

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 933

5 By: Senator J. Bookout
6 By: Representative P. Bookout
7
8

For An Act To Be Entitled

10 AN ACT TO ALLOW THE EIGHTY-FIFTH GENERAL ASSEMBLY
11 TO THE OPPORTUNITY TO APPROVE ANY SCHOOL DISTRICT
12 REORGANIZATION PLAN; TO ALLOW SCHOOL DISTRICTS
13 ONE (1) YEAR TO MEET STANDARDS NECESSARY TO
14 PROVIDE AN ADEQUATE EDUCATION; TO RETAIN THE
15 CURRENT STRUCTURE OF SCHOOL GOVERNANCE; TO
16 REQUIRE REORGANIZATION OF SCHOOL DISTRICTS
17 CURRENTLY IN ACADEMIC DISTRESS; TO ENCOURAGE
18 DISTANCE LEARNING PROGRAMS; AND FOR OTHER
19 PURPOSES.
20

Subtitle

21 TO ALLOW THE EIGHTH-FIFTH GENERAL
22 ASSEMBLY TO THE OPPORTUNITY TO APPROVE
23 ANY SCHOOL DISTRICT REORGANIZATION PLAN.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

SECTION 1. Findings.

29 (a) The 84th General Assembly recognizes the mandate of the Arkansas
30 Supreme Court to ensure that the state provide an equal opportunity for
31 students to obtain an adequate education.
32

33 (b) The General Assembly further recognizes the important role of the
34 state's rural schools in educating our children and finds that:

35 (1) Arkansas has more students attending small rural schools
36 than any other state in the nation;



1 (2) Arkansas' large rural population and high rural poverty make
 2 it essential that the needs of rural students be especially considered in any
 3 adequacy study conducted;

4 (3) Studies from other states have solidly concluded that
 5 smaller districts are particularly beneficial to help overcome the effects of
 6 poverty on student achievement in poorer communities;

7 (4) Equal school funding does make a difference in that the
 8 effects of poverty and the disadvantages of rural geography can be mitigated
 9 for rural students if they have equal educational opportunity; and

10 (5) Small schools benefit minority and low-income students.

11
 12 SECTION 2. Arkansas Code Title 6, Chapter 13, is amended to add an
 13 additional subchapter to read as follows:

14 6-13-1601. Definitions:

15 For the purpose of this subchapter:

16 (1) "Affected district" means a school district that loses territory
 17 or students as a result of annexation or consolidation;

18 (2) "Annexation" and "annexed" means the joining of an affected school
 19 district or part thereof with a receiving district;

20 (3) "Consolidation" and "consolidate" means the joining of two (2) or
 21 more school districts or parts thereof to create a new single school
 22 district;

23 (4) "Receiving district" means a school district or districts that
 24 receive territory or students, or both, from an affected district as a result
 25 of annexation;

26 (5) "Resulting district" means the new school district created from an
 27 affected district or districts as a result of consolidation; and

28 (6) "Voluntary reorganization" shall mean any consolidation,
 29 annexation, or detachment that is not a result of an act of the State Board
 30 of Education without approval of the local board or electors.

31
 32 6-13-1602. Standards for education.

33 (a)(1) Except as provided in subsection (b) of this section, no school
 34 district shall be consolidated or annexed for a period of two (2) years
 35 following completion of the adequacy study under Act 94 of 2003.

36 (2) The current system of local school governance with local

1 control vesting in the local school board of directors and the employment of
 2 school district superintendents and other administrators with the authority
 3 of the local school board of directors, shall remain as in existence on
 4 January 1, 2003.

5 (b)(1) Beginning one (1) year from the date of the completion of the
 6 adequacy study under Act 94 of 2003, the State Board of Education shall
 7 conduct a review of all school districts to determine if the district is
 8 providing an adequate education as defined by the General Assembly, including
 9 complying with provisions with respect to:

- 10 (A) Curricula;
- 11 (B) Teacher salaries;
- 12 (C) Facilities; and
- 13 (D) Equipment.

14 (2) Prior to the review conducted under subdivision (b)(1) of
 15 this section, any school district may petition the State Board of Education
 16 for an advisory opinion and advice with respect to the district's compliance
 17 with provision of state law or State Board of Education regulation.

