

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1844

5 By: Representative Stewart
6 By: Senator Elliott
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR FORMING A SCHOOL
10 BOARD OF DIRECTORS AFTER ANNEXATION OR CONSOLIDATION;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE REQUIREMENTS FOR FORMING A
16 SCHOOL BOARD OF DIRECTORS AFTER
17 ANNEXATION OR CONSOLIDATION.
18
19

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

22 SECTION 1. Arkansas Code § 6-13-1401 is amended to read as follows:

23 6-13-1401. Definitions.

24 As used in this subchapter:

25 (1) "Affected district" means a school district that ~~loses~~;

26 (A) Loses territory or students as a result of annexation;

27 or

28 (B) Is involved in a consolidation;

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

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

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



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

3 (6) "State board" means the State Board of Education.
 4

5 SECTION 2. Arkansas Code § 6-13-1405 and 6-13-1406 are repealed.

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

7 ~~(a) Upon consolidation or annexation of a school district by the State~~
 8 ~~Board of Education.~~

9 ~~(1) The effective date of the annexation or consolidation shall~~
 10 ~~be the July 1 following the state board action unless otherwise determined by~~
 11 ~~the state board;~~

12 ~~(2) The state board shall prescribe the number of members of the~~
 13 ~~board of directors of the resulting or receiving district and prescribe the~~
 14 ~~method of forming the board of directors of the resulting or receiving~~
 15 ~~district;~~

16 ~~(3) The consolidation or annexation plan adopted by the state~~
 17 ~~board shall be filed with the county clerk of each county that contains~~
 18 ~~territory or a portion of the territory of each affected school district;~~

19 ~~(4) All terms and conditions of the consolidation shall be as~~
 20 ~~set forth by the state board and shall be binding on the school districts and~~
 21 ~~the respective boards of directors; and~~

22 ~~(5)(A)(i) The state board shall afford the local school~~
 23 ~~districts in a consolidation thirty (30) days to establish an interim local~~
 24 ~~board to govern the resulting district pursuant to § 6-13-1406 until the next~~
 25 ~~school election.~~

26 ~~(ii) If the consolidation is under § 6-13-1602, the~~
 27 ~~resulting districts shall establish an interim board by May 31 immediately~~
 28 ~~preceding the effective date of consolidation.~~

29 ~~(B) If the local school districts fail to establish an~~
 30 ~~interim board, the state board shall appoint an interim local board to serve~~
 31 ~~until the next elected board assumes office.~~

32 ~~(C)(i) The interim board shall be made up of board members~~
 33 ~~from the boards of directors of the affected districts.~~

34 ~~(ii) The proportion of board members from each of~~
 35 ~~the affected districts shall be equal to the proportion of the student~~
 36 ~~population in the resulting district that came from each affected district.~~

1 ~~(b) Upon a petition for consolidation or annexation,~~

2 ~~(1) Consolidation shall be the July 1 following the order of the~~
 3 ~~state board directing the annexation or the consolidation, unless the state~~
 4 ~~board determines otherwise;~~

5 ~~(2) Each board of directors of the affected districts by~~
 6 ~~majority approval of the members of the local board of directors may enter~~
 7 ~~into a written agreement executed by the former president and secretary of~~
 8 ~~each district. The agreement shall prescribe the date of the annexation of~~
 9 ~~the affected district or districts to the receiving district or the formation~~
 10 ~~of the resulting district from consolidation of affected districts;~~

11 ~~(3) The agreement shall also prescribe the number of members of~~
 12 ~~the board of directors of the resulting district as allowed by law; and~~

13 ~~(4) An executed copy of the agreement shall be filed with the~~
 14 ~~county clerk of each county that contains territory or a portion of the~~
 15 ~~territory of each affected district.~~

16
 17 ~~6-13-1406. Board of directors—Term—Election.~~

18 ~~(a)(1)(A) Unless the board of directors of the affected district or~~
 19 ~~districts and the board of directors of the receiving district or districts~~
 20 ~~agree otherwise, the board of directors of the receiving district or~~
 21 ~~districts after annexation shall be the same board of directors of the~~
 22 ~~receiving district prior to annexation until the next regular school~~
 23 ~~election.~~

