

State of Arkansas  
84th General Assembly  
Second Extraordinary Session, 2003

# A Bill

Call Item 4

HOUSE BILL 1012

By: Representative Pickett

## For An Act To Be Entitled

AN ACT TO CREATE UNIFIED SCHOOL BOARDS OF  
EDUCATION; TO CREATE MORE EFFICIENT OPERATION OF  
SCHOOL DISTRICTS WITHOUT CONSOLIDATION OF SCHOOL  
FACILITIES; TO REQUIRE ADDITIONAL TRAINING FOR  
MEMBERS OF SCHOOL BOARDS OF EDUCATION; AND FOR  
OTHER PURPOSES.

## Subtitle

AN ACT TO CREATE UNIFIED SCHOOL BOARDS  
OF EDUCATION; TO CREATE MORE EFFICIENT  
OPERATION OF SCHOOL DISTRICTS WITHOUT  
CONSOLIDATION OF SCHOOL FACILITIES.

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

SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an  
additional subchapter to read as follows:

6-13-1601. Districts governance.

(a)(1) The administrative units of existing public school districts  
shall be reorganized so that all local schools are governed by an independent  
school district board of education or a unified school district board of  
education as required under this subchapter.

(2) The reorganization required under this subchapter is  
intended to require reorganization of existing local school boards and shall  
not be construed to require the consolidation of school districts, the  
relocation of schools, or the transporting of students unless the unified  
school district board of education determines that such action is:



1                   (A) Necessary to ensure an adequate, efficient, and  
2 equitable education for the students in the districts; or

3                   (B) Otherwise necessary.

4           (b) Local school districts with an average daily membership equal to  
5 or exceeding three thousand (3,000) shall each be governed by an independent  
6 school district board of education.

7           (c) Local school districts with an average daily membership of less  
8 than three thousand (3,000) shall be grouped such that the local school  
9 districts are governed by one (1) unified school board of education which  
10 will replace the current existing local school boards.

11           (d)(1) On or before July 1, 2005, the State Board of Education shall  
12 take all action necessary to effectuate the plan to organize the school  
13 boards of local school districts in the state according to the plan developed  
14 by the Public School Boards Organization Committee.

15           (2) No existing board shall be reorganized if the reorganization  
16 conflicts with an existing court-ordered desegregation plan.

17           (e) The State Board of Education may take action prior to July 1,  
18 2005, as necessary for an orderly and efficient transition of personnel,  
19 property, and boards of directors on July 1, 2005.

20           (f) Each unified school district and independent school district in  
21 the state shall be a body corporate, may contract and be contracted with, and  
22 may sue and be sued in its corporate name.

23           (g) A certificate showing the name authenticated by the State Board of  
24 Education shall be filed with the county clerk of the county in which each  
25 independent and unified school board is located.

26           (h) Beginning July 1, 2007, unified school districts may detach, in  
27 accordance with §§ 6-13-1501 through 6-13-1505, to create new districts if  
28 the average daily membership of the unified school district exceeds six  
29 thousand (6,000) students and both the newly-created district and the  
30 previously-existing unified school district have an average daily membership  
31 in excess of four thousand (4,000).

32  
33           6-13-1602. District boards of education.

34           (a) The terms of all members of all local school district boards of  
35 directors that shall be governed by a newly created unified district board of  
36 education serving on June 31, 2005 shall expire at midnight June 30, 2005,

and the new members elected under subsection (b) of this section shall begin their terms on July 1, 2005.

(b)(1) There is established for each unified school district a district board of directors.

(2)(A) The number of members of each unified district board of directors shall be as follows:

(i) One (1) member from each local school district;  
and

(ii) A number of members equal to the number of local school districts included in the unified district not to exceed five (5) members who shall be elected at large.

(B) The number of members shall not be an even number.

(3)(A) The initial members of the unified school district's board of directors beginning service on July 1, 2005, shall be elected at a special school election which shall be held on the third Tuesday in April, 2005 and shall continue to serve until the 2006 annual school elections.

(B) Beginning in 2006, the members of the unified school district's board of directors shall be elected at the annual school election which shall be held each year on the third Tuesday in September.

(c) At the time of the election and during all times the member is serving on the board of directors each member shall:

(1) Be a qualified elector of the school district which he or she serves unless the person is elected at large, then he or she shall be a qualified elector of any district in the system; and

(2) Not be eligible for employment in any school district in the system for which he or she serves as director.

(d)(1) Upon taking office in 2005, the members of the board shall draw lots to determine the length of their terms and the terms shall be staggered so that the terms of no more than one-third (1/3) of the members' terms expire in the same year.

(2) Subsequent terms shall be for three (3) years.

(e) The election of members to the district boards of education created by this act shall be held in a manner to comply with the federal Voting Rights Act, in existence on December 1, 2003, and the State Board of Education shall have the authority to modify the election procedures in this section as necessary to comply with the federal Voting Rights Act, in

existence on December 1, 2003.