18 (c) Following the review under subsection (b) of this section, any
 19 school district that is not providing an adequate education as defined by the
 20 General Assembly, may be consolidated or annexed as set forth under § 6-13-
 21 1604(b) with the school district or districts that are:

- 22 (1) Geographically contiguous with the non-complying district;
- 23 and
- 24 (2) Determined to be providing an adequate education.

25 (d)(1)(A) Before January 1, 2005, school districts may voluntarily
 26 consolidate, annex, or detach under §§ 6-13-1401 through 6-13-1501, and
 27 school districts that do voluntarily consolidate, annex, or detach shall
 28 receive consolidation incentive funding as may be determined by the General
 29 Assembly.

30 (B) Any school districts that choose to reorganize to
 31 create a countywide school district may do so without approval of the State
 32 Board of Education and shall be exempt from the requirements of §§ 6-13-1401
 33 through 6-13-1409 and §§ 6-13-1401 and §§ 6-13-1501 through 6-13-1505.

34 (2) School districts may continue to participate in education
 35 cooperatives and may enter into agreements with other district or districts
 36 to provide distance learning programs, alternative learning schools, services

1 for children with disabilities, employee and class sharing programs to offer
 2 enhanced or curriculum requirements, or any other program or service as may
 3 be necessary to provide an adequate education.

4 (3)(A) During the regular school term or during summer months, a
 5 school district may enter into an agreement with another district or district
 6 to create vocational training centers to offer career and technical education
 7 courses or may enter into agreement with technical institutes or other post-
 8 secondary educational institutions to provide an enriched curriculum or
 9 career and technical education courses.

10 (B)(i) Any career and technical education courses made
 11 available to students in a school district through an agreement allowed under
 12 subdivision (d)(3)(A) shall qualify as being offered and taught by a every
 13 participating school district for purposes of complying the Standards of
 14 Accreditation for Arkansas Public Schools.

15 (ii) Any student taking classes in a school district
 16 offered through an agreement allowed under subdivision (d)(3)(A), shall
 17 receive credit for the coursework, which shall be transferable to other
 18 public schools, for graduation purposes under the Standards of Accreditation
 19 for Arkansas Public Schools and the local school board shall adopt a policy
 20 to determine the numeric grade to be awarded for the grade received in the
 21 course.

22
 23 6-13-1603. Consolidations.

24 On or before January 1, 2004, the State Board of Education shall
 25 develop a plan to reorganize, by consolidation or annexation, the following
 26 school districts that have been declared by the State Board of Education to
 27 be in academic distress or are on the watch list for academic distress:

- 28 (1) Carthage School District located in Dallas County;
- 29 (2) Dermott School District in Chicot County;
- 30 (3) Lakeside/Lake Village School District in Chicot County;
- 31 (4) Lake View School District in Phillips County;
- 32 (5) McNeil School District located in Columbia County;
- 33 (6) Saratoga School District in Hempstead County;
- 34 (7) Helena/West Helena School District in Phillips County;
- 35 (8) Lee County School District in Lee County;
- 36 (9) Altheimer Unified School District in Jefferson County; and

1 (10) Elaine School District in Phillips County.

2
3 6-13-1604. Consolidation requirements.

4 (a) For reorganizations required under § 6-13-1603, the State Board of
5 Education shall:

6 (1)(A) Before September 30, 2003, develop a plan for the
7 consolidation or annexation of each school district listed in § 6-13-1603.

8 (B) The plan shall require the district to be consolidated
9 or annexed with an existing school or district that:

10 (i) Is geographically contiguous with the affected
11 district; and

12 (ii) Has not been declared by the State Board of
13 Education to be in academic distress.

14 (C) The Department of Education and the State Board of
15 Education may take actions before January 1, 2004, as necessary for an
16 orderly and efficient transition of personnel, property, and the boards of
17 directors;

18 (2) Between September 30, 2003 and November 30, 2003, the State
19 Board of Education shall hold no less than four (4) public hearings regarding
20 its proposed consolidation plan to address citizen concerns, comments, and
21 suggestions regarding the plan; and

22 (3) The State Board of Education shall finalize the
23 reorganization plan no later than December 15, 2002, and shall effectuate the
24 reorganization no later than January 1, 2004.