24 ~~(B)(i) In lieu of electing a new board of directors at the~~
 25 ~~next regular school election, the board of directors of the affected district~~
 26 ~~or districts and the board of directors of the receiving district may agree~~
 27 ~~to form an interim board of directors whose members shall serve until the~~
 28 ~~regular school election in the year following the effective date of the~~
 29 ~~annexation.~~

30 ~~(ii)(a) If an interim board of directors is formed~~
 31 ~~to serve until the school election in the year following the effective date~~
 32 ~~of the annexation, the interim board of directors shall be composed of the~~
 33 ~~members of the board of directors of the receiving district and at least one~~
 34 ~~(1) member selected by the board of directors of each affected district.~~

35 ~~(b) Each member selected from the affected~~
 36 ~~district shall be determined by a vote of the affected board of directors. In~~

1 ~~the case of a tie vote, the member shall be selected by drawing lots.~~

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

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

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

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

20 ~~(3) The board of directors of the resulting district shall be~~
21 ~~elected from single member zones of substantially equal population based upon~~
22 ~~the most recent census information and from which racial minorities may be~~
23 ~~represented on the board of directors in proportions reflected in the school~~
24 ~~district as a whole.~~

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

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

31 ~~(e) Any vacancy on the board of directors shall be filled in the~~
32 ~~manner provided for by law.~~

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

35
36 SECTION 3. Arkansas Code § 6-13-1412 and 6-13-1413 are repealed.

~~6-13-1412. Board of directors after annexation—Term—Election.~~

~~(a)(1) Notwithstanding any other provisions of law, school districts that annex after January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, and opt to follow the procedures in this section or school districts that voluntarily annex and opt to follow the procedures in this section shall form a new board of directors made up of the board of directors of the receiving district plus at least one (1) member of the board of directors of each affected district as provided under § 6-13-1406(a)(1)(B)(ii).~~

~~(2) The board of directors of each affected district shall select by majority vote at least one (1) member to serve on the new board of directors.~~

~~(3) In the case of a tie vote on the board of directors of an affected district, the member shall be selected by drawing lots.~~

~~(b)(1) School districts that annexed before January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, and which have an interim board of directors that has not stood for election since the creation of the interim board of directors shall have a board of directors made up of the members of the interim board of directors.~~

~~(2) Within thirty (30) days of February 24, 2005, the members of the board of directors shall determine their terms by lot so that no more than three (3) members' terms expire during any one (1) year with no fewer than one (1) member's term expiring at the regular school election in the year following the effective date of the annexation.~~

~~(c)(1) In no case shall the interim board of directors or permanent board of directors have:~~

~~(A) More than seven (7) or fewer than five (5) members; or~~

~~(B) An even number of members.~~

~~(2) If the addition of members from the affected district or districts would cause the interim board of directors to be out of compliance with subdivision (c)(1) of this section or if the board of directors decides to reduce the size of the board of directors, the total number of positions held by the members of the receiving district shall be reduced as necessary by:~~

~~(A) Voluntary resignation of one (1) or more existing members; or~~

~~(B) Drawing lots by the directors of the receiving~~

1 ~~district prior to annexation.~~

2 ~~(d) In lieu of electing a new board of directors at the next regular~~
3 ~~school election, the members of the interim board of directors created under~~
4 ~~subsection (a) of this section shall determine their terms by lot so that no~~
5 ~~more than three (3) members' terms expire during any one (1) year with no~~
6 ~~fewer than one (1) member's term expiring at the regular school election in~~
7 ~~the year following the effective date of the annexation.~~

8 ~~(e)(1) Unless the school district is allowed to do otherwise pursuant~~
9 ~~to § 6-13-604, the board of directors of the receiving district after~~
10 ~~annexation shall be composed of five (5) or seven (7) members as determined~~
11 ~~by a majority vote of the board of directors of the receiving district, and~~
12 ~~the determination shall be exempt from the requirements of §§ 6-13-604 and 6-~~
13 ~~13-606.~~

14 ~~(2)(A) The board of directors shall be elected from single-~~
15 ~~member zones if single-member election zones are necessary to comply with the~~
16 ~~Voting Rights Act of 1965, as in existence on January 1, 2005, ensuring the~~
17 ~~protection of the voting rights of minority populations in school districts.~~
18 ~~Otherwise, the election may be at large for the board of director members~~
19 ~~whose terms are expiring.~~

