

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Mahony

HOUSE BILL 1611

"AN ACT TO PROVIDE FOR THE MERGER OF ALL SCHOOL DISTRICTS IN COUNTIES WHICH NOW HAVE, OR WHICH MAY HEREAFTER HAVE, A POPULATION OF 150,000 INHABITANTS OR MORE, INTO A SINGLE COUNTY-WIDE SCHOOL DISTRICT; AND FOR OTHER PURPOSES."

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

SECTION 1. Intent. It is the intent of this Act to provide for the merger into a single county-wide school district of all school districts in counties of this State which now have, or which may hereafter have, a population of 150,000 or more inhabitants. In the passage of this Act, the General Assembly determines that counties having a population of 150,000 or more inhabitants provide opportunities to gain the benefits of efficiency and reduced administrative costs through the operation of a single county-wide school district, thereby:

(a) providing opportunities for improved planning in the location of school buildings and more efficient utilization of existing school buildings and facilities within the county;

(b) eliminating duplication of school bus routes and permitting the county-wide school district to take advantage of better planning and coordination of its pupil transportation resources;

(c) providing opportunities for maximum use of facilities and resources in meeting the educational needs of the handicapped, slow learners, and gifted students;

(d) providing opportunities to offer a variety of enrichment programs to benefit the students of county-wide school districts;

(e) providing opportunities for the establishment and maximum use of magnet schools; and

(f) enabling school districts to make maximum use of teaching and instructional resources.

SECTION 2. (A) Effective with the school year commencing July 1, 1988, the entire area of each county in this State having a population of 150,000 inhabitants or more, according to the most recent federal decennial census, shall comprise a single county-wide school district, and all school districts now existing in the county shall cease to exist and shall be merged into a county-wide school district.

(B) Any county in this State having a population of 150,000 or more inhabitants, as a result of the 1990 federal decennial census or any federal decennial census thereafter, shall comprise a county-wide school district effective with the school year commencing with the second full school year following the certification of the results of the federal decennial census, and all school districts then existing in any such county shall cease to exist and shall be merged into a county-wide school district upon the commencement of the school year in which the county-wide school district comes into existence.

(C) If any school district administered in a county in which a county-wide school district is established under the provisions of this Act, has territory located in one or more adjoining counties, the territory of the school district located in the adjoining county or counties shall be a part of the county-wide school district of the county in which the school district is now administered, unless a majority of the electors residing in the territory of the school district located in the adjoining county or counties shall petition to be detached from the county-wide school district and be added to a school district in the county in which the territory is located, in the manner provided by law.

SECTION 3. (A) Each county-wide school district established under the provisions of this Act shall have a board of directors consisting of nine (9) members, each of whom shall be elected from school board member districts having substantially equal population established as follows:

(1) in all counties now having a population of 150,000 or more inhabitants, the county board of education of any such county shall, on or before October 1, 1987, establish the initial boundaries of districts from which mem-

bers of the school board of the county-wide school district shall be elected whereby each member shall serve from a district having substantially equal population, based on the most recent federal decennial census;

(2) in all counties in which, as a result of the 1990 federal decennial census, or following each federal decennial census thereafter, there is a population of 150,000 or more inhabitants, the county board of education of the county shall, within ninety days after the results of said census are available and certified, establish the initial boundaries of districts from which members of the school board of the county-wide school district of such county shall be elected, to assure that each such district consists of substantially equal population as determined by the most recent federal decennial census; and

(3) upon completion of each federal decennial census held after the initial establishment of a county-wide school district, the county board of election commissioners shall redistrict the territory allotted to each of the districts from which members of the school board of the county-wide school district shall be elected, to assure that each such district consists of substantially equal population, as determined by the most recent federal decennial census.

(B) Any person aggrieved by the action of the county board of education in the establishment of the boundaries of the initial districts from which members of the school board of the county-wide school district are to be elected, or any person aggrieved by the redistricting of the districts from which members of the school board of the county-wide school district are to be elected, made subsequent to the initial establishment of the county-wide school district, may appeal therefrom within thirty (30) days after the completion of the apportionment or reapportionment of such districts, to the circuit court of the county, and shall have the right to appeal therefrom to the Supreme Court in the manner provided by law.

