

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

As Engrossed: S1/20/04
A Bill

Call Item 4

SENATE BILL 67

5 By: Senator Whitaker
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE COUNTYWIDE ADMINISTRATIONS FOR
10 SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.

Subtitle

12 AN ACT TO CREATE COUNTYWIDE
13 ADMINISTRATIONS FOR SCHOOL DISTRICTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

21 6-13-1601. Purpose.

22 The purpose of this subchapter is to create countywide administration
23 of public school districts.
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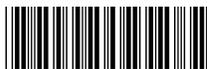
25 6-13-1602. Definitions.

26 For purposes of this subchapter:

27 (1) "Administrative functions" means business support services,
28 central support services, general administration support services, operation
29 and maintenance support services, and student transportation support
30 services;

31 (2) "Business support services" means activities that are
32 related to goods and services for the district, including business services,
33 fiscal operations, budget planning, payroll, financial accounting, internal
34 auditing, purchasing services, printing, and administrative technology
35 services;

36 (3) "Central support services" means support of each of the



1 other instructional and support services programs, including information
2 services to disseminate educational and administrative information for
3 students, staff, or the public, staff services, recruitment and placement,
4 in-service training for classified staff, and technology services;

5 (4) "Countywide administration" means one (1) superintendent and
6 a central office performing the administrative functions for all schools
7 within a county;

8 (5) "General administration support services" means activities
9 that are related to establishing and administering district policy, including
10 the activities of the district board of education, elections, reappraisal of
11 property, the overall general administration of the district, and the office
12 of the superintendent;

13 (6) "Operation and maintenance support services" means
14 activities related to the operating and maintaining of the plant, grounds,
15 buildings and equipment, maintaining general purpose vehicles such as trucks,
16 tractors, graders, and staff vehicles, and maintaining order and safety in
17 school buildings and on school grounds;

18 (7) "State funds" means all money derived from state revenues
19 and distributed through the Department of Education Public School Fund and in
20 addition, the ad valorem property tax, up to the uniform rate of tax
21 established under Arkansas Constitution, Amendment 74, distributed to the
22 district; and

23 (8) "Student transportation support services" means activities
24 related to the transporting of students to and from school and other
25 activities, including supervision, and vehicle operation and maintenance.

26
27 6-13-1603. Countywide administration.

28 (a)(1) The administrative functions of existing public school
29 districts shall be reorganized so that all schools in a county share one (1)
30 countywide administration.

31 (2) The administrative reorganization required under this
32 subchapter is intended to require reorganization of only the administration
33 and administrative functions of a school district and shall not be construed
34 to require the consolidation of schools, the relocation of schools, the
35 closing of any facilities, or the transportation of students.

36 (b) For purposes of this subchapter, a school shall be considered

1 within a county if the school district's principal administrative office is
2 located in the county on the effective date of this subchapter.

3
4 6-13-1604. Organization of countywide administration.

5 (a)(1) The boards of directors of each school district within a county
6 shall collectively meet to develop a plan to create a countywide
7 administration and countywide interim board as allowed by under § 6-13-1406
8 and in accordance with the provisions of this subchapter.

9 (2) The plans shall be submitted for approval to the State Board
10 of Education by April 30, 2004.

11 (3) Each plan shall be drafted in a manner that:

12 (A) Complies with all state laws, federal laws, state
13 rules and regulations, and applicable court orders;

14 (B) Is fair to all districts involved; and

15 (C) Serves the best interest of the students served by
16 each district.

17 (4) The state board shall require the modification of any plan
18 that is not in compliance with subdivision (a)(1)(C) of this section.

19 (b) The state board may receive and hear petitions or move on its own
20 motion to create countywide administrations of school districts in such a
21 timeframe to comply with the provisions of this subchapter.

22 (c)(1) The state board shall cause the creation of countywide
23 administrations in accordance with this subchapter effective July 1, 2004.

24 (2) The state board may take action prior to July 1, 2004, as
25 necessary for an orderly and efficient transition of administration and
26 administrative functions on July 1, 2004.

27 (d) No existing school administration shall be reorganized if the
28 reorganization is prohibited by an existing court order.

29 (e) Countywide school boards established under this subchapter shall
30 be created in compliance with existing laws for school district board of
31 directors. Additionally, local schools' parent advisory councils as
32 established in this subsection (e) may have a member serve as an ex officio
33 nonvoting member on the countywide board

34
35 SECTION 2. Effective July 1, 2004, Arkansas Code Title 6, Chapter 13,
36 Subchapter 6 is amended to add the following sections:

1 6-13-641. Countywide School District Boards of Directors - Election
2 Zones.

3 (a) Each school district shall elect its board of directors from
4 single-member electoral zones with the exception that those school districts
5 with seven (7) or nine (9) board members may have two (2) of its members
6 elected at-large.

7 (b) On or before August 1, 2004, each school district shall produce
8 and file with the county board of election commissioners a map or a legal
9 description of its electoral zones to be used at the next school election.

10 (c)(1) At the 2004 annual school election, any school district whose
11 boundaries, or both, have changed since the 2003 annual school election or
12 who previously had a board consisting solely of at-large members shall
13 conduct an election at which all board members are elected.

14 (2) At the first meeting of the board of directors following the
15 2004 school election in those school districts to whom subsection (c)(1)
16 applies, members shall draw lots for term lengths in compliance with Arkansas
17 Code § 6-13-643.

