

1 State of Arkansas  
2 88th General Assembly  
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4

As Engrossed: H3/10/11

# 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) "Aggrieved district" means the lawfully constituted and  
30 existing board of directors of a school district that gains or loses  
31 territory or students as a result of an annexation or consolidation;

32 (3) "Annexation" means the joining of an affected school"  
33 district or part thereof with a receiving district;

34 ~~(3)~~(4) "Consolidation" means the joining of two (2) or more  
35 affected school districts or parts thereof to create a new single school  
36 district;



1           ~~(4)~~(5) "Receiving district" means a school district or districts  
2 that receive territory or students, or both, from an affected district as a  
3 result of annexation;

4           ~~(5)~~(6) "Resulting district" means the new school district  
5 created from an affected district or districts as a result of consolidation;  
6 and

7           ~~(6)~~(7) "State board" means the State Board of Education.  
8

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 Arkansas Code § 6-13-1405 and 6-13-1406 are repealed.

10          ~~6-13-1405. Effective date of annexation or consolidation.~~

11          ~~(a) Upon consolidation or annexation of a school district by the State  
12 Board of Education:~~

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

16           ~~(2) The state board shall prescribe the number of members of the  
17 board of directors of the resulting or receiving district and prescribe the  
18 method of forming the board of directors of the resulting or receiving  
19 district;~~

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

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

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

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

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

36           ~~(C)(i) The interim board shall be made up of board members~~

1 ~~from the boards of directors of the affected districts.~~

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

5 ~~(b) Upon a petition for consolidation or annexation:~~

6 ~~(1) Consolidation shall be the July 1 following the order of the~~  
7 ~~state board directing the annexation or the consolidation, unless the state~~  
8 ~~board determines otherwise;~~

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

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

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

20  
21 ~~6-13-1406. Board of directors—Term—Election.~~

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

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

34 ~~(ii)(a) If an interim board of directors is formed~~  
35 ~~to serve until the school election in the year following the effective date~~  
36 ~~of the annexation, the interim board of directors shall be composed of the~~

1 ~~members of the board of directors of the receiving district and at least one~~  
2 ~~(1) member selected by the board of directors of each affected district.~~

3 ~~(b) Each member selected from the affected~~  
4 ~~district shall be determined by a vote of the affected board of directors. In~~  
5 ~~the case of a tie vote, the member shall be selected by drawing lots.~~

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

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

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

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

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

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

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

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

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

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

5           ~~6-13-1412. Board of directors after annexation—Term—Election.~~

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

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

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

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

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

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

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

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

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

1 by:

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

4                   (B) ~~Drawing lots by the directors of the receiving~~  
5 ~~district prior to annexation.~~

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

12           (e)(1) ~~Unless the school district is allowed to do otherwise pursuant~~  
13 ~~to § 6-13-604, the board of directors of the receiving district after~~  
14 ~~annexation shall be composed of five (5) or seven (7) members as determined~~  
15 ~~by a majority vote of the board of directors of the receiving district, and~~  
16 ~~the determination shall be exempt from the requirements of §§ 6-13-604 and 6-~~  
17 ~~13-606.~~

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

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

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

32           (C) ~~No sanctions provided by state statutory law,~~  
33 ~~specifically including, but not limited to, the sanctions under § 6-13-~~  
34 ~~631(h)(2) or State Board of Education rule shall be levied against a school~~  
35 ~~district if the deadline for zoning allowed under subdivision (e)(2)(B) of~~  
36 ~~this section is met.~~

1           ~~(3)(A)(i) — If prior to the annexation either the receiving~~  
2 ~~district or the affected district had been zoned as necessary to comply with~~  
3 ~~the Voting Rights Act of 1965, as in existence on January 1, 2005, or state~~  
4 ~~law, the receiving district shall review the makeup and boundaries of the~~  
5 ~~zones and the latest decennial census data of the receiving district.~~

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

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

14           ~~(C) — No sanctions provided by state statutory law,~~  
15 ~~specifically including, but not limited to, the sanction under § 6-13-~~  
16 ~~631(h)(2) or State Board of Education rule, shall be levied against a school~~  
17 ~~district if the deadline for rezoning allowed under subdivision (e)(3)(B) of~~  
18 ~~this section is met.~~

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

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

24           ~~(h)(1) — The provisions of §§ 6-13-1405 and 6-13-1406 with respect to~~  
25 ~~the election of a board of directors following annexation shall not be~~  
26 ~~applicable for school districts annexed under Acts 2003 (2nd Ex. Sess.), No.~~  
27 ~~60, that follow the procedures in this section or school districts that~~  
28 ~~voluntarily annex and opt to follow the procedures in this section.~~

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

32  
33           ~~6-13-1413. Board of directors after consolidation — Term — Election.~~

34           ~~(a) — Notwithstanding any other provision of law, school districts that~~  
35 ~~consolidate after January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60,~~  
36 ~~and that opt to follow the procedures in this section or school districts~~

