

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: S3/4/99 S3/8/99 S3/23/99*

# A Bill

Act 1078 of 1999  
SENATE BILL 571

5 By: Senators Mahony, Brown  
6  
7

## For An Act To Be Entitled

9 "AN ACT TO ELIMINATE COUNTY BOARDS OF EDUCATION; TO  
10 TRANSFER CERTAIN POWERS OF COUNTY BOARDS OF EDUCATION  
11 TO OTHER ENTITIES; TO DECLARE AN EMERGENCY; AND FOR  
12 OTHER PURPOSES. "  
13

## Subtitle

14 "AN ACT TO ELIMINATE COUNTY BOARDS OF  
15 EDUCATION. "  
16  
17  
18

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

21 SECTION 1. Arkansas Code 6-10-102 is amended to read as follows:

22 "6-10-102. Penal ty.

23 Any officer or employee of the State Board of Education, ~~county board of~~  
24 ~~education,~~ or school district board of directors who shall willfully fail or  
25 refuse to comply with any provisions of the School Law for which no punishment  
26 is otherwise provided by law shall be deemed guilty of a misdemeanor and shall  
27 be fined in any sum not less than ten dollars (\$10.00) nor more than five  
28 hundred dollars (\$500). "  
29

30 SECTION 2. Arkansas Code 6-10-103(b) is amended to read as follows:

31 "(b) Any fine collected shall be paid over to the county treasurer and  
32 be credited to the general school fund of the respective ~~city, town, or school~~  
33 ~~district. Provided, all fines collected shall be paid into the school fund of~~  
34 ~~the county in any county where the county board employs one (1) or more~~  
35 ~~attendance officers."~~  
36

1 SECTION 3. Arkansas Code 6-11-118 is amended to read as follows:

2 "6-11-118. Office of Rural Services.

3 (a) This section shall be known as the 'Rural Services Act of 1981'.

4 (b) The General Assembly recognizes that Arkansas Constitution, Article  
5 14, requires the state to provide a general, suitable, and efficient system of  
6 free public schools and that the Department of Education is legislatively  
7 created to help provide these schools. The General Assembly further recognizes  
8 the need for effective aid and assistance to the smaller rural school  
9 districts of the state and that under the present structure of the Department  
10 of Education such aid and assistance is not adequate. ~~It is the intent and  
11 purpose of this section to establish an office of the Department of Education  
12 which would correct this present deficiency in the Department of Education's  
13 responsibility to meet the needs of all the children of the state.~~

14 (c)(1) There is created the Office of Rural Services in the Department  
15 of Education.

16 (2) The Director of ~~General~~ the Department of Education shall  
17 establish a coordinator in the Office of Rural Services.

18 (3) The duties of this office shall be to:

19 (A) Direct programs to improve the quality of the rural  
20 schools of the state by helping to deliver comprehensive technical assistance  
21 services such as curriculum development, teaching methods evaluations, program  
22 development, planning, needs assessments, etc.;

23 (B) Help develop teacher training programs that fit the  
24 needs of rural students;

25 (C) Develop and conduct in-service education programs for  
26 rural teachers, administrators, and county board of education members;

27 (D) Act as liaison between rural education and rural  
28 development activities;

29 (E) Assist rural districts in developing rural resource  
30 cooperatives in order that rural schools could share a pool of specialized  
31 human, material, and technical resources;

32 (F) Assist rural schools in construction and renovation  
33 programs;

34 (G) Identify and create an awareness of promising practices  
35 of rural schools throughout the state and nation;

36 (H) Serve as liaison between the Department of Education and

1 the small schools;

2 (1) Coordinate all other activities especially for small  
3 schools and collect such data as needed by the General Assembly in order that  
4 rural schools may be properly financed.

5 (4) The Office of Rural Services shall answer directly to the  
6 Director of ~~General~~ the Department of Education.

7 (d) For the purpose of this section, the term 'rural school' shall be  
8 interchangeable with the term 'small high school' and shall include those  
9 schools with enrollments of five hundred (500) or less in kindergarten through  
10 grade twelve. Schools of enrollments of five hundred (500) to seven hundred  
11 fifty (750) shall also be served by this office if they are in unincorporated  
12 areas, ~~if a majority of the county board of education approves, and if the~~  
13 superintendent requests that the school become a part of the area for which  
14 this office is responsible."

15

16 SECTION 4. Title 6, Chapter 11, Subchapter 1 of the Arkansas Code is  
17 amended to add the following section as follows:

18 "6-11-127. School district boundaries.

19 The Director of the Department of Education shall keep records showing  
20 descriptions of each school district in the state, a map showing the school  
21 districts with their boundaries, the location of the schoolhouses, and the  
22 electoral zones, if any, into which each school district has been divided."

23

24 SECTION 5. Arkansas Code 6-12-101 is repealed:

25 ~~6-12-101. Creation -- Members generally.~~

26 ~~(a) There is created for each county a county board of education~~  
27 ~~composed of five (5) members, one (1) of whom shall be elected from each of~~  
28 ~~five (5) zones within the county as provided in § 6-12-104.~~

29 ~~(b) The members of county boards of education shall be qualified~~  
30 ~~electors known for their good moral character, honesty, industry, public~~  
31 ~~spirit, and interest in education, and who do not hold any salaried or fee~~  
32 ~~office of the state or any political subdivision thereof.~~

33 ~~(c) One (1) member shall be elected at each annual election for a term~~  
34 ~~of five (5) years, provided that any member of the board of education shall~~  
35 ~~hold office until his successor has been elected and qualified.~~

36 ~~(d) A member may succeed himself.~~

1       ~~(e) The county board of election commissioners shall notify each person~~  
2 ~~electd, in accordance with the provisions of this chapter, as a member of the~~  
3 ~~county board.~~

4       ~~(f) Removal from the county or into another zone shall automatically~~  
5 ~~disqualify the member from serving out the term for which he was electd.~~

6       ~~(g) If a vacancy occurs on the board, the vacancy shall be filled by a~~  
7 ~~vote of a majority of the remaining members. If the remaining members fail to~~  
8 ~~fill a vacancy within sixty (60) days after the date of vacancy, the vacancy~~  
9 ~~shall be filled by appointment by the county judge. If, as a result of several~~  
10 ~~vacancies, only a minority of the board remains, then the county judge shall~~  
11 ~~fill all the vacancies by appointment. Appointed members shall have the same~~  
12 ~~qualifications as electd members but shall serve only to the next annual~~  
13 ~~school election, at which time the electors shall select members to serve the~~  
14 ~~unexpired terms of the vacating members.~~

15       ~~(h) The members of the county board shall serve without compensation but~~  
16 ~~shall be allowed actual expenses incurred in traveling to official meetings of~~  
17 ~~the board and in the performance of the official business of the county board.~~  
18 ~~The amount of one hundred dollars (\$100), or so much thereof as is needed,~~  
19 ~~shall be allowed annually from the county general school fund for this~~  
20 ~~purpose. If, in the judgment of the county judge and the unanimous opinion of~~  
21 ~~the members of the county board, additional funds are necessary, an additional~~  
22 ~~one hundred dollars (\$100) may be allowed annually.~~

23  
24       SECTION 6. Arkansas Code 6-12-102 is repealed:

25       ~~6-12-102. Members -- Counties with fewer than five school districts.~~

26       ~~(a) The county boards of education in counties having fewer than five~~  
27 ~~(5) school districts may choose to be:~~

28               ~~(1) Composed of one (1) member electd from each school district~~  
29 ~~and one (1) member electd at large; or~~

30               ~~(2) Organized in accordance with this chapter.~~

31       ~~(b) In counties having only one (1) school district, the board of~~  
32 ~~directors of that district shall act as the county board of education.~~

33       ~~(c) The county boards of education may hire the staff they deem~~  
34 ~~necessary and establish the salaries for that staff.~~

35  
36       SECTION 7. Arkansas Code 6-12-103 is repealed:

1           ~~6-12-103. Candidates.~~

2           ~~(a) The county board of election commissioners shall place on the~~  
3 ~~ballots used in each annual school election, as candidates for membership on~~  
4 ~~the county board of education, the names of any qualified electors whose names~~  
5 ~~have been presented to the county board of election commissioners by a~~  
6 ~~petition signed by twenty (20) or more qualified electors of the zone such~~  
7 ~~candidate seeks to represent, at least forty-five (45) days before the date of~~  
8 ~~the election.~~

9           ~~(b) Candidates must be residents of the zone wherein the vacancy exists~~  
10 ~~or the term of the incumbent is expiring.~~

11           ~~(c) The candidates for board member at large shall qualify in the same~~  
12 ~~manner, except that in such case the term 'zone' shall mean the county as a~~  
13 ~~whole.~~

14  
15           SECTION 8. Arkansas Code 6-12-104 is repealed:

16           ~~6-12-104. Zones.~~

17           ~~(a) When requested to do so by an official resolution adopted by the~~  
18 ~~county board of education, the county judge, the county clerk, and the county~~  
19 ~~school supervisor, as a committee of three (3), shall zone the county into~~  
20 ~~five (5) zones as nearly equal in area as feasible in the light of~~  
21 ~~geographical barriers, school attendance areas, and general accessibility,~~  
22 ~~with each zone to be composed of contiguous territory.~~

23           ~~(b) Insofar as practicable, the zones shall be formed so as to include~~  
24 ~~whole political townships and whole school districts.~~

25           ~~(c) In counties having five (5) school districts on January 1, 1953,~~  
26 ~~each school district is constituted a zone for the purpose of this chapter;~~  
27 ~~and in counties where there are more than five (5) school districts, the~~  
28 ~~smaller districts in area shall be grouped for the purpose of forming a zone,~~  
29 ~~keeping in mind the principles above set forth.~~

30           ~~(d) Maps of the zoned county shall be made, posted, and published in the~~  
31 ~~local or county newspapers and sent to the local school boards.~~

32           ~~(e) Nothing in this section shall be construed as to prohibit those~~  
33 ~~counties which under the present law are legally electing all five (5) members~~  
34 ~~of their county board from keeping their present zones and electing their~~  
35 ~~boards as now provided by law.~~

36           ~~(f) The rezoning herein authorized shall not take place more often than~~

1 ~~once every four (4) years.~~

2  
3 SECTION 9. Arkansas Code 6-12-105 is repealed:

4 ~~6-12-105. Oath.~~

5 ~~(a) Each elected or appointed member of the county board of education~~  
6 ~~shall, within fifteen (15) days after his election or appointment, subscribe~~  
7 ~~in writing to the following oath:~~

8 ~~"I \_\_\_\_\_, do hereby solemnly swear or affirm that I will support the~~  
9 ~~Constitution of the United States and the Constitution of the State of~~  
10 ~~Arkansas, and that I will not be financially interested, directly or~~  
11 ~~indirectly, in any contract made by the county board of which I am a member,~~  
12 ~~or by any board of school directors of the county, except for contracts for~~  
13 ~~materials bought on open competitive bid and let to the lowest bidder~~  
14 ~~conforming to specifications; and that I will faithfully discharge the duties~~  
15 ~~of a member of the county board of education, upon which I am about to enter."~~

16 ~~(b) The county clerk, upon receipt of oaths for the county board~~  
17 ~~members, shall immediately commission such persons, and they shall enter at~~  
18 ~~once upon their duties as members of the county board of education.~~

19  
20 SECTION 10. Arkansas Code 6-12-106 is repealed:

21 ~~6-12-106. Organization.~~

22 ~~(a) Within thirty (30) days after its election, the members of the~~  
23 ~~county board of education shall meet at the county courthouse and organize by~~  
24 ~~electing one (1) of its members as chairman.~~

25 ~~(b) The county board shall designate an ex officio secretary of the~~  
26 ~~board.~~

27  
28 SECTION 11. Arkansas Code 6-12-107 is repealed:

29 ~~6-12-107. Meetings.~~

30 ~~(a) The county board of education shall meet on the third Tuesday of~~  
31 ~~March, June, September, and December of each year and at such other times as~~  
32 ~~meetings may be adjourned to, or on call of the chairman, the county school~~  
33 ~~supervisor, or any three (3) members of the board.~~

34 ~~(b) Notice of called meetings must be given in writing to each member of~~  
35 ~~the board.~~

1 SECTION 12. Arkansas Code 6-12-108 is repealed:

2 ~~6-12-108. Schools under board supervision -- Superintendent.~~

3 ~~(a) The public school districts in the several counties of the state~~  
4 ~~shall each employ a superintendent of schools, whose qualifications and duties~~  
5 ~~shall be prescribed by the State Board of Education.~~

6 ~~(b) A 'superintendent of schools' is defined as the executive officer~~  
7 ~~of a school district board of directors directing the affairs of the school~~  
8 ~~district and teaching not more than one-half (1/2) time in the school day.~~

9  
10 SECTION 13. Arkansas Code 6-12-109 is repealed:

11 ~~6-12-109. Powers and duties.~~

12 ~~(a) It shall be the duty of the county board of education to supervise~~  
13 ~~and direct all its employees in the performance of their duties and, in~~  
14 ~~addition thereto, the board shall have all powers, duties, and~~  
15 ~~responsibilities respecting the public schools of the several counties which~~  
16 ~~are set forth in subsection (b).~~

17 ~~(b) Specifically, these duties, among others, shall include the~~  
18 ~~following:-~~

19 ~~(1) To apportion all school funds as provided by law and in~~  
20 ~~conformity to the regulations of the State Board of Education;~~

21 ~~(2) To form local school districts, change boundary lines of~~  
22 ~~school districts, dissolve school districts and annex the territory of such~~  
23 ~~districts to another district, create new school districts, and perform all~~  
24 ~~other functions regarding changes in school districts, in accordance with the~~  
25 ~~law;~~

