

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 1169 OF 1993
HOUSE BILL 1167

4 **By: Representative Thicksten, Walker, McGinnis, and McGee**

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE THAT THE MEMBERS OF THE BOARD OF
9 DIRECTORS OF A LOCAL SCHOOL DISTRICT SHALL BE ELECTED FROM
10 SINGLE-MEMBER ZONES OR *SINGLE-MEMBER ZONES AND AT-LARGE*;
11 AND FOR OTHER PURPOSES."

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Subtitle

14 "TO REQUIRE THAT MEMBERS OF THE BOARD OF DIRECTORS OF
15 LOCAL SCHOOL DISTRICTS SHALL BE ELECTED FROM SINGLE-MEMBER
16 ZONES OR *SINGLE-MEMBER ZONES AND AT-LARGE*."

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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) Beginning with the 1994 annual school election, the
21 qualified electors of a school district having a ten percent (10%) or greater
22 minority population, as reported by the most recent *federal decennial census*
23 *information*, shall elect the members of the board of directors *as authorized*
24 *in this Act*, utilizing selection procedures in compliance with the federal
25 Voting Rights Act of 1965, *as amended*.

26 (b) At least ninety (90) days before the election, *the local board of*
27 *directors shall by resolution choose to elect board members from five (5) or*
28 *seven (7) single-member zones or from five (5) single-member zones and two (2)*
29 *at-large and, with the approval of the controlling county board of education,*
30 shall divide each school district having a ten percent (10%) or greater
31 minority population into *seven (7) or five (5) single-member zones in*
32 *accordance with the federal Voting Rights Act of 1965, as amended*. Zones
33 shall have substantially equal population, with boundaries based on the most
34 recent available federal decennial census information.

35 (c) A board of directors choosing to elect board members by five (5)
36 single-member zones and two (2) at-large positions may fill the two (2) at-

1 *large positions by drawing lots from among the current board members.*

2 (d) *A candidate for election from a single-member zone must be a*
3 *qualified elector and a resident of the zone. A candidate for an at-large*
4 *position must be a qualified elector and a resident of the district. Except*
5 *as provided in (d), a district board member shall serve a five (5) year term.*
6 *A term shall commence when the county court declares the results of the*
7 *election by an order entered of record.*

8 (e) *At the first meeting of a new board of directors, the members shall*
9 *establish initial terms by lot so that, to the extent possible, an equal*
10 *number of positions are filled each year and not more than two (2) members_*
11 *terms expire each year.*

12 (f) *After each federal decennial census and at least ninety (90) days*
13 *before the annual school election, the local board of directors with the*
14 *approval of the controlling county board of education shall divide each school*
15 *district having a ten percent (10%) or greater minority population into*
16 *single-member zones. The zones shall be based on the most recent federal*
17 *decennial census information and substantially equal in population. At the*
18 *annual school election following the re-zoning, a new school board shall be*
19 *elected in accordance with procedures set forth in this Act.*

20 (g) *The following school districts shall be exempt from the provisions*
21 *of this Act:*

22 (1) *A school district that is currently operating under a federal*
23 *court order enforcing school desegregation or the federal Voting Rights Act of*
24 *1965, as amended; or*

25 (2) *A school district that is operating under a preconsolidation*
26 *agreement that is in compliance with the federal Voting Rights Act of 1965, as*
27 *amended; or*

28 (3) *A school district that has a zoned board meeting the*
29 *requirements of the federal Voting Rights Act of 1965, as amended; or*

30 (4) *A school district that a federal court has ruled is not in*
31 *violation of the federal Voting Rights Act of 1965, as amended, so long as the*
32 *court order is in effect.*

33 (h) *The State Department of Education shall withhold twenty percent*
34 *(20%) of the annual state funds allocation to a school district not in*
35 *compliance with this act.*

1 (i) The State Board of Education is hereby authorized to adopt rules
2 and regulations necessary for the implementation of this act.

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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19 /s/Edward F. Thicksten, et al

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21 APPROVED: 4/15/93

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As Engrossed: 2/2/93 3/5/93

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