

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING  
CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS**

**Proposed Effective Date: January 2018**

**1.00 PURPOSE**

- 1.01 The purpose of these rules is to establish the requirements and procedures concerning the consolidation and annexation of school districts; the administrative consolidation and annexation of school districts; and the distribution of consolidation/annexation incentive funding.

**2.00 AUTHORITY**

- 2.01 The State Board of Education (State Board) enacts these rules pursuant to the authority granted by Ark. Code Ann. §§ 6-11-105, 6-13-1401 et seq., 6-13-1601 et seq., and 25-15-201 et seq., and Act 377 of 2015 Acts 745 and 936 of 2017.

**3.00 DEFINITIONS**

- 3.01 "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving school district;
- 3.02 "Administrative consolidation" means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities;
- 3.03 "Affected district" means a school district that:
- 3.03.1 Loses territory or students as a result of annexation or administrative annexation; or
- 3.03.2 Is involved in a consolidation or administrative consolidation.
- 3.04 "Aggrieved district" means the lawfully constituted and existing board of directors of a school district that gains or loses territory or students as a result of an annexation, administrative annexation, consolidation, or administrative consolidation;
- 3.05 "Annexation" means the joining of an affected school district or part thereof with a receiving district;
- 3.06 "Average daily membership (ADM)" has the same meaning as defined by the Arkansas General Assembly in Ark. Code Ann. § 6-20-2303.

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- 3.07 “Consolidation” means the joining of two (2) or more affected school districts or parts thereof to create a new single school district;
- 3.08 “Debt” means a legal liability, encumbrance or contract, including employment contracts, to be paid out of future revenues or current reserves of the school district.
- 3.09 “Receiving district” means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation or administrative annexation;
- 3.10 “Resulting district” means the new school district created from affected districts as a result of consolidation or administrative consolidation.

*Source: Ark. Code Ann. §§ 6-13-1401 and 6-13-1601*

#### **4.00 CONSOLIDATION AND ANNEXATION AUTHORITY OF THE STATE BOARD**

- 4.01 There shall not be any consolidation or annexation of any public school district with any other school district in the state without the prior consent and approval of the State Board.

*Source: Ark. Code Ann. § 6-13-1402*

### **CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS**

#### **5.00 CONDITIONS UNDER WHICH THE STATE BOARD OF EDUCATION MAY ANNEX SCHOOL DISTRICTS**

- 5.01 The State Board shall consider the annexation of an affected school district or districts to a receiving district or districts under any of the following conditions:
  - 5.01.1 The State Board, after providing thirty (30) days’ written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation or failure to meet academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, Ark. Code Ann. § 6-21-801 et seq.;~~
  - 5.01.2 The affected district or districts file a petition with the State Board requesting annexation to a particular receiving district or districts, and a

copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located;

- 5.01.2.1 The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts; and
- 5.01.2.2 The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in Ark. Code Ann. § 6-14-122;
- 5.01.3 A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in Ark. Code Ann. § 6-14-122; and
  - 5.01.3.1 The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in Ark. Code Ann. § 6-14-122; or
- 5.01.4 The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and
  - 5.01.4.1 The receiving district or districts provide to the State Board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in Ark. Code Ann. § 6-14-122.

- 5.02 The State Board may vote to approve, by a majority of a quorum present of the members of the State Board, the annexation of the affected districts into a receiving district:
- 5.02.1 The State Board, after providing thirty (30) days written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation or failure to meet academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, Ark. Code Ann. § 6-21-801 et seq.;~~ or
  - 5.02.2 Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Ark. Code Ann. § 6-13-1403(a) and Section 5.01 of these rules, and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.
- 5.03 In order for the petition for annexation to be valid, it shall be filed with the State Board at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board. However, no petition is required for the State Board to annex a school district or districts upon a motion of the State Board as allowed in Ark. Code Ann. § 6-13-1403(b) and Section 5.02 of these rules.
- 5.04 Upon determination by the State Board to annex a school district or approval of a petition requesting annexation, the State Board shall issue an order dissolving the affected district or districts and establishing the receiving district or districts.
- 5.04.1 The State Board shall issue an order establishing the boundary lines of the receiving district or districts.
  - 5.04.2 It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

5.05 The State Board shall:

5.05.1 Issue an order establishing the changed boundaries; and

5.05.2 File the order with the:

5.05.2.1 County clerk of each county that contains school district territory of each affected or receiving district;

5.05.2.2 Secretary of State; and

5.05.2.3 Arkansas Geographic Information Systems Office.

5.05.3 The county clerk shall make a permanent record of the order.

5.05.4 A consolidation or annexation order filed with the Secretary of State and the Arkansas Geographic Information Systems Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Systems Office.

5.05.5 The boundaries established by the State Board pursuant to Ark. Code Ann. § 6-13-1403(e) and Section 5.05 of these rules shall be the boundaries of the receiving district or districts until changes are made according to the provisions of law.

5.06 The State Board shall not annex affected districts into a receiving district or districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:

5.06.1 The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

5.06.2 The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

*Source: Ark. Code Ann. §§ 6-13-1403, 6-13-1415, & 6-13-1416*

**6.00 CONDITIONS UNDER WHICH THE STATE BOARD OF EDUCATION MAY CONSOLIDATE SCHOOL DISTRICTS**

6.01 The State Board shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

6.01.1 The State Board, after providing thirty (30) days' written notice to the affected school districts, determines consolidation is in the best interest of

the affected districts based upon failure to meet standards for accreditation or academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., the Arkansas~~ Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, Ark. Code Ann. § 6-21-801 et seq.; or

6.01.2 The affected districts file a petition with the State Board requesting that the affected districts be consolidated into a resulting district or districts;

6.01.2.1 A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

6.01.2.2 The county clerk's office certifies in writing to the State Board that the petition has been signed by a majority of the qualified electors of the affected districts;

6.01.2.3 A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in Ark. Code Ann. § 6-14-122; and

6.01.2.4 The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

6.02 The State Board:

6.02.1 After providing thirty (30) days written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation or academic, fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., the Arkansas~~ Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq., and the Arkansas Public School Academic Facilities Program Act, Ark. Code Ann. § 6-21-801 et seq.; or

6.02.2 May vote to approve by a majority of a quorum present of the members of the State Board the consolidation of the affected districts into a resulting

district or districts upon receipt of a valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Ark. Code Ann. § 6-13-1404(a) and Section 6.01 of these rules, and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

- 6.03 In order for the petition for consolidation to be valid, it shall be filed with the State Board at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board. However, no petition is required for the State Board to consolidate a school district or districts on a motion of the State Board as allowed under Ark. Code Ann. § 6-13-1404(b) and Section 6.02 of these rules.
- 6.04 Upon consolidation of a school district by the State Board or approval of a petition requesting consolidation, the State Board shall issue an order dissolving the affected districts and establishing the resulting district or districts.
  - 6.04.1 The State Board shall issue an order establishing the boundary lines of the resulting district or districts.
  - 6.04.2 It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.
- 6.05 The State Board shall:
  - 6.05.1 Issue an order establishing the changed boundaries; and
  - 6.05.2 File the order with the:
    - 6.05.2.1 County clerk of each county that contains school district territory of each affected or resulting district;
    - 6.05.2.2 Secretary of State; and
    - 6.05.2.3 Arkansas Geographic Information Systems Office.
  - 6.05.3 The county clerk shall make a permanent record of the order.
  - 6.05.4 A consolidation or annexation order filed with the Secretary of State and the Arkansas Geographic Information Systems Office shall include a digital map showing the boundaries of the resulting district or receiving

district in a format prescribed by the Arkansas Geographic Information Systems Office.

6.05.5 The boundaries established under this subsection shall be the boundaries of the resulting district or districts until changes are made according to the provisions of law.

6.06 The State Board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

6.06.1 The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

6.06.2 The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

*Source: Ark. Code Ann. §§ 6-13-1404, 6-13-1415, & 6-13-1416*

#### **7.00 RESULTING DISTRICT SUCCESSOR IN INTEREST – WHEN PART OF DISTRICT TAKEN**

7.01 Any receiving or resulting district created under Ark. Code Ann. § 6-13-1407 and Section 7.00 of these rules shall become the successor in interest to the property of the school district dissolved, shall become liable for the contracts and debts of such a school district, and may sue and be sued therefor.

7.02 When territory less than the entire school district is annexed or consolidated to a school district, the receiving or resulting district shall take the property of the school district from which the territory was taken, as the State Board shall deem proper, and shall be liable for that part of all indebtedness of the school district from which the territory was taken as shall be assigned to it by the State Board unless otherwise approved by a majority vote of the affected school district's or districts' board or boards of directors.

*Source: Ark. Code Ann. § 6-13-1407*

#### **8.00 ANNEXATION OR CONSOLIDATION NOT TO NEGATIVELY IMPACT STATE-ASSISTED DESEGREGATION**

8.01 The State Board shall not order any annexation or consolidation pursuant to Title 6, Chapter 13, Subchapter 14, or any other act or any combination of acts which hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.



- 8.02 Prior to the entry of any order under Title 6, Chapter 13, Subchapter 14, the State Board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a school district or districts in desegregation of the public schools of this state.
- 8.03 Any order of annexation or consolidation or combination thereof that violates the provisions of Ark. Code Ann. § 6-13-1408 and Section 8.00 of these rules shall be null and void.

*Source: Ark. Code Ann. § 6-13-1408*

## **9.00 OTHER STATE BOARD OF EDUCATION DUTIES**

- 9.01 The State Board shall have the following duties regarding consolidations and annexations:
  - 9.01.1 To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of those school districts to another school district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;
  - 9.01.2 To transfer funds and attach territory that is in no school district to other school districts as may seem best for the educational welfare of the children; and
  - 9.01.3 To enact rules and regulations regarding the consolidation and annexation of school districts pursuant to Title 6 of the Arkansas Code.
- 9.02 The millage rate of the electors of an affected district shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district or districts.

