concerning any determination or any ruling by the department as allowed for
10 under subsection (c) of this section.

11 (2) Any appeal under this subchapter must be made within fifteen
12 (15) days of the department's ruling, and the State Board of Education shall
13 act on the appeal within sixty (60) days of receipt of the appeal.

14 (3) The State Board of Education's decision on appeal shall be
15 final with no further right of appeal by the school superintendent or school
16 board director.

17
18 6-15-1604. Enforcement.

19 (a) The State Board of Education, using the same procedure as required
20 under § 6-17-410 for cause, may revoke, suspend, or place on probation the
21 professional license of the superintendent based on the action or violation
22 that jeopardizes the fiscal or academic integrity of the school or school
23 district.

24 (b) In the case of a school board director, the State Board may, at a
25 public hearing using procedures required in this subchapter, determine
26 whether a school board director is unqualified to hold the school board
27 position to which the director was elected under § 6-13-642.

28
29 6-15-1605. Superintendent contract.

30 (a) Every school superintendent contract with a public school district
31 shall require that the terms and conditions of the contract shall become void
32 upon the revocation or suspension of the school superintendent's license and
33 that the terms and conditions of the contract shall become voidable at the
34 option of the district if the school superintendent's license is placed on
35 probationary status under § 6-17-410.

36 (b) A superintendent contract with a public school district shall not

1 be for a term greater than three (3) years.

2 (c) No contract between a superintendent and a public school district
 3 shall provide any greater right or claim of employment or compensation beyond
 4 those rights allowed by this subchapter.

5
 6 6-15-1606. School board director qualifications.

7 (a) No person shall have any qualification or right to hold an elected
 8 school board position beyond the terms and conditions of this subchapter.

9 (b) The Director of the Department of Education may request the
 10 Attorney General begin usurpation of office action under § 16-118-105 against
 11 any school board director identified by the State Board of Education as
 12 unqualified for office, but who refuses to vacate the office.

13
 14 6-15-1607. Establishment of new school board.

15 (a) If the majority of the board of directors are determined to not be
 16 qualified to hold office and are removed, the Department of Education may
 17 call for the election of a new school board for the district.

18 (b) If an election is called under this section, the district shall
 19 reimburse the county board election commission for election costs as
 20 otherwise required by law.

21
 22 SECTION 23. Arkansas Code § 6-17-410(e)(2), pertaining to the reasons
 23 for which a license may be revoked or suspended or the licensee placed on
 24 probation, is amended to add an additional subdivision to read as follows:

25 (I) Determination by the Department of Education that a school
 26 superintendent has committed an act or violation, including, but not limited
 27 to, any violation of Arkansas or federal law, rules or regulations, or
 28 reporting requirements which jeopardizes the fiscal or academic integrity of
 29 a school or school district.

30
 31 SECTION 24. Arkansas Code § 6-17-413(a)(3)(F), pertaining to
 32 qualifications to receive incentive or yearly bonuses due to certification by
 33 National Board for Professional Teaching Standards, is amended to read as
 34 follows:

35 (F) No person shall receive either a starting incentive bonus or a
 36 yearly incentive bonus, irrespective of the person's past participation in

1 the national board's certification as either a teacher, a building-level
2 principal, or a building-level assistant principal if the person:

3 (i) Leaves the full-time employment of an Arkansas public school
4 district;

5 (ii) Becomes employed as a district-level central office
6 administrator;

7 (iii) Is employed by an Arkansas institution of higher
8 education; or

9 (iv) Is employed by ~~an education service cooperative~~ the
10 Department of Education and does not teach in a classroom with students.

11
12 SECTION 25. Arkansas Code § 6-17-413(b)(2), pertaining to situations
13 in which an individual must repay the money that he or she received for
14 training under the National Board for Professional Teaching Standards, is
15 amended to read as follows:

16 (2) If the teacher, principal, or assistant principal leaves the
17 employment of a public school district before the two (2) continuous years
18 are completed and is employed by an Arkansas institution of higher education
19 or ~~employed by an education service cooperative~~ by the Department of
20 Education and the teacher does not teach in a classroom with students, the
21 teacher, principal, or assistant principal shall repay the department the
22 amount it contributed to the national board's participation fee and the total
23 amount it contributed to any yearly salary bonus.

24
25 SECTION 26. Arkansas Code § 6-17-414(a)(1)(A)(i) pertaining to
26 conditions for initial employment by noncertified personnel is amended to
27 read as follows:

28 (a)(1)(A)(i) On and after April 10, 1997, the board of directors of a
29 local school district or the director of an education service ~~cooperative~~
30 center shall require as a condition for initial employment in a noncertified
31 staff position any person making application to apply to the Bureau of
32 Identification and Information for a statewide and nationwide criminal
33 records check, the latter to be conducted by the Federal Bureau of
34 Investigation.