25 (b) For consolidations and annexations required as a result of § 6-13-
26 1602, the State Board of Education shall:

27 (1) Develop a plan for the reorganization of all public school
28 districts not in compliance with this subchapter;

29 (2) Hold no less than four (4) public hearings regarding its
30 proposed reorganization plan to address citizen concerns, comments, and
31 suggestions regarding the plan; and

32 (3)(A) Present to the General Assembly on the first day of the
33 85th General Assembly, a final reorganization plan, specifically stating the
34 names of each school district proposed for reorganization and the board's
35 recommendation for that particular district's reorganization which may
36 include consolidation, annexation, detachment, or some form of remediation to

1 improve the district as it currently exists.

2 (B) No statewide reorganization plan shall be implemented
 3 by the State Board of Education prior the adoption of a plan by the 85th
 4 General Assembly.

5 (C) Those school districts that voluntarily reorganize
 6 into a countywide district, shall not be subject to any reorganization action
 7 by the State Board of Education or the General Assembly.

8
 9 SECTION 3. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
 10 to read as follows:

11 6-13-1401. Definitions.

12 As used in this subchapter, unless the context otherwise requires:

13 (1) "Affected district" means a school district that loses territory
 14 or students as a result of annexation or consolidation;

15 (2) "Annexation" means the joining of an affected school district or
 16 part thereof with a receiving district;

17 (3) "Consolidation" means the joining of two (2) or more school
 18 districts or parts thereof to create a new single school district;

19 (4) "Receiving district" means a school district or districts that
 20 receive territory or students, or both, from an affected district as a result
 21 of annexation;

22 (5) "Resulting district" means the new school district created from an
 23 affected district or districts as a result of consolidation; ~~and~~

24 (6) "State board" means the State Board of Education; ~~and~~

25 (7) "Voluntary consolidation" means a consolidation that is caused by
 26 a petition of the affected district and is not required under § 6-13-1604.

27
 28 6-13-1402. Consolidation and annexation authority.

29 ~~There~~ Except as required by § 6-13-1604, there shall not be any
 30 consolidation or annexation of any public school district with any other
 31 school district in the state without the prior consent and approval of the
 32 State Board of Education.

33
 34 6-13-1403. Conditions under which the State Board of Education may
 35 annex school districts.

36 (a) The State Board of Education shall consider the annexation of an

1 affected school district or districts to a receiving district or districts
 2 under the following conditions:

3 (1) The State Board of Education determines whether it is in the
 4 best interest of the affected district and the receiving district for a
 5 school listed in § 6-13-1603 to be annexed rather than consolidated; or

6 ~~(1)(A)~~(2)(A) The affected district or districts file a petition
 7 with the state board requesting annexation to a particular receiving district
 8 or districts, and a copy of the petition is filed with the county clerk’s
 9 office of each county where the affected district or districts are located;

10 (B) The county clerk’s office of each county where the
 11 affected district or districts are located certifies in writing that the
 12 petition has been signed by a majority of the qualified electors of the
 13 district or districts; and

14 (C) The receiving district or districts provide to the
 15 state board written proof of consent to receive the affected district or
 16 districts by annexation as evidenced by either a vote to approve annexation
 17 by resolution by a majority of the members of the local receiving board of
 18 education or by vote to approve annexation by a majority of the qualified
 19 electors of the receiving district as provided for in § 6-14-122;

20 ~~(2)(A)~~(3)(A) A majority of the qualified electors in the
 21 affected district or districts vote to approve the annexation of an affected
 22 school district or districts to a receiving district or districts as provided
 23 for in § 6-14-122; and

24 (B) The receiving district or districts provide to the
 25 state board written proof of consent to receive the affected district or
 26 districts by annexation as evidenced by either a vote to approve annexation
 27 by resolution by a majority of the members of the local receiving board of
 28 education or by vote to approve annexation by a majority of the qualified
 29 electors of the receiving district as provided for in § 6-14-122; or

