

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

As Engrossed: S3/18/03
A Bill

SENATE BILL 933

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

9 **For An Act To Be Entitled**

10 AN ACT TO ALLOW THE EIGHTY-FIFTH GENERAL ASSEMBLY
11 *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

21 **Subtitle**

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

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

29 SECTION 1. Findings.

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

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 shall be required to reorganize for a period of one (1) year following
35 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)(i) Any school district that chooses 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 §§ 6-13-1501 through 6-13-1505.

34 (ii) To qualify as a countywide school under this section, two
35 (2) or more school districts primarily located in one (1) county shall
36 voluntarily agree to and shall consolidate on or before September 1, 2004.

1 (iii) School districts that agree to voluntarily consolidate
2 shall do so by a written agreement of understanding, which shall be approved
3 by a majority of the members of the each local school board.

4 (iv) A countywide school district may continue to have separate
5 local boards for each currently existing district, which may include areas
6 outside boundaries of the county if that area is currently in a school
7 district that is primarily located in the county, and may maintain the
8 existing boundaries and separate names and legal identities of each district
9 making up the countywide district, but must agree to share no less than three
10 (3) major functions of the school districts which may include, but shall not
11 be limited to:

12 (a) Transportation or purchasing departments;

13 (b) Development of enriched curriculum options, which may
14 include class sharing or vocational training options;

15 (c) Certain administrative functions; or

16 (d) Food service.

17 (2) School districts may continue to participate in education
18 cooperatives and may enter into agreements with other district or districts
19 to provide distance learning programs, alternative learning schools, services
20 for children with disabilities, employee and class sharing programs to offer
21 enhanced or curriculum requirements, or any other program or service as may
22 be necessary to provide an adequate education.

23 (3)(A) During the regular school term or during summer months, a
24 school district may enter into an agreement with another district or district
25 to create vocational training centers to offer career and technical education
26 courses or may enter into agreement with technical institutes or other post-
27 secondary educational institutions to provide an enriched curriculum or
28 career and technical education courses.

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

34 (ii) Any student taking classes in a school district
35 offered through an agreement allowed under subdivision (d)(3)(A), shall
36 receive credit for the coursework, which shall be transferable to other

1 public schools, for graduation purposes under the Standards of Accreditation
2 for Arkansas Public Schools and the local school board shall adopt a policy
3 to determine the numeric grade to be awarded for the grade received in the
4 course.

5
6 6-13-1603. Consolidations.

7 The State Board of Education shall develop a plan to reorganize, by
8 consolidation or annexation, the following school districts that have been
9 declared by the State Board of Education to be in academic distress or are on
10 the watch list for academic distress.

11
12 6-13-1604. Consolidation requirements.

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

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

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

19 (i) Is geographically contiguous with the affected
20 district; and

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

23 (C) The Department of Education and the State Board of
24 Education may take actions before January 1, 2004, as necessary for an
25 orderly and efficient transition of personnel, property, and the boards of
26 directors;

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

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

34 (b) For consolidations and annexations required as a result of § 6-13-
35 1602, the State Board of Education shall:

36 (1) Develop a plan for the reorganization of all public school

1 districts not in compliance with this subchapter;

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

5 (3)(A) Present to the General Assembly on the first day of the
6 85th General Assembly, a final reorganization plan, specifically stating the
7 names of each school district proposed for reorganization and the board's
8 recommendation for that particular district's reorganization which may
9 include consolidation, annexation, detachment, or some form of remediation to
10 improve the district as it currently exists.

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

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

17
18 SECTION 3. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
19 to read as follows:

20 6-13-1401. Definitions.

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

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

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

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

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

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

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

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

36

1 6-13-1402. Consolidation and annexation authority.

2 ~~There~~ Except as provided under §§ 6-13-1602 and 6-13-1604, there shall
3 not be any consolidation or annexation of any public school district with any
4 other school district in the state without the prior consent and approval of
5 the State Board of Education.

6
7 6-13-1403. Conditions under which the State Board of Education may
8 annex school districts.