6-13-1603. Board powers and duties.

(a) Each independent school district's board of directors and each unified school district's board of directors created by this act shall have the same authority and responsibility as is now or may hereafter be vested in local school boards.

(b) The laws relating to the management and operation of school districts and the authority and responsibility of local school boards shall be applicable to the independent school district's board of directors and each unified school district's board of directors.

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

6-13-1701. Organization committee.

(a) There is established a committee to be known as the "Public School Boards Organization Committee".

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

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

(A) One (1) person residing in Arkansas representing business or professions; and

(B) One (1) person residing in the Fourth Congressional District of the state selected from a list of five (5) names submitted by the Arkansas Association of Educational Administrators; and

(C) One (1) person residing in the Third Congressional District of the state who is employed as a classroom teacher in an Arkansas public school that has an average daily membership of less than five hundred (500) students;

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

(A) One (1) person residing in the Second Congressional District of the state representing business or professions;

(B) One (1) person residing in the First Congressional District of the state who is employed as a principal in an Arkansas public school; and

(C) One (1) person that resides in the Fourth

1 Congressional District of the state who is employed as a classroom teacher in  
2 an Arkansas public school that has an average daily membership of more than  
3 five hundred (500) and less than one thousand (1,000); and

4 (3) Three (3) persons appointed by the President Pro Tempore of  
5 the Senate as follows:

6 (A) One (1) person residing in the Third Congressional  
7 District of the state representing business or professions; and

8 (B) One (1) person residing in the Second Congressional  
9 District who is employed as a classroom teacher in an Arkansas school that  
10 has an average daily membership exceeding one thousand (1,000) students but  
11 less than three thousand (3,000) students; and

12 (C) One (1) person who is serving as a member of a local  
13 school board of directors selected from a list of five (5) names submitted by  
14 the Arkansas School Boards Association.

15 (c)(1) The appointed committee members shall be residents of the State  
16 of Arkansas at the time of appointment and throughout his or her term.

17 (2) The appointments made by the Governor, the Speaker of the  
18 House of Representatives, and the President Pro Tempore of the Senate shall  
19 be made by January 31, 2004.

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

22 (2) The new appointee shall serve for the remainder of the  
23 unexpired term.

24 (e) The Governor shall select one (1) of his appointees to serve as  
25 chair for the purpose of calling the first organizational meeting at which  
26 time the members shall select from among themselves a chair and vice-chair.

27 (f)(1) The committee shall meet at times and places the chair deems  
28 necessary but no meetings shall be held outside the State of Arkansas.

29 (2) The first meeting shall be held in March of 2004 and shall  
30 meet a minimum of one time per month.

31 (3) A majority of the members of the committee shall constitute  
32 a quorum for the purpose of transacting business.

33 (4) All action of the committee shall be by majority vote of the  
34 full membership of the committee.

35 (g)(1) The Department of Education shall provide staff to the  
36 committee.

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

2           (B) Members of the committee may receive expense  
 3 reimbursement in accordance with § 25-16-902 to be paid by the Department of  
 4 Education to the extent money is available.

5  
 6           6-13-1702. Reorganization committee powers and duties.

7           (a)(1)(A) By December 31, 2004, the Public School Redistricting and  
 8 Reorganization Committee shall do all things necessary to develop a plan for  
 9 the reorganization of Arkansas public schools, that are not exempt from  
 10 reorganization under § 6-13-1601, into unified districts with administrative  
 11 units for the purpose of providing a more effective delivery system to meet  
 12 the standards of accreditation for schools, to meet the required curriculum  
 13 standards and to promote the sharing of resources and facilities and the  
 14 allocation of resources.

15           (B) The average daily membership of each reorganized  
 16 district may vary from district to district as long as:

17           (i) The maximum average daily membership of the  
 18 district does not exceed three thousand (3,000) and;

19           (ii) The minimum combined average daily membership  
 20 for all high schools does not fall below four hundred (400).

21           (C) The reorganization required under this subchapter is  
 22 intended to require reorganization of existing local school boards and may  
 23 require the reorganization of schools, the relocation of schools, or the  
 24 transporting of students if such actions are necessary to ensure a general,  
 25 suitable, efficient, or adequate education for the students in the districts.

26           (2) In developing the reorganization plan the board shall  
 27 consider:

28           (A) Performance as outlined in the Arkansas Comprehensive,  
 29 Testing, Assessment, and Accountability Program scoring system;

30           (B) Contiguous boundaries;

31           (C) Distance traveled on a school bus;

32           (D) Declining school enrollments;

33           (E) Cost of replacing facilities;

34           (F) Certified staff in school;

35           (G) Minority balance;

36           (H) Auxiliary facilities;

1 (I) Community characteristics; and

2 (J) Cost effectiveness to deliver educational services.