20 ~~(B)(i) If the board of directors of a school district is~~
21 ~~required to be elected from single-member zones, the procedure for the~~
22 ~~election shall be as necessary to comply with the Voting Rights Act of 1965,~~
23 ~~as in existence on January 1, 2005, and state law.~~

24 ~~(ii) The zoning shall be completed no later than one~~
25 ~~hundred twenty (120) calendar days prior to the second school election~~
26 ~~following the effective date of the annexation, at which time the full board~~
27 ~~of directors shall be up for election.~~

28 ~~(C) No sanctions provided by state statutory law,~~
29 ~~specifically including, but not limited to, the sanctions under § 6-13-~~
30 ~~631(h)(2) or State Board of Education rule shall be levied against a school~~
31 ~~district if the deadline for zoning allowed under subdivision (e)(2)(B) of~~
32 ~~this section is met.~~

33 ~~(3)(A)(i) If prior to the annexation either the receiving~~
34 ~~district or the affected district had been zoned as necessary to comply with~~
35 ~~the Voting Rights Act of 1965, as in existence on January 1, 2005, or state~~
36 ~~law, the receiving district shall review the makeup and boundaries of the~~

1 ~~zones and the latest decennial census data of the receiving district.~~

2 ~~(ii) After the review required under subdivision~~
3 ~~(e)(3)(A)(i) of this section, the receiving district shall be rezoned as~~
4 ~~necessary to comply with the Voting Rights Act of 1965, as in existence on~~
5 ~~January 1, 2005, and state law.~~

6 ~~(B) Any rezoning under subdivision (e)(3)(A)(ii) of this~~
7 ~~section shall be completed no later than one hundred twenty (120) calendar~~
8 ~~days prior to the second school election following the effective date of the~~
9 ~~annexation.~~

10 ~~(C) No sanctions provided by state statutory law,~~
11 ~~specifically including, but not limited to, the sanction under § 6-13-~~
12 ~~631(h)(2) or State Board of Education rule, shall be levied against a school~~
13 ~~district if the deadline for rezoning allowed under subdivision (e)(3)(B) of~~
14 ~~this section is met.~~

15 ~~(f) The length of the term of each member of the board of directors~~
16 ~~after annexation shall be for a time period as determined by the board of~~
17 ~~directors and allowed by law.~~

18 ~~(g) Any vacancy on the board of directors shall be filled in the~~
19 ~~manner provided for by law.~~

20 ~~(h)(1) The provisions of §§ 6-13-1405 and 6-13-1406 with respect to~~
21 ~~the election of a board of directors following annexation shall not be~~
22 ~~applicable for school districts annexed under Acts 2003 (2nd Ex. Sess.), No.~~
23 ~~60, that follow the procedures in this section or school districts that~~
24 ~~voluntarily annex and opt to follow the procedures in this section.~~

25 ~~(2) However, the State Board of Education shall allow school~~
26 ~~districts thirty (30) days to establish an interim local board of directors~~
27 ~~or as incorporated in this section by reference.~~

28
29 ~~6-13-1413. Board of directors after consolidation—Term—Election.~~

30 ~~(a) Notwithstanding any other provision of law, school districts that~~
31 ~~consolidate after January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60,~~
32 ~~and that opt to follow the procedures in this section or school districts~~
33 ~~that voluntarily consolidate and opt to follow the procedures in this section~~
34 ~~shall form an interim board of directors as provided by §§ 6-13-1405(a)(5)~~
35 ~~and 6-13-1406(b).~~

36 ~~(b) In lieu of electing a new board of directors at the next regular~~

1 school election, the members of the interim board of directors created under
2 subsection (a) of this section shall determine their terms by drawing lots so
3 that no more than three (3) members' terms expire during any one (1) year
4 with no fewer than one (1) member's term expiring at the regular school
5 election in the year following the effective date of the consolidation.