30 ~~(3)(A)~~(4)(A) The local board of education of the affected
 31 district or districts vote to approve by resolution the annexation of the
 32 affected district or districts to a receiving district or districts by a
 33 majority of the members of the local board of education of the affected
 34 district or districts; and

35 (B) The receiving district or districts provide to the
 36 state board written proof of consent to receive the affected district or

1 districts by annexation as evidenced by either a vote to approve annexation
 2 by resolution by a majority of the members of the local receiving board of
 3 education or by vote to approve annexation by a majority of the qualified
 4 electors of the receiving districts as provided for in § 6-14-122.

5 (b) The state board may vote to approve, by a majority of a quorum
 6 present of the members of the state board, the annexation of the affected
 7 districts into a receiving district:

8 (1) As required under § 6-13-1604; or

9 (2) ~~upon~~ Upon receipt of a valid petition for annexation and
 10 after receiving proof from the petitioning party of at least one (1) of the
 11 required conditions set forth in subsection (a) of this section and upon
 12 receipt of proof of the issuance of public notice of the intent to annex
 13 affected districts into a receiving district or districts in the local
 14 newspapers of general circulation in the affected districts for a time period
 15 of no less than once a week for two (2) consecutive weeks immediately prior
 16 to the time the petition is filed with the state board.

17 (c) In order for the petition for annexation to be valid, it shall be
 18 filed with the state board at least thirty (30) days prior to the next
 19 regularly scheduled state board meeting, at which time the petition will be
 20 presented for hearing before the state board, except no petition is required
 21 for the State Board of Education to annex a school district listed under § 6-
 22 13-1604.

23 (d)(1) Upon determination by the State Board of Education to annex
 24 rather than consolidate a school district listed under § 6-13-1604 or
 25 approval of a petition requesting annexation, the state board shall issue an
 26 order dissolving the affected districts and establishing the receiving school
 27 district or districts.

28 (2)(A) The state board shall issue an order establishing the
 29 boundary lines of the receiving district or districts.

30 (B) It shall be the duty of the Department of Education to
 31 make changes in the maps of the school districts to properly show the
 32 boundary lines of the receiving district or districts.

33 (e) The state board shall issue an order establishing the changed
 34 boundaries and shall file the order with the county clerk or clerks of the
 35 county or counties where the receiving district or districts are located. The
 36 county clerk shall make a permanent record of the order and, thereafter, the

1 boundaries so established shall be boundaries of the receiving district until
 2 changes are made according to the provisions of law.

3 (f) The state board shall not annex affected districts that are not
 4 geographically contiguous unless the following limited conditions are
 5 determined to be valid reasons for annexation:

- 6 (1) The annexation will result in the overall improvement in the
 7 educational benefit to students in all the school districts involved; or
- 8 (2) The annexation will provide a significant advantage in
 9 transportation costs or service to all the school districts involved.

10
 11 6-13-1404. Conditions under which the State Board of Education may
 12 consolidate school districts.

13 (a) The State Board of Education shall consider the consolidation of
 14 affected school districts into a new resulting school district or districts
 15 under the following conditions:

16 (1) The State Board of Education determines it is in the best
 17 interest of the affected district and the resulting district for a school to
 18 be consolidated rather than annexed under § 6-13-1604; or

19 ~~(1)(A)~~(2)(A) The affected districts file a petition with the
 20 state board requesting that the affected districts be consolidated into a
 21 resulting district or districts;

22 (B) A copy of the petition has been filed with the county
 23 clerk’s office of each county where the affected districts are located; ~~and~~

24 (C) The county clerk’s office certifies in writing to the
 25 state board that the petition has been signed by a majority of the qualified
 26 electors of the affected districts;

27 ~~(2)(D)~~ A majority of the qualified electors in the
 28 affected districts votes to approve consolidation of the affected districts
 29 into a resulting district or districts pursuant to a valid election as
 30 provided for in § 6-14-122; and

31 ~~(3)(E)~~ The local board of directors votes to approve by
 32 resolution of a majority of the members of each local board of education the
 33 consolidation of the affected districts into a resulting district or
 34 districts.

