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~~ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS FOR REPORTING COMPLIANCE
WITH ARK. CODE ANN. § 6-13-631 AND FOR WITHHOLDING AID FROM SCHOOL
DISTRICTS NOT IN COMPLIANCE WITH ARK. CODE ANN. § 6-13-631
August 2004~~

1.0 — Regulatory Authority

~~1.1 — These regulations shall be known as the Arkansas Department of Education (Department) regulations for reporting compliance with Ark. Code Ann. § 6-13-631 and for withholding state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.~~

~~1.2 — These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-13-631.~~

2.0 — Purpose

~~2.1 — The purpose of these regulations is to describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631.~~

~~2.2 — The further purpose of these regulations is to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.~~

3.0 — Definition

~~3.1 — For purposes of this rule and regulation, "state aid" shall be defined as any payment to be made from the Public School Fund of the State of Arkansas to a public school district.~~

4.0 — Reporting Process

~~4.1 — Each school district shall certify by written report to the Office of Legal Counsel of the Department on or before August 1, 2002 and each August 1 of the second year after each federal decennial census whether the school district meets one of the following exemptions as specified in Ark. Code Ann. § 6-13-631:~~

~~a. — The school district is currently operating under a federal court order enforcing school desegregation or the Federal Voting Rights Act of 1965, as amended; or~~

- ~~b. The school district is operating under a preconsolidation agreement that is in compliance with the Federal Voting Rights Act of 1965, as amended; or~~
- ~~c. The school district has a zoned board which meets the requirements of the Federal Voting Rights Act of 1965, as amended; or~~
- ~~d. A federal court has ruled the school district is not in violation of the Federal Voting Rights Act of 1965, as amended; and the court order is in effect.~~
- ~~e. The school district does not have a ten percent (10%) or greater minority population out of the total population of the school district.~~

~~4.2 If a school district does not fit within one of the exemptions described in Section 4.01 above and the school district's total population is comprised of a ten percent (10%) or greater minority population, the school district shall certify by written report by August 1 as required in Section 4.01 whether the school district has one of the following compositions for its local school board:~~

- ~~a. A five single member school district board selected in compliance with Ark. Code Ann. § 6-13-631;~~
- ~~b. A seven single member school district board selected in compliance with Ark. Code Ann. § 6-13-631 or~~
- ~~c. A seven member school board selected in compliance with Ark. Code Ann. § 6-13-631 with five members elected from single member zones and with two members elected at large.~~

~~5.0 Sanctions~~

~~5.1 If a school district does not certify by written report to the Department as required in Section 4.01 that the school district meets one of the exemptions in Section 4.01 above or that the school district has one of the boards described in Section 4.02 above, or that the school district's total population is not comprised of ten percent (10%) or greater minority population, then the Department must withhold twenty percent (20%) of the state aid distributed to the school district.~~

~~5.2 For those school districts from which the Department must withhold state aid, the Department will begin withholding twenty percent (20%) of state aid on the first business day of October immediately following~~

~~August 1 in the school year the report is required to be certified to the Department and continue withholding aid until such time the school district either is exempt from Ark. Code Ann. § 6-13-631 or complies with Ark. Code Ann. § 6-13-631.~~

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.
13
14

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:
23

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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