6 (c)(1) Unless the school district is allowed to do otherwise pursuant
7 to § 6-13-604, the board of directors of the school district after
8 consolidation shall be composed of five (5) or seven (7) members as
9 determined by a majority vote of the board of directors of the resulting
10 district, and the determination shall be exempt from the requirements of §§
11 6-13-604 and 6-13-606.

12 (2)(A) The board of directors shall be elected from single-
13 member zones if single-member election zones are necessary to comply with the
14 federal Voting Rights Act of 1965, as in effect on January 1, 2005, to ensure
15 the protection of the voting rights of minority populations in school
16 districts. Otherwise, the election may be at large for members of the board
17 of directors whose terms are expiring.

18 (B)(i) If the board of directors of a school district is
19 to be elected from single-member zones, the school district shall be zoned as
20 necessary to comply with the federal Voting Rights Act of 1965, as in effect
21 on January 1, 2005, and state law.

22 (ii) The zoning shall be completed no later than one
23 hundred twenty (120) calendar days prior to the second school election
24 following the effective date of the consolidation, at which time the full
25 board of directors shall be up for election.

26 (C) No sanctions provided by state statutory law,
27 specifically including, but not limited to, the sanctions under § 6-13-
28 631(h)(2) or State Board of Education rule, shall be levied against a school
29 district if the deadline for zoning allowed under subdivision (c)(2)(B) of
30 this section is met.

31 (3)(A)(i) If prior to the consolidation either of the affected
32 districts had been zoned in compliance with the federal Voting Rights Act of
33 1965, as in effect on January 1, 2005, or state law, the resulting district
34 shall review the makeup and boundaries of the zones and the latest federal
35 decennial census data of the receiving district.

36 (ii) After the review required under subdivision

1 ~~(c)(3)(A)(i) of this section, the resulting district shall be rezoned as~~
2 ~~necessary to comply with the federal Voting Rights Act of 1965, as in effect~~
3 ~~on January 1, 2005, and state law.~~

4 ~~(B) Any rezoning under subdivision (c)(3)(A)(ii) of this~~
5 ~~section shall be completed no later than one hundred twenty (120) calendar~~
6 ~~days prior to the second school election following the effective date of the~~
7 ~~consolidation.~~

8 ~~(C) No sanctions under state statutory law, specifically~~
9 ~~including, but not limited to, the sanctions under § 6-13-631(h)(2) or State~~
10 ~~Board of Education rule, shall be levied against a school district if the~~
11 ~~deadline for rezoning allowed under subdivision (c)(3)(B) of this section is~~
12 ~~met.~~

13 ~~(d) The length of the term of each member of the board of directors~~
14 ~~after consolidation shall be for a time period as determined by the board of~~
15 ~~directors and allowed by law.~~

16 ~~(e) Any vacancy on the board of directors shall be filled in the~~
17 ~~manner provided for by law.~~

18 ~~(f) The provisions of §§ 6-13-1405 and 6-13-1406 with respect to the~~
19 ~~election of a board of directors following consolidation shall not be~~
20 ~~applicable for school districts consolidating under Acts 2003 (2nd Ex.~~
21 ~~Sess.), No. 60, that follow the procedures in this section or school~~
22 ~~districts that voluntarily consolidate and opt to follow the procedures in~~
23 ~~this section. However, the State Board of Education shall allow school~~
24 ~~districts thirty (30) days to establish an interim local board of directors.~~
25 ~~If the affected districts fail to establish an interim board of directors as~~
26 ~~required, the State Board of Education shall appoint an interim local board~~
27 ~~of directors pursuant to § 6-13-1405 or as incorporated in this section by~~
28 ~~reference.~~

29 ~~(g)(1) Notwithstanding any other provisions of law, school districts~~
30 ~~that consolidated before January 1, 2005, under Acts 2003 (2nd Ex. Sess.),~~
31 ~~No. 60, may by majority vote of the board of directors opt to return to at-~~
32 ~~large elections if the school district:~~

33 ~~(A) Was required to establish single member election zones~~
34 ~~solely because of the requirements of Acts 2003 (2nd Ex. Sess.), No. 60;~~

35 ~~(B) Is not or was not required to establish single member~~
36 ~~election zones by any state law other than Acts 2003 (2nd Ex. Sess.), No. 60;~~

1 and

2 ~~(C) Is not or was not required to have single member~~
 3 ~~election zones to comply with the federal Voting Rights Act of 1965, as in~~
 4 ~~effect on January 1, 2005.~~

5 ~~(2) Any school district opting to return to at large elections~~
 6 ~~as allowed under this section shall return to an at large election over a~~
 7 ~~period of time as each individual member's position comes up for election~~
 8 ~~based on the staggered term of office for each board position as established~~
 9 ~~by the local board of directors.~~

10
 11 SECTION 4. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
 12 to add additional sections to read as follows:

13 6-13-1415. Involuntary consolidation or annexation -- Effective date --
 14 Interim Board of directors.