3 (3)(A) Any school district subject to reorganization under § 6-  
 4 13-1601(b) may submit a declaration stating the district's preferences with  
 5 respect to its reorganization options and which district or districts to  
 6 combine together.

7 (B) The commission may honor the district's stated  
 8 preferences in creating the reorganization plan if the district's declaration  
 9 of intent would not cause the new district or state to be in violation of any  
 10 state or federal law.

11 (4) The commission may decide that specific schools districts  
 12 shall not be reorganized, if all viable reorganization options are found by  
 13 the commission to be impractical because of special circumstances of the  
 14 district such as location.

15 (b)(1) The commission shall submit a reorganization plan to the State  
 16 Board of Education prior to the January 2005 monthly meeting of the State  
 17 Board of Education which shall be charged with the duty of implementing the  
 18 plan no later than July 1, 2005.

19 (2)(A) The existing board of directors of each school district  
 20 subject to reorganization shall work together to create and submit a plan to  
 21 the state board setting forth each combined districts' plan for the smooth  
 22 transition of the districts' assets, personnel, and other resources to create  
 23 a new district.

24 (B) The plan shall include the newly created district's  
 25 plan for:

26 (i) Formation of a board of directors;

27 (ii) Organization of school administration;

28 (iii) Hiring employees;

29 (iv) Establishing academic programs and pupil  
 30 activities;

31 (v) Establishing a district budget; and

32 (vi) Usage and maintenance of facilities.

33 (C) The plan shall be submitted to the state board by May  
 34 1, 2005, for implementation on July 1, 2005.

35 (D)(i) The state board shall do all things necessary to  
 36 implement the reorganization plan adopted by the Public School Redistricting

1 and Reorganization Committee.

2 (ii) The requirements of §§ 6-13-1401 et seq. and  
 3 6-13-1505 et seq. shall not apply to school district reorganizations under  
 4 this act.

5  
 6 SECTION 3. Effective July 1, 2005, Arkansas Code § 6-13-608 is  
 7 repealed.

8 ~~6-13-608. Length of directors' terms. [Effective July 1, 2000.]~~

9 ~~(a) All members of a school district board of directors shall be~~  
 10 ~~elected to a term of office of not less than three (3) years nor more than~~  
 11 ~~five (5) years in length and with the expiration of such terms so arranged~~  
 12 ~~that, as nearly as possible, an equal number of positions are filled each~~  
 13 ~~year. All members of a school district board of directors shall have terms~~  
 14 ~~of office of equal length.~~

15 ~~(b) [Repealed.]~~

16 ~~(c) [Repealed.]~~

17  
 18 SECTION 4. Effective July 1, 2005, Arkansas Code § 6-13-614 is  
 19 repealed.

20 ~~6-13-614. Districts with five directors and fewer than 150 pupils—~~  
 21 ~~Vacancies on board.~~

22 ~~In any school district in this state required by § 6-13-602 [repealed]~~  
 23 ~~to elect and maintain five (5) directors, no vacancy caused by expiration of~~  
 24 ~~the term of a member of the board or otherwise shall be filled when the~~  
 25 ~~number of pupils officially enumerated in the district next before the~~  
 26 ~~vacancy does not exceed one hundred fifty (150) until it is necessary to fill~~  
 27 ~~the vacancy in order that the district may have a board of directors~~  
 28 ~~consisting of three (3) members.~~

29  
 30 SECTION 5. Effective July 1, 2005, Arkansas Code § 6-13-615 is  
 31 repealed.

32 ~~6-13-615. Local option to elect directors from single member zones.~~

33 ~~(a)(1) Qualified electors of a school district may, by petition, have~~  
 34 ~~placed on the ballot of any annual school election the issue to determine~~  
 35 ~~whether to elect the school district board of directors from single member~~  
 36 ~~zones.~~



~~(2) The petitions calling for such an issue to be placed on the ballot shall be signed by not less than ten percent (10%) of the qualified electors of the district, based upon the total number of registered voters in the district.~~

~~(3) The petitions may be circulated between ninety (90) days and forty five (45) days prior to the election date.~~

~~(4) The petitions shall be filed with the county election commission of the county in which the largest portion of the school district lies.~~

~~(b)(1) Within ten (10) days of the receipt and verification of the sufficiency of the petitions, the county election commission shall notify the board of directors of the affected school district that the issue shall be placed on the ballot of the next school election.~~

~~(2) The county election commission shall specify the wording of the ballot to be used to determine whether to elect the school district board of directors from single member zones.~~

~~(c) If a majority of the qualified electors of the school district shall vote for the election of the school district board of directors from single member districts, the county election commission of the county in which the largest portion of the school district lies shall establish, within the school district, boundaries for the election of directors of the school board which shall have substantially equal population based on the most recent available census information and from which racial minorities may be represented on the board in proportions reflected in the district population as a whole.~~

~~(d) The members of the board of directors of the school district shall be elected for a three year term. Provided, any member of the board shall hold office until his successor has been elected and qualified. A member of the board who is qualified to serve the zone he represents may succeed himself.~~

~~(e)(1) Following the election, the new school district board of directors at their initial meeting shall, by lot, establish their initial terms so that an equal number of positions are filled each year and not more than three (3) members' terms expire each year.~~

~~(2) The regular term of office for the school district board of directors elected after the initial election following the decision to elect~~

~~from single member zones shall be the same as the term of the school district board of directors of the district prior to the change in the method of election of the school district board of directors.~~

SECTION 6. Arkansas Code § 6-13-617 is amended to read as follows:  
6-13-617. Oath.

