

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 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/4/05
A Bill

HOUSE BILL 1266

5 By: Representatives Abernathy, Cooper, Everett, Fite, J. Johnson, Mack, Overbey, Pyle, Saunders, Wyatt
6 By: Senators Miller, Broadway, Laverty
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9 **For An Act To Be Entitled**

10 AN ACT TO PROTECT THE CONTINUITY OF SCHOOL BOARDS
11 BY AMENDING THE PROCEDURE FOR ELECTION OF SCHOOL
12 BOARDS FOLLOWING ANNEXATION; AND FOR OTHER
13 PURPOSES.
14

15 **Subtitle**

16 AN ACT TO PROTECT THE CONTINUITY OF
17 SCHOOL BOARDS BY AMENDING THE PROCEDURE
18 FOR ELECTION OF SCHOOL BOARDS FOLLOWING
19 ANNEXATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
25 to add an additional section to read as follows:

26 6-13-1412. Board of directors – Term – Election.

27 (a)(1) Notwithstanding any other provisions of law, school districts
28 that annex after January 1, 2005, under Act 60 of the Second Extraordinary
29 Session of 2003 or school districts that voluntarily annex and opt to follow
30 the procedures in this section shall form a new board of directors made up of
31 the board of directors of the receiving district plus at least one (1) member
32 of the board of directors of each affected district.

33 (2) The board of directors of each affected district shall
34 select by majority vote at least one (1) member to serve on the new board.

35 (3) In the case of a tie vote on the board of directors of the
36 affected districts, the members shall be selected by drawing lots.



1 (b)(1) School districts that annexed before January 1, 2005, under Act
2 60 of the Second Extraordinary Session of 2003 and which have an interim
3 board of directors which has not stood for election since the creation of the
4 interim board shall have a board made up of the members of the interim board.

5 (2) Within thirty (30) days of the effective date of this
6 section, the members of the board shall determine their terms by lot so that
7 no more than three (3) members' terms expire during any one (1) year with no
8 fewer than one (1) member's term expiring at the regular school election in
9 the year following the effective date of the annexation.

10 (c)(1) In no case shall the interim board or permanent board have:

11 (A) More than seven (7) or fewer than five (5) members; or

12 (B) An even number of members.

13 (2) If the addition of members from the affected district or
14 districts would cause the interim board to be out of compliance with
15 subdivision (c)(1) of this section, or if the board decides to reduce the
16 size of the board, the total number of positions held by the members of the
17 receiving district shall be reduced as necessary by:

18 (A) Voluntary resignation of one (1) or more existing
19 members; or

20 (B) Drawing lots by the directors of the receiving
21 district prior to annexation.

22 (d) In lieu of electing a new board of directors at the next regular
23 school election, the members of the interim board created under subsection
24 (a) of this section shall determine their terms by lot so that no more than
25 three (3) members' terms expire during any one (1) year with no fewer than
26 one (1) member's term expiring at the regular school election in the year
27 following the effective date of the annexation.

28 (e)(1) Unless the school district is allowed to do otherwise pursuant
29 to § 6-13-604, the board of directors of the receiving district after
30 annexation shall be composed of five (5) or seven (7) members as determined
31 by a majority vote of the board of the receiving district, and the
32 determination shall be exempt from the requirements of §§ 6-13-604 and 6-13-
33 606.

34 (2)(A) The board of directors shall be elected from single-
35 member zones if single-member election zones are required by the federal
36 Voting Rights Act of 1965, as in existence on January 1, 2005, ensuring the

1 protection of the voting rights of minority populations in school districts,
2 otherwise the election may be at large for the board of director members
3 whose terms are expiring.

4 (B)(1) If the board of directors of a school district is
5 required to be elected from single-member zones, the procedure for the
6 election shall be in compliance with the federal Voting Rights Act of 1965,
7 as in existence on January 1, 2005, and state law.

8 (2) The rezoning shall be completed no later than
9 ninety (90) calendar days prior to the second school election following the
10 effective date of the annexation at which time the full board shall be up for
11 election.

12 (C) No sanctions provided by state statutory law,
13 specifically including, but not limited to, the sanctions under § 6-13-
14 631(h)(2), or State Board of Education rule shall be levied against a school
15 district if the deadline for rezoning allowed under subdivision (e)(2)(B) of
16 this section is met.

17 (3)(A)(i) If prior to the annexation either the receiving
18 district or the affected district had been zoned in compliance with the
19 federal Voting Rights Act of 1965, as in existence on January 1, 2005, or
20 state law, the receiving district shall review the make-up and boundaries of
21 the zones and the latest decennial census data of the receiving school
22 district.

23 (ii) After the review required under subdivision
24 (e)(3)(A)(i) of this section, the receiving district shall be rezoned in
25 compliance with federal Voting Rights Act of 1965, as in existence on January
26 1, 2005, and state law, if necessary.

27 (B) Any rezoning under subdivision (e)(3)(A)(ii) of this
28 section shall be completed no later than ninety (90) calendar days prior to
29 the second school election following the effective date of the annexation.

30 (C) No sanctions provided by state statutory law,
31 specifically including, but not limited to, the sanction under § 6-13-
32 631(h)(2), or State Board of Education rule shall be levied against a school
33 district if the deadline for rezoning allowed under subdivision (e)(3)(B) of
34 this section is met.

35 (f) The length of the term of each member of the board of directors
36 after annexation shall be for a time period as determined by the board and

1 allowed by law.

2 (g) Any vacancy on the board shall be filled in the manner provided
3 for by law.

4 (h) The provisions of § 6-13-1405 with respect to creation of a board
5 of directors following annexation shall not be applicable for districts
6 annexed under Act 60 of the Second Extraordinary Session of 2003 or districts
7 that voluntarily annex and opt to follow the procedures in this section,
8 except the State Board of Education shall allow school districts thirty (30)
9 days to establish an interim local board.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
12 Assembly of the State of Arkansas that local school boards of directors will
13 be unstable if all members have terms that expire at the same time; that a
14 procedure for members to draw lots will be necessary to avoid the
15 instability; and that this act is immediately necessary because a procedure
16 for drawing lots will need to be in place prior to the 2005 annual school
17 elections. Therefore, an emergency is declared to exist and this act being
18 immediately necessary for the preservation of the public peace, health, and
19 safety shall become effective on:

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

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

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

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27 /s/ Abernathy, et al
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