35
36 SECTION 27. Arkansas Code § 6-17-414(a)(2) pertaining to completion of

1 criminal background checks on noncertified personnel is amended to read as
 2 follows:

3 (2) Upon completion of the criminal records check, the Bureau of
 4 Identification and Information shall forward all information obtained
 5 concerning the person in the commission of any offense listed in subsection
 6 (b) of this section to the department, which shall promptly inform the board
 7 of directors of the local school district or the director of the education
 8 service ~~cooperative~~ center whether or not the applicant is eligible for
 9 employment as provided by subdivision (b)(1) of this ~~act~~ section.

10

11 SECTION 28. Arkansas Code § 6-17-414(b)(1) pertaining to eligibility
 12 for employment by noncertified personnel is amended to read as follows:

13 (b)(1) No person shall be eligible for employment by a local school
 14 district or education service ~~cooperative~~ center in a noncertified staff
 15 position if that person has pleaded guilty or nolo contendere to or has been
 16 found guilty of any of the following offenses by any court in the state of
 17 Arkansas or of any similar offense by a court in another state or of any
 18 similar offense by a federal court:

19

20 SECTION 29. Arkansas Code § 6-17-414(b)(2) pertaining to offering
 21 provisional employment to noncertified personnel is amended to read as
 22 follow:

23 (2) Provided, however, that the board of directors of a local school
 24 district or the director of an education service ~~cooperative~~ center ~~is~~
 25 ~~authorized to~~ may offer provisional employment to an applicant pending
 26 receipt of eligibility information from the Department of Education.

27

28 SECTION 30. Arkansas Code § 6-17-703 is amended to read as follows:

29 6-17-703. Arkansas history in-service training.

30 (a) Every public school district in this state shall provide
 31 substantive and meaningful in-service training in Arkansas history for its
 32 teachers.

33 (b) The district may contract with an education service ~~cooperative~~
 34 center to provide the training.

35

36 SECTION 31. Arkansas Code § 6-17-920(a), pertaining to examination of

1 teachers' contracts, is amended to read as follows:

2 (a) It shall be the duty of the county clerk when the teachers'
 3 contracts are filed, as required by ~~§§ 6-13-620 and~~ 6-17-919, to examine such
 4 contracts.

5
 6 SECTION 32. Arkansas Code § 6-17-1113(a)(1) and (2), pertaining to a
 7 list of entities eligible to participate in the school worker defense
 8 program, are repealed.

- 9 ~~(1) Education service cooperatives;~~
 10 ~~(2) Education service cooperative board members;~~

11
 12 SECTION 33. Arkansas Code § 6-17-1113(a), pertaining to a list of
 13 entities eligible to participate in the school worker defense program, is
 14 amended to add an additional subdivision to read as follows:

15 (18) The members of an education service center advisory committee

16
 17 SECTION 34. Arkansas Code § 6-18-204(c) pertaining to students
 18 attending school in another district for specific purposes is amended to read
 19 as follows:

20 (c)(1) A student may attend school in another district for the
 21 purposes of enrolling for alternative education programs, secondary area
 22 vocational centers, or community-based education programs for which the
 23 resident district has entered into a compact with another district.

24 (2) The resident district of a student taking advantage of the
 25 provisions of this subsection shall pay tuition to the district or education
 26 service ~~cooperative~~ center that is the administrative agency for the compact
 27 program in the amount agreed upon the compact or as required by state
 28 regulation.

29
 30 SECTION 35. Arkansas Code § 6-18-206 is amended to read as follows:
 31 6-18-206. Public school choice.

32 (a)(1) This section may be referred to and cited as the "Arkansas
 33 Public School Choice Act of 1989".

34 (2) The General Assembly ~~hereby~~ finds that the students in
 35 Arkansas' public schools and their parents will become more informed about
 36 and involved in the public educational system if students and their parents

1 or guardians are provided greater freedom to determine the most effective
 2 school for meeting their individual educational needs. There is no right
 3 school for every student, and permitting students to choose from among
 4 different schools with differing assets will increase the likelihood that
 5 some marginal students will stay in school and that other, more motivated
 6 students will find their full academic potential.

7 (3) The General Assembly further finds that giving more options
 8 to parents and students with respect to where the students attend public
 9 school will increase the responsiveness and effectiveness of the state's
 10 schools, since teachers, administrators, and school board members will have
 11 added incentive to satisfy the educational needs of the students who reside
 12 in the district.

13 (4) The General Assembly therefore finds that these benefits of
 14 enhanced quality and effectiveness in our public schools justify permitting a
 15 student to apply for admission to a school in any district beyond the one in
 16 which the student resides, provided that the transfer by this student would
 17 not adversely affect the desegregation of either district.

18 (5) A public school choice program is hereby established to
 19 enable any student to attend a school in a district in which the student does
 20 not reside, subject to the restrictions contained in this section.

21 (b)(1)(A) Before a student may attend a school in a nonresident
 22 district, the student's parent or guardian must submit an application on a
 23 form approved by the Department of Education to the nonresident district.
 24 This application must be postmarked not later than July 1 of the year in
 25 which the student would begin the fall semester at the nonresident district.

26 (B)(i) Within thirty (30) days of the receipt of an
 27 application from a nonresident student seeking admission under the terms of
 28 this section, ~~a participating~~ the nonresident district shall notify the
 29 parent or guardian and the resident district in writing as to whether the
 30 student's application has been accepted or rejected.

