

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

Call Item 4

A Bill

HOUSE BILL 1123

5 By: Representatives Hathorn, Sullivan, Medley, Thyer, Scroggin
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE COUNTY SCHOOL DISTRICTS FOR
10 ADMINISTRATIVE PURPOSES; TO PRESERVE LOCAL SCHOOL
11 DISTRICTS AS SUBDISTRICTS; TO PROVIDE FOR THE
12 CREATION OF A COUNTY SCHOOL DISTRICT BOARD OF
13 DIRECTORS; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO CREATE COUNTY SCHOOL DISTRICTS FOR
16 ADMINISTRATIVE PURPOSES; TO PRESERVE
17 LOCAL SCHOOL DISTRICTS AS SUBDISTRICTS;
18 AND TO PROVIDE FOR THE CREATION OF A
19 COUNTY SCHOOL DISTRICT BOARD OF
20 DIRECTORS.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

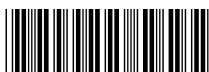
26 SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an
27 additional subchapter to read as follows:

28 6-13-1801. Purpose.

29 The purpose of this subchapter is to reorganize the administration of
30 school districts so that the administrative functions of all school districts
31 in a county are combined into one (1) county school district, but the
32 boundaries and school facilities of each existing local school district are
33 maintained separately as a subdistrict of the county school district.
34

35 6-13-1802. Definitions.

36 For the purpose of this subchapter:



1 (1) "Average daily membership" means the total number of days
2 attended plus the total number of days absent by students in grades
3 kindergarten through twelve (K-12) during the first three (3) quarters of
4 each school year divided by the number of school days actually taught in the
5 district during that period of time rounded up to the nearest hundredth. As
6 applied to this subchapter, students who may be counted for average daily
7 membership are:

8 (A) Students who reside within the boundaries of the
9 school district and who are enrolled in a public school operated by the
10 district or a private school for special education students, with their
11 attendance resulting from a written tuition agreement approved by the
12 Department of Education;

13 (B) Legally transferred students living outside the
14 district but attending a public school in the district; and

15 (C) Students who reside within the boundaries of the
16 school district and who are enrolled in the Arkansas National Guard Youth
17 Challenge Program, so long as the students are participants in the program;

18 (2) "Average daily membership of the subdistrict" means the
19 total number of days attended plus the total number of days absent by
20 students in grades kindergarten through twelve (K-12) during the first three
21 (3) quarters of each school year divided by the number of school days
22 actually taught in the subdistrict during that period of time rounded up to
23 the nearest hundredth. As applied to this subchapter, students who may be
24 counted for average daily membership are:

25 (A) Students who reside within the boundaries of the
26 subdistrict and who are enrolled in a public school operated by the
27 subdistrict or a private school for special education students, with their
28 attendance resulting from a written tuition agreement approved by the
29 Department of Education;

30 (B) Legally transferred students living outside the
31 subdistrict but attending a public school in the subdistrict; and

32 (C) Students who reside within the boundaries of the
33 subdistrict and who are enrolled in the Arkansas National Guard Youth
34 Challenge Program, so long as the students are participants in the program;

35 (3) "Reorganization" or "reorganized" means the joining of two
36 (2) or more school districts or parts thereof to create a new single school

1 district; and

2 (4) "State funds" means all money derived from state revenues
 3 and distributed through the Department of Education Public School Fund
 4 Account and the ad valorem property tax, up to the uniform rate of tax
 5 established under Arkansas Constitution, Amendment 74, distributed to the
 6 subdistrict.

7
 8 6-13-1803. Reorganization in county school districts.

9 (a)(1) Except as provided in subdivision (a)(2)(B) of this section,
 10 all school districts within a county shall be reorganized into a county
 11 school district for the purpose of administration of the school districts.

12 (2) A school district shall not be reorganized into a county
 13 school district if the school district:

14 (A) Has average daily membership meeting or exceeding
 15 three thousand (3,000) for the 2003-2004 school year;

16 (B) Is the only school district with a principal
 17 administrative office in the county on June 30, 2004; or

18 (C) Is subject to an existing court-order that is
 19 construed by the office of the Attorney General to prohibit the school
 20 district from becoming part of a county school district.

21 (b) A subdistrict created by this subchapter may include areas outside
 22 the boundary of the county if those areas were a part of the school district
 23 prior to reorganization under this subchapter.

