

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

Act 395 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/7/07

A Bill

HOUSE BILL 1829

5 By: Representative Bond
6
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8 **For An Act To Be Entitled**

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

13 **Subtitle**

14 AN ACT TO ENSURE EFFICIENCY AND
15 ACCOUNTABILITY FOR SCHOOL DISTRICTS
16 INVOLVED IN DESEGREGATION LITIGATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Findings.*

22 *It is found and determined by the General Assembly that:*

23 *(1) The school districts in Pulaski County entered into a*
24 *settlement agreement and desegregation plans in 1989 with the intent to*
25 *fulfill a "promise for achieving unitary school systems which are free from*
26 *the vestiges of racial discrimination";*

27 *(2) The State of Arkansas has paid the districts in excess of*
28 *approximately seven hundred million dollars (\$700,000,000) to assist the*
29 *districts in fulfilling their promise to achieve unitary schools free from*
30 *the vestiges of racial discrimination;*

31 *(3) There has never been a date certain when the state's*
32 *desegregation obligations in the case styled Little Rock School District v.*
33 *Pulaski County Special School District No. 1, et al, No. LR-C-82-866, are to*
34 *end;*

35 *(4) The Little Rock School District has recently been declared*



1 unitary and has been released from federal court supervision, but the Pulaski
2 County Special School District and the North Little Rock School District have
3 yet to attain a ruling that they have fulfilled their promise to their
4 students to achieve unitary school systems;

5 (5) These school districts believe they are unitary or have
6 achieved a unitary status in some respect, and have stated so publicly in
7 legislative committee meetings;

8 (6) The General Assembly finds that without any ruling from the
9 federal district court that the districts have achieved unitary status, there
10 is no assurance that the promise of schools free of the vestiges of racial
11 discrimination has been fulfilled by these districts;

12 (7) The General Assembly finds that, as a part of the state's
13 overall obligation to provide a general, suitable, and efficient school
14 system, the students and parents of the Pulaski County districts deserve to
15 know that they are being educated in a unitary school district, or if their
16 district is not unitary in some respect the district should be making
17 adequate progress towards being declared fully unitary;

18 (8) The General Assembly seeks to assist the school districts to
19 achieve unitary status and to fulfill their promise to provide school systems
20 which are free from the vestiges of racial discrimination consistent with
21 their desegregation plans; and

22 (9) The General Assembly also seeks to provide some assurance to
23 the children in the districts that the promise of unitary schools in the
24 Pulaski County districts will be fulfilled within a reasonable amount of
25 time.

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27 SECTION 2. Arkansas Code Title 6, Chapter 20, Subchapter 4 is amended
28 to add additional sections to read as follows:

29 6-20-415. Consultants.

30 The Department of Education in consultation with the Attorney General
31 shall hire consultants on the following basis:

32 (1) The consultants shall be qualified as experts in public
33 school district desegregation;

34 (2) The department shall hire the consultants prior to October
35 1, 2007;

36 (3) The purposes for employing the consultants are to determine

1 whether and in what respects any of the three (3) Pulaski County school
2 districts:

3 (A)(i) Are unitary.

4 (ii) If a school district has been declared unitary
5 or has been declared unitary in some respects, the consultants shall not
6 examine the school district on those issues; and

7 (B) Have complied with their respective consent decrees;
8 and

9 (4) The consultants shall understand and acknowledge in their
10 work and research that their testimony in court may be required.

11
12 6-20-416. Desegregation funding.

13 (a) The Department of Education and the Attorney General are
14 authorized to seek proper federal court review and determination of the
15 current unitary status of any school district in the case of Little Rock
16 School District v. Pulaski County Special School District No. 1, et al, No.
17 LR-C-82-866.

18 (b)(1) Upon the effective date of this section, the department and the
19 Attorney General are authorized to seek modification of the current consent
20 decree or enter into a new or an amended consent decree or settlement
21 agreement under this section that allows the State of Arkansas to:

22 (A) Continue necessary and appropriate payments under a
23 post-unitary agreement to the three (3) Pulaski County school districts for a
24 limited and definite time period not to exceed seven (7) years and for a
25 definite limited sum of payments;

26 (B) Ensure that the amount of funding provided under the
27 post-unitary agreement is the total maximum obligation of the state and the
28 school districts in the case;

29 (C) Ensure that the payments required pursuant to the
30 post-unitary agreement are structured so that the total amount of the
31 payments decrease so that no financial obligation remains due or owed by the
32 state at the end of the time period specified in the post-unitary agreement;
33 and

34 (D) Ensure that the total of any financial obligation
35 created or established for the state in any one (1) year shall not exceed the
36 state's desegregation obligation for the 2007-2008 school year.

1 (2) The agreement under this subsection (b) may only be a post-
2 unitary agreement and the school districts shall receive the continued
3 funding only if they are declared unitary. However, the agreement does not
4 have to be post unitary and may commence upon all districts having been
5 declared, previously or in the future, unitary in terms of student assignment
6 and student racial balance so long as all other requirements in subdivision
7 (b)(1) of this section are met.

8 (3) Before any agreement is entered into pursuant to this
9 subsection (b), the proposed post-unitary agreement shall be submitted to the
10 Legislative Council for review and approval.

11 (c)(1) The department in consultation with the Attorney General shall
12 have the authority to enter into agreements with the three (3) Pulaski County
13 school districts to reimburse the school districts for legal fees incurred
14 for seeking unitary status or partial unitary status.

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

20 (3) Under no circumstances shall any one (1) school district be
21 entitled to reimbursement under this subsection (c) in excess of two hundred
22 fifty thousand dollars (\$250,000).

23 (4) Before a reimbursement agreement is entered into pursuant to
24 this subsection (c), the proposed reimbursement agreement shall be submitted
25 to the Legislative Council for review and approval.

26 (d)(1) By modifying the current consent decree or entering into a new
27 or an amended consent decree or post-unitary agreement, the State Board of
28 Education may create one (1) or more new school districts within Pulaski
29 County if the creation of the new school district or districts does not
30 eliminate the Pulaski County Special School District from existence.

31 (2) The state board shall seek the federal district court's
32 approval prior to creating a new school district pursuant to this subsection
33 (d), unless the federal district court's approval is not required because:

34 (A) The school district or districts involved have been
35 released from the federal district court's supervision; or

36 (B) The new school district or districts is contemplated

1 only as part of the post-unitary agreement.

2 (3) Any new school district created in Pulaski County shall
3 receive a pro rata distribution based on its average daily membership of the
4 funding provided under subsection (b) of this section for the school district
5 or districts from which it was created.

6 (e) Nothing in this section shall be construed:

7 (1) To force entry of a consent decree or settlement agreement
8 by the department or the Attorney General with the three (3) Pulaski County
9 school districts; or

10 (2) As protecting any school district from action or sanction by
11 the department for fiscal, academic, or facilities distress.

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13 */s/ Bond*

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15 *APPROVED: 3/21/2007*

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