18 (d)(1) Upon completion of the 2010 decennial census and every
19 decennial census thereafter, and ninety (90) days prior to the 2012 school
20 election and every school election falling two (2) years hence of the
21 decennial census, the school district shall redraw its electoral zones to be
22 in compliance with the Voting Rights Act and the Fourteenth Amendment of the
23 United States Constitution.

24 (2) The election following the adjustment of electoral zone
25 boundaries shall be of the same manner as explicated in subsection (c) of
26 this section.

27
28 SECTION 3. Arkansas Code § 6-13-620(a)(4), concerning the powers and
29 duties of the local school board of directors, is amended to read as follows:

30 (4)(A)(i) Employ teachers and other employees necessary for the
31 proper conduct of the public schools of the district and make written
32 contracts with teachers and all other employees in the form prescribed by the
33 State Board of Education.

34 (ii) If a school district shares a countywide
35 administration, the board of directors of each school shall not have the
36 authority to hire a superintendent or other countywide administrative staff.

1 A superintendent and countywide administrative staff shall be hired by the
2 executive committee as set forth under § 6-13-1605.

3
4 SECTION 4. Arkansas Code § 6-13-109 is amended to read as follows:

5 6-13-109. School superintendent. [Effective July 1, 2000.]

6 (a)(1) The public school districts in the state shall each employ a
7 superintendent of schools, whose qualifications and duties shall be
8 prescribed by the General Assembly and the State Board of Education.

9 (2) If a school district shares a countywide administration and
10 administrative function, there shall be only one (1) superintendent for all
11 of the districts served by the countywide administration who shall be hired
12 by the countywide school board as set forth under § 6-13-1605.

13 (b) "Superintendent of schools" is defined as the executive officer of
14 a school district board of directors directing the affairs of the school
15 district and teaching not more than one-half (1/2) of the time in the school
16 day.

17
18 SECTION 5. Arkansas Code, Title 6, Chapter 13, is amended to add the
19 following new subchapter:

20 6-13-1701. Parent Advisory Council - Establishment.

21 Each school shall establish a Parent Advisory Council based on the
22 following tenets:

23 (1) A student's education is a responsibility shared by the school and
24 family during the entire time that he/she spends in school;

25 (2) Schools and parents must work as knowledgeable partners in order
26 to support the goal of the schools to educate all students effectively;

27 (3) Parents are integral components of a school's ability to provide
28 for the educational success of students, although parents and students are
29 diverse in culture, language, and needs;

30 (4) The engagement of parents is essential to improve student
31 achievement; and

32 (5) Schools should foster a safe and secure environment that supports
33 active parental involvement.

34
35 6-13-1702. Parent Advisory Council - Membership.

36 The Parent Advisory Council shall consist of the school principal and

1 no fewer than six (6) parents or legal guardians, representative of the grade
2 levels, race, gender, and socio-economic status of the school's population.
3 No parent or legal guardian representative on the Parent Advisory Council may
4 be an employee of that school. Each school shall establish policies
5 regarding individual members' length of service on the council and filling
6 vacancies. Membership on the council shall be by nomination from the school
7 principal and that school's organized parent group. The school district
8 board of directors will confirm nominations.

9
10 6-13-1703. Parent Advisory Council - Meetings.

11 The Parent Advisory Council shall be convened at least quarterly during
12 the school year.

13
14 6-13-1704. Parent Advisory Council - Roles and Responsibilities.

15 The Parent Advisory Council shall recognize the principal as the chief
16 academic and operational officer of the school. It also shall:

17 (a)(1) Annually review the school improvement plan including the
18 disaggregation of achievement data from each tested grade or course in the
19 school as well as the performance of the various student subgroups;

20 (2) Annually review the school's report card including the
21 narrative of yearly progress based on current state and federal requirements;

22 (3) Make recommendations encouraging regular, two-way meaningful
23 communication with parents and legal guardians such as publishing the
24 school's process for resolving parental concerns, including whom to approach
25 first and how to develop solutions;

26 (4) Make recommendations regarding the school's parental
27 involvement program, including activities such as sponsoring seminars to
28 inform parents and legal guardians of high school students about how to be
29 involved in the decisions affecting course selection, career planning, and
30 preparation for post secondary opportunities, as well as other activities to
31 promote parent participation;

32 (5) Provide input into the development of parental involvement
33 activities as required in the School Improvement Plan;

34 (6) Make recommendations regarding appropriate professional
35 development activities to be included as part of the required professional
36 development for teachers and administrators. These professional activities

1 shall enhance the understanding of effective parent involvement; and
2 (7) Make recommendations regarding the school's collaboration
3 with community organizations for the purpose of enhancing student
4 achievement.

5 (b) The Parent Advisory Council for each school may choose one (1)
6 member of the council to serve as an ex officio, nonvoting member of the
7 countywide school board of directors.

8
9 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
11 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
12 current system of education in the state to be unconstitutional because it is
13 both inequitable and inadequate; and the Arkansas Supreme Court set forth the
14 test for a constitutional system to be one in which the state has an
15 "absolute duty" to provide an "equal opportunity to an adequate education";
16 the Arkansas Supreme Court instructed the General Assembly to undertake
17 actions as necessary to provide an opportunity for an adequate and equitable
18 education for the children of Arkansas; and the provisions of this bill are
19 necessary steps toward accomplishing that goal. Therefore, an emergency is
20 declared to exist and this act being immediately necessary for the
21 preservation of the public peace, health, and safety shall become effective
22 on:

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

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

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

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30 /s/ Whitaker
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