

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Jewell**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE CREATION OF METROPOLITAN SCHOOL
9 DISTRICTS IN CERTAIN COUNTIES IN THE STATE; TO PROVIDE AN
10 INTERIM BOARD OF DIRECTORS; AND FOR OTHER PURPOSES."

Subtitle

13 "TO PROVIDE FOR THE CREATION OF METROPOLITAN SCHOOL
14 DISTRICTS AND TO PROVIDE AN INTERIM BOARD OF DIRECTORS."

16 WHEREAS, pursuant to the Constitutional mandate to the Arkansas General
17 Assembly of Article 14, Sections 1 and 4 of the Arkansas Constitution; and

18 WHEREAS, in order to accomplish educational excellence within all
19 districts in this state, to achieve fair, equitable and non-discriminatory
20 educational opportunities in a desegregated environment; and

21 WHEREAS, to overcome the barriers to such opportunities caused by the
22 continuing vestiges of segregation as evidenced in housing patterns, arbitrary
23 boundaries, and needless duplication of administrative functions; and

24 WHEREAS, in recognition of the particular difficulties of meeting such
25 requirements in highly-urbanized areas,

26

27 NOW THEREFORE,

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

29

30 SECTION 1. Any county in this state which has more than one (1) school
31 district, contains a metropolitan area of one (1) or more cities the combined
32 populations of which are in excess of seventy-five thousand (75,000) according
33 to the most recent federal decennial census, and within which one (1) or more
34 school districts has been adjudged by a court of competent jurisdiction within
35 the five (5) years immediately preceding this act to have failed to meet

1 federal constitutional requirements concerning desegregation, shall establish
2 a county metropolitan school district, and all school districts then in
3 existence within the county shall be merged into the metropolitan district,
4 effective at the beginning of the next school term following the effective
5 date of this act. Provided, however, that any school district in such county
6 which shall have a student assignment plan approved by a court of competent
7 jurisdiction within five (5) years before the effective date of this act and
8 shall have been in compliance with such plan at the time of or after its
9 approval by the court and before the effective date of this act shall be
10 exempted from the provisions hereof.

11

12 SECTION 2. (a) Upon establishment of any metropolitan school district
13 pursuant to this act, there shall be appointed an interim board of directors,
14 which shall have all powers, duties, privileges and responsibilities as are
15 vested in such boards under the laws of this State.

16 (b) The interim board shall consist of three (3) members from each of
17 the former district school boards within the county. At least one (1) member
18 of each former board who serves on the interim board shall be black, and at
19 least one (1) shall be white.

20 (c) Interim board members shall be selected by their respective former
21 boards, provided that, if no selection is made by May 1 of the year of merger
22 into the metropolitan district, then the three (3) senior members, if willing,
23 shall serve. If less than three (3) from any former district are willing to
24 serve, then the County Board of Education for the affected county shall select
25 the remaining interim board members based upon a procedure which is equitable,
26 non-discriminatory, and constitutional.

27 (d) The interim board shall assume office on May 1 of the year of the
28 merger and shall serve until the election of the first board of directors of
29 the metropolitan school district at the annual school election following
30 merger.

31 (e) The interim board of directors shall approve a budget for the
32 following school year and shall propose and submit to the electors of the
33 metropolitan district a tax millage to support the budget for the school year
34 following merger. In the event a majority of the electors voting in the
35 annual school election following merger shall disapprove the proposed rate of

1 tax for the metropolitan school district, then the tax shall be collected at
2 the rate or rates approved for the former existing districts now comprising
3 the new metropolitan school district.

4 (f) The interim board of directors shall assume full responsibility for
5 the operation of the metropolitan school district, and toward that end, shall
6 select an interim superintendent, who may but need not be selected from the
7 superintendents or administrative staffs of the former districts. Thereafter,
8 the interim superintendent shall propose and submit for board approval an
9 administrative staff to serve until a permanent staff is selected.

10

11 SECTION 3. (a) The terms of office of the former boards of directors
12 for the school districts within the county prior to merger under this act
13 shall expire on July 1 of the year in which merger occurs. Prior to July 1,
14 the former school board members shall assist the interim board in planning for
15 the orderly transfer of responsibilities, records and accounts to the
16 metropolitan school district.

17 (b) The former school board shall be responsible for payment of any
18 current indebtedness of each former school district incurred during the fiscal
19 year prior to merger. If current indebtedness is not paid at the end of the
20 fiscal year prior to merger, then such indebtedness shall be assumed by the
21 metropolitan board and shall be paid from the final settlement of revenues
22 collected during the calendar year in which merger occurs.

23 (c) The amount of state aid paid to the metropolitan school district
24 during the first school year following merger shall be equal to the combined
25 amount of aid which would have been paid to the former districts in the
26 absence of merger, according to the then-existing formula for state aid.
27 Thereafter, the amount of state aid paid to the metropolitan school district
28 shall be calculated and paid according to the then-current state aid formula.

