

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 S4/8/03

A Bill

SENATE BILL 933

5 By: Senators J. Bookout, *Capps*
6 By: Representative P. Bookout
7
8

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 CREATE THE*
18 *PUBLIC SCHOOL REORGANIZATION COMMITTEE; TO RETAIN*
19 *THE CURRENT SYSTEM OF EDUCATIONAL COOPERATIVES;*
20 *AND FOR OTHER PURPOSES.*

Subtitle

21
22
23 TO ALLOW THE EIGHTH-FIFTH GENERAL
24 ASSEMBLY *THE* OPPORTUNITY TO APPROVE ANY
25 SCHOOL DISTRICT REORGANIZATION PLAN.
26
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

SECTION 1. *Findings.*

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

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

36 *(1) Arkansas has more students attending small rural schools*



1 than any other state in the nation;

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

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

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

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

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

15 6-13-1601. Definitions:

16 For the purpose of this subchapter:

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

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

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

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

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

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

32
33 6-13-1602. Standards for education.

34 (a)(1) Except as provided in § 6-13-1603, no school shall be required
35 to reorganize for a period of one (1) year following completion of the
36 adequacy study under Act 94 of 2003.

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

6 (b)(1)(A) Before January 1, 2005, school districts may voluntarily
 7 consolidate, annex, or detach under §§ 6-13-1401 through 6-13-1501, and
 8 school districts that do voluntarily consolidate, annex, or detach shall
 9 receive consolidation incentive funding as may be determined by the General
 10 Assembly.

11 (B)(i) Any school district that chooses to reorganize to
 12 create a countywide school district may do so without approval of the State
 13 Board of Education and shall be exempt from the requirements of §§ 6-13-1401
 14 through 6-13-1409 and §§ 6-13-1501 through 6-13-1505.

15 (ii) To qualify as a countywide school under this
 16 section, three (3) or more school districts with real property located in the
 17 same shall voluntarily consolidate by a written agreement of understanding,
 18 which shall be approved by a majority of the members of the each local school
 19 board.

20 (iii) A countywide school district may continue to
 21 have separate local boards for each currently existing district, which may
 22 include areas outside the boundaries of the county if that area is part of a
 23 school district that has property located n the county, and may maintain the
 24 existing boundaries and separate names and legal identities of each district
 25 making up the countywide district, but must agree to share no less than three
 26 (3) major functions of the school districts which may include, but shall not
 27 be limited to:

28 (a) Transportation or purchasing departments;

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

31 (c) Certain administrative functions; or

32 (d) Food service.

33 (2) School districts may continue to participate in education
 34 cooperatives and may enter into agreements with other district or districts
 35 to provide distance learning programs, alternative learning schools, services
 36 for children with disabilities, employee and class sharing programs to offer

1 enhanced or curriculum requirements, or any other program or service as may
2 be necessary to provide an adequate education.

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

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

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

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

26 (A) Curricula;

27 (B) Teacher salaries;

28 (C) Facilities; and

29 (D) Equipment.

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

34 (d)(1) Beginning July 1, 2004, school districts shall offer forty-five
35 (45) or more curriculum units for students in grades nine through twelve (9-
36 12) each year with an emphasis on vocational training, or additional units as

1 may be required by the State Board of Education after the 2004-2005 school
2 year, which shall not be increased by more than five (5) units per school
3 year.

4 (2) School districts may participate in class sharing with other
5 districts, concurrent enrollment programs with technical institutes and two-
6 year colleges, and distance learning programs to meet additional curriculum
7 requirements.

8 (e) Following the review under subsection (b) of this section, any
9 school district that is not providing an adequate education as defined by the
10 General Assembly, may be consolidated or annexed as set forth under § 6-13-
11 1604 with another school district or districts that has been determined to be
12 providing an adequate education.

13
14 6-13-1603. Reorganization of districts in distress.

15 (a) The State Board of Education shall develop a plan to reorganize,
16 by consolidation or annexation any school district declared by the State
17 Board of Education to be in academic distress or on the State Board of
18 Education's watch list for academic distress, as of the effective date of
19 this act.

20 (b)(1) Any school district subject to consolidation under this
21 section, may submit a declaration of intent to the State Board of Education
22 before September 1, 2003 stating the district intention to voluntarily
23 reorganize, by consolidation or annexation, with an existing school district.