9 (a) The State Board of Education shall consider the annexation of an
10 affected school district or districts to a receiving district or districts
11 under the following conditions:

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

15 ~~(1)(A)~~(2)(A) The affected district or districts file a petition
16 with the state board requesting annexation to a particular receiving district
17 or districts, and a copy of the petition is filed with the county clerk's
18 office of each county where the affected district or districts are located;

19 (B) The county clerk's office of each county where the
20 affected district or districts are located certifies in writing that the
21 petition has been signed by a majority of the qualified electors of the
22 district or districts; and

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

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

33 (B) The receiving district or districts provide to the
34 state board written proof of consent to receive the affected district or
35 districts by annexation as evidenced by either a vote to approve annexation
36 by resolution by a majority of the members of the local receiving board of

1 education or by vote to approve annexation by a majority of the qualified
2 electors of the receiving district as provided for in § 6-14-122; or

3 ~~(3)-(A)~~(4)(A) The local board of education of the affected
4 district or districts vote to approve by resolution the annexation of the
5 affected district or districts to a receiving district or districts by a
6 majority of the members of the local board of education of the affected
7 district or districts; and

8 (B) The receiving district or districts provide to the
9 state board written proof of consent to receive the affected district or
10 districts by annexation as evidenced by either a vote to approve annexation
11 by resolution by a majority of the members of the local receiving board of
12 education or by vote to approve annexation by a majority of the qualified
13 electors of the receiving districts as provided for in § 6-14-122.

14 (b) The state board may vote to approve, by a majority of a quorum
15 present of the members of the state board, the annexation of the affected
16 districts into a receiving district;

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

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

26 (c) In order for the petition for annexation to be valid, it shall be
27 filed with the state board at least thirty (30) days prior to the next
28 regularly scheduled state board meeting, at which time the petition will be
29 presented for hearing before the state board, except no petition is required
30 for the State Board of Education to annex a school district listed under § 6-
31 13-1604.

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

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

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

6 (e) The state board shall issue an order establishing the changed
7 boundaries and shall file the order with the county clerk or clerks of the
8 county or counties where the receiving district or districts are located. The
9 county clerk shall make a permanent record of the order and, thereafter, the
10 boundaries so established shall be boundaries of the receiving district until
11 changes are made according to the provisions of law.

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

15 (1) The annexation will result in the overall improvement in the
16 educational benefit to students in all the school districts involved; or

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

19
20 6-13-1404. Conditions under which the State Board of Education may
21 consolidate school districts.

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

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

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

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

33 (C) The county clerk's office certifies in writing to the
34 state board that the petition has been signed by a majority of the qualified
35 electors of the affected districts;

36 ~~(2)(D)~~ A majority of the qualified electors in the

1 affected districts votes to approve consolidation of the affected districts
2 into a resulting district or districts pursuant to a valid election as
3 provided for in § 6-14-122; and

4 ~~(3)(E)~~ The local board of directors votes to approve by
5 resolution of a majority of the members of each local board of education the
6 consolidation of the affected districts into a resulting district or
7 districts.

8 (b) The state board:

9 (1) Shall consolidate school districts as required under § 16-
10 13-1604; or

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

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

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

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

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

36 (e)(1) The state board shall issue an order establishing the changed

1 boundaries and shall file the order with the county clerk or clerks where the
2 resulting district or districts are located.

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

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

9 (1) The consolidation will result in the overall improvement in
10 the educational benefit to students in all the school districts involved; or

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

13
14 6-13-1405. Effective date of annexation or consolidation.

15 (a) Upon consolidation or annexation of a school district listed in §
16 6-13-1603 or not in compliance with the provisions of § 6-13-1602:

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

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

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

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

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

27 (1) Unless an agreement is reached in the consolidation or
28 annexation agreement to be different, the effective date of the annexation or
29 consolidation shall be the July 1 following the order of the state board
30 directing the annexation or the consolidation;

31 ~~(b)~~(2) Each board of directors of the affected districts by
32 majority approval of the members of the local board may enter into a written
33 agreement executed by the former president and secretary of each district.
34 The agreement shall prescribe the date of the annexation of the affected
35 district or districts to the receiving district or the formation of the
36 resulting district from consolidation of affected districts;

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

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

7
8 6-13-1406. Board of directors - Term - Election.

9 ~~(a)(1) Unless the board of directors of the affected district or~~
10 ~~districts and the board of directors of the receiving district or districts~~
11 ~~agree otherwise, the~~ The board of directors of the receiving district or
12 districts after annexation shall be the same board of directors of the
13 receiving district prior to annexation until the next regular school
14 election.

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

20 ~~(3)(2) The~~ At the next regular school election following the
21 annexation, the board of directors of the receiving district ~~created by~~
22 ~~agreement~~ shall be elected from single-member zones of substantially equal
23 population based upon the most recent census information and from which
24 racial minorities may be represented on the board in proportions reflected in
25 the district as a whole.