24 (c) On July 1, 2005, all school districts reorganized under this
 25 subchapter shall become subdistricts of the county school district.

26
 27 6-13-1804. County school district administration.

28 (a) A county school district created under this subchapter shall have
 29 the same prerogatives, powers, duties, and privileges as provided by law for
 30 school districts in the state.

31 (b) A county school district board of directors created under this
 32 subchapter shall have the same prerogatives, powers, duties, and privileges
 33 as provided by law for school district boards of directors.

34 (c)(1) A county school district shall have only one (1) central
 35 administrative office, one (1) board of directors, and one (1) school
 36 district superintendent.

1 (2) A subdistrict shall not have a central administrative
 2 office, a board of directors, or a superintendent that performs duties that
 3 are not subject to the direction and control of the county school district or
 4 the county school district board of directors.

5 (d)(1) A school district may have an administrator with the title
 6 "subdistrict superintendent" who shall have the powers and duties
 7 traditionally held by a principal of a school.

8 (2) No subdistrict superintendent shall perform duties that are
 9 not subject to the direction and control of the county school district
 10 superintendent.

11 (3) Nothing in this subchapter shall be construed to require the
 12 salaries of the subdistrict superintendent to exceed the salary traditionally
 13 paid to school principals with similar duties.

14 (e)(1) For purposes of this subchapter, a school district shall be
 15 considered within a county if the school district's principal administrative
 16 office is located in the county on the effective date of this subchapter.

17 (2)(A) A school district with a principal administrative office
 18 located in one (1) county and a majority of the students attending the
 19 district residing in another county may, by a majority vote of the members of
 20 the local school board of directors, elect to join the county school district
 21 of either county.

22 (B) A school district board of directors electing, under
 23 subdivision (e)(2) of this section, to join the county school district of a
 24 county in which a majority of the school district's students reside shall
 25 file a written statement with the State Board of Education and the school
 26 apportionment board of all affected counties by July 1, 2004, setting forth
 27 the election.

28 (f) Any school district that is consolidated or annexed under another
 29 law prior to July 1, 2005, and is reorganized under this subchapter shall
 30 become a subdistrict of the county school district in the county where the
 31 resulting district's principal administrative office is located.

32
 33 6-13-1805. Facilities in subdistricts.

34 (a) Except as provided under subsections (b) and (c) of this section,
 35 each subdistrict within the county school district shall continue to maintain
 36 separate boundaries, separate names, separate school facilities, and separate

1 athletic programs and other extracurricular activities, unless a closure of
 2 the subdistrict's facilities is approved by a majority of the electors of the
 3 subdistrict subject to closure.

4 (b)(1) The county school district board of directors may close the
 5 facilities of a subdistrict, with approval by a majority of the members of
 6 the county school district board of directors, if:

7 (A) The average daily membership of the subdistrict is less
 8 than three hundred fifty (350) students for the school year immediately
 9 preceding the date of proposed closure; and

10 (B) There is a distance of less than twelve (12) miles of
 11 hard-surfaced highway from the school facility subject to closure to the
 12 nearest adjacent school facility for the same grade level in an adjoining
 13 subdistrict.

14 (2) However, the county board of directors may close the
 15 subdistrict's facilities with approval of at least two-thirds (2/3) of the
 16 members of the county school district board of directors if the county school
 17 board of directors determines that the county school district will suffer
 18 unreasonable financial burden and the following conditions are met:

19 (A) The county school district continues to maintain
 20 separate facilities for a subdistrict with an average daily membership of the
 21 subdistrict that is less than five hundred (500) students for the school year
 22 immediately preceding the date of proposed closure; and

23 (B) There is less than fifteen (15) miles of hard-surfaced
 24 highway from the school facility subject to closure to the nearest adjacent
 25 school facility for the same grade level in the adjoining subdistrict.

26 (c) After July 1, 2005, the county school district board of directors
 27 may allow a subdistrict to reorganize with a subdistrict in another county if
 28 the reorganization is approved by an affirmative vote of a majority of the
 29 members of the county board of directors of each affected school district.

30 (d) Any funds collected from private donations or fundraisers to
 31 support activities of a school district prior to reorganization under this
 32 act or for a subdistrict created under this subchapter shall remain the sole
 33 and separate property of the subdistrict for which it was collected.

34
 35 6-13-1806. Creation of election zones - School district apportionment
 36 committee.