35 (b) The state board:

36 (1) Shall consolidate school districts as required under § 16-

1 13-1604; or

2 (2) May ~~may~~ vote to approve by a majority of a quorum present of
 3 the members of the state board the consolidation of the affected districts
 4 into a resulting district upon receipt of a valid petition for consolidation,
 5 after receiving proof from the petitioning party of at least one (1) of the
 6 required conditions set forth in subsection (a) of this section, and upon
 7 receipt of proof of the issuance of public notice of the intent to
 8 consolidate affected districts into a resulting district or districts in the
 9 local newspapers of general circulation in the affected districts for a time
 10 period of no less than once a week for two (2) consecutive weeks immediately
 11 prior to the time the petition is filed with the state board.

12 (c) In order for the petition for consolidation to be valid, it shall
 13 be filed with the state board at least thirty (30) days prior to the next
 14 regularly scheduled state board meeting, at which time the petition will be
 15 presented for hearing before the state board, except no petition is required
 16 for the State Board of Education to consolidate a school district listed
 17 under § 6-13-1604.

18 (d)(1) Upon consolidation of a district listed in § 6-13-1603 or
 19 approval of a petition requesting consolidation, the state board shall issue
 20 an order dissolving the affected school districts and establishing the
 21 resulting school district or districts.

22 (2)(A) The state board shall issue an order establishing the
 23 boundary lines of the resulting district or districts.

24 (B) It shall be the duty of the Department of Education to
 25 make changes in the maps of the school districts to properly show the
 26 boundary lines of the resulting district or districts.

27 (e)(1) The state board shall issue an order establishing the changed
 28 boundaries and shall file the order with the county clerk or clerks where the
 29 resulting district or districts are located.

30 (2) The county clerk shall make a permanent record of the order
 31 and, thereafter, the boundaries so established shall be boundaries of the
 32 resulting district until changes are made according to the provisions of law.

33 (f) The state board shall not consolidate affected districts that are
 34 not geographically contiguous unless the following limited conditions are
 35 determined to be valid reasons for consolidation:

36 (1) The consolidation will result in the overall improvement in

1 the educational benefit to students in all the school districts involved; or

2 (2) The consolidation will provide a significant advantage in
3 transportation costs or service to all the school districts involved.

4
5 6-13-1405. Effective date of annexation or consolidation.

6 (a) Upon consolidation or annexation of a school district listed in §
7 6-13-1603 or not in compliance with the provisions of § 6-13-1602:

8 (1) The effective date of the annexation or consolidation shall
9 be as set forth under § 6-13-1604;

10 (2) The State Board of Education shall prescribe the number of
11 members of the board of directors of the resulting district;

12 (3) The consolidation plan adopted by the State Board of
13 Education shall be filed with the county clerk of each county that contains
14 territory or a portion of the territory of each affected school district; and

15 (4) All terms and conditions of the consolidation shall be as
16 set forth in the State Board of Education reorganization plan.

17 ~~(a)~~(b) Upon a voluntary consolidation:

18 (1) Unless an agreement is reached in the consolidation or
19 annexation agreement to be different, the effective date of the annexation or
20 consolidation shall be the July 1 following the order of the state board
21 directing the annexation or the consolidation;

22 ~~(b)~~(2) Each board of directors of the affected districts by
23 majority approval of the members of the local board may enter into a written
24 agreement executed by the former president and secretary of each district.
25 The agreement shall prescribe the date of the annexation of the affected
26 district or districts to the receiving district or the formation of the
27 resulting district from consolidation of affected districts;

28 ~~(e)~~(3) The agreement shall also prescribe the number of members
29 of the board of directors of the resulting district ~~as provided for in § 6-~~
30 ~~13-1205 (repealed); and~~

31 ~~(d)~~(4) An executed copy of the agreement shall be filed with the
32 county clerk of each county that contains territory or a portion of the
33 territory of each affected school district.

34
35 6-13-1406. Board of directors - Term - Election.

36 (a)(1) ~~Unless the board of directors of the affected district or~~

1 ~~districts and the board of directors of the receiving district or districts~~
 2 ~~agree otherwise, the~~ The board of directors of the receiving district or
 3 districts after annexation shall be the same board of directors of the
 4 receiving district prior to annexation until the next regular school
 5 election.