24 (2) The State Board of Education shall honor and incorporate
25 each district's declaration of intent into the State Board of Education
26 reorganization plan if the district's declaration of intent would not cause
27 the new district or state to be in violation of any state and or federal law.

28 (c) For reorganizations required under this section, the State Board
29 of Education shall:

30 (1)(A) Before September 30, 2003, develop a plan for the
31 consolidation or annexation of each school district declared by the State
32 Board of Education to be in academic distress or on the State Board of
33 Education's watch list for academic distress, as of the effective date of
34 this act.

35 (B) The plan shall require the district to be consolidated
36 or annexed with an existing school or district that has not been declared by

1 the State Board of Education to be in academic distress.

2 (C) The Department of Education and the State Board of
3 Education may take actions before January 1, 2004, as necessary for an
4 orderly and efficient transition of personnel, property, and the boards of
5 directors;

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

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

13
14 6-13-1604. Reorganization committee.

15 (a) There is established a committee to be known as the "Public School
16 Reorganization Committee".

17 (b) The committee shall consist of nine (9) members as follows:

18 (1) Three (3) persons appointed by the Governor as follows:

19 (A) One person from the First Congressional District and
20 one person from the Second Congressional District of the state; and

21 (B) One person that resides in a school district with
22 average daily membership exceeding fifteen hundred students;

23 (2) Three (3) persons appointed by the Speaker of the House of
24 Representatives as follows:

25 (A) One person from the Third Congressional District of
26 the state; and

27 (B) One person that resides in a school district with
28 average daily membership between fifteen hundred and five hundred students;
29 and

30 (3) Three (3) persons appointed the President Pro Tempore of the
31 Senate as follows:

32 (A) One person from the Fourth Congressional District of
33 the state; and

34 (B) One person who resides in a school district with less
35 than five hundred (500) students.

36 (c) The appointed committee members shall:

1 (1) Be individuals who have demonstrated a commitment to
2 education;

3 (2) Be residents of the State of Arkansas at the time of
4 appointment and throughout his or her term;

5 (3) Be and have the appearance of being impartial with respect
6 to matters to be reviewed and recommended by the committee.

7 (d)(1) If a vacancy occurs in an appointed position, for any reason,
8 the vacancy shall be filled in the same manner as the original appointment.

9 (2) The new appointee shall serve for the remainder of the
10 unexpired term.

11 (e) The Governor shall select one of his appointee to serve as chair
12 for the purpose of calling the first organizational meeting at which time the
13 members shall select from among themselves a chair and vice-chair.

14 (f)(1) The committee shall meet at times and places the chair or vice-
15 chair deems necessary, but no meetings shall be held outside of the State of
16 Arkansas.

17 (2) A majority of the members of the committee shall constitute a
18 quorum for the purpose of transacting business.

19 (3) All action of the committee shall be by a majority vote of
20 the full membership of the committee.

21 (g) The committee shall do all thing necessary to develop a plan for
22 the reorganization of Arkansas public school in accordance with the
23 provisions of this act.

24 (h)(1) The Bureau of Legislative Research shall provide staff to the
25 committee.

26 (2)(A) Members of the committee shall serve without pay.

27 (B) Members of the committee may receive expense
28 reimbursement in accordance with Arkansas Code § 25-16-902, to be paid by the
29 Department of Higher Education to the extent money is available.

30
31 6-13-1605. Reorganization plan.

32 (a)(1) For consolidations and annexations required as a result of § 6-
33 13-1602, the Public School Reorganization Committee, working with the
34 Department of Education and the State Board of Education, shall create twenty
35 (20) teams of no less than five (5) members each to conduct a complete review
36 of each school district in the state.

1 (2) The teams shall be made up of persons who collectively have
2 experience and expertise in at least the following areas:

3 (A) Curriculum and content requirements and other
4 instructional standards including certified personnel requirements;

5 (B) Technology and distance learning, specifically
6 including the ability to conduct a hardware needs assessment;

7 (C) Testing review and information gathering through
8 statistical analysis; and

9 (D) School facilities.

10 (3) Each team shall be responsible for reviewing and reporting
11 on the condition of no more fifteen (15) school districts.