1 (a)(1) There is established for each county a school district
 2 apportionment committee.

3 (2) The school district apportionment committee for each county
 4 shall be made up of:

5 (A) The president of each local school board of directors,
 6 or his or her designee who shall be a member of the local school board; and

7 (B) The county election commission.

8 (b) The Secretary of State and the school district apportionment
 9 committee shall jointly determine if the county school district shall be
 10 divided into seven (7), nine (9), or eleven (11) election zones for the
 11 election of members of the county school district board of directors.

12 (c) The Secretary of State shall be responsible for initially dividing
 13 each county into the number of election zones decided upon under subsection
 14 (b) of this section for the election of members of the county school district
 15 board of directors.

16 (d) By August 1, 2004, the Secretary of State shall deliver to each
 17 county school district apportionment committee a map or maps showing a
 18 preliminary initial districting plan, or alternative plans.

19 (e)(1) The initial election zones shall be established on the basis of
 20 population.

21 (2)(A) Each election zone shall have a population as nearly
 22 equal as practicable to the ideal population for such election zones,
 23 determined by dividing the number of election zones to be established into
 24 the population of the county reported in the federal decennial census.

25 (B) Election zones shall not vary in population from the
 26 respective ideal election zone populations except as necessary to comply with
 27 one of the other standards enumerated in this section.

28 (C) In no case shall the quotient, obtained by dividing
 29 the total of the absolute values of the deviations of all election zone
 30 populations from the applicable ideal election zone population by the number
 31 of districts established, exceed one percent (1%) of the applicable ideal
 32 election zone population.

33 (D) No election zone shall have a population that exceeds
 34 that of any other election zone by more than five percent (5%).

35 (3)(A) To the extent consistent with subdivision (e)(2) of this
 36 section, election zone boundaries shall coincide with the boundaries of

1 political subdivisions of the county school district boundaries.

2 (B) Census blocks may not be divided. The number of
 3 cities and towns divided among more than one (1) election zone shall be as
 4 small as possible.

5 (C) When there is a choice between dividing local
 6 political subdivisions, the more populous subdivisions shall be divided
 7 before the less populous.

8 (4) Election zones shall be composed of convenient contiguous
 9 territory. Areas that meet only at the points of adjoining corners are not
 10 contiguous.

11 (5) It is preferable that election zones be compact in form, but
 12 the standards established by subdivisions (e)(2) through (e)(4) of this
 13 section take precedence over compactness where a conflict arises between
 14 compactness and these standards.

15 (6)(A) No election zone shall be drawn for the purpose of
 16 favoring a currently incumbent board member or other person or group, or for
 17 the purpose of augmenting or diluting the voting strength of a language or
 18 racial minority group.

19 (B) In establishing districts, no use shall be made of any
 20 of the following data:

- 21 (i) Addresses of incumbent board members;
- 22 (ii) Political affiliations of registered voters;
- 23 (iii) Previous election results; or
- 24 (iv) Demographic information, other than population
 25 head counts, except as required by the state or federal Constitutions and the
 26 laws of the United States.

27 (f)(1) The school district apportionment committee shall review the
 28 plan submitted by the Secretary of State and shall call at least one (1)
 29 public hearing in a county seat city to hear public comment on the plan,
 30 pursuant to public notice published in a newspaper of general circulation in
 31 the county.

32 (2) Not later than thirty (30) days after the receipt of the
 33 plan from the Secretary of State, each school district apportionment
 34 committee shall make a report recommending any changes it deems should be
 35 made in the plan.

36 (g) The Secretary of State shall make any changes recommended by the

1 school district apportionment committee that meet the criteria set out in
2 subdivisions (e)(2) through (e)(6) of this section.

3 (h) By January 1, 2005, the Secretary of State shall file with the
4 county clerk of each county a certified copy of the districting plan.

5 (i)(1) Original jurisdiction to contest the plan of apportionment
6 filed by the Secretary of State is vested in the circuit court of the
7 affected county.

8 (2) Any such contest shall be filed within thirty (30) calendar
9 days after the plan is filed with the county clerk.

10
11 6-13-1807. Organization of county school districts.

12 (a)(1) The county election commission of each county with a school
13 district reorganized under this subchapter shall call for and take all
14 necessary actions to cause a special election to be held by the second
15 Tuesday in April of 2005, for the purpose of electing a single resident from
16 each election zone to serve on the county school board of directors.

