

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.

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

A Bill

HOUSE BILL 1829

4
5 By: Representative Bond
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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

Subtitle

13 AN ACT TO ENSURE EFFICIENCY AND
14 ACCOUNTABILITY FOR SCHOOL DISTRICTS
15 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 State of Arkansas has spent in excess of approximately
24 seven hundred million dollars (\$700,000,000) for its desegregation settlement
25 obligations in Pulaski County, Arkansas, beginning with the 1988-1989 school
26 year through the 2005-2006 school year;

27 (2) There has never been a date certain when the state's
28 desegregation obligations in the case styled Little Rock School District v.
29 Pulaski County Special School District No. 1, et al, No. LR-C-82-866, are to
30 end;

31 (3) Certain school districts within Pulaski County believe they
32 are "unitary" or have achieved a unitary status in some respect, and have
33 stated so publicly in legislative committee meetings;

34 (4) The state's current desegregation obligation per year is
35 believed to be in excess of fifty-eight million dollars (\$58,000,000); and

36 (5) The General Assembly finds that the state must provide an



1 impetus to motivate the school districts involved in desegregation litigation
2 to seek unitary status, or if they are already unitary in some respects, to
3 seek complete unitary status.

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

7 6-20-415. Consultants.

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

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

12 (2) The department shall hire the consultants prior to October
13 1, 2007;

14 (3) The purposes for employing the consultants are to determine
15 whether and in what respects any of the three (3) Pulaski County school
16 districts:

17 (A)(i) Are unitary.

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

21 (B) Have complied with their respective consent decrees;
22 and

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

25
26 6-20-416. Desegregation funding.

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

32 (b)(1) The department and the Attorney General are authorized to seek
33 modification of the current consent decree or enter into a new or an amended
34 consent decree or settlement agreement under this section that allows the
35 State of Arkansas to:

36 (A) Continue necessary and appropriate payments under a

1 post-unitary agreement to the three (3) Pulaski County school districts for a
2 limited and definite time period not to exceed seven (7) years and for a
3 definite limited sum of payments;

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

7 (C) Ensure that the payments required pursuant to the
8 post-unitary agreement are structured so that the total amount of the
9 payments decrease so that no financial obligation remains due or owed by the
10 state at the end of the time period specified in the post-unitary agreement;
11 and

12 (D) Ensure that the total of any financial obligation
13 created or established for the state in any one (1) year shall not exceed the
14 state's desegregation obligation for the 2006-2007 school year.

15 (2) The agreement under this subsection (b) may only be a post-
16 unitary agreement and the school districts shall receive the continued
17 funding only if they are declared unitary.

18 (3) Before a post-unitary agreement is entered into pursuant to
19 this subsection (b), the proposed post-unitary agreement shall be submitted
20 to the Legislative Council for review.

21 (c)(1) The department in consultation with the Attorney General shall
22 have the authority to enter into agreements with the three (3) Pulaski County
23 school districts to reimburse the school districts for legal fees incurred
24 for seeking unitary status.

25 (2) To be eligible for possible reimbursement under this
26 subsection (c) for legal fees incurred, motions seeking unitary status shall
27 be filed no later than October 30, 2007, and the school districts must be
28 declared unitary by the federal district court no later than June 14, 2008.

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

32 (4) Before a reimbursement agreement is entered into pursuant to
33 this subsection (c), the proposed reimbursement agreement shall be submitted
34 to the Legislative Council for review.

35 (d)(1) By modifying the current consent decree or entering into a new
36 or an amended consent decree or post-unitary agreement, the State Board of

1 Education may create one (1) or more new school districts within Pulaski
2 County if the creation of the new school district or districts does not
3 eliminate the Pulaski County Special School District from existence.

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

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

9 (B) The new school district or districts is contemplated
10 only as part of the post-unitary agreement.

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

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

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

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

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