31 (ii) If the application is rejected, the nonresident
 32 district must state in the notification letter the reason for rejection.

33 (iii) If the application is accepted, the
 34 nonresident district shall state in the notification letter:

35 (a) An absolute deadline for the student to
 36 enroll in the district, or the acceptance notification is null; and

1 (b) Any instructions for the renewal
 2 procedures established by the district.

3 (2)(A) The school board of directors of every public school
 4 district of any participating district must adopt by resolution specific
 5 standards for acceptance and rejection of applications. Standards may
 6 include the capacity of a program, class, grade level, or school building.
 7 Nothing in this section requires a school district to add teachers or
 8 classrooms or in any way to exceed the requirements and standards established
 9 by existing law. Standards shall include a statement that priority will be
 10 given to applications from siblings or stepsiblings residing in the same
 11 residence or household of students already attending the district by choice.
 12 Standards may not include an applicant's previous academic achievement,
 13 athletic or other extracurricular ability, handicapping conditions, English
 14 proficiency level, or previous disciplinary proceedings, except that an
 15 expulsion from another district may be included pursuant to § 6-18-510.

16 (B)(i) Any student who applies for a transfer under this
 17 section and is denied a transfer by the nonresident district may request a
 18 hearing before the State Board of Education to reconsider the transfer.

19 (ii) A request for a hearing before the state board
 20 shall be in writing and shall be postmarked no later than ten (10) days after
 21 notice of rejection of the application under subdivision (b)(1)(B) is
 22 received by the student.

23 (3) ~~A school board may by resolution determine that it will not~~
 24 ~~admit any nonresident pupil to its schools pursuant to this section.~~ Each
 25 school district shall participate in public school choice consistent with
 26 this section.

27 (c) The responsibility for transportation of a student from the
 28 student's resident school district to a nonresident school district shall be
 29 borne by the student or the student's parents. ~~The resident school district~~
 30 ~~and the nonresident school district~~ may enter into a written agreement with
 31 the student, ~~or~~ student's parents, or resident school district to provide
 32 transportation to or from any place in the resident district to the
 33 nonresident district, or both.

34 (d)(1) A nonresident district shall accept credits toward graduation
 35 that were awarded by another district.

36 (2) The nonresident district shall award a diploma to a

1 nonresident student if the student meets the nonresident district's
2 graduation requirements.

3 (e) For purposes of determining a school district's state equalization
4 aid, the nonresident student shall be counted as a part of the average daily
5 membership of the district to which the student has transferred.

6 (f) The provisions of this section and all student choice options
7 created in this section are subject to the following limitations:

8 (1) No student may transfer to a nonresident district where the
9 percentage of enrollment for the student's race exceeds that percentage in
10 the student's resident district except in the circumstances set forth in
11 subdivisions (2) and (4) of this subsection;

12 (2) A transfer to a district is exempt from the restriction set
13 forth in subdivision (f)(1) of this section if ~~all districts within a county~~
14 ~~have voted to participate in choice,~~ if the transfer is between two (2)
15 districts within a county, and if the minority percentage in the student's
16 race and majority percentages of school enrollment in both the resident and
17 nonresident district remain within an acceptable range of the county's
18 overall minority percentage in the student's race and majority percentages of
19 school population as set forth by the department;

20 (3) The department shall by the filing deadline each year
21 compute the minority percentage in the student's race and majority
22 percentages of each county's public school population from the October Annual
23 School Report and shall then compute the acceptable range of variance from
24 those percentages for school districts within each county. In establishing
25 the acceptable range of variance, the department is directed to use the
26 remedial guideline established in Little Rock School District v. Pulaski
27 County Special School District of allowing an overrepresentation or
28 underrepresentation of black or white students of one-fourth (1/4) or twenty-
29 five percent (25%) of the county's racial balance. In establishing the
30 acceptable range of variance for school choice, the department is directed to
31 use the remedial guideline of allowing an overrepresentation or
32 underrepresentation of minority or majority students of one-fourth (1/4) or
33 twenty-five percent (25%) of the county's racial balance;

34 (4) A transfer is exempt from the restriction set forth in
35 subdivision (f)(1) of this section if each school district within the county
36 does not have a critical mass of minority percentage in the student's race of

1 more than ten percent (10%) of any single race;

2 (5) In any instance where the foregoing provisions would result
 3 in a conflict with a desegregation court order or a district’s court-approved
 4 desegregation plan, the terms of the order or plan shall govern;

5 (6) The department shall adopt appropriate rules and regulations
 6 to implement the provisions of this section; and

7 (7) The department shall monitor school districts for compliance
 8 with this section.

9 (g) The state board shall be authorized to resolve disputes arising
 10 under subsections (b)-(f) of this section.

11 (h) A district ~~participating under this program~~ shall cause public
 12 announcements to be made over the broadcast media and in the print media at
 13 such times and in such manner as to inform parents or guardians of students
 14 in adjoining districts of the availability of the program, the application
 15 deadline, and the requirements and procedure for nonresident students to
 16 participate in the program.