*Source: Ark. Code Ann. § 6-13-1409*

## **10.00 APPEAL AND ELECTION**

- 10.01 Notwithstanding any other provision of law or rule of the State Board, the decision of the State Board regarding an administrative consolidation, consolidation, administrative annexation, or annexation shall be final with no further right of appeal except that only an aggrieved district may appeal to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

*Source: Ark. Code Ann. § 6-13-1410*

## **11.00 USE OF FUND BALANCES**

- 11.01 Unless otherwise approved by a unanimous vote of the board of directors of the resulting district, the fund balances of any school district that is consolidated, annexed, or otherwise reorganized shall be used by the resulting district solely for the construction of facilities or the operation, maintenance, or support of the schools that were located in the affected school district from which the fund balance was derived if any of the facilities of the affected district from which the fund balance was derived remain open.
- 11.02 The provisions of Ark. Code Ann. § 6-13-1411 and Section 11.00 of these rules shall not apply if the consolidation or annexation is because of the school district's failure to meet standards for accreditation or failure to meet academic, ~~or~~ fiscal, or facilities distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq.,~~ the Arkansas Educational Support and Accountability Act, Ark. Code Ann. § 6-15-2901 et seq., the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq., or the Arkansas Public School Academic Facilities Program Act, Ark. Code Ann. § 6-21-801 et seq.

*Source: Ark. Code Ann. § 6-13-1411*

## **12.00 INVOLUNTARY ANNEXATION OR CONSOLIDATION – EFFECTIVE DATE – INTERIM BOARD OF DIRECTORS**

- 12.01 Ark. Code Ann. § 6-13-1415 and Section 12.00 of these rules apply to the involuntary consolidation or involuntary annexation of a school district made by a motion of the State Board.
- 12.02 The effective date of an involuntary consolidation or involuntary annexation of a school district shall be the July 1 after the State Board action unless determined otherwise by the State Board.
- 12.03 The State Board shall establish the terms and conditions of the involuntary consolidation or involuntary annexation that shall govern the affected districts, resulting districts, and receiving districts.
- 12.04 If the State Board determines that a new permanent board of directors is necessary, the State Board shall prescribe:
  - 12.04.1 The number of members for the new permanent board of directors of the resulting district or receiving district;

- 12.04.2 The manner of formation of the new permanent board of directors of the resulting district or receiving district under Ark. Code Ann. § 6-13-1417 and Section 14.00 of these rules; and
  - 12.04.3 Whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation. The election for the new permanent school board of directors may take place during the second school election after the effective date of consolidation or annexation only if the State Board determines that additional time is required to implement ~~singe~~single-member zoned elections.
- 12.05 If the State Board determines that an interim board of directors is necessary, the State Board shall prescribe:
- 12.05.1 The number of members for the interim board of directors of the resulting district or receiving district;
  - 12.05.2 The terms of the members of the interim board of directors of the resulting district or receiving district; and
  - 12.05.3 The manner of formation of the interim board of directors of the resulting district or receiving district. The State Board may:
    - 12.05.3.1 Allow the affected districts and receiving districts thirty (30) days to establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;
    - 12.05.3.2 Appoint an interim board of directors to govern the resulting or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation; or
    - 12.05.3.3 Designate the existing board of directors of one (1) affected district in a consolidation or the existing

board of directors of the receiving district in an annexation as the interim board to govern the resulting district or receiving district.

- 12.06 The State Board may determine that an interim board of directors is not necessary and may order the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.
- 12.07 An interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:
  - 12.07.1 Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under Ark. Code Ann. § 6-13-1415(d)(1)(C) and Section 12.04.3 of these rules; or
  - 12.07.2 All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the State Board may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.
- 12.08 If the State Board allows the local school districts time to establish an interim board of directors, the board of directors of each affected district before the consolidation or each affected district and receiving district before the annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors, subject to approval by the State Board, by:
  - 12.08.1 The voluntary resignation of one (1) or more members of the existing board of directors;
  - 12.08.2 Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or
  - 12.08.3 Selecting one (1) or more members of the existing board of directors by a random lot drawing.
- 12.09 An interim board of directors shall be established by May 31 of the year preceding the effective date of administrative consolidation or administrative annexation under Ark. Code Ann. § 6-13-1603 if the State Board determines that an interim board of directors is necessary.

- 12.10 A consolidation or annexation order adopted by the State Board shall be filed with the:
- 12.10.1 County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;
  - 12.10.2 Secretary of State; and
  - 12.10.3 Arkansas Geographic Information Systems Office.
- 12.11 A consolidation or annexation order shall include a map of the boundaries of the resulting district or receiving district.
- 12.12 A consolidation or annexation order filed with the Secretary of State and the Arkansas Geographic Information Systems Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Systems Office.

*Source: Ark. Code Ann. § 6-13-1415*

### **13.00 VOLUNTARY CONSOLIDATION OR ANNEXATION – EFFECTIVE DATE – INTERIM BOARD OF DIRECTORS**

- 13.01 Ark. Code Ann. § 6-13-1416 and Section 13.00 of these rules apply to any petition for consolidation or annexation of a school district submitted to the State Board by a school district.
- 13.02 The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the State Board approves the consolidation or annexation petition unless the State Board approves an alternative effective date or determines otherwise.
- 13.03 Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school district's board of directors.
- 13.03.1 The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.
  - 13.03.2 The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent

board of directors of the resulting district or receiving district under Ark. Code Ann. § 6-13-1417 or as allowed by law.

- 13.03.2.1 If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.
  - 13.03.2.2 The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.
- 13.04 The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:
- 13.04.1 Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;
  - 13.04.2 Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or
  - 13.04.3 Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.
- 13.05 If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:
- 13.05.1 Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or

annexation under Ark. Code Ann. § 6-13-1416(c)(3)(B) and Sections 13.03.2.1 and 13.03.2.2 of these rules; or

- 13.05.2 All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.
- 13.06 If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district before annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:
  - 13.06.1 The voluntary resignation of one (1) or more members of the existing board of directors;
  - 13.06.2 Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or
  - 13.06.3 Selecting one (1) or more members of the existing board of directors by a random lot drawing.
- 13.07 If the written agreement in an administrative consolidation or an administrative annexation under Ark. Code Ann. § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.
- 13.08 An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the State Board.
  - 13.08.1 If the written agreement is approved by the State Board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school boards of directors.
  - 13.08.2 A written agreement under Ark. Code Ann. § 6-13-1416 and Section 13.00 of these rules shall not be effective without approval from the State Board.
- 13.09 A consolidation or annexation petition approved by the State Board along with an executed copy of the written agreement shall be filed with the:

- 13.09.1 County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;
  - 13.09.2 Secretary of State; and
  - 13.09.3 Arkansas Geographic Information Systems Office.
- 13.10 An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.
- 13.11 An approved consolidation or annexation petition filed with the Secretary of State and the Arkansas Geographic Information Systems Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Systems Office.

*Source: Ark. Code Ann. § 6-13-1416*

#### **14.00 FORMATION OF A PERMANENT BOARD OF DIRECTORS**

- 14.01 A permanent board of directors shall have either five (5) or seven (7) members unless the school district is allowed to have nine (9) members under Ark. Code Ann. § ~~6-13-604~~ 6-13-634.
- 14.02 The length of the terms of the board of directors may be for the time period prescribed by law and:
- 14.02.1 Prescribed in the written agreement under Ark. Code Ann. § 6-13-1416 and Section 13.00 of these rules; or
  - 14.02.2 Determined by the permanent board of directors.
- 14.03 At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that not more than two (2) members' terms expire during any one (1) year.
- 14.04 A vacancy on the board of directors shall be filled as prescribed by law.
- 14.05 If single-member election zones are not necessary to comply with the Voting Rights Act of 1965 or with any other federal or state law, any or all of the members of the permanent board of directors may be elected at large.
- 14.06 A minimum of five (5) members of a permanent board of directors shall be elected from single-member election zones if one (1) or more of the following applies:



- 14.06.1 Single-member election zones are required to comply with the Voting Rights Act of 1965 or other federal law;
  - 14.06.2 The resulting district or receiving district after consolidation or annexation is required to be zoned under Ark. Code Ann. § 6-13-631 or other state law; or
  - 14.06.3 The boards of directors of the affected districts before consolidation or the boards of directors of the affected districts and receiving districts before annexation agree that the permanent board of directors shall be elected from single-member election zones.
- 14.07 If single-member election zones are necessary to comply with the Voting Rights Act of 1965, other federal law, or state law, the resulting district or receiving district shall:
- 14.07.1 Review the demographic makeup and boundaries of the zones based on the latest decennial census data of the resulting district or receiving district after consolidation or annexation and rezone the resulting district or receiving district as necessary to comply with the Voting Rights Act of 1965, other federal law, or state law;
  - 14.07.2 Complete the election rezoning no later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation; and
  - 14.07.3 No later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation, file a digital map, in a format prescribed by the Arkansas Geographic Information Systems Office, detailing the election zone boundaries of the resulting district or receiving district with the:
    - 14.07.3.1 Secretary of State;
    - 14.07.3.2 Arkansas Geographic Information Systems Office; and
    - 14.07.3.3 County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district.

*Source: Ark. Code Ann. § 6-13-1417*

## ADMINISTRATIVE CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS

### 15.00 ADMINISTRATIVE CONSOLIDATION LIST

15.01 By January 1 of each year, the Department of Education shall publish a:

- 15.01.1 List of all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year; and
- 15.01.2 Consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

*Source: Ark. Code Ann. § 6-13-1602*

### 16.00 ADMINISTRATIVE REORGANIZATION

- 16.01 Any school district included in the Department of Education's consolidation list under Ark. Code Ann. § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of Ark. Code Ann. § 6-13-1603 and Section 16.00 of these rules.
- 16.02 Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition. If the petition is approved by the State Board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under Ark. Code Ann. § 6-13-1602 and Section 15.00 of these rules.
- 16.03 Any school district on the consolidation list that does not submit a petition under Ark. Code Ann. § 6-13-1603(a)(2)(A) or Section 16.02 of these rules, or that does not receive approval by the State Board for a voluntary consolidation or annexation petition, shall be administratively consolidated by the State Board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under Ark. Code Ann. § 6-13-1602 and Section 15.00 of these rules unless the school district has been granted a waiver under § 6-13-1613 and Section ~~29.00~~ 28.00 of these rules.