26 ~~(3) To transfer funds and attach territory which is in no school~~  
27 ~~district to other districts as may seem best for the educational welfare of~~  
28 ~~the county;~~

29 ~~(4) To cause to be set aside from funds in the county general~~  
30 ~~school fund amounts necessary for the expenses of the board and of any~~  
31 ~~designee;~~

32 ~~(5) To administer the compulsory school attendance laws in the~~  
33 ~~county;~~

34 ~~(6) To approve budgets of school districts coming under the~~  
35 ~~provisions of this chapter; and~~

36 ~~(7) To appoint all school directors in all school districts where~~

1 ~~the authority to do so has heretofore been conferred on any county judge of~~  
2 ~~any county.~~

3  
4 SECTION 14. Arkansas Code 6-12-110 is repealed:

5 ~~6-12-110. Purchase of government property:~~

6 ~~(a) Each county board of education is authorized on behalf of the school~~  
7 ~~districts of its county to make purchases of property and equipment, including~~  
8 ~~surplus real and personal property from the government. Such action may be~~  
9 ~~taken upon written notice from the district board stating that the district~~  
10 ~~board has voted to permit the county board to act as its agent in making such~~  
11 ~~purchases.~~

12 ~~(b) Each district participating in the purchase shall remit its payments~~  
13 ~~promptly to the county board to cover the cost of the property.~~

14  
15 SECTION 15. Arkansas Code 6-12-111 is repealed:

16 ~~6-12-111. Appeal -- Bond.~~

17 ~~(a) Any person being a party to the record or proceeding in a matter~~  
18 ~~brought before any board of education who feels aggrieved by any final order~~  
19 ~~or decision of such board of education may prosecute an appeal from any such~~  
20 ~~final order or decision, provided the person shall, within thirty (30) days~~  
21 ~~from the date of the final order or decision complained of:~~

22 ~~(1) Make an affidavit that the appeal taken from such final order~~  
23 ~~or decision of the county board of education is not taken for the purpose of~~  
24 ~~delay; and~~

25 ~~(2) Enter into a bond with good and sufficient surety thereon, in~~  
26 ~~such sum as shall be ordered by the board of education, not to exceed twice~~  
27 ~~the amount involved in the appeal. Where no money or property is involved in~~  
28 ~~the proceeding from which the appeal is prosecuted, the appeal bond should be~~  
29 ~~given by the appellant in such sum as will protect the appellee and the county~~  
30 ~~board of education from payment of cost, which amount shall be endorsed by the~~  
31 ~~secretary of the board of education on the affidavit of the appellant in a sum~~  
32 ~~to be fixed by the board of education.~~

33 ~~(b) The appeal herein provided shall be to the circuit court of the~~  
34 ~~district or division thereof in which the county board of education shall be~~  
35 ~~sitting at the time of the final decision or order complained of.~~

36



1 SECTION 16. Arkansas Code 6-12-201 is repealed:

2 ~~6-12-201. Credentials.~~

3 ~~(a) The county board of education may select and employ a person to be~~  
4 ~~county school supervisor and contract with him for such service for a term of~~  
5 ~~one (1) or two (2) years, subject to reemployment, provided that neither~~  
6 ~~husband nor wife of a member of the county board of education nor any person~~  
7 ~~related within the fourth degree of consanguinity or affinity to any member of~~  
8 ~~the county board of education shall be eligible for such employment.~~

9 ~~(b) Any and every person selected and employed as county school~~  
10 ~~supervisor must have filed with the county board, before his selection and~~  
11 ~~employment, a certificate issued by the State Board of Education reflecting~~  
12 ~~conclusively that such person has the following qualifications:~~

13 ~~(1) He must hold a degree based upon four (4) years or more of~~  
14 ~~college work in a college or university approved for the certification of~~  
15 ~~teachers;~~

16 ~~(2) He must have had not less than five (5) years' experience as a~~  
17 ~~teacher, school administrator, or both, within the last eight (8) years,~~  
18 ~~exclusive of military service, immediately prior to his selection and~~  
19 ~~employment;~~

20 ~~(3) He must hold a valid state certificate to teach in the public~~  
21 ~~schools of Arkansas; and~~

22 ~~(4) He must have completed such work in college as may be required~~  
23 ~~under the provisions of this section.~~

24 ~~(c) No contract of employment entered into between the county board of~~  
25 ~~education and any person as county school supervisor shall be valid unless the~~  
26 ~~certificate hereinbefore referred to shall have been filed with the county~~  
27 ~~board of education before the contract is entered into, and the county~~  
28 ~~treasurer and his surety shall be liable for any payments made to any such~~  
29 ~~person who has been employed as county school supervisor contrary to the~~  
30 ~~provisions of this section. The disbursing agent of the State Board of~~  
31 ~~Education shall issue no voucher to cover the state's part of the county~~  
32 ~~supervisor's salary until the county supervisor shall have filed with the~~  
33 ~~State Board of Education credentials showing that he is legally employed and~~  
34 ~~meets all the provisions of this section. The agent and his surety shall be~~  
35 ~~liable for all disbursements made to unqualified persons.~~

36

1 SECTION 17. Arkansas Code 6-12-202 is repealed:

2 ~~6-12-202. Candidacy for public office.~~

3 ~~The county school supervisor shall not be a candidate for public office~~  
4 ~~during the term of his contract and shall not be granted leave of absence for~~  
5 ~~such purpose.~~

6  
7 SECTION 18. Arkansas Code 6-12-203 is repealed:

8 ~~6-12-203. Oath and bond.~~

9 ~~(a) The county school supervisor shall, immediately upon his employment,~~  
10 ~~take oath that he will faithfully perform his duties and not be financially~~  
11 ~~interested, directly or indirectly, in any contract made by the county board~~  
12 ~~or by any school board in the state, other than his own employment as county~~  
13 ~~school supervisor.~~

14 ~~(b) As its agent, he may be required by the State Board of Education to~~  
15 ~~give bond for the faithful discharge of his duties and for the proper~~  
16 ~~accounting for all school money that may come to his hand or under his~~  
17 ~~control.~~

18 ~~(1) The surety on such bond is to be a surety company authorized~~  
19 ~~to do business in the state and approved by the State Insurance Commissioner.~~

20 ~~(2) The bond shall contain any other provisions that the State~~  
21 ~~Board of Education may prescribe and shall be filed in the office of the~~  
22 ~~county clerk, and a copy thereof filed in the office of the Director of~~  
23 ~~General Education. The bond shall be paid for by the county board of education~~  
24 ~~in the same manner as other expenditures of the county school supervisor's~~  
25 ~~office.~~

26  
27 SECTION 19. Arkansas Code 6-12-204 is repealed:

28 ~~6-12-204. Office at county seat.~~

29 ~~The county court shall supply the county school supervisor with a~~  
30 ~~suitably equipped office at the county seat.~~

31  
32 SECTION 20. Arkansas Code 6-12-205 is repealed:

33 ~~6-12-205. Powers and duties.~~

34 ~~(a) The county school supervisor shall devote his entire time to the~~  
35 ~~position of county school supervisor, which position includes the faithful~~  
36 ~~performance of the following duties and such other duties as may be properly~~

1 ~~delegated to him:-~~

2 ~~(1) He shall be the executive officer of the county board of~~  
3 ~~education and shall, if possible, attend all meetings of the board but shall~~  
4 ~~not have the right to vote.-~~

5 ~~(2) As ex officio secretary of the county board of education, he~~  
6 ~~shall:-~~

7 ~~(A) Keep a record of all meetings and of all business~~  
8 ~~transactions of the county board and shall, together with the chairman of the~~  
9 ~~board, sign the record at the close of each business meeting;-~~

10 ~~(B) Keep a permanent copy of the record of the board~~  
11 ~~meetings and prepare a copy to be filed with the county clerk and kept by the~~  
12 ~~county clerk in the same manner in which he is required to keep the permanent~~  
13 ~~records of the county. The clerk shall be entitled to no fee for the filing or~~  
14 ~~keeping of the record;-~~

15 ~~(C) Keep a permanent file of all necessary papers and legal~~  
16 ~~transactions of the county board of education and shall, when called upon to~~  
17 ~~do so, furnish anyone entitled thereto a certified copy of the file.-~~

18 ~~(3) He shall keep in his office a record showing a description of~~  
19 ~~each school district in the county, a map showing the districts with their~~  
20 ~~boundaries and the location of the schoolhouses, the types and conditions of~~  
21 ~~the roads in each district, and the zones into which the county has been~~  
22 ~~divided.-~~

23 ~~(4) He shall record the certificates of teachers, as required by~~  
24 ~~law, and shall furnish to the county treasurer a list of all teachers who have~~  
25 ~~recorded with him a valid license on September 1 of each year and at such~~  
26 ~~other times as shall be required by the county treasurer.-~~

27 ~~(5) He shall see to it that the directors, principals, and~~  
28 ~~teachers of the public schools of the county are supplied with the blanks~~  
29 ~~furnished by the State Board of Education for their use.-~~

30 ~~(6) He shall have authority to administer oaths and examine~~  
31 ~~witnesses under oath in any part of the county on any question pertaining to~~  
32 ~~the public schools of the county. Any person who willfully gives false~~  
33 ~~testimony under oath before the supervisor shall be guilty of perjury.-~~

34 ~~(7) He shall visit the schools of the county under the general~~  
35 ~~supervision of the county board of education; observe the management and~~  
36 ~~instruction therein; advise with school directors, principals, teachers,-~~

1 ~~parents, and pupils regarding the proper conduct of the schools; and endeavor~~  
2 ~~in every way to improve the school conditions in the county and promote public~~  
3 ~~interest therein.~~

4 ~~(8) He shall organize teachers' associations in the county and~~  
5 ~~conduct not less than two (2) county-wide meetings for teachers annually and~~  
6 ~~shall secure the attendance of teachers at such meetings as are provided for~~  
7 ~~by § 6-17-103[repealed].~~

8 ~~(9) He shall be a representative of the State Board of Education~~  
9 ~~and shall perform such duties as may be required by the State Board of~~  
10 ~~Education and shall conduct such examinations for teachers as are required by~~  
11 ~~law.~~

12 ~~(10) He shall keep a record of the contracts made with teachers.~~

13 ~~(11) He shall require from all school superintendents, principals,~~  
14 ~~and teachers such monthly reports and annual reports as may be prescribed by~~  
15 ~~the State Board of Education.~~

16 ~~(12) On or before August 10 of each year, he shall make a complete~~  
17 ~~report covering the previous fiscal year to the State Board of Education~~  
18 ~~according to such forms and containing such information as it may require.~~

19 ~~(13) He shall cooperate with the Department of Education in~~  
20 ~~carrying out such budgetary regulations and procedures as are now, or may~~  
21 ~~hereafter be, prescribed by the State Board of Education or by law.~~

22 ~~(14) He shall keep in his office and file with the Board of~~  
23 ~~Trustees of the Teacher Retirement System and the State Board of Education not~~  
24 ~~later than October 15 of each year a list of all teachers employed in the~~  
25 ~~county for the ensuing year, setting forth the type of certificate held by~~  
26 ~~each teacher, his monthly contract salary, whether the teacher is a member of~~  
27 ~~the Teacher Retirement System, and such other information as the state board~~  
28 ~~may deem necessary.~~

29 ~~(15) He shall be a representative of the Teacher Retirement~~  
30 ~~System, and as such, he shall cooperate with the board of trustees and~~  
31 ~~executive secretary of the system in all matters pertaining to its operation.~~  
32 ~~He shall see that each board of school directors in the county regularly makes~~  
33 ~~the statutory deductions from the salaries of all teachers who are members of~~  
34 ~~the system and that the deductions are remitted to the Teacher Retirement~~  
35 ~~System semi-annually, on December 15 and on June 15. He shall record on forms~~  
36 ~~prescribed by the State Board of Education all deductions made from individual~~

1 ~~teachers' salaries.~~

2 ~~(16)(A) He shall be ex officio financial secretary of the boards~~  
3 ~~of directors of all school districts under the general supervision of the~~  
4 ~~county board of education and shall countersign all warrants issued by the~~  
5 ~~boards of directors before such warrants shall be valid.~~

6 ~~(B) He shall keep uniform records of the expenditures of the~~  
7 ~~districts of which he is ex officio financial secretary upon forms prescribed~~  
8 ~~by the State Board of Education and the Director of the Department of Finance~~  
9 ~~and Administration.~~

10 ~~(C) These records shall be audited annually by the Director~~  
11 ~~of the Department of Finance and Administration.~~

12 ~~(D) He shall not countersign any warrant presented to him~~  
13 ~~until he has determined that the warrant has been issued in conformity with~~  
14 ~~the budget of the district, the contracts entered into by the board of~~  
15 ~~directors of the district, and with the provisions of § 6-20-402 and the~~  
16 ~~Arkansas Teachers' Salary Law, § 6-17-901 et seq.~~

17 ~~(i) In the purchase and payment of school supplies and~~  
18 ~~equipment of all kinds, the supplies and equipment shall meet the approval of~~  
19 ~~the county school supervisor as to price, quality, and merit, and no warrant~~  
20 ~~shall be countersigned by the county school supervisor in payment therefor~~  
21 ~~until the supplies and equipment shall have been delivered to the ordering~~  
22 ~~school board and a copy of the invoice filed with and approved by the county~~  
23 ~~school supervisor.~~

24 ~~(ii) Salary warrants to teachers or principals shall not be~~  
25 ~~countersigned unless the teacher or principal is legally certified to teach~~  
26 ~~and has filed with the county school supervisor and the State Board of~~  
27 ~~Education all reports required by regulations of the State Board of Education~~  
28 ~~or by law.~~