17 (i)(1) All school districts shall report to the Equity Assistance
 18 Center on an annual basis the race, gender, and other pertinent information
 19 needed to properly monitor compliance with the provisions of this section.

20 (2) The reports may be on those forms that are prescribed by the
 21 department, or the data may be submitted electronically by the district using
 22 a format authorized by the department.

23 (3) The department may withhold state aid from any school
 24 district that fails to file its report each year or fails to file any other
 25 information with a published deadline requested from school districts by the
 26 center so long as thirty (30) calendar days are given between the request for
 27 the information and the published deadline except when the request comes from
 28 a member or committee of the General Assembly.

29 (4) A copy of the report shall be provided to the Joint Interim
 30 Oversight Subcommittee on Educational Reform.

31
 32 SECTION 36. Arkansas Code § 6-18-508 is amended to read as follows:

33 6-18-508. Alternative learning environment.

34 (a) Every school district shall establish an alternative learning
 35 environment which shall afford students an environment conducive to learning.

36 (b)(1) The alternative learning environment required by this section

1 may be established by more than one (1) school district ~~or may be operated by~~
 2 ~~a public school educational cooperative established under § 6-13-901 et seq~~
 3 or an education service center.

4 (2) The alternative learning environment must meet the following
 5 eligibility requirements:

6 (A) Have students supervised by a currently licensed
 7 teacher;

8 (B)(i) Have a student to teacher ratio in the alternative
 9 learning environment of no more than twenty (20) to one (1).

10 (ii) If an aide is employed in addition to a
 11 licensed supervisor, the student to teacher ratio shall be no more than
 12 twenty-two (22) to one (1);

13 (C) Provide each alternative learning student access to
 14 the services of a school counselor or a mental health professional; and

15 (D) Provide a curriculum including mathematics, science,
 16 social studies, and language arts correlated with the regular classroom
 17 instruction or with the standards for the tests of General Educational
 18 Development.

19 (3) The Department of Education shall randomly monitor school
 20 districts to ensure that alternative learning environments have been
 21 established, are conducive to learning, and are providing intervention
 22 services designed to address individual needs of students. Each school
 23 district shall be monitored at least once every three (3) years.

24 (c) The Department of Education shall establish criteria for teacher
 25 preparation for alternative learning environments, which shall include
 26 inservice training.

27 (d)(1)(A) Each school district shall report to the department, on a
 28 yearly basis, the race, gender, and other pertinent information regarding
 29 students placed in an alternative learning environment.

30 (B) This information shall be reported by the department
 31 to the Joint Interim Oversight Subcommittee on Educational Reform by
 32 September 15 of each year.

33 (2) The Arkansas Pygmalion Commission on Nontraditional
 34 Education will also report its findings by the same time each year to the
 35 same legislative body.

36 ~~(e)(1) All funding for alternative education programs distributed~~

1 ~~outside the funding formula and which meets the guidelines developed by the~~
 2 ~~department shall be released at the beginning of the school year or~~
 3 ~~distributed proportionally along with the state aid to school districts.~~ Any
 4 funds received by a local school district under this section may only be
 5 expended for eligible alternative learning environment programs.

6 (2) Funds distributed under this section shall be exempted from
 7 inclusion in calculations of additional base funding in § 6-20-303 because
 8 these funds are restricted to use for students with special educational
 9 needs.

10 ~~(f) For the 1999-2000 school year and each year thereafter, the~~
 11 ~~department will develop an incentive program for those school districts whose~~
 12 ~~alternative education programs have met the guidelines.~~ The State Board of
 13 Education may promulgate rules and regulations to implement this section.
 14

15 SECTION 37. Arkansas Code § 6-20-323 is amended to read as follows:
 16 6-20-323. Special needs students.

17 (a) The Department of Education shall provide special assistance for
 18 students with special needs to local school districts from available revenues
 19 from line item appropriations in the Public School Fund.

20 (b) Funding for students with limited English proficiency shall be
 21 based upon actual students who have been identified based on the use of an
 22 English proficiency assessment instrument. These funds shall be distributed
 23 pro rata based upon the number of students identified as limited English
 24 proficient.

25 (c) Funding for special education - catastrophic occurrences shall be
 26 based upon those individual cases where special education and related
 27 services required by the individualized education program of a particular
 28 student with disabilities are unduly expensive, extraordinary, or beyond the
 29 routine and normal costs associated with special education and related
 30 services provided by a local school district.

31 ~~(d)(1)~~ Funding for students with low socioeconomic status shall be
 32 based on students in kindergarten through grade one (K-1) living in areas
 33 with high concentrations of low income families or students from low income
 34 families as indicated by eligibility for the free or reduced price lunch
 35 program under the National School Lunch Act or any other act of the United
 36 States Congress. These funds shall be used only for early intervention

1 strategies sanctioned by the department in reading and writing literacy or
 2 mathematics for students in pre-kindergarten through grade one (preK-1).