- 16.04 The State Board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under Ark. Code Ann. § 6-13-1602 and Section 15.00 of these rules.
- 16.05 The State Board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:
- 16.05.1 The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or
- 16.05.2 The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.
- 16.06 Any school district required to be administratively consolidated under Title 6, Chapter 13, Subchapter 16 and Section 16.00 of these rules shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).
- 16.07 All administrative consolidations or annexations under Ark. Code Ann. § 6-13-1603 and Section 16.00 of these rules shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.
- 16.08 In the administratively consolidated or annexed school districts created under Title 6, Chapter 13, Subchapter 16 and Section 16.00 of these rules, the ad valorem tax rate shall be determined as set forth under Ark. Code Ann. § 6-13-1409 and Section 9.00 of these rules.
- 16.09 Nothing in Ark. Code Ann. § 6-13-1603 or Section 16.00 of these rules shall be construed to require the closing of any school or school facility.
- 16.10 No administratively consolidated or annexed resulting or receiving school district shall have more than one (1) superintendent.
- 16.11 Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the State Board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

- 16.11.1 The school district fails to meet minimum teacher salary requirements; or
  - 16.11.2 The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the Department of Education.
- 16.12 Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:
- 16.12.1 Are within the same county, and the State Board approves the administrative consolidation; or
  - 16.12.2 Are not within the same county, and the State Board approves the administrative consolidation or administrative annexation and finds that:
    - 16.12.2.1 The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or
    - 16.12.2.2 The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.
- 16.13 Contiguous school districts may administratively consolidate even if they are not in the same county.
- 16.14 The provisions of Ark. Code Ann. §§ 6-13-1415 through 6-13-1417, and Sections 12.00 through 14.00 of these rules, shall govern the board of directors of each resulting district or receiving district created under this Title 6, Chapter 13, Subchapter 16 and Section 16.00 of these rules.

*Source: Ark. Code Ann. § 6-13-1603*

#### **~~17.00 DEVELOPMENT OF PLAN TO TRACK STUDENT PROGRESS~~**

- ~~17.01 Following the administrative consolidation or administrative annexation under Ark. Code Ann. §§ 6-13-1601 -- 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving district or resulting district and the Department of Education shall~~

develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:

- 17.01.1 — Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;
- 17.01.2 — Economically disadvantaged students;
- 17.01.3 — Students from major racial and ethnic groups; and
- 17.01.4 — Specific population groups as identified by the State Board, the Department of Education, the affected district, or the receiving district as target groups for closing the achievement gaps.

17.02 — The receiving or resulting district shall obtain and retain all student records from the affected district for the five (5) years immediately preceding the administrative consolidation or administrative annexation, specifically including, but not limited to:

- 17.02.1 — Individual student records;
- 17.02.2 — Attendance records;
- 17.02.3 — Enrollment records;
- 17.02.4 — Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., specifically including benchmark assessments and end-of-course; and
- 17.02.5 — American College Test (ACT) and Standardized Aptitude Test (SAT) results and records.

17.03 — The school district shall report to the Department of Education information determined by the Department of Education as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

- 17.03.1 — Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;
- 17.03.2 — Economically disadvantaged students; and
- 17.03.3 — Students from major racial and ethnic groups.

~~17.04~~ By November 1 of each year, the Department of Education shall file a written report with the Governor, the chair of the House Interim Committee on Education, the chair of the Senate Interim Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

~~17.04.1~~ ——— Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;

~~17.04.2~~ ——— Economically disadvantaged students; and

~~17.04.3~~ ——— Students from major racial and ethnic groups.

*Source: Ark. Code Ann. § 6-13-1606*

## **1817.00 RETENTION OF HISTORICAL RECORDS AND DOCUMENTS**

~~1817.01~~ Following the annexations or consolidations under Ark. Code Ann. § 6-13-1601 et seq. effective prior to December 1, 2004, and prior to any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 31, 2004, a receiving or resulting school district shall obtain and retain all student and historical records and documents from the affected school district, specifically including, but not limited to:

~~1817.01.1~~ Student transcripts;

~~1817.01.2~~ Graduation records;

~~1817.01.3~~ Minutes and other legal documents of the local board of directors;

~~1817.01.4~~ Maps or boundary documents;

~~1817.01.5~~ Sports records, trophies, and awards;

~~1817.01.6~~ Employee records; and

~~1817.01.7~~ Financial records.

*Source: Ark. Code Ann. § 6-13-1607*

## **1918.00 AUDIT REQUIRED**

~~1918.01~~ The Arkansas Legislative Audit shall conduct a comprehensive financial review of all the school district's financial matters for any school that is involved in

administrative consolidation or administrative annexation or is otherwise reorganized by the State Board.

~~1918.02~~ The comprehensive financial review shall begin no less than ten (10) days after the earliest of:

- ~~1918.02.1~~ The publication of the district's name on the consolidation and annexation list under Ark. Code Ann. § 6-13-1602;
- ~~1918.02.2~~ The filing of a petition for voluntary administrative consolidation or administrative annexation; or
- ~~1918.02.3~~ The adoption of a motion by the State Board to consolidate, annex, or otherwise reorganize a school district designated as being in academic or fiscal distress.

~~1918.03~~ Beginning on the date of publication of the consolidation list under Ark. Code Ann. § 6-13-1602 and Section ~~16.00~~ 15.00 of these rules each year, the Department of Education shall have authority to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require those school districts to have accurate records necessary to close all books within sixty (60) days after the end of the fiscal year.

- ~~1918.03.1~~ No contract or other debt obligation incurred by a school district for which the department has oversight authority under Ark. Code Ann. § 6-13-1608 and Section ~~1918.00~~ of these rules shall be valid or enforceable against a resulting school district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Education or his or her designee.

~~1918.04~~ Any school that is involved in an administrative consolidation or administrative annexation shall have an audit started within thirty (30) days of the completion of the closing of the books by the school district.

~~1918.05~~ The Department of Education and the Arkansas Legislative Audit shall jointly develop the scope and details of the comprehensive fiscal review consistent with the requirements of Ark. Code Ann. § 6-13-1608 and Section ~~1918.00~~ of these rules.

~~1918.06~~ A school district may not incur debt without the prior written approval of the Department of Education if the school district is identified by the Department of Education under Ark. Code Ann. § 6-13-1602(1) and Section 15.01.1 of these rules as having fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year.

*Source: Ark. Code Ann. § 6-13-1608*

## **2019.00 PRESERVATION OF HISTORICAL SCHOOL ARTIFACTS**

2019.01 Following the administrative consolidations or administrative annexations under Ark. Code Ann. §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 31, 2004, a receiving district or resulting district shall obtain, retain, preserve, and, as appropriate, display historical artifacts of the affected district in the same manner as if the historical artifacts were those of the receiving district or resulting district.

*Source: Ark. Code Ann. § 6-13-1609*

## **2120.00 FINANCIAL RELIEF FOR DEBTS ACQUIRED AS A RESULT OF INVOLUNTARY CONSOLIDATIONS**

2120.01 As used in Section 2120.00 of these rules:

- 2120.01.1 “Accounts payable” means a debt owed by a school district on June 30 immediately prior to administrative consolidation, excluding bonded indebtedness or other long-term debt;
- 2120.01.2 “Act 60 school district” means a school district that was on the consolidation list under Ark. Code Ann. § 6-13-1602 and Section 15.00 of these rules and was involuntarily consolidated under Ark. Code Ann. § 6-13-1603(a)(3) and Section 16.03 of these rules;
- 2120.01.3 “Available funding” means funds that are available to a school district for paying accounts payable or are reasonably expected to be collected and available for payment of accounts payable;
- 2120.01.4 “Excess accounts payable” means accounts payable of an Act 60 school district that exceed available funding; and
- 2120.01.5 “Improper expenditure exceptions” means an erroneous expenditure of federal or state funds that is noted as an audit exception and has been determined by the Department of Education to require an expenditure of funds by the resulting school district to be correct.

2120.02 If on July 1, 2004, or thereafter, the State Board required an involuntary administrative consolidation under Ark. Code Ann. § 6-13-1603(a)(3) and Section 16.03 of these rules and the resulting district assumed excess accounts payable or improper expenditure exceptions incurred by the Act 60 school district before the July 1 administrative consolidation date that would have caused deficit spending



if paid from the funds of the Act 60 district, the Department of Education shall provide supplemental funding to the resulting district.

~~2120~~.03 The amount of the supplemental funding provided under Ark. Code Ann. § 6-13-1610(b) and Section ~~2120~~.02 of these rules shall be equal to the amount of the excess accounts payable and improper expenditure exceptions assumed by the resulting school district.

~~2120~~.03.1 The amount of accounts payable, excess accounts payable, improper expenditure exceptions, and available funding shall be determined by the Department of Education based on information provided in a final audit and other verifiable fiscal information available to the Department of Education.

~~2120~~.03.2 The audit of an Act 60 school district required under Ark. Code Ann. § 6-13-1610 and Section ~~2120~~.00 of these rules shall be completed within the time under Ark. Code Ann. § 6-20-1801(d) for school districts in fiscal distress.

~~2120~~.03.3 No supplemental funding shall be paid under this section until after completion of a final audit by the ~~Division of~~ Arkansas Legislative Audit or a private certified public accountant that may conduct school district audits under Ark. Code Ann. § 6-20-1801.

~~2120~~.04 Beginning on the date of the publication of the consolidation list under Ark. Code Ann. § 6-13-1602 and Section 15.00 of these rules each year, the Department of Education shall have authority to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require these school districts to have accurate records necessary to close all books within sixty (60) days of the end of the fiscal year.

~~2120~~.04.1 No contract or other debt obligation incurred by a school district for which the Department of Education has oversight authority under Ark. Code Ann. § 6-13-1610 and Section ~~2120~~.00 of these rules shall be valid or enforceable against a resulting district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Education or his or her designee.

*Source: Ark. Code Ann. § 6-13-1610*

## **2221.00 ANNUAL REPORTS**

~~2221~~.01 By October 1 of each year, the resulting district or receiving district of any school district that was administratively consolidated or administratively annexed under Ark. Code Ann. §§ 6-13-1601 – 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] shall file a written report with the House Interim Committee

on Education, the Senate Interim Committee on Education, and the Department of Education indicating:

- 2221.01.1 What efforts were made and the results of those efforts for inclusion of parents from the affected district in the receiving district's or the resulting district's activities, including without limitation:
      - 2221.01.1.1 Parent-teacher associations;
      - 2221.01.1.2 Booster clubs; and
      - 2221.01.1.3 Parent involvement committees;
    - 2221.01.2 The number and percentage of students from the affected districts participating in an extracurricular activity, itemized by each extracurricular activity offered by the school district and, for each activity, which school district the student attended before reorganization; and
    - 2221.01.3 The employment status of each administrator by name, gender, and race before the administrative annexation or administrative consolidation, which school employed the administrator before administrative consolidation, and his or her employment status in the receiving district or the resulting district.
  - 2221.02 The Department of Education shall develop or approve a survey to be used by the resulting or receiving districts to capture perceptual data from parents and students regarding their opinions on:
    - 2221.02.1 Opportunities for inclusion or participation in the resulting or receiving district; and
    - 2221.02.2 The efforts, if any, that were made to include parents from the affected district in the receiving or resulting district's activities, including, but not limited to, parent-teacher associations, booster clubs, and parent involvement committees.

