

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

Call Item 4

A Bill

HOUSE BILL 1139

5 By: Representatives Hathorn, Milligan, Bennett
6 By: Senators Laverty, Miller
7

For An Act To Be Entitled

10 AN ACT TO ALLOW CERTAIN SCHOOLS TO REMAIN AS A
11 SEPARATE DISTRICT; AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO ALLOW CERTAIN SCHOOLS TO
15 REMAIN AS A SEPARATE DISTRICT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. (a) No school district shall be required to consolidate,
21 annex, or otherwise reorganize because of an act of the General Assembly or
22 the State Board of Education, unless the consolidation or annexation is
23 because of the school district's failure to meet standards of accreditation
24 or failure to meet academic or fiscal distress requirements pursuant to The
25 Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive
26 Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and
27 the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et
28 seq., if:

29 (1) There is a distance of fifteen (15) miles or more by hard-
30 surfaced highway from the high school of the district to the nearest adjacent
31 high school in an adjoining district; and

32 (2) The district is meeting or exceeding minimum teacher salary
33 requirements established by law.

34 (b) A school district meeting the requirements of subdivision (a)(1)-
35 (2) may agree to voluntarily consolidate, be annexed, or reorganize as
36 provided by law.



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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Supreme Court in Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the current system of education in the state to be unconstitutional because it is both inequitable and inadequate; and the Arkansas Supreme Court set forth the test for a constitutional system to be one in which the state has an “absolute duty” to provide an “equal opportunity to an adequate education”; the Arkansas Supreme Court instructed the General Assembly to undertake actions as necessary to provide an opportunity for an adequate and equitable education for the children of Arkansas; that school districts providing education to children residing in geographically isolated districts are essential to providing access to education throughout the state, protection for those districts must be in place prior to July 1, 2004, to ensure stability in those districts, and the provisions of this bill are necessary steps toward accomplishing that goal. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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