

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

A Bill

HOUSE BILL 1534

5 By: Representative Cozart
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT TO REPEAL REQUIREMENTS PLACED ON SCHOOL
10 DISTRICTS THAT HAVE A TEN PERCENT (10%) OR GREATER
11 MINORITY POPULATION OUT OF THE TOTAL POPULATION; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 TO REPEAL REQUIREMENTS PLACED ON SCHOOL
16 DISTRICTS THAT HAVE A TEN PERCENT (10%)
17 OR GREATER MINORITY POPULATION OUT OF THE
18 TOTAL POPULATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 6-13-631 is repealed.

25 ~~6-13-631. Effect of minority population on election.~~

26 ~~(a) The qualified electors of a school district having a ten percent~~
27 ~~(10%) or greater minority population out of the total population, as reported~~
28 ~~by the most recent federal decennial census information, shall elect the~~
29 ~~members of the board of directors as authorized in this section, utilizing~~
30 ~~selection procedures in compliance with the federal Voting Rights Act of~~
31 ~~1965, as amended.~~

32 ~~(b)(1) At least one hundred twenty (120) days before the annual school~~
33 ~~election held in the second year after the federal decennial census, the~~
34 ~~local board of directors shall:~~

35 ~~(A) By resolution, choose to elect members of the board of~~
36 ~~directors from five (5) or seven (7) single member zones or from five (5)~~



1 ~~single member zones and two (2) at large; and~~

2 ~~(B) With the approval of the controlling county board of~~
 3 ~~election commissioners, divide each school district having a ten percent~~
 4 ~~(10%) or greater minority population into five (5) or seven (7) single member~~
 5 ~~zones in accordance with the federal Voting Rights Act of 1965, as amended.~~

6 ~~(2) Zones shall have substantially equal population, with~~
 7 ~~boundaries based on the most recent available federal decennial census~~
 8 ~~information.~~

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

13 ~~(d)(1)(A) A candidate for election from a single member zone must be a~~
 14 ~~qualified elector and a resident of the zone.~~

15 ~~(B) A candidate for an at large position must be a~~
 16 ~~qualified elector and a resident of the school district.~~

17 ~~(2)(A) Except as provided in subsection (c) of this section, a~~
 18 ~~member of a school district board of directors shall serve a five year term.~~

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

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

25 ~~(f)(1) At least ninety (90) days before the filing deadline for the~~
 26 ~~annual school election held in the second year after each federal decennial~~
 27 ~~census, the school district board of directors, with the approval of the~~
 28 ~~county board of election commissioners of the county where the school~~
 29 ~~district is administratively domiciled, shall:~~

30 ~~(A) Divide each school district having a ten percent (10%)~~
 31 ~~or greater minority population into single member zones; and~~

32 ~~(B)(i) File a copy of the plan with the county clerk of~~
 33 ~~the county where the school district is administratively domiciled.~~

34 ~~(ii) The plan filed with the clerk shall include a~~
 35 ~~map showing the boundaries of the zones and documentation showing the~~
 36 ~~population by race in each zone.~~

1 ~~(2) The zones shall be based on the most recent federal~~
2 ~~decennial census information and be substantially equal in population.~~

3 ~~(3) At the annual school election following the rezoning, a new~~
4 ~~school district board of directors shall be elected in accordance with~~
5 ~~procedures set forth in this section.~~

6 ~~(g)(1) The following school districts shall be exempt from the~~
7 ~~provisions of this section:~~

8 ~~(A) A school district that is currently operating under a~~
9 ~~federal court order enforcing school desegregation or the federal Voting~~
10 ~~Rights Act of 1965, as amended;~~

11 ~~(B) A school district that is operating under a~~
12 ~~preconsolidation agreement that is in compliance with the federal Voting~~
13 ~~Rights Act of 1965, as amended;~~

14 ~~(C) A school district that has a zoned board of directors~~
15 ~~meeting the requirements of the federal Voting Rights Act of 1965, as~~
16 ~~amended; and~~

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

20 ~~(2) A school district which on August 13, 1993, was in the~~
21 ~~process of defending a lawsuit brought under the federal Voting Rights Act of~~
22 ~~1965, as amended, shall also be exempt from the provisions of this section~~
23 ~~until such time as the lawsuit has been finally resolved.~~

24 ~~(3)(A) A school district released from operating under a federal~~
25 ~~court order enforcing school desegregation shall comply with the provisions~~
26 ~~of this section.~~

27 ~~(B) The school district shall use the most recent federal~~
28 ~~decennial census information to create zones pursuant to this section within~~
29 ~~one hundred eighty (180) calendar days after the release from the court~~
30 ~~order.~~

31 ~~(h)(1)(A) On or before August 1, 2002, and every decade thereafter,~~
32 ~~each and every school district shall submit to the Division of Elementary and~~
33 ~~Secondary Education a letter stating whether or not its school district board~~
34 ~~of directors falls under this section.~~

35 ~~(B) In that same letter, each school district that falls~~
36 ~~under this section shall state how it has complied with this section.~~

1 ~~(C) Furthermore, in the same letter, any school district~~
2 ~~that believes that it is exempt from this section shall state under which~~
3 ~~provision it is exempt.~~

4 ~~(2) The division shall withhold twenty percent (20%) of the~~
5 ~~annual state funds allocation to a school district not in compliance with~~
6 ~~this section.~~

7 ~~(i) The State Board of Education is hereby authorized to adopt rules~~
8 ~~necessary for the implementation of this section.~~

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11 **APPROVED: 3/30/23**
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