29 ~~(17) He shall each year compile a complete record, upon forms~~  
30 ~~prescribed by the State Board of Education, of the outstanding bonded~~  
31 ~~indebtedness of each district in the county and set forth the schedule of~~  
32 ~~annual maturities and the annual interest due thereon. A copy of the list and~~  
33 ~~schedule shall be filed with the Department of Education.~~

34 ~~(18) He shall cooperate with the local school district boards and~~  
35 ~~school patrons in developing plans for the improvement of the rural schools in~~  
36 ~~the county, the plans to include wherever desirable:~~

1                   ~~(A) The improvement of facilities pertaining to school~~  
2 ~~buildings and school equipment;~~

3                   ~~(B) Improvement of rural school libraries and teaching~~  
4 ~~equipment;~~

5                   ~~(C) Employment of an adequate number of qualified teachers;~~

6                   ~~(D) Adoption of an improved financial budgetary procedure;~~

7                   ~~(E) Arrangement with other districts for the teaching of~~  
8 ~~high school pupils, for transporting pupils, or for performing other services~~  
9 ~~for the rural districts; and~~

10                  ~~(F) Otherwise providing for the improvement of school~~  
11 ~~conditions and educational opportunities for rural school children.~~

12                  ~~(19) He shall cooperate with the Department of Education in the~~  
13 ~~establishment and improvement of the ratings of the schools in his county.~~

14                  ~~(20) He shall function as an agent of the State Board of Education~~  
15 ~~in the allocation of transportation funds.~~

16                  ~~(A) He shall secure from each school in his county such~~  
17 ~~information as may be required and on such form as shall be prescribed by the~~  
18 ~~Department of Education.~~

19                  ~~(B) He shall check and determine the accuracy of all~~  
20 ~~information supplied him prior to transmission to the Department of Education.~~

21                  ~~(C) He shall perform such other duties as may be required of~~  
22 ~~him by the State Board of Education for the successful and economic~~  
23 ~~administration of transportation funds.~~

24                  ~~(21) He shall see that equalizing aid applications are made by~~  
25 ~~each district in the county which may qualify for such aid.~~

26                  ~~(b) It is provided that upon request of a district employing a~~  
27 ~~superintendent, the county board of education may make available to this~~  
28 ~~district the services of the county supervisor for such supervisory and~~  
29 ~~administrative services as it may deem expedient, provided that no additional~~  
30 ~~compensation shall be allowed for such services.~~

31  
32                  SECTION 21. Arkansas Code 6-12-206 is repealed:

33                  ~~6-12-206. Failure to perform duties.~~

34                  ~~(a) The failure of the county school supervisor to perform any duties~~  
35 ~~provided by law, or any which may be imposed upon him by the State Board of~~  
36 ~~Education or by the county board of education, shall be sufficient cause for~~

1 ~~his discharge and the termination of his contract.~~

2 ~~(b) The county board of education or the State Board of Education may~~  
3 ~~withhold the payment of his monthly salary until such duty is performed.~~

4 ~~(c) For willful neglect of any duty, the county supervisor's license may~~  
5 ~~be revoked by the State Board of Education.~~

6  
7 SECTION 22. Arkansas Code 6-12-207 is repealed:

8 ~~6-12-207. Salary and expenses.~~

9 ~~(a) Each county board of education is authorized to determine, at its~~  
10 ~~discretion, the salary of the county school supervisor, or similar personnel~~  
11 ~~as authorized by law, and allowances for travel, clerical, office, and other~~  
12 ~~expenses.~~

13 ~~(b) For this purpose, the chairman shall call a meeting as early in June~~  
14 ~~each year as is practicable for the consideration of these matters.~~

15 ~~(c) All allowances for office expense, travel, and clerical help shall~~  
16 ~~be based upon detailed budgets submitted by the county school supervisor, or~~  
17 ~~similar personnel, and approved by the county board and the Director of~~  
18 ~~General Education.~~

19 ~~(d) The county school supervisor, or similar personnel, with the~~  
20 ~~approval of the county board and the Director of General Education, is~~  
21 ~~authorized to select such clerical and other assistants as are necessary.~~

22 ~~(e) The allowances to the county school supervisor, or similar~~  
23 ~~personnel, assistants, and members of the county board of education for travel~~  
24 ~~expense, meals, and hotels shall not be in excess of the allowance for state~~  
25 ~~employees.~~

26 ~~(f) Except for the state's contribution to the county supervisor's, or~~  
27 ~~similar personnel's, salary, all funds provided herein shall be set aside from~~  
28 ~~the unapportioned county general school fund to a special fund by the county~~  
29 ~~treasurer. Payments from this special fund shall be made only upon~~  
30 ~~presentation of invoice statements, itemized expense accounts, and payrolls~~  
31 ~~upon vouchers signed by the county school supervisor, or similar personnel,~~  
32 ~~and the chairman of the county board and when vouchers properly executed are~~  
33 ~~presented to the county clerk and approved by the county school supervisor, or~~  
34 ~~similar personnel, and the chairman of the county board.~~

35 ~~(g)(1) The state's contribution to each county supervisor's, or similar~~  
36 ~~personnel's, salary shall be the amount of the allowance for teachers of~~

1 ~~comparable training provided in the formula used by the Department of~~  
2 ~~Education in distributing the State Teachers Salary Fund.~~

3 ~~(2) The state's share of the salary shall be paid in twelve (12)~~  
4 ~~monthly installments by warrants drawn upon the School Supervision Fund by the~~  
5 ~~disbursing agent of the State Board of Education.~~

6 ~~(3) The State Board of Education shall withhold any salary payment~~  
7 ~~if the county school supervisor, or similar personnel, fails to meet the~~  
8 ~~requirements of the State Board of Education for county school supervision and~~  
9 ~~administration or fails to file all reports or to discharge all duties~~  
10 ~~required by law or the regulations of the State Board of Education.~~

11 ~~(h) If a county board of education does not employ a county supervisor,~~  
12 ~~as authorized by law, the county board may use all or a portion of the funds~~  
13 ~~provided herein for the maintenance, construction, and renovation of buildings~~  
14 ~~owned or leased by the county board of education.~~

15  
16 SECTION 23. Arkansas Code 6-12-208 is repealed:

17 ~~6-12-208. Relatives ineligible for clerical employment.~~

18 ~~Neither the husband nor wife of any member of the county board of~~  
19 ~~education or of the county school supervisor, nor any person related within~~  
20 ~~the fourth degree of consanguinity or affinity to any member of the county~~  
21 ~~board of education or to the county school supervisor, shall be eligible for~~  
22 ~~employment as clerical help in the office of the county school supervisor.~~

23  
24 SECTION 24. Arkansas Code 6-12-209 is repealed:

25 ~~6-12-209. Abolition of county school supervisor position.~~

26 ~~(a) The county boards of education shall have the power and authority to~~  
27 ~~abolish the office of the county school supervisor in their respective~~  
28 ~~counties.~~

29 ~~(b) If any county board of education so elects to abolish the office of~~  
30 ~~the county school supervisor, then the county board of education shall, at its~~  
31 ~~option, either:~~

32 ~~(1) Employ a secretary with the salary and the level of office~~  
33 ~~expense set by the county board of education to perform all the powers,~~  
34 ~~duties, and responsibilities now vested in and imposed by law on the county~~  
35 ~~school supervisors in the several counties of the state; or~~

36 ~~(2) Authorize all the powers, duties, and responsibilities now~~



1 ~~vested in and imposed by law on the county school supervisors to be vested in~~  
2 ~~and be discharged by the superintendents of schools of the school districts in~~  
3 ~~the county with such powers and duties to be exercised by such superintendents~~  
4 ~~of schools within the territorial boundaries of their respective school~~  
5 ~~districts.~~

6 ~~(c) In any county in which the county board of education elects to~~  
7 ~~abolish the office of county school supervisor and employ a secretary, the~~  
8 ~~salary prescribed by the board for the secretary of the board shall not exceed~~  
9 ~~the highest salary paid to a classroom teacher in the particular county.~~

10 ~~(d) In any county in which the office of county school supervisor is~~  
11 ~~abolished and the county board of education employs a secretary, the~~  
12 ~~secretary, with the approval of the board, may keep or assist in keeping the~~  
13 ~~financial records of one (1) or more school districts in the county; and these~~  
14 ~~districts may compensate the secretary for such services in such amounts as~~  
15 ~~the districts shall determine and the board shall approve, provided, however,~~  
16 ~~that any school district within such county may elect not to utilize the~~  
17 ~~secretary, and in so electing shall not be obligated to compensate the~~  
18 ~~secretary in any amount whatsoever.~~

19  
20 SECTION 25. Arkansas Code 6-13-102 is amended to read as follows:

21 "6-13-102. Body corporate -- Name.

22 (a) Each school district in the state shall be a body corporate, may  
23 contract and be contracted with, and may sue and be sued in its corporate  
24 name, which shall be the name it now has unless changed by the ~~county board of~~  
25 ~~education~~ State Board of Education.

26 (b) The ~~county board of education~~ State Board of Education in naming  
27 school districts shall name them, ' \_\_\_\_\_ School District No. \_\_\_\_ of  
28 \_\_\_\_\_ County,' giving each district a name and showing the name of the  
29 county in which situated, and if it has territory in more than one (1) county,  
30 then the name of the county that is the domicile of the district.

31 (c) A certificate showing the name authenticated by the ~~county board of~~  
32 ~~education~~ State Board of Education shall be filed with the county clerk of the  
33 county or of each county in which there is any territory of the district, and  
34 by him inscribed in a book kept by him for that purpose.

35 (d) All school districts shall have the right to acquire and hold real  
36 estate and all other classes of property."

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SECTION 26. Arkansas Code 6-13-104 is amended to read as follows:

"6-13-104. Uncertain boundaries.

In case there is any doubt as to the boundaries of a school district because of lost records or other uncertainty, the ~~county board of education~~ State Board of Education shall issue an order fixing the boundaries and shall file the order with the county clerk, who shall make a permanent record of the order, and thereafter the boundaries so fixed shall be the boundaries of the district until changes are made according to the provisions of law, and the district shall be a school district according to the provisions of this act."

SECTION 27. Title 6, Chapter 13, Subchapter 1 of the Arkansas Code is amended to add the following section to be numbered by the Arkansas Code Revision Commission:

"School Superintendent.

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

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

SECTION 28. Title 6, Chapter 13, Subchapter 1 of the Arkansas Code is amended to add the following section to be numbered by the Arkansas Code Revision Commission:

"Purchase of government property.

(a) Each local school district board of directors is authorized to make purchases of surplus real and personal property of the government. Such action may be taken by the local school district board of directors after publication of the intent to make such purchase at least fifteen (15) days prior to action by the local school district board of directors in a newspaper of general circulation in the county in which the local school district is domiciled.

(b) A local school district may enter into an agreement with one (1) or more other local school districts for the joint purchase of surplus real or

1 personal property of the government. If such an agreement is reached, each  
 2 local school district board of directors, having entered such an agreement,  
 3 must follow the publication requirements in subsection (a) above."

4  
 5 SECTION 29. Title 6, Chapter 13, Subchapter 6 of the Arkansas Code is  
 6 amended to add the following section to be numbered by the Arkansas Code  
 7 Revision Commission:

8 "School District Board of Directors -- Size.

9 (a) As of the effective date of this act, all school districts shall  
 10 have a board of directors with no less than five (5) and no more than seven  
 11 (7) members, or no more than nine (9) members in the case of a school district  
 12 having an average daily attendance of twenty-four thousand (24,000) or more.

13 (b) Subsection (a), above, shall not apply to those school district  
 14 which have a board of directors of more than seven (7) members, or no more  
 15 than nine (9) members in the case of a school district having an average daily  
 16 attendance of twenty-four thousand (24,000) or more, if that school district  
 17 is operating under a court order or a consolidation agreement that provides  
 18 for a board of directors."

19  
 20 SECTION 30. Arkansas Code 6-13-604(a) is amended to read as follows:

21 "(a) The board of directors of any school district in this state which  
 22 now has or which is authorized to have five (5) or more directors may file a  
 23 *petition with the ~~county board of education~~ State Board of Education*  
 24 *requesting an increase in the number of directors for such district to any*  
 25 *number not to exceed seven (7); provided, that, in any school district in the*  
 26 *state having an average daily attendance of twenty-five ~~four~~ thousand (25,000*  
 27 *24,000) or more, the petition may request that the board of directors for the*  
 28 *district be increased to nine (9) members."*

29  
 30 SECTION 31. Arkansas Code 6-13-604(c) is amended to read as follows:

31 "(c) Upon a showing that the increase will be for the benefit of the  
 32 *district petitioning for it, the ~~county board of education~~ State Board of*  
 33 *Education is authorized to increase the number of directors for such district*  
 34 *to any number not to exceed seven (7) or not to exceed nine (9) in the case of*  
 35 *a school district having an average daily attendance of twenty-five ~~four~~*  
 36 *thousand (25,000 24,000) or more."*

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SECTION 32. Arkansas Code 6-13-606(a) is amended to read as follows:

"(a) The board of directors of any school district in this state which now has or which is authorized to have more than five (5) directors may file a ~~petition with the county board of education~~ State Board of Education requesting a decrease in the number of directors for that district to any number not less than five (5)."

SECTION 33. Arkansas Code 6-13-606(c) is amended to read as follows:

"(c) Upon a showing that such decrease will not be detrimental to the ~~district petitioning for it, the county board of education~~ State Board of Education is authorized to decrease the number of directors for the district to any number not less than five (5)."