(C) Once a county-wide school district has been established under the provisions of this Act, said district shall continue to operate as a county-wide school district even though the population of said county may later, as a result of the federal decennial census, drop below 150,000 inhabitants.

(D) Members of the county-wide school board shall be residents and qualified electors of the districts from which they are elected. In the event a member of the county-wide school board shall move from the district from

which elected but shall continue to reside within the county, he (she) may continue to serve as a member of the county-wide school board until the next annual school election, at which time a successor who resides in, and is a qualified elector of, the district shall be elected to fill the unexpired portion of such term.

In the event a member of the county-wide school board shall move his (her) place of residence outside the county, a vacancy shall occur and such vacancy shall be filled by a majority vote of the members of the school board of the county-wide school district until the next-following annual school election, at which a successor shall be elected to fill the unexpired portion of the term of the member who moved his place of residence outside the county.

(E) In each county in this State having a population of 150,000 or more inhabitants according to the most recent federal decennial census on the effective date of this Act, the initial board of directors of the county-wide school district shall be elected at the annual school election in 1988, after notice thereof is given in the manner provided by law, and said board of directors shall take office on the date following their election and shall serve as an interim board of directors of the school district for the purpose of doing advance planning for the establishment of the school district, including assignment of students, employment and assignment of teachers, and meeting other lawful requirements for the operation of the school district upon its formation effective July 1, 1988, and shall be authorized to incur costs necessary to aid in the development and implementation of a consolidation plan, with such costs incurred to be shared by the affected school districts on a per-pupil ratio as determined by the average daily membership of the affected school districts. Said interim school board shall constitute the school board of the district effective July 1, 1988.

The school boards of the school districts being merged into the newly-formed county-wide school district under the provisions of this Act shall remain in operation until June 30, 1988, at which time said school districts and the school boards thereof shall cease to exist, and said school districts shall be merged into the newly-formed county-wide school district when the school year commences July 1, 1988.

(F) Any county in this State having a population of 150,000 or more inhabitants as a result of the 1990 federal decennial census or any federal decennial census held thereafter, shall be deemed to constitute a county-wide

school district, to be effective as provided herein, and the first board of directors of such county-wide school district shall be elected at the first annual school election held following the year in which the federal decennial census is completed and certified, for the sole purpose of doing advance planning for the establishment of the county-wide school district and to prepare a proposed budget for said school district, to be submitted to the qualified electors of the county-wide school district for approval at the annual school election held in the year following the election at which the school board members of the county-wide school district are first elected.

Provided, that the school districts and the school boards serving said districts in the county in which a county-wide school district is established under this subsection shall continue to function until the county-wide school district becomes effective on July 1 following the election at which the proposed millage for the county-wide school district is voted upon by the electors of the county-wide school district.

(G) At the first meeting of the school boards of a county-wide school district established under the provisions of this Act, the members of the school boards shall draw lots for terms, to be arranged in such a manner that three (3) of the initial members shall serve terms of one (1) year, and three (3) members shall serve terms of two (2) years, and three (3) members shall serve terms of three (3) years. Successor members shall be elected for terms of three (3) years.

(H) Following each federal decennial census, the districts from which members of the county-wide school district are elected shall be reapportioned in such manner as to assure that each district is of substantially equal population. If, as a result of such reapportionment, the territory of a district of any school board member shall be affected, the terms of all school board members then serving shall expire at the next-following annual school election, at which all members of the school board of the county-wide school district shall be elected and the terms of such members shall be determined by lot in the same manner as set forth in this subsection.

The terms of office of members of the school boards of county-wide school districts shall commence at the first meeting of the school board held following the certification of the results of the annual school election.

SECTION 4. Each county-wide school district created under the provisions

of this Act shall have the same rights, responsibilities, and privileges as now or may hereafter be provided by law for school boards and school districts of this State.