3 ~~(2) Funding for students with low socioeconomic status shall~~
 4 ~~only be funded through June 30, 2005.~~

5 (e)(1) Funding for students in alternative learning environments shall
 6 ~~be distributed either through grants, competitive or otherwise, or pro rata~~
 7 ~~based upon the number of full time equivalent alternative learning~~
 8 ~~environment students participating in a nontraditional or flexible~~
 9 ~~instructional program designed to improve student achievement in the core~~
 10 ~~academic subjects which the students could not achieve in a regular classroom~~
 11 ~~environment.~~ be based on the current year's total of alternative learning
 12 students enrolled in eligible alternative learning environments and
 13 calculated as follows:

14 (A) The department shall calculate a funding factor equal
 15 to the amount of funds budgeted for alternative learning environments divided
 16 by the total statewide number of alternative learning students;

17 (B) For each alternative learning environment, the
 18 department shall distribute funds equal to the school district's alternative
 19 learning students times the funding factor in subdivision (e)(1);

20 (C) These funds shall be distributed in two installments
 21 as determined by the Department of Education.

22 (2)(A) For purposes of this section, "alternative learning
 23 student" means a student enrolled in an eligible alternative learning
 24 environment for a minimum of twenty (20) consecutive days per school year.

25 (B) Alternative learning students may be prorated for
 26 purposes of funding dependent on the amount of time the alternative learning
 27 student spends in an alternative learning environment.

28 (f) The State Board of Education shall promulgate rules and
 29 regulations for the disbursement of available funds for special needs
 30 students explicated in this section.

31
 32 SECTION 38. Arkansas Code § 6-20-818 is repealed.

33
 34 SECTION 39. Arkansas Code § 6-41-207(f) pertaining to duties of the
 35 State Board of Education regarding children with disabilities is amended to
 36 read as follows:

1 (f) The board, in compliance with federal enforcement requirements, is
 2 authorized to disallow the generation of all state aid to children with
 3 disabilities to any local school district or education service ~~cooperative~~
 4 ~~which~~ center that fails to comply with state and federal regulations, as
 5 determined by independent hearing officers, agency hearing decisions, agency
 6 complaint investigation decisions, agency compliance monitoring reports, or
 7 agency jurisdictional decisions. The board is authorized to set aside funds
 8 disallowed under this subsection (b) and to utilize such funds for the
 9 provision of a free and appropriate public education to appropriate children
 10 with disabilities.

11

12 SECTION 40. Arkansas Code § 6-20-1609(b), pertaining to the power of
 13 the Department of Education in dealing with a school in Phase III academic
 14 distress, is amended to read as follows:

15 (b) During the 1998-1999 school year and each year thereafter until
 16 the school district is no longer classified as a Phase III district, the
 17 department shall have the following authority in dealing with any district
 18 classified as a Phase III school district:

19 (1) To require the superintendent to relinquish all authority
 20 with respect to the district, to appoint an individual to operate the
 21 district under the supervision of the Director of the Department of
 22 Education, and to compensate non-department employees for operating the
 23 district using the salary formerly given to the district superintendent;

24 (2) To have all the powers and duties of the local school board
 25 under ~~§ 6-13-620~~ § 6-13-643;

26 (3) To determine that it is in the best interests of the
 27 students in the district to continue operation of the district or that
 28 annexation to an adjacent district or districts is necessary;

29 (4) To call for the election of a new school board for the
 30 district, in which case the district shall reimburse the county board of
 31 election commissioners for election costs as otherwise required by law;

32 (5) To allow the district to operate without a local school
 33 board under the supervision of the local school district administration;

34 (6) To turn the administration of the district over to the
 35 former board or to a newly elected school board; and

36 (7) To waive the application of Arkansas law, with the exception

1 of §§ 6-17-1501 et seq. and 6-17-1701 et seq. or department rules and
2 regulations.

3
4 SECTION 41. Arkansas Code § 6-21-108(a), pertaining to school
5 districts authority to own and convey real property, is amended to read as
6 follows:

7 (a) In addition to the authority of school districts under ~~§ 6-13-620~~
8 § 6-13-643 to have the care and custody of the schoolhouse, grounds, and
9 other property belonging to the district, the board of directors for any
10 Arkansas school district shall be authorized and empowered to acquire and
11 hold real estate, tenements, hereditaments, and other real property as is
12 necessary and proper for the purposes of the education of pupils of the
13 district and the administration of the schools of the district.

14
15 SECTION 42. Arkansas Code § 6-23-601(d)(3)(A), pertaining to
16 employment contracts of teachers employed by a charter school, is amended to
17 read as follows:

18 (3)(A) A certified teacher choosing to join the staff of a limited
19 charter school shall be employed by the district by a written contract as set
20 forth in ~~§ 6-13-620(4)~~ § 6-13-643(1), with the contract being subject to the
21 provisions of the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

22
23 SECTION 43. Arkansas Code § 6-47-201 is amended to read as follows:
24 6-47-201. Administration in elementary schools.

25 (a)(1) The Department of Education shall oversee and coordinate the
26 implementation of distance learning in elementary and secondary public
27 schools in the state.

28 (2) Distance learning shall be available to all school districts
29 in the state by August 1, 2004.

30 (b) The department shall promulgate rules and regulations establishing
31 appropriate adult supervision.