15 (a) This section applies to the involuntary consolidation or
 16 involuntary annexation of a school district made by a motion of the State
 17 Board of Education.

18 (b) The effective date of an involuntary consolidation or involuntary
 19 annexation of a school district shall be the June 1 after the state board
 20 action unless determined otherwise by the state board.

21 (c) The state board shall establish the terms and conditions of the
 22 involuntary consolidation or involuntary annexation that shall govern the
 23 affected districts.

24 (d)(1) If the state board determines that a new permanent board of
 25 directors is necessary, the state board shall prescribe:

26 (A) The number of members for the new permanent board of
 27 directors of the resulting district or receiving district;

28 (B) The manner of formation of the new permanent board of
 29 directors of the resulting district or receiving district under § 6-13-1417;
 30 and

31 (C)(i) Whether the new permanent board of directors will
 32 be elected at the first or second school election after the effective date of
 33 consolidation or annexation.

34 (ii) The election for the new permanent school board
 35 of directors may only take place during the second school election after the
 36 effective date of consolidation or annexation if the state board determines

1 that additional time is required to implement single-member zoned elections.

2 (2) If the state board determines that an interim board of
3 directors is necessary, the state board shall prescribe:

4 (A) The number of members for the interim board of
5 directors of the resulting district or receiving district;

6 (B) The terms of the members of the interim board of
7 directors of the resulting district or receiving district; and

8 (C)(i) The manner of formation of the interim board of
9 directors of the resulting district or receiving district.

10 (ii) The state board may:

11 (a) Allow the affected districts thirty (30)
12 days to establish an interim board of directors to govern the resulting
13 district or receiving district that consists of either five (5) or seven (7)
14 members selected from the boards of directors from the affected districts
15 based on the proportion of the student population of each of the affected
16 districts before consolidation or annexation;

17 (b) Appoint an interim board of directors to
18 govern the resulting or receiving district that consists of either five (5)
19 or seven (7) members selected from the boards of directors from the affected
20 districts based on the proportion of the student population of each of the
21 affected district before consolidation or annexation; or

22 (c) Designate the existing board of directors
23 of one (1) affected district in a consolidation or the existing board of
24 directors of the receiving district in an annexation as the interim board to
25 govern the resulting district or receiving district until the next school
26 election.

27 (3) The state board may determine that an interim board of
28 directors is not necessary and may order the existing board of directors of
29 one (1) affected district in a consolidation or the existing board of
30 directors of the receiving district in an annexation to remain as the
31 permanent school board of directors.

32 (e)(1) An interim board of directors shall serve until the first
33 school election after the effective date of consolidation or annexation,
34 unless:

35 (A) Any members of the permanent board of directors of the
36 resulting district or receiving district are elected from single-member

1 zones, then the interim board of directors may serve until the second school
2 election after the effective date of consolidation or annexation under § 6-
3 13-1415(d)(2); or

4 (B) All the members of the permanent board of directors of
5 the resulting district or receiving district are elected at-large, and the
6 state board may stagger the terms of the interim board of directors which
7 shall be determined by lot so that no more than two (2) members terms expire
8 during any one (1) year.

9 (2) If the state board allows the local school districts time to
10 establish an interim board of directors, the board of directors of the
11 affected districts before the consolidation or the affected district and
12 receiving district before the annexation may determine how to select members
13 of the existing boards of directors to serve on the interim board of
14 directors, subject to approval by the state board, by:

15 (A) The voluntary resignation of one (1) or more members
16 of the existing boards of directors;

17 (B) Selecting one (1) or more members of the existing
18 boards of directors by a majority vote of the school board; or

19 (C) Selecting one (1) or more members of the existing
20 boards of directors by a random lot drawing.

