

Hall of the House of Representatives

85th General Assembly - Regular Session, 2005

Amendment Form

Subtitle of House Bill No. 1266

"AN ACT TO PROTECT THE CONTINUITY OF SCHOOL BOARDS BY AMENDING THE
PROCEDURE FOR ELECTION OF SCHOOL BOARDS FOLLOWING ANNEXATION."

Amendment No. 2 to House Bill No. 1266.

Amend House Bill No. 1266 as engrossed, H2/4/05 (version: 02-04-2005 08:45):

Delete the title in its entirety and substitute:

"AN ACT TO PROTECT THE CONTINUITY OF SCHOOL BOARDS BY AMENDING THE PROCEDURE
FOR ELECTION OF SCHOOL BOARDS FOLLOWING ANNEXATION OR CONSOLIDATION; TO ALLOW
CERTAIN DISTRICTS TO RETURN TO AT-LARGE ELECTIONS; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO PROTECT THE CONTINUITY OF
SCHOOL BOARDS BY AMENDING THE PROCEDURE
FOR ELECTION OF SCHOOL BOARDS FOLLOWING
ANNEXATION OR CONSOLIDATION."

AND

Page 1, line 26, delete "directors" and substitute "directors after
annexation"

AND

Page 1, line 29, delete "2003" and substitute "2003 and opt to follow the
procedures in this section"

AND

Page 1, line 32, delete "district." and substitute "district as provided
under § 6-13-1406(a)(1)(B)(ii)."

AND

Page 2, line 35, delete "required by" and substitute "necessary to comply"



with"

AND

Page 3, line 6, delete "in compliance with" and substitute "as necessary to comply with"

AND

Page 3, line 8, delete "rezoning" and substitute "zoning"

AND

Page 3, line 9, delete "ninety (90)" and substitute "one hundred twenty (120)"

AND

Page 3, line 15, delete "rezoning" and substitute "zoning"

AND

Page 3, line 18, delete "in compliance" and substitute "as necessary to comply"

AND

Page 3, line 24, delete "in" and substitute "as"

AND

Page 3, line 25, delete "compliance with" and substitute "necessary to comply with"

AND

Page 3, line 26, delete "law, if necessary." and substitute "law."

AND

Page 3, line 28, delete "ninety (90)" and substitute "one hundred twenty (120)"

AND

Page 4, line 4, delete "with respect to creation" and substitute "and § 6-13-1406 with respect to the election"

AND

Page 4, line 6, delete "2003" and substitute "2003 and follow the procedures in this section"

AND

Page 4, delete lines 9 through 11 entirely, and substitute the following:
"days to establish an interim local board or as incorporated in this section by reference.

SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended to add an additional section to read as follows:

6-13-1413. Board of directors after consolidation – Term – Election.

(a) Notwithstanding any other provision of law, school districts that consolidate after January 1, 2005, under Act 60 of the Second Extraordinary Session of 2003 and opt to follow the procedures in this section or school districts that voluntarily consolidate and opt to follow the procedures in this section shall form an interim board of directors as provided by § 6-13-1405(a)(5) and § 6-13-1406(b).

(b) In lieu of electing a new board of directors at the next regular school election, the members of the interim board created under subsection (a) of this section shall determine their terms by drawing lots so that no more than three (3) members' terms expire during any one (1) year with no fewer than one (1) member's term expiring at the regular school election in the year following the effective date of the consolidation.

(c)(1) Unless the school district is allowed to do otherwise pursuant to § 6-13-604, the board of directors of the district after consolidation shall be composed of five (5) or seven (7) members as determined by a majority vote of the board of the resulting district, and the determination shall be exempt from the requirements of §§ 6-13-604 and 6-13-606.

(2)(A) The board of directors shall be elected from single-member zones if single-member election zones are necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, to ensure the protection of the voting rights of minority populations in school districts, otherwise the election may be at-large for the board of director members whose terms are expiring.

(B)(i) If the board of directors of a school district is to be elected from single-member zones the district shall be zoned as necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, and state law.

(ii) The zoning shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the consolidation at which time the full board shall be up for election.

(C) No sanctions provided by state statutory law, specifically including, but not limited to, the sanctions under § 6-13-631(h)(2), or State Board of Education rule shall be levied against a school district if the deadline for zoning allowed under subdivision (c)(2)(B) of this section is met.

(3)(A)(i) If prior to the consolidation either of the affected districts had been zoned in compliance with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, or state law, the resulting district shall review the make up and boundaries of the zones and the latest federal

decennial census data of the receiving school district.

(ii) After the review required under subdivision (c)(3)(A)(i) of this section, the resulting district shall be rezoned as necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, and state law.

(B) Any rezoning under subdivision (c)(3)(A)(ii) of this section shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the consolidation.

(C) No sanctions under state statutory law, specifically including, but not limited to, the sanctions under § 6-13-631(h)(2), or State Board of Education rule shall be levied against a school district if the deadline for rezoning allowed under subdivision (c)(3)(B) of this section is met.

(d) The length of the term of each member of the board of directors after consolidation shall be for a time period as determined by the board and allowed by law.

(e) Any vacancy on the board shall be filled in the manner provided for by law.

(f) The provisions of § 6-13-1405 and § 6-13-1406 with respect to the election of a board of directors following consolidation shall not be applicable for districts consolidating under Act 60 of the Second Extraordinary Session of 2003 that follow the procedures in this section or districts that voluntarily consolidate and opt to follow the procedures in this section, except the State Board of Education shall allow school districts thirty (30) days to establish an interim local board and if the affected districts fail to establish an interim board as required the State Board of Education shall appoint an interim local board pursuant to §6-13-1405, or as incorporated in this section by reference.

(g)(1) Notwithstanding any other provisions of law, school districts that consolidated before January 1, 2005, under Act 60 of the Second Extraordinary Session of 2003 may by majority vote of the board of directors opt to return to at-large elections if the district:

(A) Was required to establish single-member election zones solely because of the requirements of Act 60 of the Second Extraordinary Session of the Eighty-Fourth General Assembly;

(B) Is or was not required to establish single-member election zones by any state law other than Act 60 of the Second Extraordinary Session of 2003; and

(C) Is or was not required to have single-member election zones to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005.

(2) Any district opting to return to at-large elections as allowed under subdivision (d) of this section shall return to an at-large election over a period of time as each individual member's position comes up for election based on the staggered term of office for each board position as established by the local board of director.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General"

AND

If appropriate, renumber the remaining sections of the bill

The Amendment was read _____

By: Representative Abernathy

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Chief Clerk