

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1192

By: Representative Eubanks  
By: Senator Flippo

## For An Act To Be Entitled

AN ACT TO REPEAL THE PUBLIC SCHOOL EDUCATIONAL  
COOPERATIVE ACT OF 1981; TO AMEND THE EDUCATION  
SERVICE COOPERATIVE ACT OF 1985; TO AMEND THE LAW  
CONCERNING A BOARD OF DIRECTORS THAT GOVERNS AN  
EDUCATION SERVICE COOPERATIVE; AND FOR OTHER  
PURPOSES.

## Subtitle

TO REPEAL THE PUBLIC SCHOOL EDUCATIONAL  
COOPERATIVE ACT OF 1981; AND TO AMEND THE  
EDUCATION SERVICE COOPERATIVE ACT OF  
1985.

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

SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 9, is  
repealed.

~~6-13-901. Title.~~

~~The title of this subchapter shall be "The Public School Educational  
Cooperative Act of 1981".~~

~~6-13-902. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Educational cooperative" means a voluntary association of  
school districts to share resources, personnel, materials, and equipment and  
to provide and improve services and programs to students; and~~



1           ~~(2) "Public school district" means any public school district in~~  
2 ~~the state serving students in a kindergarten through grade twelve (K-12)~~  
3 ~~program or a grade one through twelve (1-12) program.~~

4  
5           ~~6-13-903. Powers.~~

6           ~~(a) Public school districts in the State of Arkansas are empowered to~~  
7 ~~voluntarily agree to share programs, personnel, materials, and equipment for~~  
8 ~~the purpose of enlarging curriculum or services or providing new services to~~  
9 ~~students in their respective school districts.~~

10          ~~(b) The educational cooperatives are empowered to receive state,~~  
11 ~~local, and federal funds that have been assigned to the educational~~  
12 ~~cooperatives by the member school districts and are also empowered to spend~~  
13 ~~those funds on behalf of the school districts assigning those funds.~~

14          ~~(c) The Division of Elementary and Secondary Education shall not~~  
15 ~~distribute state equalization aid directly to any educational cooperative.~~

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17          ~~6-13-904. Agents for school districts.~~

18          ~~(a) The educational cooperatives will act as an agency for all or some~~  
19 ~~of the member school districts in dealings with other governmental and~~  
20 ~~private agencies.~~

21          ~~(b) The educational cooperatives will have the power to contract and~~  
22 ~~handle funds for the member school districts under conditions specified in~~  
23 ~~the agreement between the member school districts and federal law and~~  
24 ~~regulations and state law and rule.~~

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26          ~~6-13-905. Board of directors.~~

27          ~~(a) Each educational cooperative will be governed by a board of~~  
28 ~~directors consisting of one (1) representative appointed by the board of~~  
29 ~~directors of each cooperating school district.~~

30          ~~(b) The board of directors shall be empowered to hire a director and~~  
31 ~~other employees and to contract for services, supplies, and equipment.~~

32          ~~(c) Policies for the operation of the educational cooperative will be~~  
33 ~~developed by the board of directors and be filed with the Division of~~  
34 ~~Elementary and Secondary Education as required by law of school districts~~  
35 ~~generally.~~

~~6-13-906. Rules and reports.~~

~~(a) The educational cooperative will:~~

~~(1) Abide by all rules of the Division of Elementary and Secondary Education which apply to school districts generally; and~~

~~(2) Make all reports as required by law and rule which apply to school districts generally to the division.~~

~~(b)(1) Records of the expenditures and receipts of the educational cooperatives shall be kept in such manner and on such forms as may be specified by the division or the School Audit Section of Arkansas Legislative Audit.~~

~~(2) Reports on expenditures and receipts shall be made for the cooperative as a single agency or shall be made separately by the school districts to reflect the status of each member school district at such time and in such manner as specified by the division.~~

SECTION 2. Arkansas Code § 6-13-1006 is amended to read as follows:

6-13-1006. Board of directors.

(a) Each education service cooperative shall be governed by a board of directors consisting of the following members who shall reside one (1) representative appointed by each school district board of directors within the boundary of the education service cooperative:

(1) Two (2) members appointed by the Speaker of the House of Representatives;

(2) Two (2) members appointed by the President Pro Tempore of the Senate;

(3) Two (2) members appointed by the Governor; and

(4) One (1) member appointed by the Secretary of the Department of Education.

~~(b) No school district may have official representation on more than one (1) education service cooperative board of directors.~~

~~(c)(b)~~ The board of directors of each established education service cooperative shall:

(1) Function as a public corporate body;

(2) Meet, except as otherwise provided in § 6-13-1007, at least eight (8) times each year; and

(3) Exercise general fiduciary responsibilities for the

1 education service cooperative with regard to policies and practices which  
2 guard the integrity of the agency and maintain public trust in its operation.