17 (2) The members of each county school district board elected in
18 the special election pursuant to subdivision (a)(1) of this section shall
19 take office on May 1, 2005, to serve until board members are elected at the
20 2006 annual school election.

21 (3) Members of the county school district elected during the
22 special election pursuant to subdivision (a)(1) of this section may be
23 reelected to continue to serve on the countywide school district board.

24 (b) The county school district board of directors shall develop a plan
25 for the operation of the county school district and hire a superintendent for
26 the county school district by July 1, 2005.

27 (c) If a county school district board of directors fails to comply
28 with the requirements of this subchapter, the State Board of Education may
29 receive and hear petitions or move on its own motion to create county school
30 districts in such a timeframe to comply with the provisions of this
31 subchapter.

32 (d)(1) The local school board of directors of a school district
33 reorganized under this subchapter shall be abolished effective at midnight on
34 June 30, 2005.

35 (2) The county school districts created under this subchapter
36 are created effective July 1, 2005.

1 (e) The ad valorem tax rate of a county school district shall be as
 2 provided by law.

3 (f)(1) All funding received by the county school district shall follow
 4 the student for which the funding was received. This means that any funding
 5 based upon average daily membership shall be distributed to the subdistrict
 6 based upon the subdistrict's average daily membership.

7 (2) The costs and expenses of the county school district
 8 administration shall be divided among the subdistricts served by the county
 9 school district in direct proportion to the amount of state funds received by
 10 each subdistrict.

11
 12 6-13-1808. Isolated subdistricts.

13 Any subdistrict that was entitled to receive funding as an isolated
 14 school district prior to reorganization under this subchapter shall continue
 15 to receive funding as a subdistrict as provided by law for school districts
 16 or subdistricts.

17
 18 6-13-1809. Reorganization with school districts in academic or fiscal
 19 distress.

20 (a) A school district reorganized into a county school district with a
 21 school district designated by the State Board of Education as being in
 22 academic or fiscal distress shall not be subject to academic or fiscal
 23 distress sanctions.

24 (b) A subdistrict that was previously designated by the State Board of
 25 Education as a school district in academic or fiscal distress shall continue
 26 to be subject to the same sanctions and provisions as if the school district
 27 had not been reorganized.

28
 29 6-13-1810. The State Board of Education shall promulgate rules and
 30 regulations necessary to implement the provisions of this subchapter.

31
 32 SECTION 2. Arkansas Code § 6-17-301, concerning employment of
 33 certified personnel, is amended to add an additional subsection to read as
 34 follows:

35 (e) Any employment contract entered into, after the effective date of
 36 this subsection, by a school board of directors or school district shall

1 contain a provision that allows the contract to be voided by any party to the
 2 contract if the school district is consolidated or reorganized by state law
 3 and the contracting school district no longer exists as a separate legal
 4 entity after the consolidation or reorganization.

5
 6 SECTION 3. Effective July 1, 2005, Arkansas Code § 6-20-303(14),
 7 concerning definitions for school funding, is amended to read as follows:

8 (14) "Isolated funding" means the state financial aid provided
 9 to local school districts or subdistricts with an average daily membership of
 10 fewer than three hundred fifty (350) from funds made available for that
 11 purpose and which is calculated as follows:

12 (A) (350-Previous year's average daily membership) divided
 13 by eight hundred fifty (850) times previous year's average daily membership
 14 times the base local revenue per student;

15 (B) Local school districts or subdistricts with an average
 16 daily membership density of less than one and two tenths (1.2) shall receive
 17 additional funds equal to fifty percent (50%) of aid received under
 18 subdivision (14)(A) of this section;

19 (C) For the purpose of calculating isolated funding, any
 20 local school district or subdistrict that has an average daily membership
 21 density greater than 5.0 shall be excluded. Provided, however, if a local
 22 school district or subdistrict has a local revenue per student less than
 23 sixty percent (60%) of the effective average, it shall receive isolated
 24 funding;

25 (D) No school district or subdistrict shall receive less
 26 isolated funding in future years than the district received during the 1996-
 27 1997 school year because of subdivision (14)(C) of this section; and

28 (E) If the statewide amount for isolated funding
 29 calculated pursuant to this section is less than the amount appropriated for
 30 isolated funding, the state board may include a funding factor to the
 31 calculation in subdivision (14)(A) of this section in order to expend up to
 32 the appropriated amount;

33
 34 SECTION 4. Effective July 1, 2005, Arkansas Code § 6-20-601 is amended
 35 to read as follows:

36 6-20-601. Qualifications for receiving isolated funding.