32 (c) The elementary or secondary school may import courses from outside
33 the state. However, the ~~course curriculum shall be approved by the department~~
34 ~~prior to offering the courses through distance learning~~ before offering the
35 courses through distance learning the department shall approve the course
36 curriculum.

1 (d) The courses offered through distance learning shall include, but
 2 not be limited to:

3 (1) College preparatory courses, including, but not limited to,
 4 calculus, physics, Arkansas history, foreign languages, and computer science;
 5 and

6 (2) Technological courses, including, but not limited to,
 7 advanced math and science courses, advanced computer skills courses, and
 8 advanced courses in the arts.

9 (e) The department shall work with the Arkansas School for Mathematics
 10 and Sciences, the Arkansas Educational Television Commission, ~~the education~~
 11 ~~service cooperatives~~, and other state agencies involved in distance learning
 12 or in implementing distance learning.

13
 14 SECTION 44. Arkansas Code § 6-47-302 is amended to read as follows:

15 6-47-302. Implementation in elementary and secondary schools – Courses
 16 offered.

17 (a) The Department of Education shall plan for the statewide
 18 implementation of distance learning in elementary and secondary public
 19 schools in the state.

20 (b) The elementary or secondary school may utilize courses from
 21 outside the state. However, the ~~course curriculum shall be reviewed by the~~
 22 ~~Department of Education or the Department of Workforce Education prior to~~
 23 ~~offering the courses through distance learning~~ Department of Education or the
 24 Department of Workforce Education before offering the courses through
 25 distance learning shall review the course curriculum.

26 (c) The courses offered through distance learning may include college
 27 preparatory courses, advanced mathematics and science courses, and
 28 technological courses.

29 (d) The Department of Education shall work with the Arkansas School
 30 for Mathematics and Sciences, the Arkansas Educational Television Commission,
 31 ~~the education service cooperatives~~, the Arkansas State Library, and other
 32 state agencies involved in distance learning.

33
 34 SECTION 45. Arkansas Code § 6-51-301(a) pertaining to the creation of
 35 new multidistrict vocational centers is amended to read as follows:

36 (a) Any request for approval of a proposed new center shall be

1 submitted by the superintendent or chief executive officer of the school or
 2 institution proposed to function as the center and superintendents from the
 3 several schools to be served by a center or the ~~board of an education service~~
 4 ~~cooperative~~ advisory committee of the education service center within whose
 5 ~~boundaries~~ service area the center is to be located.

6
 7 SECTION 46. Arkansas Code § 10-4-208(b), pertaining to requirements of
 8 an audit report by independent accountant when performing an audit of
 9 publicly funded educational institutions, is amended to read as follows:

10 (b) Any statutorily required audit of an educational institution
 11 performed by an independent accountant shall include as a minimum and as an
 12 integral part of the annual financial report a review and comments on
 13 substantial compliance with each of the following:

14 (1) Management letter for audit of political subdivisions, §§
 15 14-75-101 - 14-75-104;

16 (2) School officials prohibited from having interest in sales to
 17 school and from receiving pecuniary profits for favorable actions, ~~§§ 6-13-~~
 18 ~~628, § 6-21-601, 6-21-603;~~

19 (3) School elections, §§ 6-14-102, 6-14-118;

20 (4) Management of schools, ~~§§ 6-13-617 - 6-13-620, §§ 6-13-637-~~
 21 ~~6-13-643, 6-13-701;~~

22 (5) Revolving Loan Fund, §§ 6-19-114(a), 6-20-801 et seq.;

23 (6) District finances, §§ 6-20-402, 6-20-409;

24 (7) District school bonds, §§ 6-20-1208, 6-20-1210(a) and (b);

25 (8) Teachers and employees, §§ 6-17-201(b) and (c), 6-17-203 -
 26 6-17-206, 6-17-301, 6-17-401;

27 (9) Teachers' salaries, the Minimum Foundation Program Aid Act,
 28 §§ 6-17-803(b), 6-17-907, 6-17-908(a) and (b), 6-17-911 - 6-17-915, 6-17-918,
 29 and 6-17-919;

30 (10) Surety bonds if district has a district treasurer, § 19-1-
 31 403;

32 (11) Deposit of funds, §§ 19-8-104, 19-8-106;

33 (12) Investment of funds, § 19-1-504; and

34 (13) Improvement contracts, §§ 22-9-202 -- 22-9-205.

35
 36 SECTION 47. Arkansas Code § 10-4-304(15), pertaining to laws under the

1 purview of the Arkansas Governmental Compliance Act, is amended to read as
2 follows:

3 (15) Sections ~~6-13-618, 6-17-910 [repealed]~~, 6-13-639, 6-17-912, 6-17-
4 913, 6-17-918, and 6-17-919;

5
6 SECTION 48. Arkansas Code § 12-29-304(b), pertaining to the department
7 of correction school district, is amended to read as follows:

8 (b) In view of the role, duties, and responsibilities of the
9 Department of Correction as a penal and correctional institution, the
10 inability of the Department of Correction School District to meet the full
11 requirements of the rules and regulations of the quality education standards
12 promulgated by the State Board of Education pursuant to §§ 6-15-201, 6-15-
13 203, ~~§ 6-15-204 [repealed effective July 1, 2000]~~, ~~§ 6-15-205 [repealed]~~, and
14 § 6-15-206, ~~§ 6-15-207 [repealed effective July 1, 2000]~~, and ~~§ 6-15-211~~, and
15 other laws and regulations of the state pertaining to quality education
16 standards shall, in no way, penalize or jeopardize the eligibility of the
17 Department of Correction School District to receive state grants and aids for
18 public school districts as authorized in this subchapter.