(a) Each director elected or appointed shall, within ten (10) days after receiving notice of his or her election or appointment, subscribe to the following oath:

"I, \_\_\_\_\_, do hereby solemnly swear or affirm, that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will not be interested, directly or indirectly, in any contract made by the district of which I am a director, except as permitted by state law and that I will faithfully discharge the duties as school director in \_\_\_\_\_ School District, No. \_\_\_\_\_ of \_\_\_\_\_ County, Arkansas \_\_\_\_\_ School District No. \_\_\_\_\_, upon which I am about to enter."

(b) The county clerk, upon receipt of the oath prescribed for a director, shall immediately commission such persons, and they shall enter at once upon their duties as directors.

SECTION 7. Arkansas Code § 6-13-618(a), concerning organization of the school district board of directors, is amended to read as follows:

(a)(1) At the first meeting following the 2005 special school election, the member receiving the most votes in the election shall serve as president for the purpose of calling an organizational meeting to be held not later than the second Monday in July 2005 and shall preside as president at that meeting until the board shall elect one (1) member to be president and at that meeting.

(2) At the first regular meeting following the annual school election thereafter, the board of directors of each school district shall organize by electing:

~~(1)~~(A) One (1) of their number president;  
~~(2)~~(B) One (1) of their number vice president; and  
~~(3)~~(C) A secretary who may, but need not be, a member of the board.

SECTION 8. Arkansas Code § 6-13-629 is amended to read as follows:

6-13-629. Training and instruction - Reimbursement.

(a)(1)(A)(i) All Beginning July 1, 2004, all members of a school district board of directors elected at each annual school election for an initial or noncontinuous term shall receive obtain a minimum of six (6) twelve (12) hours training and instruction in the school laws of this state and in the laws governing the powers, duties, and responsibilities of school boards on or before March 1 of the calendar year following the election.

(ii) The training and instruction of board members shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors, including, but not limited to, legal requirements, role differentiation, financial management, and improving student achievement.

(B) By December 31 of each calendar year thereafter, in addition to the twelve (12) hours training requirement in subdivision (a)(1)(A) of this section, new members of a school district board of directors shall also comply with all other training requirements contained in this section for a total of eighteen (18) hours of training obtained between the time of their election and the end of their first full calendar year of office and six (6) hours each calendar year thereafter.

(C)(i) Beginning July 1, 2004, and every year thereafter, all existing and reelected board members shall obtain a minimum of six (6) hours training and instruction by December 31 of each calendar year.

(ii) The training and instruction of board members shall include topics relevant to school laws, school operations, and the powers, duties, and responsibilities of the members of the board of directors including, but not limited to, legal requirements, role differentiation, financial management, and improving student achievement.

(D)(1) Hours of training and instruction obtained in excess of the minimum requirements may cumulate and be carried over from year to year.

(2) This instruction may be received from an institution of higher learning in this state, from instruction sponsored by the Department of Education, or by an in-service training program conducted by the Arkansas School Boards Association.

1           (3)(A) Any school board member completing a course of  
2 instruction shall receive a certification of completion.

3           (B) A copy of the certification shall be entered into the  
4 minutes of the local school board on which he or she serves and forwarded by  
5 the local school board to the department within five (5) days of receipt by  
6 the board.

7           ~~(4) Upon having completed the course of instruction meeting the~~  
8 ~~minimum requirements of this section, it shall not be necessary for a school~~  
9 ~~board member to take an additional course of instruction upon being reelected~~  
10 ~~to the school board.~~

11           (4)(A)(i) If any member of a school district board of directors  
12 elected for an initial or noncontinuous term fails to obtain the required  
13 training under subdivision (a)(1)(A)(i) of this section by March 1 and fails  
14 to correct the deficiency within ninety (90) days from the date of receiving  
15 notice of the deficiency, a vacancy shall exist on the board of directors by  
16 operation of law from the date of receipt of notification by the  
17 superintendent of the school district.

18           (ii) On or before March 10 of each year, the  
19 department shall notify by certified mail, return receipt requested any  
20 school board member who is deficient on any training requirement under  
21 subdivision (a)(1)(A)(i) of this section.

22           (iii) No vacancy shall exist if granted an extension  
23 due to military service of the member or illness as provided under  
24 subdivision (a)(5) of this section.