1 (a) As used in this section, "isolated school district" or "isolated
 2 subdistrict" means a school district or subdistrict that meets any four (4)
 3 of the following five (5) criteria:

4 (1) There is a distance of twelve (12) miles or more by hard-
 5 surfaced highway from the high school of the district or subdistrict to the
 6 nearest adjacent high school in an adjoining district or subdistrict;

7 (2) The density ratio of transported students is less than three
 8 (3) students per square mile of area;

9 (3) The total area of the district or subdistrict is ninety-five
 10 square miles (95 sq. mi.) or greater;

11 (4) Less than fifty percent (50%) of bus route miles is on hard-
 12 surfaced roads; and

13 (5) There are geographic barriers such as lakes, rivers, and
 14 mountain ranges which would impede travel to schools that otherwise would be
 15 appropriate for consolidation, cooperative programs, and shared services.

16 (b) An isolated school district or isolated subdistrict shall be
 17 eligible to receive isolated funding if:

18 (1) The district's budget or the subdistrict's budget is
 19 prepared by the local district with Department of Education approval;

20 (2) The district or the subdistrict has an average daily
 21 membership of less than three hundred fifty (350); and

22 (3) The district or the county school district in which the
 23 subdistrict is located meets the minimum standards for accreditation of
 24 public schools prescribed by law and regulation.

25 (c) Any school district or subdistrict designated as an isolated
 26 school district for the 1996-1997 fiscal year that used geographic barriers
 27 as one (1) of the four (4) criteria necessary to receive isolated funding
 28 shall be allowed to continue to use geographic barriers as a criterion for
 29 future allocations of isolated funding.

30 (d)(1) State financial aid in the form of isolated funding shall be
 31 provided to local school districts or subdistricts qualifying under this
 32 section and shall be calculated as follows:

33 (350-Previous year's average daily membership) divided by eight
 34 hundred fifty (850) times the previous year's average daily membership times
 35 the base local revenue per student.

36 (2) There shall be two (2) categories of isolated funding:

1 (A) Category I isolated funding shall be provided to all
 2 school districts or subdistricts that qualify under this section; and

3 (B) Category II isolated funding shall be further provided
 4 to those school districts or subdistricts that qualify under this section and
 5 have an average daily membership density ratio of less than 1.2 students per
 6 square mile and shall be calculated at fifty percent (50%) of Category I
 7 funding.

8 (3) Those school districts or subdistricts that qualify under
 9 this section and whose local revenue per student exceeds the base local
 10 revenue per student shall receive isolated funding calculated as follows:
 11 (Category I plus Category II) minus (base local revenue per student minus
 12 local revenue per student) times the previous year's average daily
 13 membership.

14 (4) In the event that the statewide amount for isolated funding
 15 calculated pursuant to this section is less than the amount appropriated for
 16 isolated funding, the State Board of Education may include a funding factor
 17 in the calculation in § 6-20-303(14)(A) in order to expend up to the
 18 appropriated amount.

19 (e) No school district or subdistrict which may qualify under other
 20 law to receive additional state aid because its average daily membership is
 21 less than three hundred fifty (350) shall be eligible to receive funding
 22 under this section except that a district qualifying under other law for
 23 such aid and qualifying for funds under this section may elect to receive
 24 funds under this section in lieu of aid under the other.

25 (f) Any funding an isolated subdistrict receives under this section or
 26 other isolated district funding provisions shall be used solely for the
 27 isolated subdistrict.

28
 29 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
 30 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 31 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 32 current system of education in the state to be unconstitutional because it is
 33 both inequitable and inadequate; the Arkansas Supreme Court set forth the
 34 test for a constitutional system to be one in which the state has an
 35 “absolute duty” to provide an “equal opportunity to an adequate education”;
 36 the Arkansas Supreme Court instructed the General Assembly to undertake

1 actions as necessary to provide an opportunity for an adequate and equitable
2 education for the children of Arkansas; and the provisions of this act are
3 necessary steps toward accomplishing that mandate. Therefore, an emergency
4 is declared to exist and this act being immediately necessary for the
5 preservation of the public peace, health, and safety shall become effective
6 on:

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

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

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

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