

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/13/23

A Bill

HOUSE BILL 1192

5 By: Representative Eubanks
6 By: Senator Flippo
7

For An Act To Be Entitled

9 AN ACT TO REPEAL THE PUBLIC SCHOOL EDUCATIONAL
10 COOPERATIVE ACT OF 1981; TO AMEND THE EDUCATION
11 SERVICE COOPERATIVE ACT OF 1985; TO AMEND THE LAW
12 CONCERNING A BOARD OF DIRECTORS THAT GOVERNS AN
13 EDUCATION SERVICE COOPERATIVE; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 TO REPEAL THE PUBLIC SCHOOL EDUCATIONAL
19 COOPERATIVE ACT OF 1981; AND TO AMEND THE
20 EDUCATION SERVICE COOPERATIVE ACT OF
21 1985.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 9, is
27 repealed.

28 ~~6-13-901. Title.~~

29 ~~The title of this subchapter shall be "The Public School Educational~~
30 ~~Cooperative Act of 1981".~~

31
32 ~~6-13-902. Definitions.~~

33 ~~As used in this subchapter:~~

34 ~~(1) "Educational cooperative" means a voluntary association of~~
35 ~~school districts to share resources, personnel, materials, and equipment and~~
36 ~~to provide and improve services and programs to students; and~~



1 ~~(2) "Public school district" means any public school district in~~
2 ~~the state serving students in a kindergarten through grade twelve (K-12)~~
3 ~~program or a grade one through twelve (1-12) program.~~

4
5 ~~6-13-903. Powers.~~

6 ~~(a) Public school districts in the State of Arkansas are empowered to~~
7 ~~voluntarily agree to share programs, personnel, materials, and equipment for~~
8 ~~the purpose of enlarging curriculum or services or providing new services to~~
9 ~~students in their respective school districts.~~

10 ~~(b) The educational cooperatives are empowered to receive state,~~
11 ~~local, and federal funds that have been assigned to the educational~~
12 ~~cooperatives by the member school districts and are also empowered to spend~~
13 ~~those funds on behalf of the school districts assigning those funds.~~

14 ~~(c) The Division of Elementary and Secondary Education shall not~~
15 ~~distribute state equalization aid directly to any educational cooperative.~~

16
17 ~~6-13-904. Agents for school districts.~~

18 ~~(a) The educational cooperatives will act as an agency for all or some~~
19 ~~of the member school districts in dealings with other governmental and~~
20 ~~private agencies.~~

21 ~~(b) The educational cooperatives will have the power to contract and~~
22 ~~handle funds for the member school districts under conditions specified in~~
23 ~~the agreement between the member school districts and federal law and~~
24 ~~regulations and state law and rule.~~

25
26 ~~6-13-905. Board of directors.~~

27 ~~(a) Each educational cooperative will be governed by a board of~~
28 ~~directors consisting of one (1) representative appointed by the board of~~
29 ~~directors of each cooperating school district.~~

30 ~~(b) The board of directors shall be empowered to hire a director and~~
31 ~~other employees and to contract for services, supplies, and equipment.~~

32 ~~(c) Policies for the operation of the educational cooperative will be~~
33 ~~developed by the board of directors and be filed with the Division of~~
34 ~~Elementary and Secondary Education as required by law of school districts~~
35 ~~generally.~~

36

~~6-13-906. Rules and reports.~~

~~(a) The educational cooperative will:~~

~~(1) Abide by all rules of the Division of Elementary and Secondary Education which apply to school districts generally; and~~

~~(2) Make all reports as required by law and rule which apply to school districts generally to the division.~~

~~(b)(1) Records of the expenditures and receipts of the educational cooperatives shall be kept in such manner and on such forms as may be specified by the division or the School Audit Section of Arkansas Legislative Audit.~~

~~(2) Reports on expenditures and receipts shall be made for the cooperative as a single agency or shall be made separately by the school districts to reflect the status of each member school district at such time and in such manner as specified by the division.~~

SECTION 2. Arkansas Code § 6-13-1006 is amended to read as follows:

6-13-1006. Board of directors.

(a)(1) Each education service cooperative shall be governed by a board of directors consisting of one (1) ~~representative~~ member appointed by each school district board of directors within the boundary of the education service cooperative.

(2) A member appointed under subdivision (a)(1) of this section may include:

(A)(i) An individual employed by a public school district within the boundary of the education service cooperative.

(ii) However, the following employees of a public school district shall not be appointed under subdivision (a)(1) of this section:

(a) A superintendent; or

(b) An assistant superintendent;

(B) A member of a public school district board of directors within the boundary of the education service cooperative; or

(C) A member of a community that is within the boundary of the education service cooperative.

~~(b) No school district may have official representation on more than one (1) education service cooperative board of directors.~~

1 ~~(e)~~(b) The board of directors of each established education service
2 cooperative shall:

3 (1) Function as a public corporate body;

4 (2) Meet, except as otherwise provided in § 6-13-1007, at least
5 eight (8) times each year; and

6 (3) Exercise general fiduciary responsibilities for the
7 education service cooperative with regard to policies and practices which
8 guard the integrity of the agency and maintain public trust in its operation.