6 ~~(2) The boards of directors of the affected districts may by~~
 7 ~~agreement establish a new board of directors other than the current board of~~
 8 ~~directors of the receiving district composed of not fewer than five (5) nor~~
 9 ~~more than seven (7) directors except for those school districts allowed to do~~
 10 ~~otherwise pursuant to § 6-13-604.~~

11 ~~(3)(2) The~~ At the next regular school election following the
 12 annexation, the board of directors of the receiving district ~~created by~~
 13 ~~agreement~~ shall be elected from single-member zones of substantially equal
 14 population based upon the most recent census information and from which
 15 racial minorities may be represented on the board in proportions reflected in
 16 the district as a whole.

17 (b)(1) ~~Unless the boards of directors of the affected districts agree~~
 18 ~~otherwise, the~~ The board of directors of the resulting district after
 19 consolidation shall be composed of seven (7) members until the next regular
 20 school election.

21 ~~(2) The boards of directors of the affected districts may by~~
 22 ~~agreement establish a board of directors of the resulting district composed~~
 23 ~~of not fewer than five (5) nor more than seven (7) directors except for those~~
 24 ~~school districts allowed to do otherwise pursuant to § 6-13-604.~~

25 ~~(3)(2) The~~ At the next regular school election following the
 26 annexation, the board of directors of the resulting district shall be elected
 27 from single-member zones of substantially equal population based upon the
 28 most recent census information and from which racial minorities may be
 29 represented on the board in proportions reflected in the district as a whole.

30 (c) The length of the term of each member of the board of directors
 31 after annexation or consolidation shall be for a time period as allowed by
 32 law.

33 (d) At the first meeting of a new board after annexation or
 34 consolidation, the members shall determine their terms by lot so that no more
 35 than two (2) members' terms expire during any one (1) year.

36 (e) Any vacancy on the board shall be filled in the manner provided

1 for by law.

2 (f) The establishment of a board of directors with an even number of
 3 members following annexation or consolidation is hereby prohibited.

4

5 6-13-1407. Creation of a district - When part of a district taken.

6 (a) Any receiving or resulting district created under this section or
 7 as a result of § 6-13-1604, shall become the successor in interest to the
 8 property of the district dissolved, shall become liable for the contracts and
 9 debts of such a district, and may sue and be sued therefor.

10 (b) When territory less than the entire district is annexed or
 11 consolidated to a district, the receiving or resulting district shall take
 12 the property of the district from which the territory was taken, as the State
 13 Board of Education shall deem proper, and shall be liable for that part of
 14 all indebtedness of the district from which the territory was taken as shall
 15 be assigned to it by the state board unless otherwise approved by a majority
 16 vote of the affected school district's or districts' board or boards of
 17 directors.

18

19 6-13-1408. Annexation or consolidation not to negatively impact state-
 20 assisted desegregation.

21 (a) The State Board of Education shall not order any annexation or
 22 consolidation under this subchapter or any other act or any combination of
 23 acts which hampers, delays, or in any manner negatively affects the
 24 desegregation efforts of a school district or districts in this state.

25 (b) Prior to the entry of any order under this subchapter or § 6-13-
 26 1604, the state board shall seek an advisory opinion from the Attorney
 27 General concerning the impact of the proposed annexation or consolidation on
 28 the effort of the state to assist a district or districts in desegregation of
 29 the public schools of this state.

30 (c) Any order of annexation or consolidation or combination thereof
 31 that violates the provisions of this section shall be null and void.

32

33 6-13-1409. State Board of Education.

34 (a) The State Board of Education shall have the following duties
 35 regarding consolidations and annexations:

36 (1) To form local school districts, change boundary lines of

1 school districts, dissolve school districts and annex the territory of such
 2 districts to another district, create new school districts, and perform all
 3 other functions regarding changes in school districts in accordance with the
 4 law;

5 (2) To transfer funds and attach territory that is in no school
 6 district to other school districts as may seem best for the educational
 7 welfare of the children; and

8 (3) To enact rules and regulations regarding the consolidation
 9 and annexation of school districts under this title.