25           (B) The department shall immediately notify the  
26 superintendent of the school district by certified mail, return receipt  
27 requested, with a copy to the board president, of the existence of a vacancy  
28 on the board of directors and the resulting vacancy may be filled by  
29 appointment by a majority of the remaining members of the board of directors,  
30 as is provided by law.

31           (5) Should any member of a school district board of directors  
32 fail to obtain the required training under subdivisions (a)(1)(B) or  
33 (a)(1)(C) of this section, the member shall receive a citation from the  
34 department noting the deficiency with a copy mailed to the superintendent and  
35 the local school board.

36           (6)(A) If a member of a school district board of directors is

1 unable to obtain the required training because of military service of the  
 2 member or illness of the member verified by a written sworn statement from  
 3 the member's attending physician, the department shall grant a time extension  
 4 permitting the member additional time to obtain required training.

5 (B) The issuance of a time extension shall not operate to  
 6 remove a member of a school district board of directors from office.

7 (b) Local school district boards of directors are authorized to pay  
 8 per diem and other necessary expenses from funds belonging to the school  
 9 district and to reimburse school board directors for expenses incurred in  
 10 attending in-service workshops, conferences, and other courses of training  
 11 and instruction required in completing ~~a minimum of six (6) hours~~ the  
 12 training and ~~of~~ instruction as required in subsection (a) of this section.

13 (c) It shall be the responsibility of the department to receive and  
 14 maintain records of instructional hours obtained by members of school  
 15 district boards of directors.

16 (d) The State Board of Education may promulgate rules and regulations  
 17 consistent with the provisions and intent of this section.

18  
 19 SECTION 9. Effective, July 1, 2005, Arkansas Code § 6-13-631 is  
 20 repealed.

21 ~~6-13-631. Effect of minority population on election.~~

22 ~~(a) Beginning with the 1994 annual school election, the qualified~~  
 23 ~~electors of a school district having a ten percent (10%) or greater minority~~  
 24 ~~population out of the total population, as reported by the most recent~~  
 25 ~~federal decennial census information, shall elect the members of the board of~~  
 26 ~~directors as authorized in this section, utilizing selection procedures in~~  
 27 ~~compliance with the federal Voting Rights Act of 1965, as amended.~~

28 ~~(b)(1) At least ninety (90) days before the election, the local board~~  
 29 ~~of directors shall:~~

30 ~~(A) By resolution, choose to elect board members from five~~  
 31 ~~(5) or seven (7) single member zones or from five (5) single member zones and~~  
 32 ~~two (2) at large; and~~

33 ~~(B) With the approval of the controlling county board of~~  
 34 ~~election commissioners, divide each school district having a ten percent~~  
 35 ~~(10%) or greater minority population into five (5) or seven (7) single member~~  
 36 ~~zones in accordance with the federal Voting Rights Act of 1965, as amended.~~

~~(2) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information.~~

~~(c) A board of directors choosing to elect board members by five (5) single member zones and two (2) at large positions may fill the two (2) at large positions by drawing lots from among the current board members.~~

~~(d)(1)(A) A candidate for election from a single member zone must be a qualified elector and a resident of the zone.~~

~~(B) A candidate for an at large position must be a qualified elector and a resident of the district.~~

~~(2)(A) Except as provided in subsection (c) of this section, a district board member shall serve a five year term.~~

~~(B) A term shall commence when the county court declares the results of the election by an order entered of record.~~

~~(e) At the first meeting of a new board of directors, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled each year and not more than two (2) members' terms expire each year.~~

~~(f)(1) After each federal decennial census and at least ninety (90) days before the annual school election, the local board of directors, with the approval of the controlling county board of election commissioners, shall divide each school district having a ten percent (10%) or greater minority population into single member zones. The zones shall be based on the most recent federal decennial census information and be substantially equal in population.~~

~~(2) At the annual school election following the rezoning, a new school board shall be elected in accordance with procedures set forth in this section.~~

~~(g)(1) The following school districts shall be exempt from the provisions of this section:~~

~~(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;~~

~~(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;~~

~~(C) A school district that has a zoned board meeting the requirements of the federal Voting Rights Act of 1965, as amended; and~~

~~(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.~~

~~(2) A school district which on August 13, 1993, was in the process of defending a lawsuit brought under the federal Voting Rights Act of 1965, as amended, shall also be exempt from the provisions of this section until such time as the lawsuit has been finally resolved.~~

~~(3)(A) A school district released from operating under a federal court order enforcing school desegregation shall comply with the provisions of this section.~~

~~(B) The district shall use the most recent federal decennial census information to create zones pursuant to this section within one hundred eighty (180) calendar days after the release from the court order.~~

~~(h)(1) On or before August 1, 2002, and every decade thereafter, each and every school district shall submit to the Department of Education a letter stating whether or not its school board falls under this section. In that same letter, each school district that falls under this section shall state how it has complied with this section. Furthermore, in the same letter, any school district that believes that it is exempt from this section shall state under which provision it is exempt.~~

~~(2) The department shall withhold twenty percent (20%) of the annual state funds allocation to a school district not in compliance with this section.~~

~~(i) The State Board of Education is hereby authorized to adopt rules and regulations necessary for the implementation of this section.~~

SECTION 10. Effective July 1, 2005, Arkansas Code § 6-13-634 is repealed.