29 (d) The metropolitan school district shall assume responsibility for
30 payment of the bonded indebtedness, installment contracts, or other general
31 obligations of each of the former school districts of which all or a part of
32 the territory thereof is encompassed in the new district, in accordance with
33 the provisions of subchapter 3 of Title 6, Chapter 13 of Arkansas Code
34 Annotated, and of the Quality Education Act, Act 445 of 1983, including
35 Section 7 thereof. Provided further that, in order to achieve a single,

1 combined salary schedule in accordance with the laws of this State, the board
2 of directors of the metropolitan school district may submit separate interim
3 salary schedules which are designed to equalize the salary structure among all
4 former districts within two (2) years from the effective date of this act, and
5 without the use of reductions in pay, except as may be required due to
6 reassignments to positions of different or lesser responsibilities.

7

8 SECTION 4. (a) On July 1 of the year in which the interim board began
9 service, all right, title and interest in real property and all buildings or
10 other improvements contained thereon, and all personal property owned by the
11 former school districts, shall transfer to the metropolitan school district.

12 (b) All employment contracts, salary schedules and personnel policies
13 of the prior school districts shall remain in effect until the adoption of
14 replacements by the first board of the metropolitan school district, under the
15 schedule provided for herein.

16 (c) All student attendance zones, magnet school programs, enhanced
17 education programs and any other programs receiving federal or state funding
18 during the school year prior to merger shall remain in effect for one (1)
19 school year following merger. Thereafter, changes in such programs or student
20 assignments may be recommended and implemented by an affirmative vote of the
21 metropolitan school board, in accordance with the laws of this State, provided
22 that nothing in this section shall prevent the district from implementing any
23 program or assignment modifications required to comply with a court order or a
24 consent order entered into among the respective parties to any existing
25 litigation affecting such matters.

26

27 SECTION 5. (a) The metropolitan school board for any district created
28 pursuant to this act shall be elected at the annual school election
29 immediately following merger of the former districts.

30 (b) Except as expressly provided herein, the requirements of Arkansas
31 Code Annotated §6-13-301 to 311 shall apply to such election but, no pre-
32 consolidation agreement may be entered into by the boards of the former
33 districts, and no resolution may be adopted by the metropolitan board, which
34 is inconsistent with the requirements of state and federal laws concerning
35 appropriate social and demographic consideration for fair and equitable

1 representation on such boards. Any pre-consolidation agreement or resolution
2 proposed shall be submitted to the County Board of Education, which may
3 approve, disapprove or modify said agreement after not less than five (5)
4 public meetings are held in geographically-dispersed and equitably-selected
5 locales within the county.

6 (c) The eligibility requirements of the Arkansas Code Annotated §6-13-
7 306 to 309 must be met with respect to any candidate for election to the newly
8 constituted metropolitan school board.

9 (d) The metropolitan school board shall be comprised of the same number
10 of members as comprised the county_s Quorum Court under Arkansas Constitution
11 Amendment 55 §2, and shall be elected from the same single member districts as
12 the justice of the peace districts.

13 (e) No person shall be eligible to be a member of the metropolitan
14 school district board of directors unless:

15 (1) He is a bona fide resident and qualified elector of the
16 district for which he seeks election on the metropolitan school district
17 board; and

18 (2) He is the owner of real property in the county in which he
19 serves.

20 (f)(1) Within thirty (30) days from the date of the election of the
21 first board of directors, the new school board shall meet, and the various
22 members shall draw for their terms of office so that no more than three (3)
23 members_ terms shall expire per year and the maximum initial term shall not
24 exceed five (5) years.

25 (2) Thereafter, board members shall be elected at each annual
26 school election for a term of five (5) years, provided that any member of the
27 board of education shall hold office until his successor has been elected and
28 qualified.

29

30 SECTION 6. The metropolitan school board for a district created under
31 this act which is comprised of former districts which were party to a federal
32 court action involving desegregation shall have the following duties and
33 responsibilities:

34 (1) To take all steps necessary to erase the vestiges of segregation in
35 the district;

1 (2) To establish a unified education system which offers equal
2 educational opportunities for all children without regard to race, creed or
3 religious affiliation;

4 (3) To develop and implement non-discriminatory practices in staffing
5 including the promotion and recruitment of black principals and
6 administrators;

7 (4) To work with city and county planners in locating new schools in
8 racially neutral zones;

9 (5) To develop student assignment programs which maximize
10 desegregation;

11 (6) To implement special education programs, gifted programs, and
12 remedial and compensatory education programs on a non-discriminatory basis
13 which will maximize benefits to students enrolled in the district;

14 (7) To provide records and information as requested by the federal
15 court overseeing the district merger; and

16 (8) To take such other actions as necessary to achieve and maintain
17 unitary status.

18

19 SECTION 7. This act shall not be effective in those counties where
20 litigation involving desegregation of school districts within that county is
21 pending in U. S. Federal District Court or any federal appellate court until
22 the court having jurisdiction of same enters an order approving merger under
23 this act. At the discretion of the court, the merged district shall submit to
24 jurisdiction for purposes of oversight by the court to assure compliance with
25 the goal of achieving and maintaining unitary status.

26

27 SECTION 8. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

30

31 SECTION 9. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

1

2 SECTION 10. All laws and parts of laws in conflict with this act are

3 hereby repealed.

4

5