1 ~~that voluntarily consolidate and opt to follow the procedures in this section~~  
2 ~~shall form an interim board of directors as provided by §§ 6-13-1405(a)(5)~~  
3 ~~and 6-13-1406(b).~~

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

10 ~~(c)(1) Unless the school district is allowed to do otherwise pursuant~~  
11 ~~to § 6-13-604, the board of directors of the school district after~~  
12 ~~consolidation shall be composed of five (5) or seven (7) members as~~  
13 ~~determined by a majority vote of the board of directors of the resulting~~  
14 ~~district, and the determination shall be exempt from the requirements of §§~~  
15 ~~6-13-604 and 6-13-606.~~

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

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

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

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

35 ~~(3)(A)(i) If prior to the consolidation either of the affected~~  
36 ~~districts had been zoned in compliance with the federal Voting Rights Act of~~



1 ~~1965, as in effect on January 1, 2005, or state law, the resulting district~~  
2 ~~shall review the makeup and boundaries of the zones and the latest federal~~  
3 ~~decennial census data of the receiving district.~~

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

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

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

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

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

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

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

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

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

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

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

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

17           6-13-1415. Involuntary consolidation or annexation -- Effective date --  
18 Interim Board of directors.

19           (a) This section applies to the involuntary consolidation or  
20 involuntary annexation of a school district made by a motion of the State  
21 Board of Education.

22           (b) The effective date of an involuntary consolidation or involuntary  
23 annexation of a school district shall be the July 1 after the state board  
24 action unless determined otherwise by the state board.

25           (c) The state board shall establish the terms and conditions of the  
26 involuntary consolidation or involuntary annexation that shall govern the  
27 affected districts, resulting districts, and receiving districts.

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

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

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

35                   (C)(i) Whether the new permanent board of directors will  
36 be elected at the first or second school election after the effective date of

1 consolidation or annexation.

2 (ii) The election for the new permanent school board  
3 of directors may take place during the second school election after the  
4 effective date of consolidation or *annexation only if* the state board  
5 determines that additional time is required to implement single-member zoned  
6 elections.

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

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

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

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

15 (ii) The state board may:

16 (a) Allow the affected *districts and receiving*  
17 *districts* thirty (30) days to establish an interim board of directors to  
18 govern the resulting district or receiving district that consists of either  
19 five (5) or seven (7) members selected from the boards of directors from the  
20 affected *districts and receiving districts* based on the proportion of the  
21 student population of each of the affected *districts and receiving districts*  
22 before consolidation or annexation;

23 (b) Appoint an interim board of directors to  
24 govern the resulting or receiving district that consists of either five (5)  
25 or seven (7) members selected from the boards of directors from the affected  
26 *districts and receiving districts* based on the proportion of the student  
27 population of each of the affected *districts and receiving districts* before  
28 consolidation or annexation; or

29 (c) Designate the existing board of directors  
30 of one (1) affected district in a consolidation or the existing board of  
31 directors of the receiving district in an annexation as the interim board to  
32 govern the resulting district or receiving district.

33 (3) The state board may determine that an interim board of  
34 directors is not necessary and may order the existing board of directors of  
35 one (1) affected district in a consolidation or the existing board of  
36 directors of the receiving district in an annexation to remain as the

1 permanent school board of directors.

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

5 (A) Any members of the permanent board of directors of the  
6 resulting district or receiving district are elected from single-member  
7 zones, then the interim board of directors may serve until the second school  
8 election after the effective date of consolidation or annexation under § 6-  
9 13-1415(d)(1)(C); or

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

15 (2) If the state board allows the local school districts time to  
16 establish an interim board of directors, the board of directors of each  
17 affected district before the consolidation or each affected district and  
18 receiving district before the annexation may determine independently how to  
19 select members of the existing board of directors to serve on the interim  
20 board of directors, subject to approval by the state board, by:

21 (A) The voluntary resignation of one (1) or more members  
22 of the existing board of directors;

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

25 (C) Selecting one (1) or more members of the existing  
26 board of directors by a random lot drawing.

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

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

33 (A) County clerk of each county that contains school  
34 district territory of each affected district, receiving district, or  
35 resulting district;

36 (B) Secretary of State; and

1 (C) Arkansas Geographic Information Office.

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

4 (3) A consolidation or annexation order filed with the Secretary  
5 of State and the Arkansas Geographic Information Office shall include a  
6 digital map showing the boundaries of the resulting district or receiving  
7 district in a format prescribed by the Arkansas Geographic Information  
8 Office.

9 (g) The state board may promulgate rules necessary to administer this  
10 subchapter.

11

12 6-13-1416. Voluntary consolidation or annexation -- Effective date --  
13 Interim Board of directors.

14 (a) This section applies to any petition for consolidation or  
15 annexation of a school district submitted to the State Board of Education by  
16 a school district.