SECTION 34. Arkansas Code 6-13-607 is repealed:

~~6-13-607. Election by zone -- Districts with more than 24,000 daily attendance.~~

~~(a)(1) The board of directors of a school district shall have the authority to provide by resolution, by a majority vote, that all board members be elected by zone. In a school district divided by zone, each board member shall be voted upon by the qualified electors of the zone from which that person is a candidate. The name of the candidate shall appear upon the ballot only in the zone in which he is a candidate. Zones established by the board of directors of a school district shall be of substantially equal population.~~

~~(2) Upon passage of the resolution, the terms of persons serving on the board of directors shall be reduced so that all positions on the board of directors shall be subject to election at the next regular school election. The terms of the members of the new board of directors shall be staggered as otherwise provided by law.~~

~~(3) Upon the adoption of the resolution, it shall be published by the school district at least thirty (30) days before the next regular school election.~~

~~(b) The county board of education of each county encompassing a school district which has an average daily attendance in excess of twenty-four thousand (24,000) shall divide that school district into zones for the purpose of electing members to that school district's board of directors.~~

1       ~~(c) There shall be as many zones as there may be members on the board of~~  
2 ~~directors, and the zones shall be of equal population to the extent possible.~~

3       ~~(d) Beginning with the 1983 school board elections, members of the board~~  
4 ~~of directors of school districts with an average daily attendance in excess of~~  
5 ~~twenty-four thousand (24,000) shall:~~

6             ~~(1) Be elected by zone and be qualified electors of the zones from~~  
7 ~~which elected; and~~

8             ~~(2) Have actually resided in the zone for at least six (6) months~~  
9 ~~prior to their election.~~

10  
11       SECTION 35. Arkansas Code 6-13-608 is amended to read as follows:

12       ~~"6-13-608. Equalizing Length of directors' terms.~~

13       ~~(a) Any school district with a board of directors composed of members~~  
14 ~~whose regular term of office varies in length may establish terms of the same~~  
15 ~~length for all of its members provided that any terms so established shall be~~  
16 ~~no less than three (3) years nor more than five (5) years in length and the~~  
17 ~~expiration of such terms are so arranged that, as nearly as possible, an equal~~  
18 ~~number of positions are filled each year. All members of a school district~~  
19 ~~board of directors shall be elected to a term of office of no less than three~~  
20 ~~(3) years nor more than five (5) years in length and expiration of such terms~~  
21 ~~so arranged that, as nearly as possible, an equal number of positions filled~~  
22 ~~each year. All members of a school district board of directors shall have~~  
23 ~~terms of office of equal length.~~

24       ~~(b)(1) The board of directors may file a petition describing the changes~~  
25 ~~needed with the county board of education.~~

26             ~~(2) Notice of the filing of the petition shall be published within~~  
27 ~~ten (10) days thereafter for one (1) insertion in some newspaper having a~~  
28 ~~general circulation in the district.~~

29             ~~(3) Upon a showing that such increase will be for the benefit of~~  
30 ~~the district petitioning for the increase, the county board of education shall~~  
31 ~~authorize the board of directors to establish terms of uniform length for its~~  
32 ~~members.~~

33             ~~(4) The order authorizing the board of directors to establish~~  
34 ~~terms of uniform length for its members shall be entered not more than sixty~~  
35 ~~(60) days after the publication of notice.~~

36       ~~(c) Upon expiration of the term to which any director was elected prior~~

1 ~~to the county board order, successor members of the board of directors shall~~  
2 ~~be elected for such terms and to such numbered positions as are provided for~~  
3 ~~in the petition of the board of directors filed pursuant to the authority~~  
4 ~~granted herein."~~

5  
6 SECTION 36. Arkansas Code 6-13-611(b) is amended to read as follows:

7 "(b) If, as a result of several vacancies on the board, only a minority  
8 of the directors remains, or if the remaining directors fail to fill vacancies  
9 within thirty (30) days, the vacancies shall be filled by appointment by the  
10 county ~~board of education~~ quorum court."

11  
12 SECTION 37. Arkansas Code 6-13-613(d) is amended to read as follows:

13 "(d) It shall be the duty of the secretary of the school board to notify  
14 the county ~~board or the board's designee~~ clerk of such appointments within  
15 five (5) days of the appointment if made by the local board. This notice  
16 shall state the name of the person whom the appointee is succeeding and the  
17 expiration date of the term of office."

18  
19 SECTION 38. Arkansas Code 6-13-620 is amended to read as follows:

20 "6-13-620. Powers and duties.

21 The board of directors of each school district in the state shall be  
22 charged with the following powers and perform the following duties:

23 (1) Have the care and custody of the schoolhouse, grounds, and other  
24 property belonging to the district and shall keep it in good repair and in  
25 sanitary and sightly condition;

26 (2) Lease sixteenth section lands located in the school district,  
27 individually or in conjunction with the other boards of directors of other  
28 school districts interested in the sixteenth section, as the case may be;

29 (3) Purchase buildings or rent schoolhouses and sites therefor and sell,  
30 rent, or exchange such sites or schoolhouses. ~~Provided that, in the selection~~  
31 ~~of any school site or the erection of any schoolhouse outside of an~~  
32 ~~incorporated town or city that contains two thousand five hundred (2,500) or~~  
33 ~~more inhabitants, the selection or erection shall be approved by the county~~  
34 ~~board of education before the contract for securing the site or contract for~~  
35 ~~building the schoolhouse is made;~~

36 (4)(A) Employ teachers and other employees necessary for the proper

1 conduct of the public schools of the district and make written contracts with  
2 teachers and all other employees in the form prescribed by the State Board of  
3 Education.

4 (B) There shall be four (4) copies of each contract made:

5 (i) One (1) copy to be retained by the board;

6 (ii) One (1) copy to be given to the employee;

7 (iii) One (1) copy to be forwarded to the county treasurer  
8 if the county treasurer serves as treasurer for the school district; and

9 (iv) One (1) copy to be filed with the county ~~board or the~~  
10 ~~board's designee~~ clerk.

11 ~~(C) Relationship by any degree of affinity or consanguinity to a~~  
12 ~~member of the county board of education shall in no way prejudice the~~  
13 ~~employment or hiring of anyone by a school board or public school district.~~

14 ~~(D)~~ (C) The issuing of annual contracts to personnel other than  
15 substitute teachers employed on a daily basis and teachers shall be in writing  
16 and shall recite the duration of employment, specific duties, and annual  
17 salary;

18 (5) See that all subjects for study prescribed by the State Board of  
19 Education or by law for all grades of schools in their district are taught;

20 ~~(6) Procure from the county board or the board's designee all forms for~~  
21 ~~each teacher at the commencement of the school term, including a register and~~  
22 ~~such other forms and blanks and supplies as are required by law to be~~  
23 ~~furnished to the teachers;~~

24 ~~(7)~~ (6) Visit the schools frequently, see to the welfare of the pupils,  
25 encourage them in their studies, and assist the teachers in the work so far as  
26 they can;

27 ~~(8)~~ (7) Prepare, ~~send a copy thereof to the county board of education,~~  
28 ~~and publish once a week for three (3) consecutive weeks in a newspaper~~  
29 ~~published in the county at least twenty-five (25) days before the annual~~  
30 ~~election an estimate of the amount of money needed by the district the~~  
31 ~~district budget for the ensuing year, showing separately the amount needed for~~  
32 ~~general control, instruction, operation of the plant, maintenance of the~~  
33 ~~plant, auxiliary agencies, fixed charges, capital outlay, and debt service in~~  
34 ~~accordance with § 6-13-622;~~

35 ~~(9)~~ (8) Issue warrants on the county treasurer, when the county  
36 treasurer serves as treasurer of the school district, in accordance with the

1 provisions of this act for the payment of salaries due teachers and other  
2 employees, and for any other lawful purposes, and state in the warrants the  
3 consideration for which each is drawn, provided that the issuance of the  
4 warrants for the purposes set out in subdivision ~~(11)~~ (10) of this section  
5 shall be governed by the penalty therein set out. The warrant shall be in the  
6 form approved by the State Board of Education;

7 ~~(10)~~ (9) Obtain from the county collector and county treasurer  
8 information from time to time as to the state of finances of their school  
9 district and keep their expenditures safely within the means of the district;

10 ~~(11)~~ (10) Buy and pay for out of district school funds supplies such as  
11 fuel, crayons, charts, globes, dictionaries, etc., which may be necessary for  
12 the efficient operation of the schools, ~~provided that, for schools except~~  
13 ~~those in cities having two thousand five hundred (2,500) or more population,~~  
14 ~~the supplies meet the approval of the county board or the board's designee in~~  
15 ~~price and merit, and provided further~~ that no warrants shall be issued by any  
16 school board for the payment of the supplies or services set out in this  
17 subdivision until the supplies or services shall have been delivered to the  
18 school. If any school board or any part of the directors of any school board  
19 in the State of Arkansas shall issue warrants in payment of supplies or  
20 services prior to the delivery of the supplies or services to the school and  
21 the school district suffers any loss because of the failure of the seller to  
22 deliver the supplies or services or because of the defective quality of the  
23 supplies or services or for any other reason, then the directors shall be  
24 personally liable to the school district for the total amount of loss suffered  
25 by the district;

26 ~~(12)~~ (11)(A) If in any school district it should be apparent that the  
27 schools cannot be operated for the remainder of the school year without  
28 incurring more indebtedness than that represented by outstanding bonds and  
29 those that may be issued for buildings, equipment for the school buildings,  
30 purchasing sites, and repairing school buildings, or the improvement of sites,  
31 it shall be the duty of the school district board of directors to close the  
32 school and cease paying the teachers for the remainder of that fiscal year.  
33 Each contract made with the teachers shall be subject to that contingency, and  
34 the district shall not be liable for teachers' salaries for the time the  
35 school is so closed.

36 (B) Should any director participate in keeping a school open and



1 incurring additional expenses which would cause increased indebtedness of the  
2 district herein prohibited, he shall be liable personally for the amount of  
3 such additional indebtedness.

4 (C) However, in cases of emergency, the State Board of Education  
5 may grant special permission to a district to create temporary current  
6 indebtedness.

7 (D) Nothing herein shall prevent any school district board of  
8 directors from borrowing money from banks, individuals, or from next year's  
9 revenue in order to provide funds in such amount that the maximum nonbonded  
10 indebtedness of their school district so incurred shall not be greater than  
11 the maximum nonbonded indebtedness of such district was at any time during the  
12 preceding fiscal year.

13 (E) If any nonbonded debt is funded by the issuance of bonds, the  
14 amount so funded shall not be considered in determining the maximum amount of  
15 nonbonded indebtedness during the preceding fiscal year; and

16 ~~(13)~~ (12) Do all other things necessary and lawful for the conduct of  
17 efficient free public schools in the district."

18

19 SECTION 39. Arkansas Code 6-13-631 is amended to read as follows:  
20 "6-13-631. Effect of minority population on election.

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

27 (b)(1) At least ninety (90) days before the election, the local board of  
28 directors shall:

29 (A) By resolution choose to elect board members from five  
30 (5) or seven (7) single-member zones or from five (5) single-member zones and  
31 two (2) at large; and

32 (B) With approval of the controlling county board of  
33 ~~education~~ election commissioners, shall divide each school district having a  
34 ten percent (10%) or greater minority population into five (5) or seven (7)  
35 single-member zones in accordance with the federal Voting Rights Act of 1965,  
36 as amended.

1           (2) Zones shall have substantially equal population, with  
2 boundaries based on the most recent available federal decennial census  
3 information.

4           (c) A board of directors choosing to elect board members by five (5)  
5 single-member zones and two (2) at-large positions may fill the two (2) at-  
6 large positions by drawing lots from among the current board members.

7           (d)(1)(A) A candidate for election from a single-member zone must be a  
8 qualified elector and a resident of the zone.

9                       (B) A candidate for an at-large position must be a qualified  
10 elector and a resident of the district.

11           (2)(A) Except as provided in subsection (e) of this section, a  
12 district board member shall serve a five-year term.

13                       (B) A term shall commence when the county court declares the  
14 results of the election by an order entered of record.

15           (e) At the first meeting of a new board of directors, the members shall  
16 establish initial terms by lot so that, to the extent possible, an equal  
17 number of positions are filled each year and not more than two (2) members'  
18 terms expire each year.

19           (f)(1) After each federal decennial census and at least ninety (90) days  
20 before the annual school election, the local board of directors, with the  
21 approval of the controlling county board of ~~education~~ election commissioners,  
22 shall divide each school district having a ten percent (10%) or greater  
23 minority population into single-member zones. The zones shall be based on the  
24 most recent federal decennial census information and substantially equal in  
25 population.

26           (2) At the annual school election following the rezoning, a new  
27 school board shall be elected in accordance with procedures set forth in this  
28 section.

29           (g)(1) The following school districts shall be exempt from the  
30 provisions of this section:

31                       (A) A school district that is currently operating under a  
32 federal court order enforcing school desegregation or the federal Voting  
33 Rights Act of 1965, as amended;

34                       (B) A school district that is operating under a  
35 preconsolidation agreement that is in compliance with the federal Voting  
36 Rights Act of 1965, as amended;

1 (C) A school district that has a zoned board meeting the  
2 requirements of the federal Voting Rights Act of 1965, as amended; and

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

6 (2) A school district which on August 13, 1993, was in the process  
7 of defending a lawsuit brought under the Voting Rights Act of 1965, as  
8 amended, shall also be exempt from the provisions of this section until such  
9 time as the lawsuit has been finally resolved.

10 (h) (1) On or before August 1, 2002, and every decade thereafter, each  
11 and every school district shall submit to the Department of Education a letter  
12 stating whether or not its school board falls under this section. In that  
13 same letter, each school district that falls under this section shall state  
14 how it has complied with this section. Furthermore, in the same letter, any  
15 school district that believes that it is exempt from this section shall state  
16 under which provision it is exempt.

17 (2) The Department of Education shall withhold twenty percent  
18 (20%) of the annual state funds allocation to a school district not in  
19 compliance with this section.

