

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1534

By: Representative Cozart
By: Senator J. English

For An Act To Be Entitled

AN ACT TO REPEAL REQUIREMENTS PLACED ON SCHOOL DISTRICTS THAT HAVE A TEN PERCENT (10%) OR GREATER MINORITY POPULATION OUT OF THE TOTAL POPULATION; AND FOR OTHER PURPOSES.

Subtitle

TO REPEAL REQUIREMENTS PLACED ON SCHOOL DISTRICTS THAT HAVE A TEN PERCENT (10%) OR GREATER MINORITY POPULATION OUT OF THE TOTAL POPULATION.

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

SECTION 1. Arkansas Code § 6-13-631 is repealed.

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

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

~~(b)(1) At least one hundred twenty (120) days before the annual school election held in the second year after the federal decennial census, the local board of directors shall:~~

~~(A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single member zones or from five (5)~~



~~single member zones and two (2) at large; and~~

~~(B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single member 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 members of the board of directors 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 members of the board of directors.~~

~~(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 school district.~~

~~(2)(A) Except as provided in subsection (c) of this section, a member of a school district board of directors 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) At least ninety (90) days before the filing deadline for the annual school election held in the second year after each federal decennial census, the school district board of directors, with the approval of the county board of election commissioners of the county where the school district is administratively domiciled, shall:~~

~~(A) Divide each school district having a ten percent (10%) or greater minority population into single member zones; and~~

~~(B)(i) File a copy of the plan with the county clerk of the county where the school district is administratively domiciled.~~

~~(ii) The plan filed with the clerk shall include a map showing the boundaries of the zones and documentation showing the population by race in each zone.~~

~~(2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.~~

~~(3) At the annual school election following the rezoning, a new school district board of directors 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 of directors 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 school 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)(A) On or before August 1, 2002, and every decade thereafter, each and every school district shall submit to the Division of Elementary and Secondary Education a letter stating whether or not its school district board of directors falls under this section.~~

~~(B) In that same letter, each school district that falls under this section shall state how it has complied with this section.~~

~~(C) 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 division 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 necessary for the implementation of this section.~~

APPROVED: 3/30/23