

State of Arkansas
77th General Assembly
Regular Session, 1989
By: Senator Jewell

SENATE BILL 348

"AN ACT TO PROVIDE FOR THE CREATION OF METROPOLITAN SCHOOL DISTRICTS IN CERTAIN COUNTIES IN THE STATE TO PROVIDE AN INTERIM BOARD OF DIRECTORS; AND FOR OTHER PURPOSES."

WHEREAS, pursuant to the Constitutional mandate to the Arkansas General Assembly of Article 14, Sections 1 and 4 of the Arkansas Constitution; and

WHEREAS, in order to accomplish educational excellence within all districts in this State, to achieve fair, equitable and nondiscriminatory educational opportunities in a desegregated environment; and

WHEREAS, to overcome the barriers to such opportunities caused by the continuing vestiges of segregation as evidenced in housing patterns, arbitrary boundaries, and needless duplication of administrative functions; and

WHEREAS, in recognition of the particular difficulties of meeting such requirements in highly-urbanized areas,

NOW THEREFORE,

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

SECTION 1. Any county in this state which has more than one school district, contains a metropolitan area of one or more cities the combined populations of which are in excess of 75,000 according to the most recent federal decennial census, and within which one or more school districts has been adjudged by a court of competent jurisdiction within the five years immediately preceding this act to have failed to meet federal constitutional requirements concerning desegregation, shall establish a county metropolitan school district, and all school districts then in existence within the county shall be merged into the metropolitan district, effective at the beginning of the next school term following the effective date of this act.

SECTION 2. (a) Upon establishment of any metropolitan school district pursuant to this act, there shall be appointed an interim board of directors, which shall have all powers, duties, privileges and responsibilities as are vested in such boards under the laws of this State.

(b) The interim board shall consist of three (3) members from each of the former district school boards within the county. At least one member of each former board who serves on the interim board shall be black, and at least one shall be white.

(c) Interim board members shall be selected by their respective former boards, provided that, if no selection is made by May 1 of the year of merger into the metropolitan district, then the three senior members, if willing, shall serve. If less than three from any former district are willing to serve, then the County Board of Education for the affected county shall select the remaining interim board members based upon a procedure which is equitable, non-discriminatory, and constitutional.

(d) The interim board shall assume office on May 1 of the year of the merger and shall serve until the election of the first board of directors of the metropolitan school district at the annual school election following merger.

(e) The interim board of directors shall approve a budget for the following school year and shall propose and submit to the electors of the metropolitan district a tax millage to support the budget for the school year following merger. In the event a majority of the electors voting in the annual school election following merger shall disapprove the proposed rate of tax for the metropolitan school district, then the tax shall be collected at the rate or rates approved for the former existing districts now comprising the new metropolitan school district.

(f) The interim board of directors shall assume full responsibility for the operation of the metropolitan school district, and toward that end, shall select an interim superintendent, who may but need not be selected from the superintendents or administrative staffs of the former districts. Thereafter, the interim superintendent shall propose and submit for board approval an administrative staff to serve until a permanent staff is selected.

SECTION 3. (a) The terms of office of the former boards of directors for the school districts within the county prior to merger under this act

shall expire on July 1 of the year in which merger occurs. Prior to July 1, the former school board members shall assist the interim board in planning for the orderly transfer of responsibilities, records and accounts to the metropolitan school district.

(b) The former school board shall be responsible for payment of any current indebtedness of each former school district incurred during the fiscal year prior to merger. If current indebtedness is not paid at the end of the fiscal year prior to merger, then such indebtedness shall be assumed by the metropolitan board and shall be paid from the final settlement of revenues collected during the calendar year in which merger occurs.

(c) The amount of state aid paid to the metropolitan school district during the first school year following merger shall be equal to the combined amount of aid which would have been paid to the former districts in the absence of merger, according to the then-existing formula for state aid. Thereafter, the amount of state aid paid to the metropolitan school district shall be calculated and paid according to the then-current state aid formula.