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

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

34 ~~(3)(2) The~~ At the next regular school election following the
35 annexation, the board of directors of the resulting district shall be elected
36 from single-member zones of substantially equal population based upon the

1 most recent census information and from which racial minorities may be
2 represented on the board in proportions reflected in the district as a whole.

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

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

9 (e) Any vacancy on the board shall be filled in the manner provided
10 for by law.

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

13
14 6-13-1407. Creation of a district - When part of a district taken.

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

19 (b) When territory less than the entire district is annexed or
20 consolidated to a district, the receiving or resulting district shall take
21 the property of the district from which the territory was taken, as the State
22 Board of Education shall deem proper, and shall be liable for that part of
23 all indebtedness of the district from which the territory was taken as shall
24 be assigned to it by the state board unless otherwise approved by a majority
25 vote of the affected school district's or districts' board or boards of
26 directors.

27
28 6-13-1408. Annexation or consolidation not to negatively impact state-
29 assisted desegregation.

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

34 (b) Prior to the entry of any order under this subchapter or § 6-13-
35 1604, the state board shall seek an advisory opinion from the Attorney
36 General concerning the impact of the proposed annexation or consolidation on

1 the effort of the state to assist a district or districts in desegregation of
2 the public schools of this state.

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

5

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

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

9 (1) To form local school districts, change boundary lines of
10 school districts, dissolve school districts and annex the territory of such
11 districts to another district, create new school districts, and perform all
12 other functions regarding changes in school districts in accordance with the
13 law;

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

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

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

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

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

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

34

35 SECTION 4. Arkansas Code Title 6, Chapter 47, Subchapter 1 is
36 repealed.

1 ~~6-47-101. Title.~~

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

4
5 ~~6-47-102. Purpose.~~

6 ~~The purpose of this subchapter is to serve as a legislative mandate for~~
7 ~~the establishment, organization, and administration of a demonstration~~
8 ~~project designed to improve course offerings available to high school~~
9 ~~students throughout the state. The project will demonstrate the efficiency of~~
10 ~~using distance learning to enhance education and prepare students for greater~~
11 ~~success in a postsecondary educational environment.~~

12
13 ~~6-47-103. Definitions.~~

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

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

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

17 ~~(3) "Director" means the Director of the Department of~~
18 ~~Education;~~

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

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

26 ~~(6) "OURNET" means the Ozark Unlimited Resources Educational~~
27 ~~Cooperative Network;~~

28 ~~(7) "Project" means the Arkansas Distance Learning Demonstration~~
29 ~~Project; and~~

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

33
34 ~~6-47-104. Establishment and implementation.~~

35 ~~(a) There is hereby established the Arkansas Distance Learning~~
36 ~~Demonstration Project, which shall be conducted by OURNET and administered~~

1 ~~through the Director of the Department of Education.~~

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

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

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

9 ~~(c) The director shall review the implementation of this project~~
10 ~~annually and make recommendations to the board regarding the number and~~
11 ~~amount of awards to ensure that the purpose of the project is realized.~~

12
13 ~~6-47-105. Rules and regulations.~~

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

16
17
18 SECTION 5. Arkansas Code Title 6, Chapter 47, is amended to add
19 an additional subchapter to read as follows:

20 6-47-401. Title.

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

23
24 6-47-402. Purpose.

25 (a)(1) The purpose of this subchapter is to provide for the
26 establishment, organization, and administration of a distance learning
27 program designed to improve course offerings available to students throughout
28 the state.

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

32
33 6-47-403. Definitions.

34 As used in this subchapter:

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

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

1 (3) "Director" means the Director of the Department of
2 Education;

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

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

10 (6) "Program" means the Arkansas Distance Learning Development
11 Project; and

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

15
16 6-47-404. Establishment and implementation.

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

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

21 (1) To help alleviate the increasing shortage of available
22 qualified teachers;

23 (2) To provide additional course scheduling opportunities of
24 students currently forced to choose between courses that are scheduled
25 infrequently or currently;

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

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

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

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

1 for each subject at the elementary level.

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

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

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

8 (c) The director shall review the implementation of this program
9 annually and make recommendations to the board regarding the number and
10 amount of awards to ensure that the purpose of the program is achieved.

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

14 (e) Students taking courses through this project shall be considered
15 entitled to any public education credits and grades assigned through this
16 project and those credits and grades shall be accepted by all public schools
17 in Arkansas.

18
19 6-47-405. Rules and regulations.

20 The board shall promulgate rules and regulations necessary for the
21 implementation of this subchapter.

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

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

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

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

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/s/ J. Bookout