9 (c) The first meeting of the board of directors shall be:

10 (1) Called by the member appointed by the Secretary of the
11 Department of Education under subdivision (a)(4) of this section; and

12 (2) Held within thirty (30) days of the effective date of this
13 act.

14 (d) At its first regular meeting, the board of directors shall elect a
15 chair.

16 (e)(1) The terms for the initial members appointed under subsection
17 (a) of this section shall be staggered as determined by lot and in compliance
18 with subdivision (e)(3) of this section with:

19 (A) One (1) member's term expiring December 31, 2025;

20 (B) Two (2) members' terms expiring December 31, 2026;

21 (C) Two (2) members' terms expiring December 31, 2027; and

22 (D) Two (2) members' terms expiring December 31, 2028.

23 (2) Each succeeding appointment to a board of directors shall be
24 for a term of four (4) years, with each appointed member serving until the
25 member's successor is appointed.

26 (3) Each member shall hold over after the expiration of his or
27 her term until his or her successor shall be duly appointed and qualified.

28 ~~(d) Such responsibilities~~ (f) Responsibilities of the board of
29 directors, consistent with funds available, shall include, but not be limited
30 to without limitation the following:

31 (1) Employment of a director of the education service
32 cooperative who shall serve as the nonvoting executive officer of the board
33 of directors;

34 (2) Establishment of policies and procedures for the operation
35 and management of the education service cooperative, which shall be in
36 written form and shall be filed with the State Board of Education;

1 (3) Preparation of an annual budget estimating income and
2 expenditures for programs and services in accordance with procedures
3 established by the state board;

4 (4) Receipt and expenditure of funds needed to provide programs
5 and services in the area;

6 (5) Making such surveys or other inquiries which may be required
7 to determine the service needs of school districts in the education service
8 cooperative and developing plans to provide such needed services;

9 (6) Employment, upon the recommendation of the director of the
10 education service cooperative, of such personnel as may be required to
11 provide the services requested by the school districts in the area;

12 (7) Implementation of policies established by the state board
13 for the operation of education service cooperatives;

14 (8) Cooperation with other education service cooperatives,
15 school districts, and other agencies to provide programs and services for
16 children and adults residing within their respective areas;

17 (9) For facilities and buildings as may be required to provide
18 authorized programs and services:

19 (A) Renting, leasing, purchasing, constructing, or
20 receiving by gift;

21 (B) Borrowing from the Revolving Loan Fund under § 6-20-
22 818; or

23 (C) Borrowing from other sources for limited or unusual
24 circumstances upon approval of the Commissioner of Elementary and Secondary
25 Education and the Secretary of the Department of Finance and Administration;
26 and

27 (10) Carrying out such other duties as may be required for the
28 efficient operation of the education service cooperative for which the board
29 of directors is responsible.

30 (g) Members of the board of directors shall be paid per diem and
31 mileage at the rate established by law for attending meetings of the board of
32 directors.

33
34 SECTION 2. Arkansas Code § 6-13-1007 is repealed.

35 ~~6-13-1007. Executive committee.~~

36 ~~(a)(1) In a meeting, with a majority of its members present and~~

1 ~~voting, the board of directors of an education service cooperative may elect~~
2 ~~from its membership an executive committee of seven (7), nine (9), or eleven~~
3 ~~(11) members.~~

4 ~~(2) Candidates for the executive committee, if one is formed,~~
5 ~~shall be chosen so that the school districts within the education service~~
6 ~~cooperative are equitably represented.~~

7 ~~(3) All subsequent members of the executive committee shall be~~
8 ~~elected by a majority vote of the board of directors in attendance at the~~
9 ~~annual meeting.~~

10 ~~(b) The function of the executive committee shall be to carry out~~
11 ~~those duties delegated to it by the governing board of directors, the~~
12 ~~provisions of § 6-13-1006 notwithstanding.~~

13 ~~(c) Terms of executive committee members shall be three (3) years~~
14 ~~except for the initial members which shall have terms assigned by lot so as~~
15 ~~to stagger terms to equalize as nearly as possible the number of members to~~
16 ~~be elected each year. Vacancies occurring after the annual meeting shall be~~
17 ~~filled by the executive committee until the next annual meeting.~~

18 ~~(d) Should an executive committee be established in any education~~
19 ~~service cooperative, it shall meet at least nine (9) times per year, and the~~
20 ~~requirements for board of directors meetings shall be reduced to three (3)~~
21 ~~times annually. The president of the board of directors shall serve as chair~~
22 ~~of the executive committee. No person, however, may serve in this position~~
23 ~~for more than two (2) consecutive years.~~

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25 SECTION 3. EFFECTIVE DATE. This act is effective on and after January
26 1, 2024.

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28 /s/Eubanks
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