12 (4) The teams shall conduct hands-on, on-site reviews of each
13 school district for the purpose of making a written report of specific needs
14 or deficiencies found in the school district that would reflect on the
15 district's ability to provide an adequate education based on the standards
16 established after completion of the adequacy study under Act 94 of 2003, and
17 recommend a method of correcting any deficiencies.

18 (b)(1) Any school district subject to consolidation under this
19 section, may submit a declaration of intent to the Public School
20 Reorganization Board before January 1, 2005, stating the district intention
21 to voluntarily reorganize, by consolidation or annexation, with an existing
22 school district.

23 (2) The State Board of Education shall honor and incorporate
24 each district's declaration of intent into the State Board of Education
25 reorganization plan if the district's declaration of intent would not cause
26 the new district or state to be in violation of any state and or federal law.

27 (3) Any school district that has voluntarily reorganized itself
28 to create a countywide school district as set forth under § 6-13-1602 shall
29 be exempt from further reorganization under a plan by the Public School
30 Reorganization Committee, but may be subject to remediation recommendations
31 if it is determined that the district is not in compliance with adequacy
32 standards.

33 (c) Based on the information gathered by the teams under subdivision
34 (b)(2) of this section, the Public School Reorganization Committee shall:

35 (1) Develop a plan for the reorganization or remediation of all
36 public school districts determine by the committee to not be in compliance

1 with adequacy requirements;

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 (4) The 85th General Assembly shall approve or disapprove, with
18 amendment, the organization plan recommended by the Public School
19 Reorganization Committee.

20
21 SECTION 3. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
22 to read as follows:

23 6-13-1401. Definitions.

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

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

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

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

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

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

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

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

3
 4 6-13-1402. Consolidation and annexation authority.

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

9
 10 6-13-1403. Conditions under which the State Board of Education may
 11 annex school districts.

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

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

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

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

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

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

36 (B) The receiving district or districts provide to the

1 state board written proof of consent to receive the affected district or
 2 districts by annexation as evidenced by either a vote to approve annexation
 3 by resolution by a majority of the members of the local receiving board of
 4 education or by vote to approve annexation by a majority of the qualified
 5 electors of the receiving district as provided for in § 6-14-122; or

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

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

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

20 (1) As required under § 6-13-1603; or

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

29 (c) In order for the petition for annexation to be valid, it shall be
 30 filed with the state board at least thirty (30) days prior to the next
 31 regularly scheduled state board meeting, at which time the petition will be
 32 presented for hearing before the state board, except no petition is required
 33 for the State Board of Education to annex a school district listed under § 6-
 34 13-1604.

35 (d)(1) Upon determination by the State Board of Education to annex
 36 rather than consolidate a school district listed under § 6-13-1604 or

1 approval of a petition requesting annexation, the state board shall issue an
 2 order dissolving the affected districts and establishing the receiving school
 3 district or districts.

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

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

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

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

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

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

22
 23 6-13-1404. Conditions under which the State Board of Education may
 24 consolidate school districts.

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

28 (1) The State Board of Education determines it is in the best
 29 interest of the affected district and the resulting district for a school to
 30 be consolidated rather than annexed under § 6-13-1603; or

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

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

36 (C) The county clerk's office certifies in writing to the

1 state board that the petition has been signed by a majority of the qualified
2 electors of the affected districts;

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

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

11 (b) The state board:

12 (1) Shall consolidate school districts as required under § 16-
13 13-1603; or

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

24 (c) In order for the petition for consolidation to be valid, it shall
25 be filed with the state board at least thirty (30) days prior to the next
26 regularly scheduled state board meeting, at which time the petition will be
27 presented for hearing before the state board, except no petition is required
28 for the State Board of Education to consolidate a school district listed
29 under § 6-13-1603.

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

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

36 (B) It shall be the duty of the Department of Education to

1 make changes in the maps of the school districts to properly show the
2 boundary lines of the resulting district or districts.

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

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

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

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

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

16
17 6-13-1405. Effective date of annexation or consolidation.

18 (a) Upon consolidation or annexation of a school district listed in §
19 6-13-1603 or not in compliance with the provisions of § 6-13-1602:

20 (1) The effective date of the annexation or consolidation shall
21 be as set forth under § 6-13-1603;

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

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

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

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

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

34 ~~(b)~~(2) Each board of directors of the affected districts by
35 majority approval of the members of the local board may enter into a written
36 agreement executed by the former president and secretary of each district.