19
20 SECTION 49. Arkansas Code § 14-77-102(5)(C)(i), pertaining to the
21 subdivisions included in the Local Fiscal Management Responsibility Act, is
22 amended to read as follows:

23 (i) School disbursing officer: Organization - Disbursing officer, ~~§ 6-~~
24 ~~13-618~~ § 6-13-639;

25
26 SECTION 50. Arkansas Code § 21-1-402(a)(1) pertaining to employment by
27 individuals elected to a constitutional office is amended to read as follows:

28 (a)(1) Subject to any restrictions or conditions prescribed by the
29 Arkansas Constitution, no person elected to a constitutional office may,
30 after being elected to the constitutional office and during the term for
31 which elected, enter into employment:

32 (A) With any state agency;

33 (B) In any noncertified position with any public school
34 district of this state;

35 (C) With any vocational education school funded by the
36 state; or

1 (D) With any education service ~~cooperative, or~~ center.
 2 ~~(E) With the Cooperative Education Services Coordinating~~
 3 ~~Council, unless the constitutional officer resigns prior to entering into the~~
 4 ~~employment.~~

6 SECTION 51. Arkansas Code § 25-30-102(b) pertaining to the powers and
 7 duties of the State Board of Workforce Education and Career Opportunity is
 8 amended to read as follows:

9 (b) The State Board of Workforce Education and Career Opportunities
 10 shall develop and monitor a state plan for vocational-technical education
 11 ~~which~~ that shall include the establishment of at least one (1) area
 12 vocational center in each ~~educational service cooperative~~ area served by an
 13 education service center ~~and in Pulaski County.~~ All policy issues affecting
 14 the public schools will be developed by the State Board of Workforce
 15 Education and Career Opportunities after consultation with the State Board of
 16 Education and implemented in coordination with the Department of Education ~~or~~
 17 ~~the education service cooperatives, or both.~~

19 SECTION 52. Arkansas Code § 26-51-420 is amended to read as follows
 20 26-51-420. Deductions – Education service ~~cooperative~~ centers
 21 contributions.

22 Education service ~~cooperatives~~ centers created pursuant to ~~§ 6-13-1001~~
 23 ~~et seq. or Act 103 of the First Extraordinary Session of 1983~~ Arkansas Code
 24 Title 6, Chapter 13 are hereby declared instrumentalities and political
 25 subdivisions of the State of Arkansas, and all contributions and donations
 26 made to them during calendar year 1992 and any calendar year thereafter shall
 27 be deductible from the Arkansas income tax levied by § 26-51-201 et seq.

29 SECTION 53. Arkansas Code § 26-80-111 is amended to read as follows:
 30 26-80-111. School districts formed by consolidation, annexation, or
 31 merger.

32 (a) When a new school district is created from all or parts of two (2)
 33 or more districts or a district is dissolved and all or part of the area of
 34 the dissolved district is annexed to or consolidated with an existing
 35 district, the board of directors of the resulting district shall submit to
 36 the electors of the district at the ~~next annual~~ first school election on the

1 millage rate a proposed tax millage rate for the district. If the ~~proposed~~
 2 ~~millage rate is approved by the electors of the district~~ electors of the
 3 district approve the proposed millage rate, it shall be the rate for the
 4 district, provided such rate complies with the uniform rate of tax.

5 (b) If a new school district is created from all or parts of two (2)
 6 or more districts or a district is dissolved and all or part of the area of
 7 the dissolved district is annexed to or consolidated with an existing
 8 district and if the electors have failed to approve a proposed millage rate
 9 at ~~an annual~~ the first school election on the millage rate, then the millage
 10 rate for the district shall be ~~the millage rate levied, at the last school~~
 11 ~~election prior to the consolidation, annexation or merger in the district~~
 12 ~~which had the highest average daily membership during the school year~~
 13 ~~preceding the consolidation, annexation, or merger, provided such rate~~
 14 ~~complies with the uniform rate of tax~~ plus any millage necessary to secure
 15 the existing bonded indebtedness of the newly formed district.

16
 17 SECTION 54. Arkansas Code 29-20-126 is repealed.

18
 19 SECTION 55. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE
 20 INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL,
 21 LOCAL, AND TEMPORARY LAW.

22 (a)(1) Before the implementation of this act, the Department of
 23 Education will itself reorganize. It must maximize its role as the active
 24 senior partner with the schools and prepare to intervene immediately rather
 25 than after the school or school district fails. To this end, the department
 26 shall form a taskforce consisting of key department personnel, school
 27 district personnel, teachers, and other stakeholders in order to examine the
 28 department's delivery system and make recommendations for its realignment.
 29 This study is to be completed by August 1, 2003.