(d) The metropolitan school district shall assume responsibility for payment of the bonded indebtedness, installment contracts, or other general obligations of each of the former school districts of which all or a part of the territory thereof is encompassed in the new district, in accordance with the provisions of subchapter 3 of Title 6, Chapter 13 of Arkansas Code Annotated, and of the Quality Education Act, Act 445 of 1983, including Section 7 thereof. Provided further that, in order to achieve a single, combined salary schedule in accordance with the laws of this State, the board of directors of the metropolitan school district may submit separate interim salary-schedules which are designed to equalize the salary structure among all former districts within two (2) years from the effective date of this act, and without the use of reductions in pay, except as may be required due to reassignments to positions of different or lesser responsibilities.

SECTION 4. (a) On July 1 of the year in which the interim board began service, all right, title and interest in real property and all buildings or other improvements contained thereon, and all personal property owned by the former school districts, shall transfer to the metropolitan school district.

(b) All employment contracts, salary schedules and personnel policies of the prior school districts shall remain in effect until the adoption of

replacements by the first board of the metropolitan school district, under the schedule provided for herein.

(c) All student attendance zones, magnet school programs, enhanced education programs and any other programs receiving federal or state funding during the school year prior to merger shall remain in effect for one (1) school year following merger. Thereafter, changes in such programs or student assignments may be recommended and implemented by an affirmative vote of the metropolitan school board, in accordance with the laws of this State, provided that nothing in this section shall prevent the district from implementing any program or assignment modifications required to comply with a court order or a consent order entered into among the respective parties to any existing litigation affecting such matters.

SECTION 5. (a) The metropolitan school board for any district created pursuant to this act shall be elected at the annual school election immediately following merger of the former districts.

(b) Except as expressly provided herein, the requirements of Arkansas Code Annotated §6-13-301 to -311 shall apply to such election but, no preconsolidation agreement may be entered into by the boards of the former districts, and no resolution may be adopted by the metropolitan board, which is inconsistent with the requirements of state and federal laws concerning appropriate social and demographic considerations for fair and equitable representation on such boards. Any preconsolidation agreement or resolution proposed shall be submitted to the County Board of Education, which may approve, disapprove or modify said agreement after not less than five (5) public meetings are held in geographically-dispersed and equitably-selected locales within the county.

(c) The eligibility requirements of the Arkansas Code Annotated §6-13-306 to -309 must be met with respect to any candidate for election to the newly constituted metropolitan school board.

(d) The metropolitan school board shall be comprised of the same number of members as comprise the county's Quorum Court under Arkansas Constitution Amendment 55 §2, and shall be elected from the same single member districts as the justice of the peace districts.

(e) No person shall be eligible to be a member of the metropolitan school district board of directors unless:

(1) He is a bona fide resident and qualified elector of the district for which he seeks election on the metropolitan school district board; and

(2) He is the owner of real property in the county in which he serves.

(f) (1) Within thirty (30) days from the date of the election of the first board of directors, the new school board shall meet, and the various members shall draw for their terms of office so that no more than three (3) members' terms shall expire per year and the maximum initial term shall not exceed five (5) years.

(2) Thereafter, board members shall be elected at each annual school election for a term of five (5) years, provided that any member of the board of education shall hold office until his successor has been elected and qualified.

SECTION 6. The metropolitan school board for a district created under this act which is comprised of former districts which were party to a federal court action involving desegregation shall have the following duties and responsibilities:

(1) To take all steps necessary to erase the vestiges of segregation in the district;

(2) To establish a unified education system which offers equal educational opportunities for all children without regard to race, creed or religious affiliation;

(3) To develop and implement nondiscriminatory practices in staffing including the promotion and recruitment of black principals and administrators;

(4) To work with city and county planners in locating new schools in racially neutral zones;

(5) To develop student assignment programs which maximize desegregation;

(6) To implement special education programs, gifted programs, and remedial and compensatory education programs on a nondiscriminatory basis which will maximize benefits to students enrolled in the district;

(7) To provide records and information as requested by the federal court overseeing the district merger; and

(8) To take such other actions as necessary to achieve and maintain unitary status.

SECTION 7. This act shall not be effective in those counties where litigation involving desegregation of school districts within that county is pending in U. S. Federal District Court or any federal appellate court until the court having jurisdiction of same enters an order approving merger under this act. At the discretion of the court, the merged district shall submit to jurisdiction for purposes of oversight by the court to assure compliance with the goal of achieving and maintaining unitary status.

SECTION 8. 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 9. All laws and parts of laws in conflict with this Act are hereby repealed.