20 (i) The State Board of Education is hereby authorized to adopt rules and  
21 regulations necessary for the implementation of this section.”

22  
23 SECTION 40. Arkansas Code 6-13-701(c) is amended to read as follows:

24 “(c) The duties of the school district treasurer shall be as follows:

25 (1) To receive and disburse funds of the school district.  
26 Disbursements of such funds shall be made only upon warrants signed by the  
27 president and secretary of the school district board of directors and  
28 countersigned by the superintendent of schools of the district. As an evidence  
29 of authority for disbursement of any funds, he shall have on hand approved  
30 invoices and payrolls, such payrolls to be in conformance with written  
31 contracts on file in his office;

32 (2) To keep a record of all financial transactions of the school  
33 district on forms approved by the Department of Education and the Division of  
34 Legislative Audit;

35 (3) To make a monthly statement to the school district board of  
36 directors of the financial condition of the district;

1 (4) To submit an annual statement of the affairs of the district  
2 to the school district board of directors in July of each year;

3 (5) To make such financial reports ~~to the county board or the~~  
4 ~~board's designee and~~ to the Department of Education as are required by law;

5 (6) To not be interested directly or indirectly in any contract  
6 authorized by the school district board of directors;

7 (7) To make his records available at all times for inspection by  
8 any taxpayer of the district; and

9 (8) To perform all duties now imposed by law upon the treasurer of  
10 a school district and to be subject to all regulations."

11  
12 SECTION 41. Arkansas Code 6-13-1201 is amended to read as follows:

13 "6-13-1201. Definitions.

14 As used in this subchapter, unless the context otherwise requires:

15 (1) 'Affected district' means a school district which gains or loses  
16 territory or pupils as a result of annexation or consolidation;

17 (2) 'Annexation' means the joining of a school district or territory of  
18 a school district with a receiving district;

19 (3) 'Consolidation' means the joining of two (2) or more school  
20 districts or territories from two (2) or more school districts to create a new  
21 single school district;

22 ~~(4) "Controlling county board" or "controlling county board of~~  
23 ~~education" means the county board of education of the county in which the~~  
24 ~~district is administered;~~

25 ~~(5)~~ (4) 'Receiving district' means the school district or districts  
26 which receives territory or pupils, or both, under an annexation;

27 ~~(6)~~ (5) 'Resulting district' means the school district created under the  
28 annexation or consolidation."

29  
30 SECTION 42. Arkansas Code 6-13-1202 is amended to read as follows:

31 "6-13-1202. Conditions under which annexation may begin.

32 (a)(1) Annexation of a school district may begin under the following  
33 conditions:

34 (A) Upon petition signed by a majority of the qualified  
35 electors of the district;

36 (B) Upon a vote in an election on the question by a majority

1 of those voting in the election; or

2 (C) Upon resolution adopted by the district board of  
3 directors that the district no longer meets or cannot continue to meet the  
4 minimum standards for accreditation, or their successor.

5 (2) Consent to annexation of a school district by the receiving  
6 district shall be evidenced by:

7 (A) Resolution adopted by the receiving district board of  
8 directors;

9 (B) A petition signed by a majority of the qualified  
10 electors of the receiving district; or

11 (C) Vote in an election on the question by a majority of  
12 those voting in the election.

13 (3)(A) Except as provided in (3)(B) below, the ~~controlling county~~  
14 ~~board of education~~ State Board of Education shall order an annexation upon  
15 consent of the receiving district.

16 (B)(i) If annexation begins under (a)(1)(C) above, the  
17 ~~controlling county~~ board of ~~education~~ directors of the affected district shall  
18 publish notice of a public hearing on the petition.

19 (ii) The public hearing shall occur no sooner than  
20 twenty (20) days and no later than thirty (30) days following receipt of the  
21 petition.

22 (iii) The date, time, place, and purpose of the public  
23 hearing shall be clearly stated in a newspaper of general circulation in the  
24 affected districts once a week for two (2) consecutive weeks.

25 (iv) Following the public hearing, upon a finding that  
26 the annexation would be in the best interests of the students in the district,  
27 the ~~controlling county board of education~~ State Board of Education may order  
28 the annexation of the district with the receiving district.

29 (b) Consolidation of a school district may begin under the following  
30 conditions:

31 (1) Upon petition signed by a majority of the qualified electors  
32 of the resulting district;

33 (2) Upon a vote in an election on the question by a majority of  
34 those voting in each district; or

35 (3) Upon resolution adopted by the board of directors of each  
36 school district to the ~~county board~~ State Board of Education to seek an

1 election on consolidation.

2 (c)(1) ~~The county boards of education~~ State Board of Education shall not  
3 merge, add, or annex any territory or district to, or consolidate any  
4 territory or district with, another school district or districts which are not  
5 geographically contiguous unless ~~granted permission to do so by the State~~  
6 ~~Board of Education under the following~~ limited circumstances as provided in  
7 this subsection are met.

8 (2) ~~The county boards of education may petition the State Board of~~  
9 ~~Education for permission to merge, annex, or consolidate school districts~~  
10 ~~which are noncontiguous geographically.~~ The State Board of Education may  
11 grant permission for noncontiguous school districts to be merged, annexed, or  
12 consolidated if the ~~county board~~ affected district and receiving district  
13 seeking permission can provide evidence that the merger, annexation, or  
14 consolidation will:

15 (A) Result in the overall advancement of the level of the  
16 educational curriculum for all the school districts involved; or

17 (B) Provide a significant advantage in transportation costs  
18 or travel to all the school districts involved.”

19

20 SECTION 43. Arkansas Code 6-13-1203 is amended to read as follows:

21 “6-13-1203. Special election.

22 (a)(1) An election on the question of annexation or consolidation shall  
23 be held at a special election called by the ~~controlling county board of~~  
24 ~~education~~ State Board of Education.

25 (2) The ~~controlling county board of education~~ directors of the  
26 receiving school district shall prepare the form of ballot for any election on  
27 the formation of school districts and the dissolution thereof or the  
28 annexation of territory as herein provided.

29 (b) Upon receipt of a resolution by the district board of directors for  
30 annexation or consolidation of the school district, or upon petition of at  
31 least ten percent (10%) of the qualified electors of the district, the  
32 ~~controlling county board of education~~ State Board of Education shall call a  
33 special election on the question of annexation or consolidation.

34 (c)(1) All petitions shall be filed with the county clerk of the county  
35 in which the largest portion of the resulting district shall lie, who shall,  
36 within fourteen (14) days of receipt, certify the signatures on the petition

1 and notify the ~~county board of education~~ State Board of Education.

2 (2) Any elector signing the petition may have his name stricken  
3 from the petition, upon written demand, at any time prior to the final action  
4 of the ~~county board~~ State Board of Education upon the petition.

5 (d)(1) Upon receipt of the certified petition, the ~~controlling county~~  
6 ~~board of education~~ State Board of Education shall consider whether the  
7 petition is signed by the requisite number of electors. For the purpose of  
8 determining whether the petition contains a majority of the qualified electors  
9 of each district, a majority shall be determined as of the date the petition  
10 is considered by the ~~controlling county board of education~~ State Board of  
11 Education.

12 (2) Upon receipt of the certified petition, the ~~controlling county~~  
13 ~~board of education~~ State Board of Education shall set a date for the election  
14 and the receiving district shall file notice of such election with the county  
15 clerk, and shall publish notice of same, clearly stating the date and purpose,  
16 once a week for three (3) weeks, the last date not more than five (5) days  
17 prior to the election, in a newspaper having general circulation in the  
18 resulting district.

19 (e) Any action for the formation of a new school district or a change of  
20 the boundaries of existing school districts shall be accompanied by a map  
21 showing the proposed changes."

22  
23 SECTION 44. Arkansas Code 6-13-1204(a) is amended to read as follows:

24 "(a) Unless an agreement is reached to the contrary, the effective date  
25 of the annexation or consolidation shall be the July 1 following the order of  
26 the ~~controlling county board~~ State Board of Education directing the annexation  
27 or the consolidation."

28  
29 SECTION 45. Arkansas Code 6-13-1206(b) is amended to read as follows:

30 "(b) Where territory less than the entire district is annexed or  
31 consolidated to a district, the receiving district shall take the property of  
32 the district from which the territory was taken, as the ~~county board of~~  
33 ~~education~~ State Board of Education shall deem proper, and shall be liable for  
34 that part of all indebtedness of the district from which the territory was  
35 taken as shall be assigned to them by the ~~county board of education~~ State  
36 Board of Education unless otherwise approved by majority vote of the affected

1 school district boards of directors."

2  
3 SECTION 46. Arkansas Code 6-13-1207 is amended to read as follows:

4 "6-13-1207. Annexation or consolidation not to negatively impact state-  
5 assisted desegregation.

6 (a) ~~No county board of education~~ The State Board of Education shall not  
7 order any annexation or consolidation under this subchapter or any other act,  
8 or combination under any act, which hampers, delays or in any manner  
9 negatively affects the efforts of the State of Arkansas to assist a district  
10 or districts in this state in the desegregation of the public schools of this  
11 state.

12 (b) Prior to the entry of any order hereunder, the ~~county board of~~  
13 ~~education~~ State Board of Education shall seek an advisory opinion from the  
14 Attorney General concerning the impact of the proposed annexation or  
15 consolidation on the effort of the state to assist a district or districts in  
16 desegregation of the public schools of this state.

17 (c) Any order of annexation or consolidation or combination which  
18 violates the provisions of this section shall be null and void.

19 (d) Notwithstanding other provisions of state law granting immunity from  
20 suit or liability, members of ~~a county board of education~~ the State Board of  
21 Education which fail to comply with the requirements of this section shall be  
22 subject to personal liability for such action."

23  
24 SECTION 47. Arkansas Code 6-13-1208 is amended to read as follows:

25 "6-13-1208. Notice of boundary changes.

26 (a) On the change of any boundaries of school districts, notice:

27 ~~(1) shall~~ shall immediately be given to the State Board of Education  
28 and mailed to the president of the board of directors in each district  
29 affected; ~~and~~

30 ~~(2) Shall be filed with the county board of education or the~~  
31 ~~board's designee.~~

32 (b) It shall be the duty of the ~~controlling county board~~ Department of  
33 Education to immediately make such changes in the maps of the school districts  
34 of the county to properly show the changes of boundaries."

35  
36 SECTION 48. Title 6, Chapter 13, Subchapter 12 of the Arkansas Code is



1 amended to add the following section as follows:

2 "6-13-1209. State Board of Education.

3 (a) The State Board of Education shall have the following duties  
4 regarding consolidations and annexation:

5 (1) To form local school districts, change boundary lines of  
6 school districts, dissolve school districts and annex the territory of such  
7 districts to another district, create new school districts, and perform all  
8 other functions regarding changes in school districts, in accordance with the  
9 law;

10 (2) To transfer funds and attach territory which is in no school  
11 district to other school districts as may seem best for the educational  
12 welfare of the children;

13 (3) To enact rules and regulations regarding the consolidation  
14 and annexation of school districts under this title.

15 (b)(1) Any person being a party to the proceeding in front of the State  
16 Board of Education concerning consolidation or annexation who feels aggrieved  
17 by any final order or decision of the State Board of Education may prosecute  
18 an appeal from such final order or decision, provided the person shall, within  
19 thirty (30) days from the date of the final order or decision complained of:

20 (A) Make an affidavit that the appeal taken from such final  
21 order or decision of the State Board of Education is not taken for purposes of  
22 delay; and,

23 (B) Enter into a bond with good and sufficient surety  
24 thereon, in such sum as shall be ordered by the State Board of Education, not  
25 to exceed twice the amount of property tax revenues involved in the appeal.

26 (2) The appeal herein provided shall be to the circuit court of  
27 the county where the seat of government is located."

28  
29 SECTION 49. Arkansas Code 6-14-102 is amended to read as follows:

30 "6-14-102. Annual school election date - Special school election.

31 (a) The annual school election shall be held in each school district of  
32 the state on the third Tuesday in September.

33 (b) The board of directors of any school district shall have the  
34 authority to hold the annual school election on a date other than that fixed  
35 by law, provided that:

36 (1) The proposed budget of expenditures for the previous year, as

1 published, incorrectly stated a proposed expenditure or rate of tax levy, as  
 2 set forth in a certificate or certificates signed by each member of the board  
 3 of directors, or was not published within the time required by law; or

4 (2) The district has suffered damage to its physical facilities in  
 5 an amount exceeding one hundred twenty-five thousand dollars (\$125,000) as a  
 6 result of fire or other natural disaster and the board of directors has  
 7 determined that the proceeds of insurance on those facilities will be  
 8 insufficient to restore or replace the facilities; or

9 (3) The district will lose state aid because of a court decision  
 10 or legislation enacted by the General Assembly and the board of directors  
 11 takes action to change the date of the annual school election to consider a  
 12 millage increase no less than sixty (60) days after the court's decision or  
 13 effective date of the legislation; and

14 (4) All constitutional and statutory requirements for the annual  
 15 school election are met; and

16 (5) The date of the election is approved by the Director of  
 17 ~~General~~ the Department of Education.

18 ~~(c) In an even numbered year, if no more than one (1) candidate for~~  
 19 ~~school district director or member of the county board of education presents a~~  
 20 ~~petition or notice in writing to the county board of election commissioners as~~  
 21 ~~required by § 6-14-111, and there are no other ballot issues to be submitted~~  
 22 ~~to district electors for consideration, the board of directors of any school~~  
 23 ~~district may, by resolution duly adopted, request the county board of election~~  
 24 ~~commissioners to change the date of the annual school election to coincide~~  
 25 ~~with that of the general election.~~

26 ~~(d)(1)(c)(1) [As enacted by Acts 1997, No. 545.]~~ In any election year,  
 27 if no more than one (1) candidate for school district director ~~or member of~~  
 28 ~~the county board of education~~ presents a petition or notice in writing to the  
 29 county board of election commissioners as required by § 6-14-111, and there  
 30 are no other ballot issues to be submitted to district electors for  
 31 consideration, the board of directors of any school district ~~may~~, by  
 32 resolution duly adopted, may request the county board of election  
 33 commissioners to reduce the number of polling places.