*Source: Ark. Code Ann. § 6-13-1611*

## **2322.00 ACADEMIC SUPPORT CENTERS**

2322.01 The purpose of Ark. Code Ann. § 6-13-1612 and Section 2322.00 of these rules is to:

- 2322.01.1 Prevent students who attend administratively consolidated or administratively annexed schools from returning home to communities with little or no opportunities for supplemental academic support;
- 2322.01.2 Increase opportunities for access to library materials, academic resource materials, and educational technology for these students within their local communities; and
- 2322.01.3 Help advance academic performance for these students by providing opportunities for homework and tutorial assistance based on the Arkansas curriculum frameworks.

2322.02 An academic support center may be established in communities whose schools have been closed by administrative consolidation or administrative annexation under Title 6, Chapter 13, Subchapter 16 of the Arkansas Code to fulfill the objectives identified in Ark. Code Ann. § 6-13-1612(a) and Section 2322.00 of these rules.

2322.03 The Department of Education shall report annually to the House Interim Committee on Education and the Senate Interim Committee on Education regarding the establishment of academic support centers and their effectiveness.

*Source: Ark. Code Ann. § 6-13-1612*

## **CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING**

### **2423.00 DEFINITIONS APPLICABLE TO CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING**

For the purposes of Sections 2423.00 through 2625.00 of these rules, the following definitions apply:

2423.01 “Annexation” includes both Annexation and Administrative Annexation as defined in Section 3.00 of these Rules.

2423.02 “Consolidation” includes both Consolidation and Administrative Consolidation as defined in Section 3.00 of these Rules.

2423.03 "Foundation Funding" means an amount of money specified by the General Assembly for each school year to be expended by school districts for the provision of an adequate education for each student.

2423.04 "Per Student Foundation Funding Amount" means a dollar amount established by the General Assembly to be multiplied by the ADM of the previous school year for the district foundation funding.

2423.05 "Funding Factor" means a factor established by the Arkansas Department of Education (Department) to ensure that the calculated funding does not exceed the funds available for consolidation/annexation incentive funding.

#### **2524.00 GUIDELINES FOR THE DISTRIBUTION OF CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING**

2524.01 The distribution of consolidation and annexation incentive funding is dependent upon appropriation and funding by the Arkansas General Assembly.

2524.02 Consolidation/annexation incentive funding shall be determined as follows:

2524.02.1 One hundred percent (100%) of the incentive allowance computed as provided in these rules shall be in addition to the school district's aid the first year of consolidation/annexation. The second year of consolidation/annexation the district shall receive fifty percent (50%) of the consolidation/annexation incentive funding received by the district in the previous year in addition to other state aid. Beginning in the third year and each year thereafter no consolidation/annexation incentive funding shall be provided. The consolidation/annexation incentive is intended to supplement the customary state aid the districts would have received had the consolidation/annexation not occurred.

2524.02.2 For those school districts not required to be consolidated/annexed in the current school year, if two (2) districts consolidate or one (1) district is annexed to another school district, multiply the prior year ADM of the smaller district by the per student foundation funding amount, then by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is three hundred (300).

2524.02.3 For those school districts required to be consolidated/annexed in the current school year, if two (2) districts consolidate or one (1) district is annexed to another school district, multiply the prior year ADM of the smaller district by the per student foundation funding amount, then by the funding factor, where the minimum ADM

applicable is one hundred (100) and the maximum ADM applicable three hundred (300).

- ~~25~~24.02.4 For those school districts not required to be consolidated/annexed in the current school year, if three (3) districts consolidate or two (2) districts are annexed to a third school district, multiply the total prior year ADM of the two (2) smaller districts by the per student foundation funding amount, then by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is four hundred (400).
- ~~25~~24.02.5 For those school districts required to be consolidated/annexed in the current school year, if three (3) districts consolidate or two (2) smaller districts are annexed to another school district, multiply the prior year ADM of the smaller district by the per student foundation funding amount, then by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable three hundred (300).
- ~~25~~24.02.6 For those school districts not required to be consolidated/annexed in the current school year, if four (4) or more districts consolidate or three (3) or more districts are annexed to another school district, multiply the total prior year ADM of all except the largest district by the per student foundation funding amount, then by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is five hundred (500).
- ~~25~~24.02.7 For those school districts required to be consolidated/annexed in the current school year, if four (4) or more districts consolidate or three (3) or more districts are annexed to another school district, multiply the prior year ADM of the smaller district by per student the foundation funding amount, then by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is three hundred (300).
- ~~25~~24.02.8 If a district is annexed by multiple school districts, the incentive funding shall be computed as in Sections ~~25~~24.02.1 through ~~25~~24.02.7 above. The incentive funding shall then be prorated among the receiving districts based upon the percentage of the annexed district's ADM received by each receiving district.

## **~~26~~25.00 GENERAL REQUIREMENTS**

- ~~26~~25.01 Consolidation/annexation incentive funding shall be distributed to either the resulting district(s) established after consolidation or the receiving district(s) after annexation.

2625.02 Any district that has received consolidation/annexation incentive funds and subsequently dissolves shall be liable to the Department of Education for the full or apportioned amount of incentive funding received if any of the following conditions result due to the dissolution:

2625.02.1 Districts are formed with substantially the same boundaries as the former districts prior to consolidation or annexation;

2625.02.2 The ability of any district to desegregate or remain desegregated is inhibited;

2625.02.3 The ability of the State to ensure that students are provided a quality education in an efficient manner is inhibited.

2625.03 Any repayment due, as required in Section 2625.02 above, shall be paid from the assets of the district prior to dissolution of the district. The Department of Education may withhold, from any state funding due the district, the amount of repayment funds or a portion thereof.

2625.04 In the event full repayment is not made as required under Section 2625.02 above, the Department of Education shall withhold from those districts that are formed as a result of the dissolution, future state funding in the amount of the repayment owed. The repayment shall be apportioned among the districts on a per ADM basis unless the Department of Education determines that such apportionment would be inequitable. In such case, the State Board shall apportion the repayment among the districts upon an equitable basis.

## **2726.00 STATE BOARD HEARING PROCEDURES – VOLUNTARY CONSOLIDATIONS AND ANNEXATIONS**

2726.01 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.

2726.02 The spokesperson(s) for the petitioning school districts shall have a total of twenty (20) minutes to present the school districts' remarks. The State Board may allow more than twenty (20) minutes if necessary.

2726.03 The spokesperson(s) for any individual or group of citizens that opposes the petition shall have a total of twenty (20) minutes to present the remarks of the individual or group of citizens. The State Board may allow more than twenty (20) minutes if necessary.

2726.04 The spokesperson(s) for the petitioning school districts shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.

~~2726~~.05 The spokesperson(s) for any individual or group of citizens that opposes the petition shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.

~~2726~~.06 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school districts' petition.

~~2726~~.07 If it deems necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations and votes upon the matter take place in a public hearing.

~~2726~~.08 The State Board shall issue a written order concerning the matter.

**~~2827~~.00 STATE BOARD HEARING PROCEDURES – INVOLUNTARY  
CONSOLIDATIONS AND ANNEXATIONS**

~~2827~~.01 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.

~~2827~~.02 The spokesperson(s) for the Department of Education shall have a total of twenty (20) minutes to present the Department of Education's remarks. The State Board may allow more than twenty (20) minutes if necessary.

~~2827~~.03 The spokesperson(s) for any individual or group of citizens that opposes the annexation or consolidation shall have a total of twenty (20) minutes to present the remarks of the individual or group of citizens. The State Board may allow more than twenty (20) minutes if necessary.

~~2827~~.04 The spokesperson(s) for the Department of Education shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.

~~2827~~.05 The spokesperson(s) for any individual or group of citizens that opposes the annexation or consolidation shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.

~~2827~~.06 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school districts' petition.

~~2827~~.07 If it deems necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations and votes upon the matter take place in a public hearing.

~~2827~~.08 The State Board shall issue a written order concerning the matter.

## WAIVERS

### **2928.00 MINIMUM SCHOOL DISTRICT SIZE WAIVER**

2928.01 A school district that is placed on the consolidation list published by the Department of Education under § 6-13-1602(2) may annually request a waiver from the average daily membership requirement of three hundred fifty (350) students from the State Board of Education.

2928.02 A school district shall submit a petition for a waiver to the State Board no later than thirty (30) days after the consolidation list is published. The petition for waiver shall include:

2928.02.1 The average daily membership of the school district in the current school year;

2928.02.2 A statement that the school district is not in probationary status for any violation of the Standards for Accreditation of Arkansas ~~Public~~ Public Schools and School Districts;

2928.02.3 A copy of the school district's current year budget and any fiscal audit conducted within the previous two years; and

2928.02.4 A statement of assurance that the school district is not currently classified in academic distress, fiscal distress, or facilities distress.

2928.03 The State Board shall render a decision to either grant or reject a petition for waiver that is received by a school district within forty-five (45) days of receipt.

2928.04 The State Board shall grant a petition for a waiver if it is demonstrated by the school district that:

2928.04.1 The school district is not currently classified in academic distress, fiscal distress, or facilities distress;

2928.04.2 The school district is not in probationary status for a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

2928.04.3 The academic facilities owned and operated by the school district are adequate as evidenced by the school district's facilities master plan; and

2928.04.4 It is in the best interest of the students in the school district to keep the school district open due to the length of potential time spent on the bus by a student traveling to and from school should the school



district be administratively reorganized, as assured by the school board of directors of the school district requesting the waiver.

2928.05 The State Board may revoke a waiver that has been granted to a school district at anytime if it is found that the conditions under § 6-13-1613(b)(2)(A) and Section 2928.04 of these rules change. A hearing shall be conducted using the following procedures:

- 2928.05.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
- 2928.05.2 The spokesperson(s) for the Department of Education shall have a total of twenty (20) minutes to present the Department of Education's remarks. The State Board may allow more than twenty (20) minutes if necessary.
- 2928.05.3 The spokesperson(s) for the district shall have a total of twenty (20) minutes to present the district's remarks. The State Board may allow more than twenty (20) minutes if necessary.
- 2928.05.4 The spokesperson(s) for the Department of Education shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.
- 2928.05.5 The spokesperson(s) for the district shall have a total of ten (10) minutes to present closing remarks to the State Board. The State Board may allow more than ten (10) minutes if necessary.
- 2928.05.6 The State Board shall then discuss, deliberate and vote upon the matter of revoking the school districts' waiver.
- 2928.05.7 If it deems necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations and votes upon the matter take place in a public hearing.
- 2928.05.8 The State Board shall issue a written order concerning the matter.