21 (3) An interim board of directors shall be established by May 31
22 of the year preceding the effective date of administrative consolidation or
23 administrative annexation under § 6-13-1603, if the state board determines
24 that an interim board of directors is necessary.

25 (f)(1) A consolidation or annexation order adopted by the state board
26 shall be filed with the:

27 (A) County clerk of each county that contains school
28 district territory of each affected district, receiving district, or
29 resulting district;

30 (B) Secretary of State; and

31 (C) Arkansas Geographic Information Office.

32 (2) A consolidation or annexation order shall include a map of
33 the boundaries of the resulting district or receiving district.

34 (3) A consolidation or annexation order filed with the Secretary
35 of State and the Arkansas Geographic Information Office shall include a
36 digital map showing the boundaries of the resulting district or receiving

1 district in a format prescribed by the Arkansas Geographic Information
2 Office.

3 (g) The state board may promulgate rules necessary to administer this
4 subchapter.

5
6 6-13-1416. Voluntary consolidation or annexation -- Effective date --
7 Interim Board of directors.

8 (a) This section applies to any petition for consolidation or
9 annexation of a school district submitted to the State Board of Education by
10 a school district.

11 (b) The effective date of a petition for consolidation or annexation
12 of a school district shall be the June 1 after the state board approves the
13 consolidation or annexation petition unless the state board approves an
14 alternative affective date or determines otherwise.

15 (c)(1) Each board of directors of an affected district and receiving
16 district shall enter into a written agreement approved by the quorum of the
17 members of each board of directors present and executed by the president and
18 secretary of each school board of directors.

19 (2) The written agreement may prescribe the effective date of
20 the annexation of the affected district to the receiving district or the
21 effective date of the formation of the resulting district from consolidation
22 of affected districts, subject to approval by the state board.

23 (3)(A) The written agreement may prescribe the number of members
24 of the permanent board of directors of the resulting district or receiving
25 district and the manner of formation of the permanent board of directors of
26 the resulting district or receiving district under § 6-13-1417 or as allowed
27 by law.

28 (B)(i) If the written agreement prescribes the formation
29 of a new permanent board of directors, the written agreement shall specify
30 whether the new permanent board of directors will be elected at the first or
31 second school election after the effective date of consolidation or
32 annexation.

33 (ii) The election of a new permanent board of
34 directors may only take place during the second school election after the
35 effective date of consolidation or annexation if additional time is necessary
36 to implement single-member zoned elections.

1 (d) The written agreement may prescribe for the interim board of
2 directors the number of members, the length of member terms, and the manner
3 of formation as follows:

4 (1) Establish an interim board of directors to govern the
5 resulting district or receiving district that consists of either five (5) or
6 seven (7) members selected from the boards of directors from the affected
7 districts and receiving districts based on the proportion of the student
8 population of each of the affected districts and receiving districts before
9 consolidation or annexation;

10 (2) Designate the existing board of directors of one (1)
11 affected district in a consolidation or the existing board of directors of
12 the receiving district in an annexation as the interim board of directors to
13 govern the resulting district or receiving district until the next school
14 election; or

15 (3) Determine that an interim board of directors is not
16 necessary and may designate the existing board of directors of one (1)
17 affected district in a consolidation or the existing board of directors of
18 the receiving district in an annexation to remain as the permanent school
19 board of directors.

20 (e)(1) If the written agreement prescribes the formation of an interim
21 board of directors, the interim board of directors shall serve until the
22 first school election after the effective date of consolidation or annexation
23 unless:

24 (A) Any members of the permanent board of directors of the
25 resulting district or receiving district are elected from single-member
26 zones, then the interim board of directors may service until the second
27 school election after the effective date of consolidation or annexation under
28 § 6-13-1416(c)(2)(B); or

29 (B) All the members of the permanent board of directors of
30 the resulting district or receiving district are elected at-large, the state
31 board may stagger the terms of the interim board of directors which shall be
32 determined by lot so that no more than two (2) members terms expire during
33 any one (1) year.

