

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2012

5 By: Representative Hubbard
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE AUTHORITY FOR MAKING
9 DESEGREGATION EXPENSE DISBURSEMENTS TO A SCHOOL
10 DISTRICT UNDER COURT-ORDERED DESEGREGATION; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

14 TO AMEND THE AUTHORITY FOR MAKING
15 DESEGREGATION EXPENSE DISBURSEMENTS TO A
16 SCHOOL DISTRICT UNDER COURT-ORDERED
17 DESEGREGATION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-20-210 is amended to read as follows:

24 6-20-210. ~~Pulaski County desegregation~~ Desegregation expense
25 disbursements.

26 (a) As used in this section:

27 (1) "Desegregation expense disbursements" means the payment of
28 desegregation expenses by the state to a school district under a:

29 (A) Court-approved agreement to which the state is a party
30 and relating to a school district's desegregation plan; or

31 (B) Court order in a school district desegregation case;

32 (2) "Desegregation plan" means:

33 (A) A school district's written plan for achieving unitary
34 status approved by the federal court having jurisdiction over the
35 desegregation lawsuit in which the school district is a party; and

36 (B) If approved or ordered by a court, any amendment or



1 agreement ancillary to the written plan; and

2 (3) "Plan objective" means an objective of a school district for
 3 removing or remediating a segregative practice as stated in a desegregation
 4 plan or a court-approved document or order.

5 ~~(b) For the fiscal year ending June 30, 2004, and for each fiscal year~~
 6 ~~thereafter in which funding for desegregation expense disbursements is~~
 7 appropriated and available, the Department of Education shall, from time to
 8 time as needed, certify to the Treasurer of State and the Chief Fiscal
 9 Officer of the State the amount of funds disbursed or approved to be
 10 disbursed by the department for desegregation expenses ~~under the Pulaski~~
 11 ~~County School Desegregation Settlement Agreement.~~

12 (c) Upon the receipt of the certification from the department, the
 13 Treasurer of State shall and after making those:

14 (1) Make the deductions as set out in under § 19-5-202(b)(2)(B),
 15 ~~the Treasurer of State shall also deduct;~~

16 (2) Deduct from the net general revenues the amount certified;
 17 and

18 (3) ~~transfer this~~ Transfer the resulting amount to the
 19 Department of Education Public School Fund Account, there to be used
 20 exclusively for payment of or reimbursement for expenses incurred from the
 21 Department of Education Public School Fund Account under the agreement.

22 (d)(1) A school district shall spend desegregation funding only to
 23 fulfill a plan objective.

24 (2) A school district shall not commingle desegregation funding
 25 with other state funding.

26 (3)(A) A school district that receives desegregation funding
 27 shall report to the department its:

28 (i) Plan objectives that are fulfilled or that
 29 remain outstanding in whole or in part; and

30 (ii) Expenditures from desegregation expense
 31 disbursements, identified as to the plan objective for which the expenditures
 32 were made.

33 (B) A school district shall publish on its website the
 34 information reported to the department under this subdivision (d)(3).

35 (e) The department shall not make a desegregation expense disbursement
 36 or shall seek court authority to stop making a desegregation expense

1 disbursement to a school district:

2 (1) If the school district has not completely fulfilled the plan
 3 objective identified with the disbursement within five (5) years from the
 4 date the plan objective was first approved by a court; and

5 (2) After the school district is declared unitary by the court
 6 having jurisdiction over the school district's desegregation plan, except to
 7 the extent a desegregation expense disbursement accrued prior to the date of
 8 unitary status remains unpaid.

9 (f) This section shall not be construed as a waiver of the sovereign
 10 immunity of the state.

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 12 SECTION 2. Arkansas Code § 6-20-212 is repealed.

13 ~~6-20-212. Desegregation expenses.~~

14 ~~For the fiscal year ending June 30, 2005, and for each fiscal year~~
 15 ~~thereafter, the Department of Education shall from time to time, as needed,~~
 16 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State,~~
 17 ~~the amount of funds disbursed or approved to be disbursed by the department~~
 18 ~~for desegregation expenses under any desegregation settlement agreement. Upon~~
 19 ~~the receipt of the certification, the Treasurer of State, after making those~~
 20 ~~deductions as set out in § 19-5-202(b)(2)(B), shall also deduct from the net~~
 21 ~~general revenues the amount certified and transfer this amount to the~~
 22 ~~Department of Education Public School Fund Account, there to be used~~
 23 ~~exclusively for payment of or reimbursement for expenses incurred from the~~
 24 ~~account under any desegregation settlement agreement.~~