30 (2) As part of the study, the department shall conduct a
 31 comprehensive review of the salaries of individuals it will need in order to
 32 fulfill its constitutional mission. This study will include equity
 33 adjustments to recognize differences in responsibility, performance, or
 34 seniority. Qualifications and salary levels shall be comparable to those of
 35 similar employees in school districts or in other state education agencies.

36 (b) After the completion of the realignment study, the department

1 shall make recommendations to the General Assembly as to any statutory
 2 changes that must be done in order for the department to implement the
 3 recommendations of the taskforce. These statutory changes may include, but
 4 not be limited to, changes in the "Uniform Classification and Compensation
 5 Act" and the department's appropriation act for operations.

6
 7 SECTION 56. IMPLEMENTATION AND SCHEDULE. NOT TO BE INCORPORATED INTO
 8 THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY
 9 LAW.

10 (a) By January 1, 2004, the State Board of Education shall cause to be
 11 published a preliminary list of all school districts then in existence
 12 stating whether that school district will become a unified, special, or
 13 regional school district and if the school district will be collapsed into a
 14 regional school district or consolidated with a unified school district, then
 15 the State Board of Education shall state into which regional school district
 16 or unified district the school district shall be assigned.

17 (b) By March 1, 2004, any school district then in existence that
 18 wishes to become a special school district shall submit a petition to the
 19 State Board of Education. The State Board of Education shall have the
 20 authority to promulgate rules and regulations on this issue.

21 (c) By May 1, 2004, the State Board of Education shall cause to be
 22 published a final list of all school districts stating whether that school
 23 district will become a unified, special, or regional school district and if
 24 the school district will be collapsed into a regional school district or
 25 consolidated with a unified school district, then the State Board of
 26 Education shall state into which regional school district or unified school
 27 district the school district shall be assigned.

28 (d)(1) On July 1, 2004, any regional school district created under
 29 this act shall become the successor in interest to the property of the school
 30 districts assigned to the regional school district, shall become liable for
 31 the contracts and debts of the school districts assigned to the regional
 32 school district, and may sue and be sued therefor;

33 (2) On July 1, 2004, when territory less than an entire school
 34 district is assigned to a regional school district, the regional school
 35 district shall take the property of the school district from which the
 36 territory was taken, as the State Board of Education shall deem proper, and

1 shall be liable for that part of all indebtedness of the district from which
 2 the territory was taken as shall be assigned to it by the state board.

3 (3) On July 1, 2004, the Department of Education shall become
 4 the successor in interest to the property of the education service
 5 cooperatives dissolved under this act. The Department of Education shall not
 6 assume any debts or contracts of the dissolved education service
 7 cooperatives.

8 (e)(1) Beginning on July 1, 2004, and until their successors are
 9 elected and take office under this act, school district boards of directors
 10 of school districts classified as unified and special school districts shall
 11 continue in office.

12 (2)(A) Beginning on June 1, 2004, and until their successors are
 13 elected and take office under this act, the interim board of directors of a
 14 regional school district shall consist of the presidents of the school
 15 district boards of directors of the school districts assigned to that
 16 regional school district.

17 (B) The school board created under subdivision (e)(2)(A)
 18 of this section shall have the same powers and duties as any other school
 19 district board of directors. The first duty of the interim boards of
 20 directors created under this subsection shall be to select a superintendent
 21 of schools who shall be hired for a term not to exceed July 1, 2005.

22 (f)(1) In regional school districts created under this act, the
 23 interim board of directors of the regional school district shall submit to
 24 the qualified electors of the district at the 2004 school election a proposed
 25 tax millage rate for the district. If the qualified electors of the regional
 26 school district approve the proposed millage rate, it shall be the tax rate
 27 for the regional school district, provided the tax rate complies with the
 28 uniform rate of tax.

29 (2) In a regional school district created under this act and if
 30 the electors have failed to approve a proposed millage rate at the 2004
 31 annual school election, then the millage rate for the district shall be the
 32 uniform rate of tax and whatever debt service millage necessary to secure the
 33 bonded indebtedness of the regional school district.

34 (g) This section shall no longer be in effect on June 30, 2005.

35
 36 SECTION 57. Effective Date.

1 Unless otherwise provided in this act, this act shall become effective
 2 on July 1, 2004.

3
 4 SECTION 58. EMERGENCY CLAUSE. It is found and determined by the
 5 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 6 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 7 now extent system of education to be unconstitutional because it is both
 8 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
 9 for a constitutional system to be one in which the State has an “absolute
 10 duty” to provide an “equal opportunity to an adequate education”; and the
 11 Arkansas Supreme Court instructed the General Assembly to define and provide
 12 what is necessary to provide an adequate and equitable education for the
 13 children of Arkansas-forthwith. Therefore, an emergency is declared to exist
 14 and this act being immediately necessary for the preservation of the public
 15 peace, health, and safety shall become effective on:

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

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

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

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