2928.06 A school district that is granted a waiver shall remain listed on the consolidation list that is published annually by the Department of Education.

*Source: Ark. Code Ann. § 6-13-1613*

**ATTACHMENTS PERTAINING TO ANNEXATIONS AND CONSOLIDATIONS OF  
SCHOOL DISTRICTS (NON-ADMINISTRATIVE)**

NOT FOR OFFICIAL USE

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**IN THE MATTER OF THE ANNEXATION OF \_\_\_\_\_ SCHOOL  
DISTRICT(S) OF \_\_\_\_\_ COUNTY INTO THE \_\_\_\_\_ SCHOOL  
DISTRICT OF \_\_\_\_\_ COUNTY:**

**PETITION FOR ANNEXATION**

COMES NOW the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and  
the \_\_\_\_\_ School District of \_\_\_\_\_ County (Petitioners), acting by and  
through their respective Superintendent(s) duly authorized, pursuant to Ark. Code Ann. § 6-13-  
1401 et seq., and petition the Arkansas State Board of Education (Board) to approve the  
annexation of the petitioning affected school district(s) into the petitioning receiving  
\_\_\_\_\_ School District, and hereby would submit to the Board as follows:

1. Pursuant to Ark. Code Ann. § 6-13-1401 et seq., the Petitioners hereby submit  
and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board  
resolutions to annex the \_\_\_\_\_ School District(s) into the receiving \_\_\_\_\_ School  
District as approved by a majority of the members of the local boards of education of the  
respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B  
attached hereto, proof of public notice of intent to petition this Board to annex the Petitioners  
into the receiving \_\_\_\_\_ School District. Said public notice of intent to annex  
(was)(was not) published in the local newspaper(s) of general circulation (or in a state newspaper  
of daily circulation if local newspaper does not exist on weekly basis) of the affected districts for  
a time period of no less than once a week for two (2) consecutive weeks immediately prior to the  
filing of this petition with this Board.

3. The Petitioners submit that at the proper school election following the petitioned annexation, the receiving \_\_\_\_\_ School District shall elect \_\_\_\_ local board members in compliance with Ark Code Ann. §§ 6-13-1416 and 6-13-1417.

4. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous annexation because the annexation will result in (a) the overall improvement in the educational benefit to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or service to all of the school districts involved based on the following factual reasons:

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5. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned annexation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit C.

6. Pursuant to Ark. Code Ann. § 6-13-1401 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned annexation shall be July 1, and that there shall be only one local school board and one local superintendent of the receiving

\_\_\_\_\_ School District.

7. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district(s), which is incorporated as Exhibit D, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

8. The Petitioners hereby submit and incorporate in this petition as Exhibit E attached hereto, the written agreement required by Ark. Code Ann. § 6-13-1416.

WHEREFORE, Petitioners request that the Board approve the annexation of the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County into the receiving \_\_\_\_\_ School District of \_\_\_\_\_ County; that it issue an Order dissolving the affected school district(s) and establishing the receiving \_\_\_\_\_ School District; that it issue an Order establishing the boundary lines of the receiving school district; and that it file its Order with the County Clerks of \_\_\_\_\_ and \_\_\_\_\_ Counties, Arkansas, with the Secretary of State and with the Arkansas Geographic Information Systems Office.

Respectfully submitted,

\_\_\_\_\_  
School District  
\_\_\_\_\_  
County

By:

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
President, School Board Date

\_\_\_\_\_  
School District  
\_\_\_\_\_  
County

By: \_\_\_\_\_

Superintendent

Date

\_\_\_\_\_  
President, School Board

Date

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**IN THE MATTER OF THE CONSOLIDATION OF \_\_\_\_\_ SCHOOL  
DISTRICT(S) OF \_\_\_\_\_ COUNTY AND THE \_\_\_\_\_ SCHOOL  
DISTRICT OF \_\_\_\_\_ COUNTY:**

**PETITION FOR CONSOLIDATION**

COMES NOW the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and  
the \_\_\_\_\_ School District of \_\_\_\_\_ County (Petitioners), acting by and  
through their respective Superintendent(s) duly authorized, pursuant to Ark. Code Ann. § 6-13-  
1401 et seq., and petition the Arkansas State Board of Education (Board) to approve the  
consolidation of the Petitioners into the resulting \_\_\_\_\_ School District, and hereby  
would submit to the Board as follows:

1. Pursuant to Ark. Code Ann. § 6-13-1401 et seq., the Petitioners hereby submit  
and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board  
resolutions to consolidate the \_\_\_\_\_ and \_\_\_\_\_ School District(s) into the  
resulting \_\_\_\_\_ School District as approved by a majority of the members of the local  
boards of education of the respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B  
attached hereto, proof of public notice of intent to petition this Board to consolidate the  
Petitioners into the resulting \_\_\_\_\_ School District. Said public notice of intent to  
consolidate (was)(was not) published in the local newspaper(s) of general circulation (or in state  
newspaper of local daily circulation if local newspaper does not exist on weekly basis) of the

affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the filing of this petition with this Board.

3. The Petitioners submit that at the proper school election following the petitioned consolidation, the resulting \_\_\_\_\_ School District shall elect \_\_\_\_ local board members in compliance with Ark. Code Ann. §§ 6-13-1416 and 6-13-1417.

4. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous consolidation because the consolidation will result in (a) the overall improvement in the educational benefits to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or service to all of the school districts involved based on the following factual reasons:

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5. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned consolidation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit C.

6. Pursuant to Ark. Code Ann. § 6-13-1401 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned consolidation shall be July 1, and that there



shall be only one local school board and one local superintendent of the resulting  
 \_\_\_\_\_ School District.

7. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school districts, which is incorporated as Exhibit D, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

8. The Petitioners hereby submit and incorporate in this petition as Exhibit E attached hereto, the written agreement required by Ark. Code Ann. § 6-13-1416.

WHEREFORE, Petitioners request that the Board approve the consolidation of the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and the \_\_\_\_\_ School District of \_\_\_\_\_ County into the resulting \_\_\_\_\_ School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; that it issue an Order establishing the boundary lines of the resulting school district; and that it file its Order with the County Clerks of the \_\_\_\_\_ and \_\_\_\_\_ Counties, Arkansas, with the Secretary of State and with the Arkansas Geographic Information Systems Office.

Respectfully submitted,

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
 Superintendent Date

\_\_\_\_\_  
 President, School Board Date

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, School Board

\_\_\_\_\_  
Date

**Exhibit A****SCHOOL BOARD RESOLUTION**

COMES NOW the \_\_\_\_\_ School District Board acting by and through its Superintendent duly authorized and do herein declare:

A special or regular school board meeting was held on \_\_\_\_\_, 20\_\_\_\_, wherein a quorum was present and a majority of the board membership voted to approve the consolidation/annexation of the \_\_\_\_\_ School District with the \_\_\_\_\_ School District, and the minutes of said meeting reflect such.

Therefore, this document is to serve as the formal resolution of the \_\_\_\_\_ School District Board of Directors, pursuant to Arkansas law, that said consolidation/annexation is hereby approved.

\_\_\_\_\_ School District

of \_\_\_\_\_ County

By: \_\_\_\_\_  
Superintendent Date

By: \_\_\_\_\_  
President, School Board Date

**EXHIBIT D****AFFIDAVIT CONCERNING DESEGREGATION ORDERS**

COMES NOW the \_\_\_\_\_ School District, acting by and through its Superintendent, and hereby states and represents to the State Board of Education that, to the best of my knowledge, the \_\_\_\_\_ School District currently (circle one) (is)(is not) involved in desegregation litigation in a United States Federal Court or is under the continuing jurisdiction of a United States Federal Court Order regarding desegregation of a public school or schools (see "\*" at bottom of affidavit).

Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Superintendent

COUNTY of \_\_\_\_\_  
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_  
\* = If you answered, "is involved in desegregation litigation, etc." above, please attach a copy of any applicable Court orders or other relevant documentation.

**ATTACHMENTS PERTAINING TO ADMINISTRATIVE ANNEXATIONS AND  
CONSOLIDATIONS OF SCHOOL DISTRICTS**

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**IN THE MATTER OF THE ANNEXATION OF \_\_\_\_\_ SCHOOL  
DISTRICT(S) OF \_\_\_\_\_ COUNTY INTO THE \_\_\_\_\_ SCHOOL  
DISTRICT OF \_\_\_\_\_ COUNTY:**

**PETITION FOR VOLUNTARY ADMINISTRATIVE ANNEXATION**

COMES NOW the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and  
the \_\_\_\_\_ School District of \_\_\_\_\_ County (Petitioners), acting by and  
through their respective Superintendent(s) duly authorized, pursuant to Ark. Code Ann. § 6-13-  
1601 et seq., and petition the Arkansas State Board of Education (Board) to approve the  
voluntary administrative annexation of the petitioning affected school district(s) into the  
petitioning receiving \_\_\_\_\_ School District, and hereby would submit to the Board as  
follows:

1. Pursuant to Ark. Code Ann. § 6-13-1601 et seq., the Petitioners hereby submit  
and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board  
resolutions to annex the \_\_\_\_\_ School District(s) into the receiving \_\_\_\_\_ School  
District as approved by a majority of the members of the local boards of education of the  
respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B  
attached hereto, (submit only if public notice was published in the newspaper) proof of public  
notice of intent to petition this Board to annex the Petitioners into the receiving \_\_\_\_\_  
School District. Said public notice of intent to annex (was)(was not) published in the local  
newspaper(s) of general circulation (or in a state newspaper of daily circulation if local  
newspaper does not exist on weekly basis) of the affected districts for a time period of no less

than once a week for two (2) consecutive weeks immediately prior to the filing of this petition with this Board.

3. The Petitioners submit that the average daily membership in each of the two (2) school years immediately preceding the \_\_\_\_\_ school year were \_\_\_\_ and \_\_\_\_ for the \_\_\_\_\_ School District and \_\_\_\_\_ and \_\_\_\_\_ for the \_\_\_\_\_ School District.

4. Pursuant to Ark. Code Ann. § 6-13-1603(b), the Petitioners submit and incorporate an affidavit of proof as Exhibit C that the previous average daily membership of the affected school districts was a combined average daily membership of \_\_\_\_\_ for the \_\_\_\_\_ school year, which is an average daily membership meeting or exceeding three hundred fifty (350) total students.

5. The Petitioners submit that at the proper school election following the petitioned annexation, the receiving \_\_\_\_\_ School District shall elect \_\_\_\_ local board members in compliance with Ark. Code Ann. §§ 6-13-1416 and 6-13-1417.

6. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous annexation because the annexation will result in (a) the overall improvement in the educational benefit to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or service to all of the school districts involved based on the following factual reasons:

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7. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned annexation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit D.

8. Pursuant to Ark. Code Ann. § 6-13-1601 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned annexation shall be July 1, \_\_\_\_\_, and that there shall be only one local school board and one local superintendent of the receiving \_\_\_\_\_ School District.

9. If Petitioners are claiming Isolated School status, Petitioners hereby submit that the \_\_\_\_\_ School District(s) qualify as an isolated school as certified by the attached affidavit of Isolated School Status incorporated in this petition as Exhibit E attached hereto.

10. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district(s), which is incorporated as Exhibit F, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

11. The Petitioners hereby submit and incorporate in this petition as Exhibit G attached hereto, the written agreement required by Ark. Code Ann. § 6-13-1416.

WHEREFORE, Petitioners request that the Board approve the annexation of the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County into the receiving \_\_\_\_\_ School District of \_\_\_\_\_ County; that it issue an Order dissolving the affected school district(s) and establishing the receiving \_\_\_\_\_ School District; that it issue an Order establishing the boundary lines of the receiving school district; and that it file its

Order with the County Clerks of \_\_\_\_\_ and \_\_\_\_\_ Counties, Arkansas, with the  
Secretary of State and with the Geographic Information Systems Office.

Respectfully submitted,

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
President, School Board Date

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
President, School Board Date

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**IN THE MATTER OF THE CONSOLIDATION OF \_\_\_\_\_ SCHOOL  
DISTRICT(S) OF \_\_\_\_\_ COUNTY AND THE \_\_\_\_\_ SCHOOL  
DISTRICT OF \_\_\_\_\_ COUNTY:**

**PETITION FOR VOLUNTARY ADMINISTRATIVE CONSOLIDATION**

COMES NOW the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and  
the \_\_\_\_\_ School District of \_\_\_\_\_ County (Petitioners), acting by and  
through their respective Superintendent(s) duly authorized, pursuant to Ark. Code Ann. § 6-13-  
1601 et seq., and petition the Arkansas State Board of Education (Board) to approve the  
voluntary administrative consolidation of the Petitioners into the resulting \_\_\_\_\_  
School District, and hereby would submit to the Board as follows:

1. Pursuant to Ark. Code Ann. § 6-13-1601 et seq. , the Petitioners hereby submit  
and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board  
resolutions to consolidate the \_\_\_\_\_ and \_\_\_\_\_ School District(s) into the  
resulting \_\_\_\_\_ School District as approved by a majority of the members of the local  
boards of education of the respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B  
attached hereto, (submit only if public notice was published in the newspaper) proof of public  
notice of intent to petition this Board to consolidate the Petitioners into the resulting  
\_\_\_\_\_ School District. Said public notice of intent to consolidate (was)(was not)  
published in the local newspaper(s) of general circulation (or in state newspaper of local daily  
circulation if local newspaper does not exist on weekly basis) of the affected districts for a time  
period of no less than once a week for two (2) consecutive weeks immediately prior to the filing  
of this petition with this Board.

3. The Petitioners submit that the average daily membership in each of the two (2) school years immediately preceding the \_\_\_\_\_ school year were \_\_\_\_\_ and \_\_\_\_\_ for the \_\_\_\_\_ School District and \_\_\_\_\_ and \_\_\_\_\_ for the \_\_\_\_\_ School District.

4. Pursuant to Ark. Code Ann. § 6-13-1603(b), the Petitioners submit and incorporate an affidavit of proof as Exhibit C that the previous average daily membership of the affected school districts was a combined average daily membership of \_\_\_\_\_ for the \_\_\_\_\_ school year, which is an average daily membership meeting or exceeding three hundred fifty (350) total students.

5. Pursuant to Ark. Code Ann. § 6-13-1416, the Petitioners submit that this petitioned consolidation is pursuant to Ark. Code Ann. § 6-13-1602 and that an interim local board of seven (7) board members in accord with Ark. Code Ann. § 6-13-1416 shall be established by \_\_\_\_\_, and the interim board shall be made up of board members of the affected former districts in proportion to the student's population in the former affected districts.

6. The Petitioners submit that at the first regular school election following the petitioned consolidation, the resulting \_\_\_\_\_ School District shall elect \_\_\_\_\_ local board members by zoned elections in compliance with Ark. Code Ann. §§ 6-13-1416 and 6-13-1417.

7. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous consolidation because the consolidation will result in (a) the overall improvement in the educational benefits to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or service to all of the school districts involved based on the following factual reasons:

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8. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned consolidation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit D.

9. Pursuant to Ark. Code Ann. § 6-13-1601 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned consolidation shall be July 1, \_\_\_\_\_, and that there shall be only one local school board and one local superintendent of the resulting \_\_\_\_\_ School District.

10. If Petitioners are claiming Isolated School status, Petitioners hereby submit that the \_\_\_\_\_ School District(s) qualify as isolated schools as certified by the attached affidavit of Isolated School Status incorporated in this petition as Exhibit E attached hereto.

11. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district, which is incorporated as Exhibit F, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

12. The Petitioners hereby submit and incorporate in this petition as Exhibit G attached hereto, the written agreement required by Ark. Code Ann. § 6-13-1416.

WHEREFORE, Petitioners request that the Board approve the consolidation of the \_\_\_\_\_ School District(s) of \_\_\_\_\_ County and the \_\_\_\_\_ School District of \_\_\_\_\_ County into the resulting \_\_\_\_\_ School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; that it issue an Order establishing the boundary lines of the resulting school district; and that it file its Order with the County Clerks of the \_\_\_\_\_ and \_\_\_\_\_ Counties, Arkansas, the Secretary of State and the Arkansas Geographic Information Systems Office.

Respectfully submitted,

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
President, School Board Date

\_\_\_\_\_ School District

\_\_\_\_\_ County

By:

\_\_\_\_\_  
Superintendent Date

\_\_\_\_\_  
President, School Board Date

**Exhibit A****SCHOOL BOARD RESOLUTION**

COMES NOW the \_\_\_\_\_ School District Board acting by and through its Superintendent duly authorized and do herein declare:

A special or regular school board meeting was held on \_\_\_\_\_, \_\_\_\_\_, wherein a quorum was present and a majority of the membership voted to approve the consolidation/annexation of the \_\_\_\_\_ School District with the \_\_\_\_\_ School District, and the minutes of said meeting reflect such.

Therefore, this document is to serve as the formal resolution of the \_\_\_\_\_ School District Board of Directors, pursuant to Arkansas law, that said consolidation/annexation is hereby approved.

\_\_\_\_\_ School District  
of \_\_\_\_\_ County

By: \_\_\_\_\_  
Superintendent Date

By: \_\_\_\_\_  
President, School Board Date

**Exhibit C****AFFIDAVIT OF AVERAGE DAILY MEMBERSHIP**

COMES NOW the affiant, \_\_\_\_\_, Superintendent of the  
 \_\_\_\_\_ School District, and having been duly sworn, states under oath as  
 follows:

1. The average daily membership (ADM) of the \_\_\_\_\_ School  
 District, as that term is defined in Ark. Code Ann. § 6-13-1601(4), was \_\_\_\_\_ students  
 for the \_\_\_\_\_ school year and \_\_\_\_\_ students for the \_\_\_\_\_ school year.

2. The combined average daily membership of the affected school districts was  
 \_\_\_\_\_ for the \_\_\_\_\_ school year, an average daily membership meeting or exceeding  
 three hundred fifty (350) total students.

FURTHER, affiant says not.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 Superintendent



County of \_\_\_\_\_  
State of Arkansas

Sworn and subscribed before me, Notary Public, this \_\_\_\_\_ day of  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission expires:  
\_\_\_\_\_

**Exhibit E**

**AFFIDAVIT OF ISOLATED SCHOOL STATUS**

Comes the affiant, \_\_\_\_\_, Superintendent of the \_\_\_\_\_ School District, and having been duly sworn, states under oath as follows:

1. My name is \_\_\_\_\_. I am the Superintendent of the \_\_\_\_\_ School District.
2. My business address is \_\_\_\_\_.
3. I am aware that pursuant to Ark. Code Ann. § 6-20-601 a school district must meet four (4) of five (5) criteria to qualify as an isolated school.
4. I am aware that pursuant to Ark. Code Ann. § 6-20-602 an isolated school must qualify as an isolated school district under Ark. Code Ann. § 6-20-601 prior to the administrative consolidation or annexation petitioned for herein.
5. I hereby submit that prior to the effective date of the administrative consolidation or annexation, the \_\_\_\_\_ School District qualified as an isolated school district and, therefore, is entitled to the rights and privileges conferred on an isolated school pursuant to Ark. Code Ann. § 6-20-602.
6. I hereby declare that the \_\_\_\_\_ School District qualifies for isolated status because the school district meets the following list of at least four (4) of the five (5) criteria of being an isolated school district: *(circle appropriate responses and provide relevant data in the blanks)*
  - a. There is a distance of twelve (12) miles or more by hard-surfaced highway from the high school of the district to the nearest adjacent high school in an adjoining district. The distance is \_\_\_\_\_.

b. The density ratio of transported students is less than three (3) students per square mile of area. The density ratio is \_\_\_\_\_.

c. The total area of the district is ninety-five (95) square miles or greater. The total area is \_\_\_\_\_ square miles.

d. Less than fifty percent (50%) of bus route miles are on hard-surfaced roads. The percent of bus route miles on hard-surface roads is \_\_\_\_\_.

e. There are geographic barriers such as lakes, rivers, and mountain ranges which would impede travel to schools that otherwise would be appropriate for consolidation, cooperative programs, and shared services. The geographic barriers are \_\_\_\_\_.

7. Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Superintendent

COUNTY OF \_\_\_\_\_  
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_

**EXHIBIT F**

**AFFIDAVIT CONCERNING DESEGREGATION ORDERS**

COMES NOW the \_\_\_\_\_ School District, acting by and through its Superintendent, and hereby states and represents to the State Board of Education that, to the best of my knowledge, the \_\_\_\_\_ School District currently (circle one) (is)(is not) involved in desegregation litigation in a United States Federal Court or is under the continuing jurisdiction of a United States Federal Court Order regarding desegregation of a public school or schools (see "\*" at bottom of affidavit).

Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Superintendent

COUNTY of \_\_\_\_\_  
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_  
\* = If you answered, "is involved in desegregation litigation, etc." above, please attach a copy of any applicable Court orders or other relevant documentation.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1646

By: Representative Cozart

## For An Act To Be Entitled

AN ACT TO AMEND VARIOUS PROVISIONS OF THE ARKANSAS  
CODE CONCERNING PUBLIC EDUCATION; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND VARIOUS PROVISIONS OF THE  
ARKANSAS CODE CONCERNING PUBLIC  
EDUCATION.

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

SECTION 1. Arkansas Code Title 6, Chapter 5, Subchapter, 1 is  
repealed.

~~Subchapter 1 — Early Childhood Development Projects~~

~~6-5-101. Authorization.~~

~~(a) Any school district or any combination of school districts of this  
state is authorized to join with a state-supported junior college, college,  
or university, or any combination of state-supported junior colleges,  
colleges, or universities in this state and develop a pilot or demonstration  
project for early childhood development and teaching and to apply to the  
Department of Education for approval and funding of the project.~~

~~(b) Any project to be approved must be a program combining both  
childhood development for the children involved in the project and training  
for teachers in the area of early childhood development.~~

~~6-5-102. Project guidelines.~~



~~(a) The Department of Education shall develop guidelines to assist school districts and colleges and universities in developing projects to be submitted for approval and funding pursuant to this subchapter.~~

~~(b) These guidelines will include, but will not be restricted to, criteria for:~~

- ~~(1) Instructional objectives;~~
- ~~(2) Classroom characteristics;~~
- ~~(3) Competence of the classroom workers;~~
- ~~(4) Evaluation of the program;~~
- ~~(5) Dissemination of program ideas and training procedures;~~
- ~~(6) Reports of progress and findings; and~~
- ~~(7) Age of children to be eligible for participation.~~

#### ~~6-5-103. College role.~~

~~The Arkansas Higher Education Coordinating Board will be apprised of the role of the colleges in these projects and will advise the Department of Education with respect to the efficient coordination of the college portions of the program.~~

#### ~~6-5-104. Funding.~~

~~After approval, a program shall then be funded out of the funds appropriated in this subchapter in an amount as shall be approved by the Department of Education in consultation with the Arkansas Higher Education Coordinating Board.~~

SECTION 2. Arkansas Code § 6-10-119 is amended to read as follows:

#### 6-10-119. Medicaid billing.

(a)(1) By May 1 of each year, the ~~Special Education Section of the~~ Department of Education shall ~~determine which~~ identify school districts ~~that~~ are underperforming in the area of direct-service Medicaid billing.

(2) ~~Based on this determination, underperforming~~ The department shall direct identified school districts shall be directed by the section to increase direct-service Medicaid billing by district staff or enter into an agreement ~~associate~~ with an education service cooperative or other public or private entity for the provision of direct-service Medicaid billing services.

(b) The school district for which billing services are rendered shall

1 pay the education service cooperative providing the billing services an  
 2 amount necessary to compensate the education service cooperative for costs  
 3 associated with providing the services, ~~subject to the review and approval of~~  
 4 ~~the section.~~

5 (c) Nothing in this section shall be construed to restrict qualified  
 6 public or private providers from developing, maintaining, or expanding  
 7 service relationships with school districts.  
 8

9 SECTION 3. Arkansas Code § 6-10-121(a)(1), concerning tornado safety  
 10 drills, is amended to read as follows:

11 (a)(1) As used in this section, "public school" means:

12 (A) ~~a~~ A school that is part of a public school district  
 13 under the control and management of a local school district board of  
 14 directors; or

15 (B) An open enrollment public charter school.  
 16

17 SECTION 4. Arkansas Code § 6-11-104(b), concerning meetings of the  
 18 State Board of Education, is amended to read as follows:

19 (b) ~~The state board will meet each December to~~ In any of its meetings  
 20 before the end of the calendar year, the state board shall determine the  
 21 meeting dates for the following year.  
 22

23 SECTION 5. Arkansas Code § 6-11-105(a)(3), concerning the powers and  
 24 duties of the State Board of Education, is repealed.

25 ~~(3) Prescribe rules for the examination of pupils to detect~~  
 26 ~~contagious and infectious diseases and physical defects;~~  
 27

28 SECTION 6. Arkansas Code § 6-11-112 is amended to read as follows:

29 6-11-112. Power to make plans coordinating state and federal laws.

30 The State Board of Education is empowered to make plans, promulgate  
 31 rules, and seek waivers for flexibility as necessary for this state to meet  
 32 the requirements of a law enacted by Congress for general education,  
 33 including without limitation the Elementary and Secondary Education Act of  
 34 1965, Pub. L. No. 89-10, as reauthorized by the ~~No Child Left Behind Act of~~  
 35 ~~2001, Pub. L. No. 107-110, Every Student Succeeds Act, Pub. L. No. 114-95,~~ or  
 36 any supplementary federal regulations, directives, or decisions of the United

1 States Department of Education pertaining to that legislation.

2  
3 SECTION 7. Arkansas Code § 6-11-119 is repealed.

4 ~~6-11-119. Correspondence courses.~~

5 ~~(a) The State Board of Education shall promulgate reasonable rules,~~  
6 ~~regulations, and standards for the accreditation of persons, firms, schools,~~  
7 ~~or educational institutions offering correspondence courses to the people of~~  
8 ~~this state and may grant certificates of approval to those persons, firms,~~  
9 ~~schools, or educational institutions offering correspondence courses that~~  
10 ~~meet the approval of its rules, regulations, and standards.~~

11 ~~(b) It shall be unlawful for any person, firm, school, or educational~~  
12 ~~institution to advertise by newspaper, magazine, pamphlet, handbill, or other~~  
13 ~~printed method published in this state or by radio or by television in this~~  
14 ~~state the offering of any correspondence courses unless that person, firm,~~  
15 ~~school, or educational institution shall have first registered with the State~~  
16 ~~Board of Education and shall have been approved by the State Board of~~  
17 ~~Education as an accredited correspondence school.~~

18 ~~(c)(1) The provisions of this section shall be applicable to all~~  
19 ~~schools or educational institutions offering correspondence courses whether~~  
20 ~~the schools are located in this state or in some other state.~~

21 ~~(2) However, these provisions shall not apply to those schools~~  
22 ~~or educational institutions regulated by the State Board of Private Career~~  
23 ~~Education or by the Arkansas Higher Education Coordinating Board.~~

24 ~~(d) Any person violating this section shall be guilty of a violation~~  
25 ~~and upon conviction shall be fined in the sum of not less than two hundred~~  
26 ~~fifty dollars (\$250) and not more than five hundred dollars (\$500).~~

27  
28 SECTION 8. Arkansas Code § 6-11-128(b), concerning school district use  
29 of a software system other than the Arkansas Public School Computer Network,  
30 is repealed.

31 ~~(b) After approval by the Department of Education, a school district~~  
32 ~~may use a different software system at the school district level if:~~

33 ~~(1) The Department of Education determines that the school~~  
34 ~~district's software meets the minimum reporting requirements provided by the~~  
35 ~~Arkansas Public School Computer Network; and~~

36 ~~(2) The school district supplies all school district transaction~~



~~information to the Arkansas Public School Computer Network in a compatible format and in sufficient detail as required by the Department of Education.~~

SECTION 9. Arkansas Code § 6-11-128(c)(6), concerning a certification program for the Arkansas Public School Computer Network, is repealed.

~~(6)(A) Developing a certification program to certify:~~

~~(i) At least one (1) person in each school district as a certified APSCN financials user and trainer; and~~

~~(ii) At least one (1) person in each school district as a certified APSCN student management user and trainer.~~

~~(B) The certification process shall require an applicant for certification to successfully complete the following components, including without limitation:~~

~~(i) Courses in the application area;~~

~~(ii) Training in using the network's reporting tools; and~~

~~(iii) An examination that tests the applicant's knowledge and skills in the application area and the Arkansas Public School Computer Network's reporting tools.~~

~~(C) In a school district of five hundred (500) or fewer students, one (1) person may be certified in both financials and student management; and~~

SECTION 10. Arkansas Code § 6-11-131 is repealed.

~~6-11-131. Divisions of the Department of Education.~~

~~(a)(1) Effective July 1, 2005, the Department of Education shall consist of a central administration and the following divisions:~~

~~(A) The Division of Fiscal and Administrative Services;~~

~~(B) The Division of Human Resources;~~

~~(C) The Division of Learning Services; and~~

~~(D) The Division of Research and Technology.~~

~~(2) Effective April 11, 2006, the Division of Public School Academic Facilities and Transportation, established under § 6-21-112, shall be under the department.~~

~~(3) Effective July 1, 2007, the Division of Public School Accountability, established under § 6-15-102, shall be under the department.~~

~~(b)(1) The Division of Public School Accountability shall have such duties as provided by law.~~

~~(2) The Division of Public School Academic Facilities and Transportation shall have duties as provided by law and such responsibility and programs as may be assigned by the Commission for Arkansas Public School Academic Facilities and Transportation.~~

~~(3) The remaining divisions shall have such responsibility and programs as may be assigned to them by the Commissioner of Education.~~

~~(c)(1) Except as provided in subdivision (c)(2) of this section, each division of the department shall be under the direction, control, and supervision of the Commissioner of Education.~~

~~(2) The Division of Public School Academic Facilities and Transportation shall be under the direction, control, and supervision of the Commission for Arkansas Public School Academic Facilities and Transportation.~~

SECTION 11. Arkansas Code § 6-13-1505(d)(1), concerning creation of a school district, is amended to read as follows:

(d)(1) The ~~ad valorem~~ valorem tax rate of the new school district shall remain the same as that of the original school district until an election is held in the new school district and a rate of tax is approved and shall be allocated in the same proportion between maintenance and operation and debt service as was allocated by the original school district.

SECTION 12. Arkansas Code § 6-13-1505(e)(2), concerning creation of a school district, is amended to read as follows:

(2) Enter into ~~lease with purchase~~ lease-purchase agreements, revolving loans under 6-20-801 et seq., ~~term loans, post-date~~ post-dated warrants, or installment contracts;

SECTION 13. Arkansas Code § 6-13-1505(h)(2), concerning creation of a school district, is amended to read as follows:

(2) At the school election or any subsequent school election, a new school district may present to the qualified electors of the new school district a proposed ~~ad valorem~~ valorem tax for the maintenance and operation of schools and the retirement of indebtedness.

SECTION 14. Arkansas Code § 6-13-1606 is repealed.