~~6-13-634. School district board of directors—Size.—[Effective July 1, 2000.]~~

~~(a) As of July 1, 2000, all school districts shall have a board of directors with no fewer than five (5) and no more than seven (7) members, or~~

~~no more than nine (9) members in the case of a school district having an average daily attendance of twenty four thousand (24,000) or more.~~

~~(b) Subsection (a) of this section shall not apply to those school districts which have a board of directors of more than seven (7) members, or no more than nine (9) members in the case of a school district having an average daily attendance of twenty four thousand (24,000) or more, if that school district is operating under a court order or a consolidation agreement that provides for a board of directors.~~

SECTION 11. Effective July 1, 2005, Arkansas Code § 6-14-102 is amended to read as follows:

6-14-102. Annual school election date - Special school election.

(a) The annual school election shall be held in each school district of the state on the third Tuesday in September.

(b) The election shall be held so that one (1) person from each school district is elected to serve on the board of directors of the school system.

~~(b) The board of directors of any school district shall have the authority to hold the annual school election on a date other than that fixed by law provided that:~~

~~(1)(A) The proposed budget of expenditures for the previous year, as published, incorrectly stated a proposed expenditure or rate of tax levy, as set forth in a certificate or certificates signed by each member of the board of directors, or was not published within the time required by law;~~

~~(B) The district has suffered damage to its physical facilities in an amount exceeding one hundred twenty five thousand dollars (\$125,000) as a result of fire or other natural disaster and the board of directors has determined that the proceeds of insurance on those facilities will be insufficient to restore or replace the facilities; or~~

~~(C) The district will lose state aid because of a court decision or legislation enacted by the General Assembly, and the board of directors takes action to change the date of the annual school election to consider a millage increase no less than sixty (60) days after the court's decision or the effective date of the legislation;~~

~~(2) All constitutional and statutory requirements for the annual school election are met; and~~

~~(3) The date of the election is approved by the Director of the~~



1 ~~Department of Education.~~

2 ~~(c)(1) In any election year, if no more than one (1) candidate for~~  
 3 ~~school district director presents a petition or notice in writing to the~~  
 4 ~~county board of election commissioners as required by § 6-14-111, and if~~  
 5 ~~there are no other ballot issues to be submitted to district electors for~~  
 6 ~~consideration, the board of directors of any school district, by resolution~~  
 7 ~~duly adopted, may request the county board of election commissioners to~~  
 8 ~~reduce the number of polling places.~~

9 ~~(2) The county board of election commissioners shall provide at~~  
 10 ~~least one (1) polling place.~~

11 ~~(3) In a county that uses voting machines or electronic voting,~~  
 12 ~~the county board of election commissioners may choose to use paper ballots~~  
 13 ~~for the election.~~

14 ~~(d) The board of directors of any school district shall have the~~  
 15 ~~authority to request the county board of election commissioners to call a~~  
 16 ~~special election for the purpose of considering a rate of tax for additional~~  
 17 ~~millages for maintenance and operations or for debt service as authorized by~~  
 18 ~~Arkansas Constitution, Amendment 74, provided that:~~

19 ~~(1) All constitutional and statutory requirements for a special~~  
 20 ~~school election are met; and~~

21 ~~(2) The date of the election is approved by the director.~~

22  
 23 SECTION 12. Effective July 1, 2005, Arkansas Code § 6-14-106 is  
 24 amended to read as follows:

25 6-14-106. Polling places.

26 (a) The county board of election commissioners of each county shall  
 27 designate all the polling sites for each school district in its respective  
 28 county, ~~including districts having territory in more than one (1) county but~~  
 29 ~~which are domiciled in its county for administrative purposes,~~ and shall  
 30 provide the election supplies and appoint the election officials for holding  
 31 all school elections.

32 (b)(1) ~~If a school district has territory in more than one (1) county,~~  
 33 ~~the county board of election commissioners of the county in which it is~~  
 34 ~~domiciled shall either: The county board of elections shall designate no less~~  
 35 ~~than one (1) polling place in a school district.~~

36 ~~(2) The county board of elections shall designate the same~~

polling places for the annual school elections and the general elections in years that both elections are held.

