

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1667

By: Representative Stephens

For An Act To Be Entitled

"AN ACT TO AUTHORIZE AND DIRECT THE STATE BOARD OF EDUCATION TO REORGANIZE THE PUBLIC SCHOOL DISTRICTS OF THIS STATE INTO NOT LESS THAN SEVENTY-FIVE (75), NOR MORE THAN ONE HUNDRED (100), COMPREHENSIVE SCHOOL DISTRICTS; TO PROVIDE THAT THE MEMBERS OF THE SCHOOL BOARDS OF THE COMPREHENSIVE SCHOOL DISTRICTS SHALL BE ELECTED FROM DISTRICTS APPORTIONED WITHIN THE COMPREHENSIVE SCHOOL DISTRICT HAVING SUBSTANTIALLY EQUAL POPULATION; TO PROVIDE THE PROCEDURE FOR TRANSITION FROM THE PRESENT SYSTEM OF SCHOOL DISTRICTS TO THE COMPREHENSIVE SCHOOL DISTRICT SYSTEM AUTHORIZED IN THIS ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. (A) The State Board of Education is hereby authorized and directed to develop a Plan, on or before October 1, 1989, for the reorganization of the public school districts in this State into a system consisting of not less than seventy-five (75) nor more than one hundred comprehensive school districts to be effective with the commencement of the school year beginning on July 1, 1992. Each comprehensive school district shall consist of contiguous territory and be of sufficient population and resources through which a comprehensive program of academics and educational opportunities, deemed necessary by the State Board of Education may be established and implemented. Upon completion of the Plan, the State Board of Education shall file a copy with the Governor and with the county clerk of each county in this State.

(B) Upon completion of the Plan for reorganizing the public school districts of this State into a system of comprehensive school districts as authorized herein, the State Board of Education shall hold a public hearing

within not less than thirty (30) nor more than forty-five (45) days from the date of completion of said Plan, at which the public and concerned organizations may be given an opportunity to be heard. Upon conclusion of such public hearings, the State Board of Education may make such changes or alterations in the Plan as the Board deems appropriate, and shall finalize and certify said Plan to the Governor of the State of Arkansas, who shall file the same with the Secretary of State as a public record. Any person aggrieved by such Plan may appeal from the decision of the State Board of Education to the Circuit Court of Pulaski County within ten (10) days after such Plan is certified by the State Board of Education to the Governor, and may appeal from the decision of the Circuit Court of Pulaski County to the Supreme Court of Arkansas within the time provided by law.

SECTION 2. (A) The State Board of Education shall, at the time the Plan for reorganization of the school districts of the State into a system of comprehensive school districts as required in this Act is developed, establish within each comprehensive school district the boundaries of districts from which members of the school boards of the comprehensive school districts shall be elected whereby each member shall serve from a district having substantially equal population based on the most recent Federal Decennial Census. Upon completion of the Federal Decennial Census of 1990, and each Federal Decennial Census thereafter, the State Board of Education shall reapportion the territory allotted to each district from which members of the school board of each comprehensive school district is elected to assure that districts consist of substantially equal population as determined by the most recent Federal Decennial Census.

Any person aggrieved by the action of the State Board of Education in apportioning territory to each of the districts from which members of the school board of the comprehensive school district are to be elected may appeal therefrom within thirty (30) days after the completion of the apportionment or reapportionment of such district, to the Circuit Court of the county in which the school district is administered, and may appeal from the ruling of the Circuit Court to the Supreme Court in the manner provided by law. As used in this Act, the county in which the school district is administered shall mean the county in which the administrative offices and headquarters of the school district are located.

(B) The school board of each of the comprehensive school districts in the State shall consist of seven (7) members who shall be residents and qualified electors of the districts within the comprehensive school districts from which they are elected. In the event a member of the countywide school board shall move from the district within the comprehensive school district from which elected, but shall still reside within the comprehensive school district, he (she) may continue to serve as a member of the school board of the comprehensive school district until the next following annual school election at which a successor shall be elected to serve for the remainder of the unexpired portion of the term of said member. In the event a member of a school board of a comprehensive school district shall move his (her) place of residence outside the territory of the comprehensive school district, a vacancy shall occur, and a successor member who resides within the district in which the vacancy occurs shall be appointed by a majority vote of the membership of the school board who shall serve until the next annual school election, at which time a successor member shall be elected for the remainder of the unexpired portion of the term of the member.

(C) At the first meeting of the school board of the comprehensive school district, the members of the school board shall draw lots for their respective terms whereby four (4) of the initial members of the school board shall serve terms of two (2) years, and three (3) initial members of the school board shall serve terms of four (4) years. Successor members shall be elected for terms of four (4) years.