3 (c) The first meeting of the board of directors shall be:

4 (1) Called by the member appointed by the Secretary of the  
5 Department of Education under subdivision (a)(4) of this section; and

6 (2) Held within thirty (30) days of the effective date of this  
7 act.

8 (d) At its first regular meeting, the board of directors shall elect a  
9 chair.

10 (e)(1) The terms for the initial members appointed under subsection  
11 (a) of this section shall be staggered as determined by lot with:

12 (A) One (1) member's term expiring December 31, 2025;

13 (B) Two (2) members' terms expiring December 31, 2026;

14 (C) Two (2) members' terms expiring December 31, 2027; and

15 (D) Two (2) members' terms expiring December 31, 2028.

16 (2) Each succeeding appointment to a board of directors shall be  
17 for a term of four (4) years, with each appointed member serving until the  
18 member's successor is appointed.

19 ~~(d) Such responsibilities~~ (f) Responsibilities of the board of  
20 directors, consistent with funds available, shall include, but not be limited  
21 to without limitation the following:

22 (1) Employment of a director of the education service  
23 cooperative who shall serve as the nonvoting executive officer of the board  
24 of directors;

25 (2) Establishment of policies and procedures for the operation  
26 and management of the education service cooperative, which shall be in  
27 written form and shall be filed with the State Board of Education;

28 (3) Preparation of an annual budget estimating income and  
29 expenditures for programs and services in accordance with procedures  
30 established by the state board;

31 (4) Receipt and expenditure of funds needed to provide programs  
32 and services in the area;

33 (5) Making such surveys or other inquiries which may be required  
34 to determine the service needs of school districts in the education service  
35 cooperative and developing plans to provide such needed services;

36 (6) Employment, upon the recommendation of the director of the

1 education service cooperative, of such personnel as may be required to  
2 provide the services requested by the school districts in the area;

3 (7) Implementation of policies established by the state board  
4 for the operation of education service cooperatives;

5 (8) Cooperation with other education service cooperatives,  
6 school districts, and other agencies to provide programs and services for  
7 children and adults residing within their respective areas;

8 (9) For facilities and buildings as may be required to provide  
9 authorized programs and services:

10 (A) Renting, leasing, purchasing, constructing, or  
11 receiving by gift;

12 (B) Borrowing from the Revolving Loan Fund under § 6-20-  
13 818; or

14 (C) Borrowing from other sources for limited or unusual  
15 circumstances upon approval of the Commissioner of Elementary and Secondary  
16 Education and the Secretary of the Department of Finance and Administration;  
17 and

18 (10) Carrying out such other duties as may be required for the  
19 efficient operation of the education service cooperative for which the board  
20 of directors is responsible.

21 (g) Members of the board of directors shall be paid per diem and  
22 mileage at the rate established by law for attending meetings of the board of  
23 directors.

24  
25 SECTION 2. Arkansas Code § 6-13-1007 is repealed.

26 ~~6-13-1007. Executive committee.~~

27 ~~(a)(1) In a meeting, with a majority of its members present and~~  
28 ~~voting, the board of directors of an education service cooperative may elect~~  
29 ~~from its membership an executive committee of seven (7), nine (9), or eleven~~  
30 ~~(11) members.~~

31 ~~(2) Candidates for the executive committee, if one is formed,~~  
32 ~~shall be chosen so that the school districts within the education service~~  
33 ~~cooperative are equitably represented.~~

34 ~~(3) All subsequent members of the executive committee shall be~~  
35 ~~elected by a majority vote of the board of directors in attendance at the~~  
36 ~~annual meeting.~~

1       ~~(b) The function of the executive committee shall be to carry out~~  
2 ~~those duties delegated to it by the governing board of directors, the~~  
3 ~~provisions of § 6-13-1006 notwithstanding.~~

4       ~~(c) Terms of executive committee members shall be three (3) years~~  
5 ~~except for the initial members which shall have terms assigned by lot so as~~  
6 ~~to stagger terms to equalize as nearly as possible the number of members to~~  
7 ~~be elected each year. Vacancies occurring after the annual meeting shall be~~  
8 ~~filled by the executive committee until the next annual meeting.~~

9       ~~(d) Should an executive committee be established in any education~~  
10 ~~service cooperative, it shall meet at least nine (9) times per year, and the~~  
11 ~~requirements for board of directors meetings shall be reduced to three (3)~~  
12 ~~times annually. The president of the board of directors shall serve as chair~~  
13 ~~of the executive committee. No person, however, may serve in this position~~  
14 ~~for more than two (2) consecutive years.~~

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16       SECTION 3. EFFECTIVE DATE. This act is effective on and after January  
17 1, 2024.  
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