~~(1) Designate one (1) or more polling sites in each county in which any part of the district lies; or~~

~~(2) Designate one (1) or more polling sites in the county in which the district is domiciled for administrative purposes, at which all qualified electors of the district, regardless of their county of residence, may vote.~~

~~(c) When the county board of election commissioners of any county in which a district is domiciled for administrative purposes determines that a polling site shall not be designated in the other county in which a portion of the district lies, it shall designate a polling site in the county in which the district is administered for those electors of the district in the other county to vote. The board shall take appropriate action to assure that the necessary precinct registration files are delivered to that polling site in order that the electors in the nonadministering county may vote in the school election.~~

~~(d)~~(c) The board of directors of each school district shall cause to be published, by at least one (1) insertion in a newspaper with general circulation in the county wherein the school district is located, not more than ten (10) days nor less than three (3) days prior to any school election, a notice identifying the polling site for each ward or precinct. If the polling site for any ward or precinct has changed since the last election, the notice shall indicate the change.

SECTION 13. Arkansas Code § 6-17-301 is amended to add new subsections to read as follows:

6-17-301. Employment of certified personnel.

(a) District school boards may employ superintendents, deputy superintendents, assistant superintendents, and high school principals, as well as department heads, coaches, teachers, and other certified personnel, by written contract for a period of time not more than three (3) years.

(b) Such contracts may be renewed annually.

(c) No contract entered into after the effective date of this subsection (c), between a school district and a superintendent, deputy superintendent, or assistant superintendent shall be valid and enforceable by

the employee unless the contract contains a provision allowing termination of the contract if the superintendent, deputy superintendent, or assistant superintendent, has his or her job terminated because of consolidation or an action of the General Assembly or State Board of Education.

(d) Any employee, superintendent, deputy superintendent, assistant superintendent, or high school principal, as well as department heads, coaches, teachers, and other certified personnel, whose written contract for employment is with a district reorganized as a unified district under this act shall be:

(1) Compensated in accordance with the terms of the contract; or

(2)(A) Allowed to amend the contract to continue employment under the unified district as agreed to by the employee and the newly created local board of education.

(B) As contracts of employment with superintendents expire or are amended, the unified school district board of directors shall reduce the number of superintendents in the district to no more than one (1) superintendent for the entire unified district.

SECTION 14. Effective July 1, 2005, Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended to read as follows:

6-17-201. Requirement.

(a) Each school district board of education in the state shall have a set of written personnel policies, including the teacher salary schedule.

(b)(1) No school district shall receive in any year any funds from the Public School Fund until ~~such~~ the district board of education has filed by the established deadline its current personnel policies including any salary schedules, as required by this subchapter, signed by the president of the board.

(2) The policy and schedules shall be filed with the Department of Education no later than September 15 of each year.

(c) The department shall notify any district that has not filed such policies in accordance with this section.

6-17-202. Applicability.

(a) The provisions of this subchapter shall not apply in any district which chooses to officially recognize in its policies an organization

1 representing the majority of the teachers of the district for the purpose of  
2 negotiating personnel policies, salaries, and educational matters of mutual  
3 concern under a written policy agreement.

4 (b) School district boards of education or their representatives shall  
5 not take or threaten actions which interfere with, restrain, or coerce a  
6 teacher in the exercise of the teacher's right to have an organization  
7 represent a majority of the teachers as set forth in this section.

8  
9 6-17-203. Committee for each school district.

10 (a) Each school district board of education shall have a committee on  
11 personnel policies which shall consist of no fewer than five (5) classroom  
12 teachers, and no more than three (3) administrators, one (1) of which may be  
13 the superintendent.

14 (b) The classroom teacher members of each ~~district's~~ committee on  
15 personnel policies shall be elected by a majority of the classroom teachers  
16 voting by secret ballot. The election shall be solely and exclusively  
17 conducted by the classroom teachers, including the distribution of ballots to  
18 all classroom teachers.

19  
20 6-17-204. Incorporation into teachers' contracts.

21 (a) The personnel policies of all school ~~districts~~ district boards of  
22 education shall be considered to be incorporated as terms of the certified  
23 personnel contracts and shall be binding upon the certified personnel and the  
24 district board of education.

25 (b)(1) Any changes or additions to the personnel policies shall not be  
26 considered a part of certified personnel contracts until the next fiscal  
27 year.

28 (2)(A) Any changes or additions to the personnel policies may  
29 take effect before the next fiscal year only if the changes or additions are  
30 approved by a majority of the certified personnel employed by the district  
31 voting by secret ballot.

32 (B) The voting and counting shall be conducted by the  
33 personnel policy committee.

34 (3) All changes or additions to the personnel policies or new  
35 personnel policies shall be made in accordance with this subchapter.

36 (c)(1)(A) A district board of education may adopt a uniform policy, in

1 accordance with this subchapter, limiting the number of past years'  
2 experience for which all newly employed certified personnel will receive  
3 credit on the salary schedule.

4 (B) The policy shall be written so that a prospective  
5 certified employee can determine his or her placement on the salary schedule.