(D) At the first meeting of the school board of a comprehensive school district held following the first annual school election held subsequent to the reapportionment of the districts from which school board members are elected following each Federal Decennial Census, the members of the school board shall determine, by lot, their respective terms in the same manner as provided in subsection (c) of this Section for the establishment of the terms of the initial members elected to the school board of the comprehensive school district.

(E) The first board of directors of the comprehensive school districts as established by the State Board of Education pursuant to this Act shall be elected at the annual school election in 1990, and shall take office January 1991 for the purpose of advance planning, and to enter into teacher contracts and to perform such additional duties as may be necessary for the

implementation of the boards' duties upon the establishment of the comprehensive school district effective July 1, 1992, and thereafter, and to prepare a proposed budget for the operation of the comprehensive school districts for the school year commencing July 1, 1992, to be submitted to a vote of the qualified electors at the 1991 school election. It is the intent of this Act that existing school districts and the school boards thereof, shall continue to function until June 30, 1992, at which time said school districts and their respective school boards shall cease to exist to be replaced by comprehensive school districts established under this Act to be operative on July 1, 1992, and thereafter.

SECTION 3. Each comprehensive school district created under the provisions of this act shall have the same rights, responsibilities, and privileges as are now, or may hereafter be provided by law, for public school districts in this state.

The board of directors of each such district shall have such authority and responsibility as is now, or may hereafter be vested, in school boards, and except as otherwise provided in this act, the laws in effect on the effective date of this act relating to management and operation of school districts and the authority and responsibility of local school boards, shall, insofar as is practicable, be applicable to comprehensive school districts and the board of directors thereof.

SECTION 4. Notwithstanding any provision of this act, or any other laws to the contrary, effective with the school year commencing July 1, 1992, and thereafter, each comprehensive school district established under the provisions of this act shall:

(a) Continue to operate each of the senior high schools and junior high schools operated by the respective school districts in the territory encompassed within the comprehensive school district prior to July 1, 1992, for a period of five (5) years until studies can be made on the need for, and economies of, merging one or more of such senior high schools or junior high schools, or the need for the establishment of new junior high schools or senior high schools, or the abandonment or relocation of existing senior or junior high schools deemed necessary to serve the needs of the school district. After a period of five (5) years has expired, the school board of

the comprehensive school district may merge or consolidate any of the existing senior or junior high schools of the school district into one or more of the existing senior or junior high schools in the district, or may abolish or establish any new senior and/or junior high school in the district as deemed necessary to meet the educational needs of the district. Provided, that before any existing senior or junior high school is closed as a result of such merger, or any new senior or junior high school is established, the school board shall obtain the approval of a majority of the qualified electors of the attendance area served by such school voting on such issue at an annual school election, or shall obtain the approval of a majority of the qualified electors of the comprehensive school district voting on such issue at an annual school election.

(b) Continue to maintain and operate each elementary school existing within the territory embraced by the comprehensive school district on June 30, 1992, and shall not merge, consolidate, abolish, abandon, or relocate the operation of any such elementary school unless:

(i) upon approval of a majority of the electors of the attendance area of the elementary school voting thereon at an annual school election upon the issue thereof being submitted by the school board of the comprehensive school district to the electors of the attendance area, or upon petition therefor signed by not less than ten percent (10%) of the electors of the attendance area of such school district requesting that such issue be placed on the annual school election ballot. In determining the number of electors required for such petitions, the total votes cast at the last school election on the issue or office receiving the highest number of votes in the attendance area served by such elementary school shall govern; or

(ii) the elementary school fails to meet the minimum standard requirements of the Quality Education Act; or

(iii) enrollment within such elementary school drops below standards promulgated by the school board of the comprehensive school district, based upon minimum enrollment standards for elementary schools, or shall drop below standards promulgated by regulations of the State Board of Education for the operation of the elementary schools in this state.

Upon an elementary school being closed, the school-age children therein shall be transferred to one or more elementary schools within the district, as determined by the school board.

(c) All teachers and clerical, and other employees of each comprehensive school district shall be employed by the school board of the comprehensive school district in the manner now provided by law. Provided, that the school board of each comprehensive school district shall, insofar as is practicable, give priority in the employment of administrators, teachers, and clerical employees of the comprehensive school district when established on July 1, 1992, to those administrators and clerical and other employees that were employed in schools during the preceding school year whose territory was merged, either in whole or in part, into the comprehensive school district on July 1, 1992.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