34 (2) The county board of election commissioners shall provide at  
 35 least one (1) polling place.

36 (3) In a county that uses voting machines or electronic voting,

1 the county board of election commissioners may choose to use paper ballots for  
2 the election.

3 (d) ~~[As enacted by Acts 1997, No. 1120.]~~ The board of directors of any  
4 school district shall have the authority to request the county board of  
5 ~~education~~ election commissioners to call a special election for the purpose of  
6 considering a rate of tax for additional millages for maintenance and  
7 operations or debt service as authorized by Arkansas Constitution, Amendment  
8 74, provided that:

9 (1) All constitutional and statutory requirements for a special  
10 school election are met; and

11 (2) The date of the election is approved by the Director of  
12 ~~General~~ the Department of Education."

13

14 SECTION 50. Arkansas Code 6-14-104 is repealed:

15 ~~6-14-104. Special election called by county board of education.~~

16 ~~(a) Special elections shall be held in school districts when called by~~  
17 ~~the county board of education and shall be held by the same officials at the~~  
18 ~~same polling places, and the returns shall be made, canvassed, and published~~  
19 ~~in the same manner as is provided by law for annual school elections in the~~  
20 ~~district.~~

21 ~~(b) Any question that needs to be or may be submitted to the electors of~~  
22 ~~the school district shall be submitted at these special elections.~~

23 ~~(c) Any question that needs to be or may be submitted to the electors in~~  
24 ~~the school district shall be submitted at special elections.~~

25

26 SECTION 51. Arkansas Code 6-14-111 is amended to read as follows:

27 "6-14-111. Ballots - Write-in candidates.

28 (a) The county board of election commissioners shall prepare and furnish  
29 ballots and all other necessary supplies for the annual school election.

30 (b) The county board of election commissioners shall place on the  
31 ballots, as candidates for school district director ~~or member of the county~~  
32 ~~board of education~~, names of any qualified voters whose names have been filed  
33 and verified by the county clerk. The county clerk shall certify to the board  
34 of election commissioners that the petition contained at least twenty (20)  
35 qualified registered voters, residents of the ~~respective districts or~~ and  
36 respective electoral zones, if directors are elected from zones, at least

1 forty-five (45) days before the annual school election.

2 (c) Votes for a write-in candidate for school district director ~~or~~  
3 ~~member of the county board of education~~ shall not be counted or tabulated  
4 unless, not later than forty (40) days before the annual school election, the  
5 candidate notifies in writing the county board of election commissioners of  
6 his or her intention to be a write-in candidate."

7

8 SECTION 52. Arkansas Code 6-14-116 is amended to read as follows:

9 "6-14-116. Contest of election.

10 (a) If the election of any ~~member of a county board of education or~~  
11 ~~member of a school district board of directors~~ is contested, it shall be  
12 before the circuit court of the county wherein the ~~contested office exists~~  
13 school district is domiciled.

14 (b) All actions to contest the election shall be commenced within twenty  
15 (20) days after the election at which any such person was elected.

16 (c) Actions to contest the election of ~~county and~~ school district  
17 officers shall follow the procedures set out in § 7-5-801 et seq.

18 ~~(d) The purpose of this section is to divest county boards of education~~  
19 ~~of jurisdiction to hear and determine school election contests and to vest~~  
20 ~~jurisdiction exclusively in the circuit courts."~~

21

22 SECTION 53. Arkansas Code 6-14-121 is amended to read as follows:

23 "6-14-121. Runoff elections.

24 (a) Whenever there are more than two (2) candidates for election to any  
25 ~~county or district school~~ position on a school district board at any election  
26 held in this state, and no candidate for any ~~county or~~ district position  
27 receives a majority of the votes cast for the office, there shall be a runoff  
28 election held in the ~~county or~~ district. The runoff election shall be held  
29 three (3) weeks following the date of the election; the names of the two (2)  
30 candidates receiving the highest number of votes, but not a majority, shall be  
31 placed on the ballot to be voted upon by the qualified electors ~~of the county~~  
32 ~~or the~~ for that position on a school district board., ~~as the case may be.~~

33 (b) The person receiving the majority of the votes cast for the position  
34 at the runoff election shall be declared elected.

35 (c) In the event the two (2) candidates seeking election to the same  
36 ~~county or~~ district position shall receive the same number of votes, a tie

1 shall be deemed to exist. The county ~~board of education~~ board of election  
2 commissioners, at an open public meeting and in the presence of the two (2)  
3 candidates, shall determine the winner by lot.

4 (d) The provisions of this section are intended to be in addition to and  
5 supplemental to the laws of this state pertaining to the election of county  
6 ~~and district school~~ district board of directors.”

7  
8 SECTION 54. Arkansas Code 6-15-204 is repealed:

9 ~~6-15-204. Initial failure to meet standards.~~

10 ~~(a)(1) All public elementary and secondary schools that fail to meet~~  
11 ~~minimum standards for accrediting Arkansas elementary and secondary public~~  
12 ~~schools in this state, as promulgated by the State Board of Education under~~  
13 ~~the provisions of this subchapter, shall be eliminated not later than June 1,~~  
14 ~~1987, and districts operating one (1) or more of these schools shall be~~  
15 ~~dissolved and annexed to another district which operates all schools therein~~  
16 ~~in compliance with the minimum standards for accrediting elementary and~~  
17 ~~secondary public schools.~~

18 ~~(2) The county board of education shall abolish such districts and~~  
19 ~~shall annex their territory to the receiving district in a geographically~~  
20 ~~contiguous manner.~~

21 ~~(3) The receiving district shall be designated by the county board~~  
22 ~~of education, and the receiving district is mandated to accept such districts~~  
23 ~~or parts of districts.~~

24 ~~(b)(1) In the event a county board of education fails or refuses to~~  
25 ~~comply with the mandates of this subchapter, Director of General Education~~  
26 ~~shall notify the State Board of Education not later than June 10, 1987.~~

27 ~~(2) The State Board of Education, not later than June 20~~  
28 ~~subsequent to the mandate, shall order, or by regulation authorize the~~  
29 ~~Department of Education to order, the consolidation or annexation of any such~~  
30 ~~school district as mandated by this subchapter.~~

31 ~~(3) Copies of such orders shall be filed with the county board of~~  
32 ~~education and the affected district, which shall immediately take action to~~  
33 ~~implement the order.~~

34  
35 SECTION 55. Arkansas Code 6-15-207 is repealed:

36 ~~6-15-207. Annexation and combination by petition.~~

1       ~~(a) Any school district may petition the county board of education of~~  
2 ~~the county in which the district is administered to combine the district's top~~  
3 ~~four (4) grades or top six (6) grades with an adjoining district which~~  
4 ~~operates a secondary program which meets the minimum standards for~~  
5 ~~accreditation.~~

6       ~~(b) Upon receipt of such a petition, the county board of education shall~~  
7 ~~order the combination of the secondary program of such district with an~~  
8 ~~adjoining district for purposes of operation of the top four (4) or top six~~  
9 ~~(6) grades.~~

10       ~~(c) Any school district directed by order of the county board of~~  
11 ~~education to participate in such a combination is mandated to accept the~~  
12 ~~students transferred to such district.~~

13       ~~(d) Any district exercising the option provided herein shall continue to~~  
14 ~~exist as a separate school district to operate a school with grades~~  
15 ~~kindergarten through six (K-6) and may operate grades seven (7) and eight (8)~~  
16 ~~if the district's educational program at grades seven (7) and eight (8) meets~~  
17 ~~minimum accreditation standards.~~

18       ~~(e) Such district shall have all rights, duties, and powers granted to~~  
19 ~~school districts under the laws of this state, except that such district may~~  
20 ~~not establish or operate a high school.~~

21       ~~(f) The county board of education when ordering such a combination shall~~  
22 ~~order the affected districts to enter into a contract for the transfer of~~  
23 ~~specified revenues from the petitioning district to the receiving district on~~  
24 ~~an annual basis.~~

25       ~~(g) The amount of revenues to be transferred from the petitioning~~  
26 ~~district to the receiving district shall be determined in accordance with~~  
27 ~~guidelines which the State Board of Education is directed to formulate to~~  
28 ~~assure equitable reallocation of revenues for the operation of combined~~  
29 ~~educational programs.~~

30  
31       SECTION 56. Arkansas Code 6-16-118 is amended to read as follows:

32       "6-16-118. GED testing for adults.

33       (a) General Educational Development tests for adults shall be  
34 administered by the ~~county board or the board's designee and other educational~~  
35 ~~agencies and institutions approved by the State Department of Workforce~~  
36 ~~Education and the American Council on Education.~~

1 (b) The State Board of ~~Vocational and Technical~~ Workforce Education and  
2 Career Opportunities is authorized to approve fees only for the administering  
3 of the General Educational Development test, not to exceed ten dollars  
4 (\$10.00) the first time and twenty dollars (\$20.00) for the second and  
5 subsequent tests."

6  
7 SECTION 57. Arkansas Code 6-17-104 is amended to read as follows:

8 "6-17-104. Teachers' registers, records, and reports.

9 (a) The teacher shall keep such records and make such reports as may be  
10 required by ~~the county board of education and~~ the school district board of  
11 directors.

12 (b) No teacher shall be entitled to the last month's pay for any school  
13 taught by him until he shall have returned to the ~~county board or the board's~~  
14 ~~designee of the county in which such school was taught,~~ local school district  
15 the daily register furnished him, with all statistical work which teachers are  
16 by law required to perform, perfect, and complete, and no director shall  
17 otherwise issue an order for the last month's pay."

18  
19 SECTION 58. Arkansas Code 6-17-105 is repealed:

20 ~~6-17-105. Administrators' reports.~~

21 ~~(a) All principals or head teachers of each public school shall transmit~~  
22 ~~to the county board or the board's designee, not later than July 10 of each~~  
23 ~~year, a written report showing:~~

24 ~~(1) The number and name of the school district;~~

25 ~~(2) The number by school grades of males and females,~~  
26 ~~respectively, of each race, that attended school during the last preceding~~  
27 ~~school year;~~

28 ~~(3) The average number of each sex in each school grade that~~  
29 ~~attended daily;~~

30 ~~(4) The number of days the school was taught during the year by a~~  
31 ~~licensed teacher;~~

32 ~~(5) The name of each teacher, the grade of his certificate, the~~  
33 ~~salary paid each teacher per month, and the whole amount of salary paid the~~  
34 ~~teacher during the last school year; and~~

35 ~~(6) All other information called for by the State Board of~~  
36 ~~Education.~~

1       ~~(b) In school districts where a superintendent of schools is employed,~~  
2 ~~the principal of each school shall make the report to the superintendent, and~~  
3 ~~he in turn shall make the report to the county school supervisor.~~

4       ~~(c) Failure to make this report shall be subject to a penalty of two (2)~~  
5 ~~weeks' salary of the delinquent principal, teacher, or superintendent.~~

6  
7       SECTION 59. Arkansas Code 6-17-305(b) is amended to read as follows:

8       “(b) Any ~~county board of education or district school~~ district board of  
9 directors desiring to cooperate with any tax-supported institution of higher  
10 learning, one (1) of whose functions is the training of teachers, is  
11 authorized to enter into contract with the board of trustees of the  
12 institution for the operation and maintenance of a public school, grades one  
13 (1) to twelve (12) or any part thereof, located in the county, to be used for  
14 training school purposes by the institution.”

15  
16       SECTION 60. Arkansas Code 6-17-401(b) is amended to read as follows:

17       “(b) No license shall be valid in any county until it has been  
18 registered in the office of the county ~~board or the board's designee~~ clerk.”

19  
20       SECTION 61. Arkansas Code 6-17-408(a) is amended to read as follows:

21       “(a) In any action filed in any court in this state, wherein the party  
22 instituting the action seeks or has sought to impose upon any county  
23 treasurer, ~~county board,~~ or superintendent of schools any liability arising  
24 out of failure to file a teacher's certificate in the office of the county  
25 ~~board~~ clerk and arising out of the failure to file a teacher's contract, which  
26 would have been valid except for prior failure to file a teacher's certificate  
27 in the office of the county ~~board~~ clerk, the county treasurer, ~~or~~ or school  
28 superintendent, ~~or county board~~ against whom such liability is sought to be  
29 imposed may assert as a complete defense the filing in the office of the  
30 county ~~board~~ clerk, at any time before final judgment in the action, of a  
31 teacher's certificate for the particular teacher involved showing on its face  
32 that the particular teacher to whom the certificate was issued possesses all  
33 the qualifications required by law and the particular teacher's contract as of  
34 the date the teacher was required to perform the teaching contract.”

35  
36       SECTION 62. Arkansas Code 6-17-907(k) through (m) is amended to read as



1 follows:

2 ~~"(k) The county board, or the board's designee, by written statement,~~  
 3 ~~shall instruct the county treasurer of the various percentages and amounts of~~  
 4 ~~revenue to be credited to the respective funds of each school district in the~~  
 5 ~~county.~~

6 ~~(l) (k)~~ The county treasurer ~~or the county board, or the board's~~  
 7 ~~designee,~~ may request representatives of the Division of Legislative Audit or  
 8 of the State Department of Education to assist in establishing and crediting  
 9 the various percentages of revenue to the respective funds.