34 (2) If the written agreement prescribes formation of an interim
35 board of directors, the board of directors of the affected districts before
36 the consolidation or the affected district and receiving district before

1 annexation may determine how to select members of the existing boards of
2 directors to serve on the interim board of directors, by:

3 (A) The voluntary resignation of one (1) or more members
4 of the existing boards of directors;

5 (B) Selecting one (1) or more members of the existing
6 boards of directors by a majority vote of the school board; or

7 (C) Selecting one (1) or more members of the existing
8 boards of directors by a random lot drawing.

9 (3) If an interim board of directors is necessary, the interim
10 board of directors shall be established by May 31 of the year preceding the
11 effective date of administrative consolidation or administrative annexation
12 under § 6-13-1603.

13 (f)(1) An executed copy of the written agreement shall be attached to
14 the petition for consolidation or annexation submitted to the state board.

15 (2) If the written agreement is approved by the state board, the
16 terms of the written agreement shall be binding upon the affected districts,
17 receiving districts, and resulting districts, including the interim and
18 permanent school boards of directors.

19 (3) A written agreement under this section shall not be
20 effective without approval from the state board.

21 (g)(1) A consolidation or annexation petition approved by the state
22 board shall be filed with the:

23 (A) County clerk of each county that contains school
24 district territory of each affected district, receiving district, or
25 resulting district;

26 (B) Secretary of State; and

27 (C) Arkansas Geographic Information Office.

28 (2) An approved consolidation or annexation petition shall
29 include a map of the boundaries of the resulting district or receiving
30 district.

31 (3) An approved consolidation or annexation petition filed with
32 the Secretary of State and the Arkansas Geographic Information Office shall
33 include a digital map showing the boundaries of the resulting district or
34 receiving district in a format prescribed by the Arkansas Geographic
35 Information Office.

36

6-13-1417. Formation of a permanent board of directors.

(a)(1) A permanent board of directors shall have either five (5) or seven (7) members, unless the school district is allowed to have nine (9) members under § 6-13-604.

(2) The length of the terms of the board of directors may be for the time period:

(A) Prescribed by law;

(B) Prescribed in the written agreement under § 6-13-1416;

or

(C) Determined by the permanent board of directors.

(3) At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that not more than two (2) members terms expire during any one (1) year.

(4) A vacancy on the board of directors shall be filled as prescribed by law.

(b)(1) If single-member election zones are not necessary to comply with the Voting Rights Act of 1965 or with any other federal or state law, any or all of the members of the permanent board of directors may be elected at-large.

(2) A minimum of five (5) members of a permanent board of directors shall be elected from single-member election zones if one (1) or more of the following applies:

(A) Single-member election zones are required to comply with the Voting Rights Act of 1965 or other federal law;

(B) The resulting district or receiving district after consolidation or annexation is required to be zoned under § 6-13-631 or other state law; or

(C) The board of directors of the affected district and receiving districts before consolidation or annexation agree that the permanent board of directors shall be elected from single-member election zones.

(3) If single-member election zones are necessary to comply with the Voting Rights Act of 1965, other federal law, or state law, the resulting district or receiving district shall:

(A) Review the demographic makeup and boundaries of the zones based on the latest decennial census data of the resulting district or

1 receiving district and rezone the resulting district or receiving district as
 2 necessary to comply with the Voting Rights Act of 1965, other federal law, or
 3 state law;

4 (B) Complete the election rezoning no later than one
 5 hundred twenty (120) calendar days before the second school election
 6 following the effective date of the consolidation or annexation; and

7 (C) File a digital map detailing the election zone
 8 boundaries of the resulting district or receiving district with the Secretary
 9 of State and the Arkansas Geographic Information Office in a format
 10 prescribed by the Arkansas Geographic Information Office no later than one
 11 hundred twenty (120) calendar days before the second school election
 12 following the effective date of the consolidation or annexation.

13
 14 SECTION 5. Arkansas Code § 6-13-1603(k), concerning school boards of
 15 directors following administrative annexation or administrative
 16 consolidation, is amended to read as follows:

17 (k) The provisions of § ~~6-13-1406~~ § 6-13-1415 - 6-13-1417 shall govern
 18 the board of directors of each resulting district or receiving ~~school~~
 19 district created under this subchapter.

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