17 (b) The effective date of a petition for consolidation or annexation  
18 of a school district shall be the July 1 after the state board approves the  
19 consolidation or annexation petition unless the state board approves an  
20 alternative effective date or determines otherwise.

21 (c)(1) Each board of directors of an affected district and receiving  
22 district shall enter into a written agreement approved by the quorum of the  
23 members of each board of directors present and executed by the president and  
24 secretary of each school board of directors.

25 (2) The written agreement may prescribe the effective date of  
26 the annexation of the affected district to the receiving district or the  
27 effective date of the formation of the resulting district from consolidation  
28 of affected districts, subject to approval by the state board.

29 (3)(A) The written agreement may prescribe the number of members  
30 of the permanent board of directors of the resulting district or receiving  
31 district and the manner of formation of the permanent board of directors of  
32 the resulting district or receiving district under § 6-13-1417 or as allowed  
33 by law.

34 (B)(i) If the written agreement prescribes the formation  
35 of a new permanent board of directors, the written agreement shall specify  
36 whether the new permanent board of directors will be elected at the first or

1 second school election after the effective date of consolidation or  
2 annexation.

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

7 (d) The written agreement may prescribe *for the formation of an*  
8 interim board of *directors, including* the number of members, the length of  
9 member terms, and the manner of formation as follows:

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

16 (2) 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 as the interim board of *directors; or*

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

24 (e)(1) If the written agreement prescribes the formation of an interim  
25 board of directors, the interim board of directors shall serve until the  
26 first school election after the effective date of consolidation or annexation  
27 unless:

28 (A) Any members of the permanent board of directors of the  
29 resulting district or receiving district are elected from single-member  
30 zones, then the interim board of directors may *serve* until the second school  
31 election after the effective date of consolidation or annexation under § 6-  
32 13-1416(c)(3)(B); or

33 (B) All the members of the permanent board of directors of  
34 the resulting district or receiving district are elected at-large, *then the*  
35 *state* board may stagger the terms of the interim board of directors which  
36 shall be determined by lot so that no more than two (2) members terms expire

1 during any one (1) year.

2 (2) If the written agreement prescribes formation of an interim  
3 board of directors, the board of directors of the affected *district* before  
4 the consolidation or the affected district and receiving district before  
5 annexation may *determine independently* how to select members of the existing  
6 board of directors to serve on the interim board of directors, by:

7 (A) The voluntary resignation of one (1) or more members  
8 of the existing *board* of directors;

9 (B) Selecting one (1) or more members of the existing  
10 *board* of directors by a majority vote of the school board; or

11 (C) Selecting one (1) or more members of the existing  
12 *board* of directors by a random lot drawing.

13 (3) If the written agreement in an administrative consolidation  
14 or an administrative annexation under § 6-13-1603 requires the formation of  
15 an interim board of directors, the interim board of directors shall be  
16 established by May 31 preceding the effective date of the administrative  
17 consolidation or administrative annexation.

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

20 (2) If the written agreement is approved by the state board, the  
21 terms of the written agreement shall be binding upon the affected districts,  
22 receiving districts, and resulting districts, including the interim and  
23 permanent school boards of directors.

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

26 (g)(1) A consolidation or annexation petition approved by the state  
27 board along with an executed copy of the written agreement shall be filed  
28 with the:

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

32 (B) Secretary of State; and

33 (C) Arkansas Geographic Information Office.

34 (2) An approved consolidation or annexation petition shall  
35 include a map of the boundaries of the resulting district or receiving  
36 district.

1           (3) An approved consolidation or annexation petition filed with  
2 the Secretary of State and the Arkansas Geographic Information Office shall  
3 include a digital map showing the boundaries of the resulting district or  
4 receiving district in a format prescribed by the Arkansas Geographic  
5 Information Office.

6  
7           6-13-1417. Formation of a permanent board of directors.

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

11           (2) The length of the terms of the board of directors may be for  
12 the time *period prescribed by law and:*

13                   (A) Prescribed in the written agreement under § 6-13-1416;  
14 or

15                   (B) Determined by the permanent board of directors.

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

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

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

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

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

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

33                   (C) *The boards of directors of the affected districts*  
34 *before consolidation, or the boards of directors of the affected districts*  
35 *and receiving districts before annexation, agree that the permanent board of*  
36 *directors shall be elected from single-member election zones.*



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

4 (A) Review the demographic makeup and boundaries of the  
5 zones based on the latest decennial census data of the resulting district or  
6 receiving district after consolidation or annexation and rezone the resulting  
7 district or receiving district as necessary to comply with the Voting Rights  
8 Act of 1965, other federal law, or state law;

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

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

18  
19 SECTION 5. Arkansas Code § 6-13-1603(k), concerning school boards of  
20 directors following administrative annexation or administrative  
21 consolidation, is amended to read as follows:

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

25  
26 /s/Stewart

27  
28  
29 **APPROVED: 04/06/2011**