10 ~~(m) (l)~~ When a school district has a district treasurer, the county  
 11 treasurer may establish for that district only those funds needed to credit  
 12 the types of revenues flowing through his office."  
 13

14 SECTION 63. Arkansas Code 6-17-911 is amended to read as follows:

15 "6-17-911. Effect of failure to make records and settlements.

16 (a) The disbursing officer of the State Board of Education shall  
 17 withhold any and all state funds due the school districts of any county until  
 18 the county treasurer ~~and the county board or the board's designee have~~ has set  
 19 up ~~their~~ its records in accordance with § 6-17-907.

20 (b) If the county collector fails to make settlements with the county  
 21 treasurer as now provided by law, the county ~~board or the board's designee~~  
 22 treasurer shall forthwith notify the Director of ~~General~~ the Department of  
 23 Education and the Director of the Department of Finance and Administration of  
 24 such failure.

25 (c) If such delinquent settlement is not made within two (2) weeks, ~~the~~  
 26 ~~disbursing officer of the State Board of Education shall withhold any and all~~  
 27 ~~state funds due the school districts of such county~~ the Treasurer of State  
 28 shall withhold the monthly distribution of county aid provided for under § 19-  
 29 5-602 (b) upon notification from the Director of the Department of Finance and  
 30 Administration that the county has failed to make such settlement. The  
 31 monthly distribution shall be withheld until such settlement is made to the  
 32 satisfaction of the Director of the Department of Finance and Administration."  
 33

34 SECTION 64. Arkansas Code 6-17-912 is amended to read as follows:

35 "6-17-912. Advances from other funds.

36 The county treasurer, when acting in the capacity as school treasurer,

1 is authorized to make advances from one (1) fund to another upon written  
 2 request from the ~~county board, or the board's designee,~~ local school district  
 3 board of directors during the fiscal year."

4  
 5 SECTION 65. Arkansas Code 6-17-913(b) is amended to read as follows:

6 "(b) Where audits are made by a certified public accountant, a certified  
 7 copy of the audit shall be distributed to ~~the county board or the board's~~  
 8 ~~designee,~~ the school district, the Department of Finance and Administration,  
 9 the Department of Workforce Education, and the ~~State~~ Department of Education."

10  
 11 SECTION 66. Arkansas Code 6-17-914(c) is amended to read as follows:

12 "(c) Budgets of the school districts of the state filed as required by  
 13 this section shall be reviewed by the Department of Education to determine if  
 14 the requirements of the statutes and the regulations of the State Board of  
 15 Education regarding the earmarking or use of school funds are being met. Upon  
 16 approval, copies of the approved budget shall be filed with the school  
 17 district, ~~the county board of education,~~ the county treasurer if serving as  
 18 school treasurer, and the Department of Education."

19  
 20 SECTION 67. Arkansas Code 6-17-914(g) is amended to read as follows:

21 "(g) The Treasurer of State ~~may~~ shall withhold the monthly distribution  
 22 of county aid provided for under § 19-5-602 (b) from any county that fails to  
 23 provide, ~~the county board of education~~ in a timely manner, ~~with~~ information  
 24 ~~necessary for submission~~ to the Department of Education ~~of~~ concerning the  
 25 annual abstract of assessment for each school district located wholly or in  
 26 part in such county."

27  
 28 SECTION 68. Arkansas Code 6-17-918 is amended to read as follows:

29 "6-17-918. Issuing and countersigning warrants.

30 (a) ~~For those districts for which the county board's designee does not~~  
 31 ~~serve as ex officio financial secretary as provided in § 6-12-205, it~~ It shall  
 32 be the duty of the district superintendent of schools to serve as ex officio  
 33 financial secretary and to issue and countersign all warrants.

34 (b) ~~For those districts for which the county board's designee serves as~~  
 35 ~~ex officio financial secretary, he shall also issue and countersign all~~  
 36 ~~warrants.~~

1           ~~(1) However, upon request of the board of directors of any other~~  
2 ~~school district administered in the county, the county board of education~~  
3 ~~shall authorize a designee to serve as ex officio financial secretary of the~~  
4 ~~district.~~

5           ~~(2) Any school district board of directors by resolution adopted~~  
6 ~~by majority vote may designate the ex officio financial secretary as the~~  
7 ~~disbursing officer of the district, and no additional signature shall be~~  
8 ~~required on warrants.~~

9           ~~(3) Such resolution must be filed with the county board of~~  
10 ~~education and the county treasurer, if the county treasurer serves as the~~  
11 ~~school district treasurer.~~

12           ~~(4) No warrants shall be valid without the signature of the ex~~  
13 ~~officio financial secretary.~~

14           ~~(5)(A) Such countersigning officer shall give bond in the sum of~~  
15 ~~two thousand dollars (\$2,000) or an amount equal to ten percent (10%) of the~~  
16 ~~total amount of the estimated revenue of the school district for the school~~  
17 ~~fiscal year covered by the bond, whichever is the greater, the maximum not to~~  
18 ~~exceed twenty thousand dollars (\$20,000), for the faithful discharge of his~~  
19 ~~duties and for the proper accounting of all school money that may come into~~  
20 ~~his hands or under his control.~~

21           ~~(B) The surety of such bond is to be a surety company~~  
22 ~~authorized to do business in the State of Arkansas as surety.~~

23           ~~(C) Such bond shall be filed in the office of the county~~  
24 ~~clerk and a copy thereof filed in the office of the Director of General~~  
25 ~~Education.~~

26           ~~(D) Premiums of such bonds shall be paid by the school~~  
27 ~~district board or county board in the same manner as other fixed charges.~~

28           ~~(c)(b) The county board's designee or the district superintendent of~~  
29 ~~schools shall neither issue nor countersign any warrants until he has~~  
30 ~~determined that the warrants have been issued in conformity with § 6-20-402,~~  
31 ~~this subchapter, and other laws."~~

32  
33           SECTION 69. Arkansas Code 6-17-919 is amended to read as follows:

34           "6-17-919. Warrants void without valid certificate and contract.

35           (a) All warrants issued in payment of teachers' salaries are void  
36 unless:

1 (1) The teacher has a valid teacher's certificate filed with the  
2 county ~~board or with the board's designee's~~ clerk's office;

3 (2) The teacher has been employed by a valid written contract; and

4 (3) Copies of such contract are on file in the offices of the  
5 county treasurer, or the school district treasurer if the school district has  
6 its own treasurer, ~~and the county board or the board's designee.~~

7 (b) ~~The county board, or the board's designee, or the district~~  
8 superintendent of schools and the superintendent's surety shall be liable for  
9 any warrants which he countersigns in payment of teachers' salaries unless and  
10 until there is a valid teacher's certificate and contract for the teacher on  
11 file with the county ~~board or with the board's designee~~ clerk.

12 (c) The county treasurer, or the school district treasurer if the school  
13 district has its own treasurer, and his surety shall be liable for all  
14 warrants in payment of teachers' salaries which he pays unless and until there  
15 is a valid contract on file in his office."

16  
17 SECTION 70. Arkansas Code 6-17-920 is amended to read as follows:

18 "6-17-920. Examination of teachers' contracts -- Effect.

19 (a) It shall be the duty of the county ~~board, or the board's designee,~~  
20 clerk when the teachers' contracts are filed, as required by §§ 6-13-620 and  
21 6-17-919, to examine such contracts.

22 (b) If the county ~~board~~ clerk finds that any board of directors has  
23 entered into contracts with teachers who have not recorded a valid teacher's  
24 certificate with the ~~board, the county board, or the board's designee~~ clerk,  
25 shall immediately notify the board of directors in writing to correct the  
26 contract or contracts to conform to the legal requirements.

27 (c) If the board of directors does not make contracts in accordance with  
28 this subsection and other legal requirements, the county ~~board, or the board's~~  
29 ~~designee,~~ clerk shall notify the county treasurer that the contracts are  
30 invalid.

31 (d) It shall then be the duty of the county treasurer, or the school  
32 district treasurer if the school district has its own treasurer, to refuse  
33 payment of warrants issued upon the contracts, and he and his surety shall be  
34 liable for failure to do so.

35 (e) Moreover, the county ~~board, or the board's designee,~~ clerk and their  
36 surety shall be liable for any warrants countersigned which are inconsistent

1 with the provisions of this section.”

2  
3 SECTION 71. Arkansas Code 6-18-213 is amended to read as follows:

4 “6-18-213. Attendance records and reports generally.

5 (a)(1) A record of pupil attendance shall be kept by each school  
6 district of the state on forms provided by the Department of Education ~~or on~~  
7 ~~forms approved by the Director of General Education and the Director of~~  
8 ~~Vocational and Technical Education as being suitable for the intended~~  
9 ~~purposes.~~

10 (2) This basic record, showing the daily attendance or absence of  
11 each student for the school year, shall be kept in ink by a teacher or other  
12 officially designated person who visually notes the physical presence or  
13 absence of each student on a daily basis.

14 (3) The attendance for resident and nonresident students shall be  
15 kept separately.

16 (4) The basic attendance records of each district shall be kept on  
17 file in the district for a period of three (3) years and shall be audited by  
18 the Department of Education at least one (1) time in any given three-year  
19 period.

20 (b) The official reporting period for attendance shall be quarterly with  
21 the actual number of days counted in each period to be not less than forty  
22 (40) nor more than fifty (50).

23 (c) Each school district in the state shall file a report on its  
24 attendance for each quarterly period with the Department of Education within  
25 fifteen (15) days after the end of any quarterly period.

26 (d) The attendance in each of the school districts of the state as  
27 reflected by the combined reports for the first three (3) quarters of the  
28 school year shall be the official data used in computing ~~Minimum Foundation~~  
29 ~~Program Aid and Transportation Aid~~ certain types of state aid for the  
30 following year.

31 (e) Any district which fails to file, by April 15 of any given year,  
32 reports for the first three (3) quarters of that year, as required by  
33 subsection (c) of this section, shall have the remainder of its ~~Minimum~~  
34 ~~Foundation Program Aid~~ State Equalization Aid withheld, beginning with the  
35 April allotment, and placed in escrow to be released when such reports are  
36 received.

1 (f) The State Board of Education shall develop such forms and shall  
2 promulgate such rules, regulations, and procedures as may be required to  
3 implement the intent of this section.

4 ~~(g) Nothing in this section shall be construed as relieving school~~  
5 ~~districts from any requirement for filing annual or other reports, except~~  
6 ~~monthly attendance reports, with the office of the county board of education."~~  
7

8 SECTION 72. Arkansas Code 6-18-219 is amended to read as follows:

9 "6-18-219. False attendance reports.

10 Any teacher, ~~director, county school board or the board's designee,~~  
11 principal, superintendent, or any other person whose duty it is to make  
12 reports as to the schools of the county, who shall make a false report to the  
13 ~~county board of education or the~~ State Board of Education as to the number of  
14 children enumerated, the number enrolled in school, or the number in average  
15 daily attendance in the schools shall be:

16 (1) Guilty of a misdemeanor, punishable by a fine not to exceed  
17 one hundred dollars (\$100) payable into the general school fund of the county;  
18 and

19 (2) Liable personally for any loss of revenue which the district  
20 or state sustains as a result of the false report."  
21

22 SECTION 73. Arkansas Code 6-18-307(b) is amended to read as follows:

23 "(b) When any individual or joint petition as authorized in subsection  
24 (a) hereof is filed with the board of directors of any school district, the  
25 board shall, within thirty (30) days after the date of filing of the petition,  
26 either grant or deny the transfer. If the board denies the petition, ~~the~~  
27 ~~petitioners may appeal the decision of the board to the county board of~~  
28 ~~education of the county in which the resident district is administered. Within~~  
29 ~~thirty (30) days after the appeal is made to the county board, the board shall~~  
30 ~~either grant or deny the transfer. If the county board of education of the~~  
31 ~~resident county denies the petition,~~ the petitioners may appeal to the State  
32 Board of Education. Within forty-five (45) days after the appeal to the state  
33 board, the board shall either grant or deny the transfer. The ruling of the  
34 State Board of Education shall be the final administrative ruling on the  
35 petition."  
36

1 SECTION 74. Arkansas Code 6-18-802 is amended to read as follows:

2 "6-18-802. Liability.

3 No liability shall attach either to the State Board of Education, the  
4 school district, ~~the county board of education or any individual member~~  
5 ~~thereof~~, a superintendent, teacher, safety patrol member, or other school  
6 authority by virtue of the organization, maintenance, or operation of a school  
7 safety patrol organized, maintained, and operated under authority of, and in  
8 compliance with, this subchapter."

9  
10 SECTION 75. Arkansas Code 6-19-102(d) is amended to read as follows:

11 "(d) A bus or other vehicle used in transporting pupils in one (1)  
12 district shall not be used to transport pupils in another district without the  
13 consent of the ~~county board of education~~ Department of Education."

14  
15 SECTION 76. Arkansas Code 6-20-201 is repealed:

16 ~~6-20-201. Allocation of funds to districts -- Deduction.~~

17 ~~(a) All funds that would be allocated to school districts based upon the~~  
18 ~~enumeration of students shall be allocated to school districts by~~  
19 ~~apportionment based on the average daily attendance or the average number of~~  
20 ~~students belonging to a district, whichever is used in allocating funds for~~  
21 ~~Minimum Foundation Program Aid funds from the Department of Education.~~

22 ~~(b) Expenditures for the county board of education budget may be~~  
23 ~~deducted from funds allocated each district under this section before~~  
24 ~~apportionment is made to each district by the county board of education.~~

25  
26 SECTION 77. Arkansas Code 6-20-216 is amended to read as follows:

27 "6-20-216. General school fund -- Apportionment generally.