1 The agreement shall prescribe the date of the annexation of the affected
 2 district or districts to the receiving district or the formation of the
 3 resulting district from consolidation of affected districts.;

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

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

10
 11 6-13-1406. Board of directors - Term - Election.

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

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

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

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

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

1 ~~(3)(2)~~ The At the next regular school election following the
2 annexation, the board of directors of the resulting district shall be elected
3 from single-member zones of substantially equal population based upon the
4 most recent census information and from which racial minorities may be
5 represented on the board in proportions reflected in the district as a whole.

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

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

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

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

16
17 6-13-1407. Creation of a district - When part of a district taken.

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

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

30
31 6-13-1408. Annexation or consolidation not to negatively impact state-
32 assisted desegregation.

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

1 (b) Prior to the entry of any order under this subchapter or § 6-13-
2 1604, the state board shall seek an advisory opinion from the Attorney
3 General concerning the impact of the proposed annexation or consolidation on
4 the effort of the state to assist a district or districts in desegregation of
5 the public schools of this state.

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

8
9 6-13-1409. State Board of Education.

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

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

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

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

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

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

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

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

1
2 SECTION 4. Arkansas Code Title 6, Chapter 17, Subchapter 2, is amended
3 to add an additional section to read as follows:

4 6-17-210. Reduction in force – Lay-Offs.

5 (a) For purposes of this section the following definitions shall
6 apply:

7 (1) “Certification area” means grade levels or subject area for
8 which the state provides a license to teach;

9 (2) “Classified Employee” means a non-supervisory employee
10 holding a position that is not required by law to hold a license issued by
11 the State Board of Education and whose salary is on a support or classified
12 salary schedule;

13 (3) “Consolidation” means any reorganization of a school
14 district effective on or before July 1, 2004, either voluntarily under
15 Arkansas Code Title 6, Chapter 13, Subchapter 14 or involuntary under this
16 act of 2003;

17 (4) “Grade Level” means:

18 (A) Pre-kindergarten;

19 (B) Elementary, which consists of grades kindergarten
20 through grades five (5) or six (6);

21 (C) Middle or junior high, which consists of grade six (6)
22 or grade seven (7) through grade eight (8) or grade nine (9); or

23 (D) Senior High, which consists of grades nine (9) through
24 twelve (12);

25 (5) “New school district” means the resulting school district
26 after consolidation;

27 (6) “Seniority” means the total number of years of employment as
28 a teacher or as a classified employee in Arkansas public elementary and
29 secondary schools. For purposes of this section:

30 (A) Teachers may not count service as classified employees
31 towards seniority; and

32 (B) A semester under contract shall be counted as a year.
33 Less than a semester shall not be recognized for seniority;

34 (7) “Supervisory Employee” means any individual employed by the
35 school district having authority, in the interest of the employer, to hire,
36 transfer, suspend, lay-off, recall, promote, discharge, assign, reward or

1 discipline other employees, the responsibility to evaluate them, or to adjust
2 their grievances or effectively to recommend such action; and

3 (8) "Teacher" means a non-supervisory employee holding a
4 position that requires a license from the State Board of Education whose
5 salary is determined by the teacher salary schedule as required under
6 Arkansas Code § 6-17-1001.

7 (b)(1) In the event of a consolidation effective on or before July 1,
8 2004, including the creation of regional school districts, the school
9 districts to be consolidated shall not implement a reduction in force and
10 shall not nonrenew or terminate any teacher's or classified employee's
11 contract based upon the upcoming consolidation;

12 (2) The new school district shall become liable for all teacher
13 and classified employee contracts of the school districts being consolidated.

14 (c)(1) If during the first two (2) years following a consolidation,
15 effective on or before July 1, 2004, the new school district determines that
16 it is necessary to reduce its staff of teachers or classified employees, or
17 both and that the reduction cannot be accomplished through attrition, then
18 the new school district shall follow the provisions of this section.

19 (2) However, nothing in this section shall exempt a new school
20 district from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-
21 17-1501, et seq., as may be amended, or the Public School Employee Fair
22 Hearing Act, §§ 6-17-1707, et seq., as may be amended, when implementing the
23 reduction in force.