10 (b)(1) Any ~~person~~ any school district being a party to a proceeding
 11 before the state board concerning consolidation or annexation who feels
 12 aggrieved or that is affected by any final order or decision of the state
 13 board may file a petition for appeal from such a final order or decision,
 14 provided, within thirty (30) days from the date of the final order or
 15 decision complained of, the ~~person shall~~ board of directors of the district
 16 approve the appeal by a majority vote, and:

17 (A) Make an affidavit that the appeal taken from such a
 18 final order or decision of the state board is not taken for purposes of
 19 delay; and

20 (B) Enter into a bond with good and sufficient surety
 21 thereon in such sum as shall be ordered by the state board, not to exceed
 22 twice the amount of property tax revenues involved in the appeal.

23 (2) The appeal provided in this section shall be to the Circuit
 24 Court of Pulaski County.

25
 26 SECTION 4. Arkansas Code Title 6, Chapter 47, Subchapter 1 is
 27 repealed.

28 ~~6-47-101. Title.~~

29 ~~This subchapter shall be known as and may be cited as the "Arkansas~~
 30 ~~Distance Learning Demonstration Project Act of 1995".~~

31
 32 ~~6-47-102. Purpose.~~

33 ~~The purpose of this subchapter is to serve as a legislative mandate for~~
 34 ~~the establishment, organization, and administration of a demonstration~~
 35 ~~project designed to improve course offerings available to high school~~
 36 ~~students throughout the state. The project will demonstrate the efficiency of~~

1 ~~using distance learning to enhance education and prepare students for greater~~
 2 ~~success in a postsecondary educational environment.~~

3
 4 ~~6-47-103. Definitions.~~

5 ~~As used in this subchapter, unless the context otherwise requires:~~

6 ~~(1) "Board" means the State Board of Education;~~

7 ~~(2) "Department" means the Department of Education;~~

8 ~~(3) "Director" means the Director of the Department of~~
 9 ~~Education;~~

10 ~~(4) "Distance learning" means an interactive telecommunications~~
 11 ~~system that utilizes information technology, audio, video, and similar~~
 12 ~~technological elements, is compatible with other distance learning networks,~~
 13 ~~and is used for the purpose of enhancing instructional opportunities in~~
 14 ~~Arkansas public schools;~~

15 ~~(5) "Infrastructure" means an interlinked system of wires,~~
 16 ~~cables, fiber optics, or other wireline or wireless communications media;~~

17 ~~(6) "OURNET" means the Ozark Unlimited Resources Educational~~
 18 ~~Cooperative Network;~~

19 ~~(7) "Project" means the Arkansas Distance Learning Demonstration~~
 20 ~~Project; and~~

21 ~~(8) "Public telecommunications" means the facilities used in~~
 22 ~~providing telecommunication services to the public, including, but not~~
 23 ~~limited to, facilities owned and operated by public utilities.~~

24
 25 ~~6-47-104. Establishment and implementation.~~

26 ~~(a) There is hereby established the Arkansas Distance Learning~~
 27 ~~Demonstration Project, which shall be conducted by OURNET and administered~~
 28 ~~through the Director of the Department of Education.~~

29 ~~(b)(1) The funding necessary to carry out the provisions of this~~
 30 ~~subchapter may be derived from donations, grants, or legislative~~
 31 ~~appropriation.~~

32 ~~(2) The director may solicit and receive donations and grants~~
 33 ~~for the purpose of administering the project.~~

34 ~~(3) All donations, grants, and appropriations received shall be~~
 35 ~~accounted for by the Department of Education.~~

36 ~~(c) The director shall review the implementation of this project~~

1 ~~annually and make recommendations to the board regarding the number and~~
 2 ~~amount of awards to ensure that the purpose of the project is realized.~~

3
 4 ~~6-47-105. Rules and regulations.~~

5 ~~The board is authorized to promulgate rules and regulations necessary~~
 6 ~~for the implementation of this subchapter.~~

7
 8
 9 SECTION 5. Arkansas Code Title 6, Chapter 47, is amended to add
 10 an additional subchapter to read as follows:

11 6-47-401. Title.

