

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 242 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/5/09

A Bill

HOUSE BILL 1222

5 By: Representative Hyde
6 By: Senator Salmon
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE CONTINUED ACCOUNTABILITY AND
11 EFFICIENCY FOR SCHOOL DISTRICTS INVOLVED IN
12 DESEGREGATION LITIGATION; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO ENSURE CONTINUED
16 ACCOUNTABILITY AND EFFICIENCY FOR SCHOOL
17 DISTRICTS INVOLVED IN DESEGREGATION
18 LITIGATION.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 6-20-415 is amended to read as follows:*
24 *6-20-415. Consultants.*

25 *(a) The Department of Education in consultation with the Attorney*
26 *General shall hire consultants on the following basis:*

27 *(1) The consultants shall be qualified as experts in public*
28 *school district desegregation;*

29 *~~(2) The department shall hire the consultants prior to October~~*
30 *~~1, 2007;~~*

31 *~~(3)~~(2) The purposes for employing the consultants are to*
32 *determine whether and in what respects any of the three (3) Pulaski County*
33 *school districts:*

34 *(A)(i) Are unitary.*

35 *(ii) If a school district has been declared unitary*



1 or has been declared unitary in some respects, the consultants shall not
2 examine the school district on those issues; and

3 (B) Have complied with their respective consent decrees;
4 and

5 ~~(4)~~(3) The consultants shall understand and acknowledge in their
6 work and research that their testimony in court may be required.

7 (b) The department shall not pay the consultant fees or expenses
8 from moneys appropriated and available for the reimbursement of attorney's
9 fees to the three (3) Pulaski County school districts under § 6-20-416.

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11 SECTION 2. Arkansas Code § 6-20-416(c)(2), concerning the
12 reimbursement of desegregation litigation costs, is amended to read as
13 follows:

14 (2) To be eligible for possible reimbursement under this
15 subsection (c) for legal fees incurred, motions seeking unitary status or
16 partial unitary status shall be filed no later than October 30, 2007, and the
17 school districts must be declared unitary or at least partially unitary by
18 the federal district court no later than ~~December 31, 2008~~ December 31, 2009.

19
20 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that the state's provision of
22 school systems that are free from the vestiges of racial discrimination is a
23 vital part of providing a general, suitable, and efficient school system;
24 that without a diligent pursuit of unitary status by the three (3) Pulaski
25 County school districts, there is no assurance that the school districts are
26 free of the vestiges of racial discrimination; that the state has enacted
27 legislation to assist the Pulaski County school districts in achieving
28 unitary status in desegregation litigation and provide assurance to the
29 children in those districts that the promise of unitary status will be
30 fulfilled within a reasonable amount of time; that under that legislation,
31 the school districts filed their requests for a federal court order on
32 unitary status, but the federal court system for hearings and appeals in the
33 case did not permit a resolution by December 31, 2008, the stated deadline;
34 and that this act is immediately necessary to ensure that the Pulaski County
35 school districts diligently pursue unitary status before the end of 2009 in
36 order to ensure that the school systems are free from the vestiges of racial

1 discrimination. Therefore, an emergency is declared to exist and this act
2 being immediately necessary for the preservation of the public peace, health,
3 and safety shall become effective on:

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

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

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

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11 */s/ Hyde*

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13 **APPROVED: 2/26/2009**
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