28 ~~The county board of education, after setting aside the funds for the~~  
29 ~~salaries and expenses of the county school board designee's office, shall~~  
30 ~~apportion the general school fund of the county on the basis on which public~~  
31 ~~school funds are apportioned to the counties.~~

32 The county quorum court shall apportion the general school fund of the  
33 county based upon the average daily membership of the districts within the  
34 county. Each school district within the county shall receive its pro-rata  
35 share of the general school fund of the county."

1 SECTION 78. Arkansas Code 6-20-217 is amended to read as follows:

2 "6-20-217. General school fund -- Funds of doubtful application.

3 The ~~county board of education~~ quorum court of any county is authorized  
4 to place all funds about which there is a doubt as to their proper application  
5 to the credit of the general school fund in the county treasury. These funds  
6 shall be apportioned among the school districts of the county on the same  
7 basis as the state school funds are apportioned."

8  
9 SECTION 79. Arkansas Code 6-20-403 is amended to read as follows:

10 "6-20-403. Authority to draw warrants -- Countersignature.

11 The school district board of directors is authorized to draw warrants on  
12 the county treasurer when the county treasurer serves as treasurer of the  
13 school district for all funds to be disbursed by them, such warrants to be  
14 countersigned by the agent authorized ~~by the county board~~ under § 6-17-918, as  
15 countersignature is expressly required by law."

16  
17 SECTION 80. Arkansas Code 6-20-1213 is amended to read as follows:

18 "6-20-1213. Duty to pay on maturity -- Effect of failure.

19 (a) The school district board of directors, and the secretary of the  
20 board, ~~and the county board or the board's designee~~ shall see to it that  
21 sufficient funds to meet each maturity of principal and interest of all bonds  
22 of their district are in the place of payment not later than the day before  
23 the date of maturity.

24 (b) Any failure thereof shall be cause for the State Board of Education  
25 ~~to withhold the monthly salary of the county board's designee and~~ to withhold  
26 any apportionment of school funds that would otherwise be apportioned to that  
27 district and apply them on any past due bonds of that district."

28  
29 SECTION 81. Arkansas Code 6-20-1609(b)(4) is amended to read as  
30 follows:

31 "(4) To call for the election of a new school board for the district, in  
32 which case the district shall reimburse the county board of ~~education~~ election  
33 commissioners for election costs as otherwise required by law;"

34  
35 SECTION 82. Arkansas Code 6-21-410 is amended to read as follows:

36 "6-21-410. Illegal acts involving school officials.



1 (a)(1) It shall be illegal for the Director of ~~General~~ the Department of  
2 Education or any other employee connected with the Department of Education,  
3 any member of any selecting committee, or any member of any school board to  
4 accept or receive any money, gift, property, or favor whatsoever from any  
5 person, firm, or corporation, or any agent thereof, offering for sale any item  
6 pursuant to this subchapter, or from any person in any way interested in such  
7 sale.

8 (2) Any person who pleads guilty or nolo contendere or is found  
9 guilty of violating this subsection shall be subject to a fine not to exceed  
10 five hundred dollars (\$500) or imprisonment in the county jail for a period  
11 not to exceed six (6) months, or both.

12 (3) Any fines collected under this subsection shall be deposited  
13 in the State Treasury to the credit of the Public School Fund.

14 (b)(1) It shall be illegal for any teacher in the public schools of  
15 Arkansas, ~~any county supervisor or city superintendent of schools, any member~~  
16 ~~of any school board or board of education,~~ or any person connected with the  
17 public school system of Arkansas in any capacity to have any interest in the  
18 profits, proceeds, or sale of any school textbooks or other instructional  
19 materials used in the schools of Arkansas under his charge or with which he is  
20 connected in any official capacity, provided that this provision shall not  
21 apply nor have any reference to royalties or fees received by a person from  
22 the sale of school books or other instructional materials of which he is the  
23 author.

24 (2) Any person who pleads guilty or nolo contendere or is found  
25 guilty of violating this subsection shall be subject to a fine of no less than  
26 fifty dollars (\$50.00) nor more than two hundred dollars (\$200).

27 (3) Any fines collected under this subsection shall be deposited  
28 in the State Treasury to the credit of the Public School Fund.

29 (c)(1) It shall be illegal for any person, directly or indirectly, to  
30 promise or offer to give or cause to be promised, offered, or given any money,  
31 good, bribe, present, reward, or any valuable thing whatsoever to the Director  
32 of ~~General~~ the Department of Education, his assistants, or any other employee  
33 of the Department of Education, any school board members, teachers, or other  
34 persons with the intent of influencing their decisions on any questions,  
35 matters, causes, or proceedings in the selection of any textbooks or other  
36 instructional materials.

1           (2) Any person who pleads guilty or nolo contendere or is found  
2 guilty of violating this subsection shall be subject to a fine not to exceed  
3 five hundred dollars (\$500) or imprisonment in the county jail for a period  
4 not to exceed six (6) months, or both.

5           (3) Any fines collected under this subsection shall be deposited  
6 in the State Treasury to the credit of the Public School Fund.”

7  
8           SECTION 83. Arkansas Code 6-21-602 is amended to read as follows:

9           “6-21-602. School officials prohibited from acting as agent or  
10 representative of suppliers, etc.

11           (a) No member of the State Board of Education, the Director of ~~General~~  
12 the Department of Education, the Director of ~~Vocational and Technical~~  
13 Workforce Education, ~~member of a county board of education, county or city~~  
14 ~~superintendent of schools,~~ school director superintendent, or any employee of  
15 any of them shall act as agent or representative of any author or book seller  
16 seeking to sell any school books to the state or to any school district, or  
17 directly or indirectly receive any emolument, reward, or premium for his  
18 service or influence in recommending or procuring the use of any book, school  
19 apparatus, or furniture of any kind in any public school.

20           (b) Any school official who shall violate this act shall be guilty of a  
21 misdemeanor and removed from office, and liable to a fine not exceeding five  
22 hundred dollars (\$500).”

23  
24           SECTION 84. Arkansas Code 6-41-313 is amended to read as follows:

25           “6-41-313. Contracts for services pursuant to federal law.

26           (a) The board is authorized to contract with a school district ~~or county~~  
27 ~~board of education~~ and with the boards of other institutions under the control  
28 of a public board or commission for services to be provided for exceptional  
29 children as provided for in Title VI, Part B of Public Law 91-230 of 1965, as  
30 amended.

31           (b) District school boards are authorized to contract for services for  
32 exceptional children residing in respective districts or for services rendered  
33 in more than one (1) district in a county if mutual agreements have been  
34 signed by the districts affected authorizing one (1) district to contract for  
35 two (2) or more districts in a county.

36           ~~(c) County boards of education are given authority to contract in the~~

1 ~~event district school boards desire to establish the program under the county~~  
2 ~~board of education."~~

3  
4 SECTION 85. Arkansas Code 6-51-215 is amended to read as follows:

5 "6-51-215. Cooperation of various boards in establishing vocational  
6 programs -- Use of tax moneys.

7 (a) The board of directors of any school district, ~~any county board of~~  
8 ~~education,~~ or board of trustees of any state school, college, or university,  
9 may cooperate with the State Board of ~~Vocational~~ Workforce Education and  
10 Career Opportunities in the establishment of vocational schools, departments,  
11 or classes giving instruction in vocational subjects, including secondary  
12 instruction in agricultural subjects, trades or industrial subjects, or home  
13 economics subjects.

14 (b) Any board of directors, ~~board of education,~~ or board of trustees may  
15 use any moneys raised by public taxation in the same manner as moneys for  
16 other school purposes are used for the maintenance and support of public  
17 schools, or state schools, colleges, and universities."

18  
19 SECTION 86. Arkansas Code 19-7-402(c) and (d) is amended to read as  
20 follows:

21 "(c) The county ~~board of education~~ quorum court shall make distribution  
22 of the schools' portion on an acreage basis or other equitable basis if data  
23 required for making distribution of funds as provided in this section is not  
24 available at the time funds are available for distribution.

25 (d) It shall be the duty of the Department of Education to distribute  
26 that portion of the funds accruing to the schools to the respective counties  
27 and the duty of the Auditor of State to distribute the funds accruing to the  
28 county road funds. It shall be the duty of the county ~~board of education~~  
29 quorum court to provide the county treasurer with a statement showing the  
30 distribution of the funds in accordance with law. Thereafter, the treasurer  
31 shall credit the respective school districts with the amounts indicated."

32  
33 SECTION 87. Arkansas Code 19-7-409(b)(3) is amended to read as follows:

34 "(b)(3) The county ~~board of education~~ quorum court shall make  
35 distribution of the schools' portions on an equitable basis if the data  
36 required for making distribution of funds as provided in this section are not

1 available at the time funds are available for distribution.”

2  
3 SECTION 88. Arkansas Code 26-36-209(c) is amended to read as follows:

4 “(c) All costs associated with such delinquent personal property taxes  
5 shall be prorated to the original taxing entities. All penalties associated  
6 with such delinquent personal property taxes shall be deposited as county  
7 revenues in the county general revenue fund unless a county has an operating  
8 and staffed county board of education office, in which case the penalty shall  
9 be divided fifty percent (50%) county general and fifty percent (50%) county  
10 common school fund if that county's common school fund was getting fifty  
11 percent (50%) at the time of the enactment of this subsection.”

12  
13 SECTION 89. Arkansas Code 26-80-104(c) is amended to read as follows:

14 “(c) The county treasurer shall separate the proceeds of these taxes  
15 into the several funds as is provided by law, ~~or by the county board of~~  
16 ~~education as has been stated,~~ or the school directors as is authorized by  
17 law.”

18  
19 SECTION 90. Implementation.

20 (a)(1) Prior to the effective date of this act, all county boards of  
21 education, county board of education designees, and county school supervisors  
22 shall transfer all records, written or electronic, to either the respective  
23 county clerk, respective county quorum court, the State Board of Workforce  
24 Education and Career Opportunities, the Department of Workforce Education, the  
25 State Board of Education, or the Department of Education, whichever may be  
26 appropriate.

27 (2)(A) If a county had a full time county school supervisor or  
28 county board of education designee on January 1, 1999, who was not employed  
29 more than fifty percent (50%) of the time in other employment or duties other  
30 than county school supervisor or county board of education designee, then that  
31 individual may continue acting as county school supervisor or county board of  
32 education designee with all the duties, responsibilities and rights  
33 appertaining until such time that said individual leaves such position.

34 (B) If subdivision (a)(2)(A) controls, then the county  
35 board of education shall also exist until such time that the office is  
36 dissolved under subdivision (a)(2)(A).

1                   (C) If subdivision (a)(2) controls, it is the intent of the  
2 General Assembly that the funding of the county board of education, as it  
3 existed on or before January 1, 1999, shall continue until such time that the  
4 office is dissolved under subdivision (a)(2)(A).

5                   (b)(1)(A) Any and all funds received via an award or grant under the  
6 control of the county board of education, the county board of education  
7 designee or the county school supervisor which use is restricted by the terms  
8 of the award or grant under which the moneys were received shall revert to the  
9 agency which awarded the funds unless otherwise specified in the terms of the  
10 award or grant.

11                   (B) Any and all funds under the control of any county board of  
12 education, county board of education designee, or county school supervisor  
13 shall first be used to satisfy all legal debts and obligations of the county  
14 board of education.

15                   (2) Any and all funds above under the control of any county board  
16 of education, county board of education designee, or county school supervisor  
17 remaining after the implementation of subdivision (b)(1) shall revert to the  
18 common or general school fund of the respective county for redistribution to  
19 the school districts domiciled in that county in accordance with existing law.

20                   (c)(1) Any and all real and personal property belonging to the county  
21 board of education shall first be sold at public auction if after the  
22 implementation of subdivision (b)(1) above, there are still legal debts and  
23 obligations. If any excess moneys from such an auction exist after the  
24 payments of legal debts and obligations, those excess moneys shall be  
25 distributed according to subdivision (b)(2) above.

26                   (2) If no legal debts or obligations exist after the  
27 implementation of subdivision (b)(1) above, any and all real and personal  
28 property of the county board of education shall become the property of the  
29 local school district which contains the county seat of government until such  
30 time that all school districts domiciled in the county have entered into a  
31 written agreement as to the disposition of the real and personal property of  
32 the county board of education. Such written agreement must be finalized  
33 within twelve months after the effective date of this act.

34                   (d) The provisions in subdivisions (a)(1), (b)(1), (b)(2), (c)(1) and  
35 (c)(2) of this section shall not include or apply to any funds, written or  
36 electronic records, real and/or personal property belonging to or purchased

1 with funding for adult education programs or GED Testing centers supported  
2 through state and/or federal adult education funds. All such funds, written  
3 or electronic records, real and/or personal property including applicable real  
4 estate titles, will be transferred to the State Board of Workforce Education  
5 and Career Opportunities or any eligible entity approved by the State Board of  
6 Workforce Education and Career Opportunities.

7  
8 SECTION 91. Legislative Intent. Nothing in this act should be  
9 construed as to forbid local school districts from entering into agreements  
10 with each other to perform some of the same functions that County Boards of  
11 Education used to do.

12  
13 SECTION 92. Effective Date. This act will go into effect on July 1,  
14 2000.

15  
16 SECTION 93. All provisions of this act of a general and permanent  
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
18 Code Revision Commission shall incorporate the same in the Code.

19  
20 SECTION 94. If any provision of this act or the application thereof to  
21 any person or circumstance is held invalid, such invalidity shall not affect  
22 other provisions or applications of the act which can be given effect without  
23 the invalid provision or application, and to this end the provisions of this  
24 act are declared to be severable.

25  
26 SECTION 95. All laws and parts of laws in conflict with this act are  
27 hereby repealed.

28 /s/ Mahony

29  
30  
31 APPROVED: 4/5/1999  
32  
33  
34  
35  
36