12 This subchapter shall be known as and may be cited as the "Arkansas
 13 Distance Learning Development Project Act of 2003".

14
 15 6-47-402. Purpose.

16 (a)(1) The purpose of this subchapter is to provide for the
 17 establishment, organization, and administration of a distance learning
 18 program designed to improve course offerings available to students throughout
 19 the state.

20 (2) The program will demonstrate the efficiency of using
 21 distance learning to enhance elementary and secondary education and prepare
 22 students for greater success in a postsecondary educational environment.

23
 24 6-47-403. Definitions.

25 As used in this subchapter:

26 (1) "Board" means the State Board of Education;

27 (2) "Department" means the Department of Education;

28 (3) "Director" means the Director of the Department of
 29 Education;

30 (4) "Distance learning" means an interactive telecommunications
 31 system that utilizes information technology, audio, video, and similar
 32 technological elements, is compatible with other distance learning networks,
 33 and is used for the purpose of enhancing instructional opportunities in
 34 Arkansas public schools;

35 (5) "Infrastructure" means an interlinked system of wires,
 36 cables, fiber optics, or other wireline or wireless communications media;

1 (6) "Program" means the Arkansas Distance Learning Development
 2 Project; and

3 (7) "Public telecommunications" means the facilities used in
 4 providing telecommunication services to the public, including, but not
 5 limited to, facilities owned and operated by public utilities.

6
 7 6-47-404. Establishment and implementation.

8 (a) There is established the Arkansas Distance Learning Development
 9 Project, which shall be conducted by the Department of Education and
 10 administered through the Director of the Department of Education.

11 (b) The project shall have four (4) focus areas:

12 (1) To help alleviate the increasing shortage of available
 13 qualified teachers;

14 (2) To provide additional course scheduling opportunities of
 15 students currently forced to choose between courses that are scheduled
 16 infrequently or currently;

17 (3) To provide an opportunity for students to access an enriched
 18 curriculum and additional courses beyond those mandated by the Standards for
 19 Accreditation of Arkansas Public Schools; and

20 (4) To develop and make available online professional
 21 development and instructional resources for all teachers and administrators.

22 (c)(1)(A) The funding necessary to carry out the provisions of this
 23 subchapter may be derived from donations, grants, or legislative
 24 appropriation.

25 (B) The project shall receive from the Public School Fund
 26 an amount equal to one-sixth (1/6) of the previous year's base local revenue
 27 per student for each student enrolled in a course at the secondary level of
 28 for each subject at the elementary level.

29 (2) The director may solicit and receive donations and grants
 30 for the purpose of administering the program.

31 (3)(A) All donations, grants, and appropriations received shall
 32 be accounted for by the Department of Education.

33 (B) Fund balances may be carried over from one year to the
 34 next to continue the project.

35 (c) The director shall review the implementation of this program
 36 annually and make recommendations to the board regarding the number and

1 amount of awards to ensure that the purpose of the program is achieved.

2 (d) The director may enter into contracts or provide grants to local
3 education agencies, education service cooperatives, or other entities for
4 personnel, facilities, and services necessary to implement this project.

5 (e) Students taking courses through this project shall be considered
6 entitled to any public education credits and grades assigned through this
7 project and those credits and grades shall be accepted by all public schools
8 in Arkansas.

9
10 6-47-405. Rules and regulations.

11 The board shall promulgate rules and regulations necessary for the
12 implementation of this subchapter.

13
14 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
16 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
17 now extent system of education to be unconstitutional because it is both
18 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
19 for a constitutional system to be one in which the State has an “absolute
20 duty” to provide an “equal opportunity to an adequate education”; and the
21 Arkansas Supreme Court instructed the General Assembly to define and provide
22 what is necessary to provide an adequate and equitable education for the
23 children of Arkansas-forthwith. Therefore, an emergency is declared to exist
24 and this act being immediately necessary for the preservation of the public
25 peace, health, and safety shall become effective on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,
28 the expiration of the period of time during which the Governor may veto the
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is
31 overridden, the date the last house overrides the veto.