6 (2) A school district board of education shall adopt, in  
7 accordance with this subchapter, a supplement to the salary schedule for  
8 those certified staff employed longer than the period covered by the salary  
9 schedule and for duties in addition to certified employees' regular teaching  
10 assignments.

11 (3) Compensation policies approved by the personnel policy  
12 committee shall not apply to the chief administrator who is charged with  
13 administration of salary policy for all employees.

14 (4) No certified person may waive payment according to the  
15 salary schedule.

16 (d) Under the provisions of The Educator's Compensation Act of 2001, §  
17 6-17-2101 et seq., § 6-5-307(a), and § 6-20-412, no school district shall be  
18 prohibited from paying certified staff additional salary increases as a  
19 supplement to the salary schedule even though the certified staff is not  
20 employed an additional time period longer than the period covered by the  
21 salary schedule or required to perform duties in addition to the certified  
22 employees' regular teaching assignments.

23  
24 6-17-205. Organization and duties of committee.

25 (a)(1) Each school district's committee on personnel policies shall  
26 organize itself in the first quarter of each school year and elect a chairman  
27 and a secretary.

28 (2) The committee shall develop a calendar of meetings  
29 throughout the year to review the district's personnel policies in order to  
30 determine whether additional policies or amendments to existing policies are  
31 needed and to review any proposed distribution of a salary underpayment from  
32 previous years.

33 (3) Minutes of the committee meetings shall be promptly reported  
34 and distributed to members of the board and posted in the buildings of the  
35 district, including the administrative offices.

36 (b)(1) Either the committee or the board of directors may propose new

1 personnel policies or amendments to existing policies if the proposals by the  
2 board have been submitted to the committee at least ten (10) working days  
3 prior to presentation to the board.

4 (2) The superintendent may recommend any changes in personnel  
5 policies to the board of directors or to the personnel policies committee.  
6 The recommendations shall become proposals if adopted by either the ~~board~~  
7 district board of education, or the committee.

8 (c) The chair of the committee or a committee member designated by the  
9 chair will have the opportunity to orally present the committee's proposed  
10 policies or amendments to existing policies to the ~~board of directors~~  
11 district board of education.

12 (d) After presentation to the board, the board shall take action no  
13 later than its next regular board meeting.

14 (e) The ~~board of directors~~ district board of education shall have the  
15 authority to adopt, reject, or refer back to the committee on personnel  
16 policies for further study and revision any proposed policies or amendments  
17 to existing policies that are submitted to the ~~board~~ district board of  
18 education for consideration.

19  
20 6-17-206. Copies furnished teachers and administrators.

21 (a) Each teacher or administrator being employed by a school ~~district~~  
22 for the first time shall be given a copy of the ~~district's~~ district board of  
23 education's personnel policies in effect at the time of his employment.

24 (b) Each teacher or administrator who was employed before July 20,  
25 1987, shall be given a copy of the ~~district's~~ district board of education's  
26 personnel policies at the time his contract is renewed or extended.

27 (c) Each teacher or administrator shall be furnished a copy of any  
28 amendments to the personnel policies within thirty (30) days after approval  
29 of the amendments by the ~~board of directors of the district~~ district board of  
30 education.

31  
32 6-17-207. Accreditation of district.

33 No school district which does not have written personnel policies shall  
34 be accredited under the standard for accreditation of Arkansas Public Schools  
35 by the Department of Education.

6-17-208. Grievance procedure.

(a)(1) It is the public policy of the State of Arkansas that each school district board of education shall have a written grievance procedure which provides for an orderly method of resolving concerns raised by an employee at the lowest possible administrative level.

(2)(A) "Grievance" means any concern related to personnel policies or salary raised by an employee; and

(B) "Employee" means a person employed by a school ~~district~~ under a written contract.

(b)(1) The grievance policy shall at least include the following provisions:

(A) A procedure for resolving the matter informally with the employee's immediate supervisor;

(B) A procedure to appeal in writing an unsatisfactorily resolved grievance from the immediate supervisor to the superintendent of schools or his or her designee;

(C)(i) A procedure to appeal in writing an unsatisfactorily resolved grievance from the superintendent or his or her designee to the ~~school board~~ district board of education at the next regularly scheduled school board meeting unless both parties have agreed to a different date.

(ii) The hearing shall be open or closed at the discretion of the employee.

(iii) If the hearing is open, the parent or guardian of any student under the age of eighteen (18) years who gives testimony may elect to have the student's testimony given in a closed session; and

(D) The right of all parties to be represented by a person of his or her own choosing, at least at the school board level of the procedure.

(2)(A) The determination by the principal, superintendent, or their designees that the concern expressed by the employee is not a grievance may be appealed to the ~~school board~~ district board of education for a final decision.

(B) At the hearing, the employee shall have an adequate opportunity to present the grievance, and both parties shall have the opportunity to present and question witnesses.

1 (c) The grievance policy shall be adopted in accordance with this  
2 subchapter and other applicable policies of the district board of education.  
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