24 (d) For both teachers and classified employees, the reduction in force
25 shall be accomplished through attrition as much as possible.

26 (e) When a new school district determines that a reduction in force is
27 necessary, it shall approve a list of position reductions by school, grade
28 level, certification areas, and classified job positions. All employees
29 shall receive a copy of the necessary reductions.

30 (f)(1) If the reduction in force cannot be accomplished through
31 attrition, then points will be assigned to each teacher based upon data as of
32 July 1 of the year prior to the time in which the reduction in force is to
33 take place as follows:

34 (A) One (1) point shall be given for each year of
35 seniority;

36 (B) Additional points for graduate degrees, but only one

1 (1) applies:

2 (i) Two (2) points shall be given for an earned
3 Master's Degree, maximum two (2) points;

4 (ii) Three (3) points shall be given for a Master's
5 Degree plus thirty (30) additional graduate level hours, maximum three (3)
6 points;

7 (iii) Four (4) points shall be given for an
8 Educational Specialist Degree, maximum four (4) points; and

9 (iv) Five (5) points shall be given for a Doctorate
10 Degree, maximum five (5) points; and

11 (C) Six (6) points shall be given for certification by the
12 National Board of Professional Teaching Standards.

13 (D) One (1) point shall be given for a trained mentor
14 teacher;

15 (E) One (1) point shall be given for a certified Praxis
16 assessor;

17 (F) One (1) point shall be given for two (2) or more
18 academic content areas of endorsement as identified by the State Board of
19 Education;

20 (G) One (1) point shall be given for certification or
21 teaching in a State Board of Education approved shortage area; and

22 (H) One (1) point shall be given for multiple areas and
23 levels of licensure as identified by the State Board of Education.

24 (2) All points assigned shall be verified by documents on file
25 with the new school district. Each teacher's points shall be added, and
26 teachers shall be ranked by the total points from high to low in their
27 certification areas. All teachers in the new school district shall receive
28 the listing of personnel and point totals.

29 (3) In each certification area, those with fewest points will be
30 laid-off first with the following provisos:

31 (A) Full certification in a position shall prevail over
32 greater points.

33 (B) If points are equal, earliest date of employment in an
34 Arkansas public school shall prevail.

35 (4) If teachers are laid-off from employment under this section,
36 they shall be offered an opportunity to fill a vacancy for which they are

1 qualified, for a period of up to two (2) years. The laid-off teacher shall
2 be recalled for a period of two (2) years in reverse order of the lay-off to
3 any position for which they are qualified. A teacher's refusal of a position
4 shall end the district's obligation to place the laid-off teacher.

5 (g) In the event of a necessary reduction in force under this section
6 of classified employees, the school district shall supply all classified
7 employees a list of employees by length of service. The school district shall
8 first lay-off probationary classified employees, then the classified
9 employees with the least seniority in the identified job classification. For
10 two (2) years following the reduction, classified employees whose positions
11 have been eliminated due to a reduction under this section shall have the
12 right to assume a position for which they are qualified that is held by the
13 least senior classified employee with the same job classification and length
14 of contract. Laid-off classified employees shall be recalled for a period of
15 two (2) years in reverse order of the lay-off to any position for which they
16 are qualified. Any classified employee's refusal of a job shall end the
17 district's obligation to place that classified employee.

18 (h) Laid-off teachers or classified employees with skills in the area
19 of a vacant position shall be given first consideration. If more than one
20 (l) teacher or classified employee is qualified for the vacant position, the
21 teacher with the greatest seniority shall be employed first.

22 (i) The provisions of this section shall expire on July 1, 2006, with
23 the exception of the recall provisions in subsections (f)(4), (g), and (h) of
24 this section.

25
26 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
28 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
29 now extent system of education to be unconstitutional because it is both
30 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
31 for a constitutional system to be one in which the State has an "absolute
32 duty" to provide an "equal opportunity to an adequate education"; and the
33 Arkansas Supreme Court instructed the General Assembly to define and provide
34 what is necessary to provide an adequate and equitable education for the
35 children of Arkansas-forthwith. Therefore, an emergency is declared to exist
36 and this act being immediately necessary for the preservation of the public

1 peace, health, and safety shall become effective on:
2 (1) The date of its approval by the Governor;
3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or
6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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/s/ J. Bookout