

ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS FOR REPORTING COMPLIANCE
WITH ARK. CODE ANN. § 6-13-631 AND FOR WITHHOLDING AID FROM SCHOOL
DISTRICTS NOT IN COMPLIANCE WITH ARK. CODE ANN. § 6-13-631
August 2001

1.00 Regulatory Authority

1.01 These regulations shall be known as the Arkansas Department of Education (Department) regulations for reporting compliance with Ark. Code Ann. § 6-13-631 and for withholding state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.

1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-13-631.

2.00 Purpose

2.01 The purpose of these regulations is to describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631.

2.02 The further purpose of these regulations is to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.

3.00 Definition

3.01 For purposes of this rule and regulation, "state aid" shall be defined as any payment to be made from the Public School Fund of the State of Arkansas to a public school district.

4.00 Reporting Process

4.01 Each school district shall certify by written report to the Office of Legal Counsel of the Department on or before August 1, 2002 and each August 1 of the second year after each federal decennial census whether the school district meets one of the following exemptions as specified in Ark. Code Ann. § 6-13-631:

- a. The school district is currently operating under a federal court order enforcing school desegregation or the Federal Voting Rights Act of 1965, as amended; or

- b. The school district is operating under a preconsolidation agreement that is in compliance with the Federal Voting Rights Act of 1965, as amended; or
- c. The school district has a zoned board which meets the requirements of the Federal Voting Rights Act of 1965, as amended; or
- d. A federal court has ruled the school district is not in violation of the Federal Voting Rights Act of 1965, as amended; and the court order is in effect.
- e. The school district does not have a ten percent (10%) or greater minority population out of the total population of the school district.

4.02 If a school district does not fit within one of the exemptions described in Section 4.01 above and the school district's total population is comprised of a ten percent (10%) or greater minority population, the school district shall certify by written report by August 1 as required in Section 4.01 whether the school district has one of the following compositions for its local school board:

- a. A five single member school district board selected in compliance with Ark. Code Ann. § 6-13-631;
- b. A seven single member school district board selected in compliance with Ark. Code Ann. § 6-13-631 or
- c. A seven member school board selected in compliance with Ark. Code Ann. § 6-13-631 with five members elected from single member zones and with two members elected at-large.

5.00 Sanctions

5.01 If a school district does not certify by written report to the Department as required in Section 4.01 that the school district meets one of the exemptions in Section 4.01 above or that the school district has one of the boards described in Section 4.02 above, or that the school district's total population is not comprised of ten percent (10%) or greater minority population, then the Department must withhold twenty percent (20%) of the state aid distributed to the school district.

5.02 For those school districts from which the Department must withhold state aid, the Department will begin withholding twenty percent (20%) of state aid on the first business day of October immediately following

August 1 in the school year the report is required to be certified to the Department and continue withholding aid until such time the school district either is exempt from Ark. Code Ann. § 6-13-631 or complies with Ark. Code Ann. § 6-13-631.