

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

Call Item 4

A Bill

SENATE BILL 67

5 By: Senator Whitaker
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR
10 SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO CREATE COUNTYWIDE
13 ADMINISTRATIONS FOR SCHOOL DISTRICTS.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 6-13-1601. Purpose.

22 The purpose of this subchapter is to create countywide administration
23 of public school districts.
24

25 6-13-1602. Definitions.

26 For purposes of this subchapter:

27 (1) "Administrative functions" means business support services,
28 central support services, general administration support services, operation
29 and maintenance support services, and student transportation support
30 services;

31 (2) "Business support services" means activities that are
32 related to goods and services for the district, including business services,
33 fiscal operations, budget planning, payroll, financial accounting, internal
34 auditing, purchasing services, printing, and administrative technology
35 services;

36 (3) "Central support services" means support of each of the



1 other instructional and support services programs, including information
 2 services to disseminate educational and administrative information for
 3 students, staff, or the public, staff services, recruitment and placement,
 4 in-service training for classified staff, and technology services;

5 (4) "Countywide administration" means one (1) superintendent and
 6 a central office performing the administrative functions for all school
 7 districts within a county;

8 (5) "General administration support services" means activities
 9 that are related to establishing and administering district policy, including
 10 the activities of the district board of education, elections, reappraisal of
 11 property, the overall general administration of the district, and the office
 12 of the superintendent;

13 (6) "Operation and maintenance support services" means
 14 activities related to the operating and maintaining of the plant, grounds,
 15 buildings and equipment, maintaining general purpose vehicles such as trucks,
 16 tractors, graders, and staff vehicles, and maintaining order and safety in
 17 school buildings and on school grounds;

18 (7) "State funds" means all money derived from state revenues
 19 and distributed through the Department of Education Public School Fund and in
 20 addition, the ad valorem property tax, up to the uniform rate of tax
 21 established under Arkansas Constitution, Amendment 74, distributed to the
 22 district; and

23 (8) "Student transportation support services" means activities
 24 related to the transporting of students to and from school and other
 25 activities, including supervision, and vehicle operation and maintenance.

26
 27 6-13-1603. Countywide administration.

28 (a)(1) The administrative functions of existing public school
 29 districts shall be reorganized so that all school districts in a county share
 30 one (1) countywide administration.

31 (2) Each school district in the county shall continue to be
 32 operated by separate local school boards in the same manner as allowed by
 33 state law;

34 (3) Each district within the county may maintain its separate
 35 existing boundaries, separate name, legal identity, separate budget, and
 36 separate school facilities.

1 (4) The administrative reorganization required under this
2 subchapter is intended to require reorganization of only the administration
3 and administrative functions of a school district and shall not be construed
4 to require the consolidation of school districts, the relocation of schools,
5 the closing of any facilities, or the transportation of students.

6 (b) For purposes of this subchapter, a school district shall be
7 considered within a county if the district's principal administrative office
8 is located in the county on the effective date of this subchapter.

9
10 6-13-1604. Organization of countywide administration.

11 (a)(1) The boards of directors of each school district within a county
12 shall collectively meet to develop a plan to create a countywide
13 administration in accordance with the provisions of this subchapter.

14 (2) The plans shall be submitted for approval to the State Board
15 of Education by April 30, 2004.

16 (3) Each plan shall be drafted in a manner that:

17 (A) Complies with all state laws, federal laws, state
18 rules and regulations, and applicable court orders;

19 (B) Is fair to all districts involved; and

20 (C) Serves the best interest of the students served by
21 each district.

22 (4) The state board shall require the modification of any plan
23 that is not in compliance with subdivision (a)(1)(C) of this section.

24 (b) The state board may receive and hear petitions or move on its own
25 motion to create countywide administrations of school districts in such a
26 timeframe to comply with the provisions of this subchapter.

27 (c)(1) The state board shall cause the creation of countywide
28 administrations in accordance with this subchapter effective July 1, 2004.

29 (2) The state board may take action prior to July 1, 2004, as
30 necessary for an orderly and efficient transition of administration and
31 administrative functions on July 1, 2004.

32 (d) No existing school administration shall be reorganized if the
33 reorganization is prohibited by an existing court order.

34
35 6-13-1605. Executive committee.

36 (a)(1) There is established for each countywide administration an

1 executive committee.

2 (2)(A)(i) The executive committee shall consist of an equal
 3 number of representatives from each local school board served by the
 4 countywide administration and shall have no fewer than eight (8) members nor
 5 more than sixteen (16) members.

6 (ii) The president of each local school board shall
 7 serve as one (1) of the representatives of each district on the executive
 8 committee.

9 (iii) Each school year, other representatives, if
 10 any, of the local school boards shall be elected by each local school board
 11 from among its members.

12 (B) The executive committee shall have the authority to
 13 hire and set the salaries of the superintendent and other staff of the
 14 countywide administration.

15 (C) Any position in the countywide administration that did
 16 not exist in a school district prior to the reorganization under this
 17 subchapter shall be reviewed by the State Board of Education for the purpose
 18 of the determining if the position is necessary for the proper and efficient
 19 functioning of the countywide administration and the school districts it
 20 serves and shall be approved only if the state board determines that the
 21 position is necessary.

22 (b) The cost and expenses of the countywide administration shall be
 23 divided among the school districts served by the countywide administration in
 24 direct proportion to the amount of state funds received by each school
 25 district.

26
 27 SECTION 2. Arkansas Code § 6-13-620(a)(4), concerning the powers and
 28 duties of the local school board of directors, is amended to read as follows:

29 (4)(A)(i) Employ teachers and other employees necessary for the
 30 proper conduct of the public schools of the district and make written
 31 contracts with teachers and all other employees in the form prescribed by the
 32 State Board of Education.

33 (ii) If a school district shares a countywide
 34 administration, the board of directors of each school shall not have the
 35 authority to hire a superintendent or other countywide administrative staff.
 36 A superintendent and countywide administrative staff shall be hired by the

1 executive committee as set forth under § 6-13-1605.

2
3 SECTION 3. Arkansas Code § 6-13-109 is amended to read as follows:
4 6-13-109. School superintendent. [Effective July 1, 2000.]

5 (a)(1) The public school districts in the state shall each employ a
6 superintendent of schools, whose qualifications and duties shall be
7 prescribed by the General Assembly and the State Board of Education.

8 (2) If a school district shares a countywide administration and
9 administrative function, there shall be only one (1) superintendent for all
10 of the districts served by the countywide administration who shall be hired
11 by the executive committee as set forth under § 6-13-1605.

12 (b) "Superintendent of schools" is defined as the executive officer of
13 a school district board of directors directing the affairs of the school
14 district and teaching not more than one-half (1/2) of the time in the school
15 day.

16
17 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
19 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
20 current system of education in the state to be unconstitutional because it is
21 both inequitable and inadequate; and the Arkansas Supreme Court set forth the
22 test for a constitutional system to be one in which the state has an
23 "absolute duty" to provide an "equal opportunity to an adequate education";
24 the Arkansas Supreme Court instructed the General Assembly to undertake
25 actions as necessary to provide an opportunity for an adequate and equitable
26 education for the children of Arkansas; and the provisions of this bill are
27 necessary steps toward accomplishing that goal. Therefore, an emergency is
28 declared to exist and this act being immediately necessary for the
29 preservation of the public peace, health, and safety shall become effective
30 on:

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

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

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