~~6-13-1606. Development of plan to track student progress.~~

~~(a) Following the administrative consolidation or administrative annexation under §§ 6-13-1601—6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving district or resulting district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~

~~(2) Economically disadvantaged students;~~

~~(3) Students from major racial and ethnic groups; and~~

~~(4) Specific population groups as identified by the State Board of Education, the department, the affected district, or the receiving district as target groups for closing the achievement gaps.~~

~~(b) The receiving or resulting district shall obtain and retain all student records from the affected district for the five (5) years immediately preceding the administrative consolidation or administrative annexation, specifically including, but not limited to:~~

~~(1) Individual student records;~~

~~(2) Attendance records;~~

~~(3) Enrollment records;~~

~~(4) Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., specifically including benchmark assessments and end-of-course assessments; and~~

~~(5) ACT and SAT results and records.~~

~~(c) The school district shall report to the department information determined by the department as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~

~~(2) Economically disadvantaged students; and~~

~~(3) Students from major racial and ethnic groups.~~

~~(d) By November 1, 2005, and by November 1 each year thereafter, the department shall file a written report with the Governor, the chair of the House Committee on Education, the chair of the Senate Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:~~

~~(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;~~

~~(2) Economically disadvantaged students; and~~

~~(3) Students from major racial and ethnic groups.~~

SECTION 15. Arkansas Code § 6-15-902(c)(2)(C)(i), concerning grading scales, is amended to add an additional subdivision to read as follows:

(c) Attends a College Board endorsed training at intervals recommended by the College Board; or

SECTION 16. Arkansas Code § 6-15-1402(b)(4)(B), concerning the contents of a school performance report, is amended to read as follows:

(B) Of that total, the number who meet each of the following criteria:

~~(i) Highly qualified teacher;~~

~~(ii) Identified as proficient or above under the Teacher Excellence and Support System for the school; and~~

~~(iii)(ii) Certified by the National Board for Professional Teaching Standards.~~

SECTION 17. Arkansas Code § 6-15-1601(g)(2), concerning the duties of the Commission on Closing the Achievement Gap in Arkansas, is amended to read as follows:

(2) Monitor the Department of Education's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically ~~including, but not limited to,~~ including without limitation the No Child Left Behind Act of 2001 Elementary and Secondary Education Act of 1965, Pub. L. No. 80-10, as reauthorized by the Every

1 Student Succeeds Act, Pub. L. No. 114-95;  
2

3 SECTION 18. Arkansas Code § 6-15-1601(h)(2), concerning the Commission  
4 on Closing the Achievement Gap in Arkansas, is amended to read as follows:

5 (2) Relevant technical experts to assist in drafting and monitoring  
6 the department's efforts to comply with federal guidelines on improving the  
7 academic achievement of the disadvantaged, specifically including without  
8 limitation the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~  
9 Elementary and Secondary Education Act of 1965, Pub. L. No. 80-10, as  
10 reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95;  
11

12 SECTION 19. Arkansas Code § 6-15-2502(d)(3)(C)(iii), concerning the  
13 criteria for designating education renewal zones and participating schools,  
14 is repealed.

15 ~~(iii) The school demonstrates an inability to hire~~  
16 ~~and retain highly qualified teachers as defined by the state plan for~~  
17 ~~compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C. §~~  
18 ~~6301 et seq.;~~  
19

20 SECTION 20. Arkansas Code § 6-16-1405(a)(4), concerning the approval  
21 of digital learning providers, is amended to read as follows:

22 (4)(A) Utilizes highly qualified teachers to deliver digital  
23 learning courses to public school students.

24 (B) A highly qualified teacher ~~that~~ who delivers digital  
25 learning courses under this subchapter is not required to be licensed as a  
26 teacher or administrator by the state board, but shall meet the minimum  
27 qualifications for teaching in a core content area established by rules of  
28 the state board.  
29

30 SECTION 21. Arkansas Code § 6-17-704(d), concerning school district  
31 professional development plans, is amended to read as follows:

32 (d) The professional development offerings may include approved  
33 conferences, workshops, institutes, individual learning, mentoring, peer-  
34 coaching, study groups, National Board for Professional Teaching Standards  
35 certification, distance learning, micro-credentialing approved by the  
36 department, internships, and college or university course work.

1  
2 SECTION 22. Arkansas Code § 6-17-705(e), concerning professional  
3 development credit, is amended to read as follows:

4 (e) A person who holds any license issued by the State Board of  
5 Education may obtain credit for required professional development through a  
6 micro-credentialing process approved by the department.

7 ~~(f) The State Board of Education~~ state board shall promulgate the  
8 rules necessary for the proper implementation of this section.  
9

10 SECTION 23. Arkansas Code § 6-17-707(e), concerning the Arkansas  
11 Online Professional Development Initiative, is amended to read as follows:

12 (e)(1) The department shall determine the content of and preapprove  
13 all professional development courses or programs delivered by the network  
14 that qualify for professional development credit as required by the Standards  
15 for Accreditation of Arkansas Public Schools and School Districts or teacher  
16 licensure requirements.

17 (2) The department may approve professional development obtained  
18 through a micro-credentialing process.  
19

20 SECTION 24. Arkansas Code § 6-17-919(b), concerning the warrants  
21 issued without a valid teaching license, is amended to read as follows:

22 (b)(1) The school district superintendent and the superintendent's  
23 surety shall be liable for any warrants that he or she countersigns in  
24 payment of teachers' salaries unless and until the state board has issued a  
25 valid license or the ~~department~~ Department of Education has provided the  
26 documentation required by subdivision (a)(1)(B) of this section.

27 (2) An online copy that is accessible on a website designated by  
28 the department is sufficient evidence of the issuance of a valid license or  
29 the documentation required by subdivision (a)(1)(B) of this section.  
30

31 SECTION 25. Arkansas Code Title 6, Chapter 18, Subchapter 3, is  
32 amended to add an additional section to read as follows:

33 6-18-320. Unsafe school choice program.

34 (a) Any student that becomes the victim of a violent criminal offense  
35 while in or on the grounds of an Arkansas public elementary, secondary, or  
36 public charter school or who is attending a persistently dangerous public

1 school shall be allowed to attend a safe public school within the local  
 2 educational agency under rules established by the State Board of Education.

3 (b) The state board may promulgate rules to administer this section.  
 4

5 SECTION 26. Arkansas Code Title 6, Chapter 18, Subchapter 8 is  
 6 repealed.

7 ~~Subchapter 8 — School Safety Patrols~~  
 8

9 ~~6-18-801. Rules and regulations.~~

10 ~~The State Board of Education shall promulgate rules and regulations by~~  
 11 ~~which every school district board of directors in this state may organize,~~  
 12 ~~regulate, and supervise school safety patrols for the purpose of:~~

13 ~~(1) Influencing and encouraging the other pupils to refrain from~~  
 14 ~~crossing public highways and streets at points other than at regular~~  
 15 ~~crossings;~~

16 ~~(2) Influencing and encouraging pupils to refrain from crossing~~  
 17 ~~at regular crossings when the presence of traffic would render such crossing~~  
 18 ~~unsafe; and~~

19 ~~(3) Assisting drivers of school buses in maintaining safety~~  
 20 ~~rules and in ascertaining that pupils are received and discharged from buses~~  
 21 ~~in safety.~~

22  
 23 ~~6-18-802. Liability.~~

24 ~~No liability shall attach either to the State Board of Education, the~~  
 25 ~~school district, a superintendent, teacher, safety patrol member, or other~~  
 26 ~~school authority by virtue of the organization, maintenance, or operation of~~  
 27 ~~a school safety patrol organized, maintained, and operated under authority of~~  
 28 ~~and in compliance with this subchapter.~~

29  
 30 ~~6-18-803. Powers and duties.~~

31 ~~(a)(1) Nothing herein contained shall be construed to authorize or~~  
 32 ~~permit the use of any safety patrol member for the purpose of directing~~  
 33 ~~vehicular traffic.~~

34 ~~(2) However, this shall not prohibit the use of a flag or other~~  
 35 ~~approved signal by a safety patrol member for the purpose of indicating to a~~  
 36 ~~driver that school children are crossing the street.~~

~~(b) No safety patrol member shall be stationed in that portion of the highway intended for the use of vehicular traffic but shall perform his or her duties from the curb and sidewalk areas.~~

~~6-18-804. Age and consent requirements.~~

~~(a) No pupil shall be designated a safety patrol member under this subchapter unless he or she is eleven (11) years of age or older and has the written permission of a parent or guardian.~~

~~(b) Any teacher or board member using any pupil for safety patrol purposes without the written permission of a parent or guardian shall be guilty of a violation and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense.~~

SECTION 27. Arkansas Code § 6-18-1005(a)(1)(L), concerning student guidance services, is amended to read as follows:

(L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day ~~or~~ and not to exceed ten (10) per week; and

SECTION 28. Arkansas Code § 6-20-1908(d), concerning the length of fiscal distress status, is amended to read as follows:

(d) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), a school district shall not be allowed to remain in fiscal distress status for more than five (5) consecutive school years from the date that the school district was classified as being in fiscal distress status.

SECTION 29. Arkansas Code § 6-20-1908(i), concerning State Board of Education action regarding fiscal distress, is amended to read as follows:

(i) Except under ~~§ 6-20-1910(d)~~ § 6-20-1910(e), the state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in fiscal distress within five (5) consecutive school years of classification of fiscal distress status unless the state board, at its discretion, issues a written finding supported by a majority of the state board, explaining in detail that the school district could not remove itself from fiscal distress due to impossibility



1 caused by external forces beyond the school district's control.

2  
3 SECTION 30. Arkansas Code § 6-20-1910(d)(1), concerning state  
4 assumption of authority of a school district in fiscal distress, is amended  
5 to read as follows:

6 (d) If the Commissioner of Education assumes authority over a public  
7 school district in fiscal distress under ~~subsection (a) of this section § 6-~~  
8 20-1909, the state board may pursue the following process for returning a  
9 public school district to the local control of its residents:

10 (1) During the second full school year following a school  
11 ~~district's classification as being in fiscal distress status~~ the assumption  
12 of authority, the state board shall determine the extent of the school  
13 district's progress toward correcting all issues that caused the  
14 classification of fiscal distress;

15  
16 SECTION 31. Arkansas Code § 6-41-407 is amended to read as follows:

17 6-41-407. Accommodation for students with sensory processing  
18 difficulty.

19 When administering a state-mandated assessment or a state-mandated  
20 test, the Department of Education and each school district shall allow a  
21 student that has been evaluated through appropriate testing, including a  
22 comprehensive eye examination by an optometrist or an ophthalmologist, and  
23 identified as having difficulty with sensory processing in reaction to  
24 oversensitivity to full spectrum light to use color overlays specific to the  
25 student's oversensitivity that alter the contrast between the words and the  
26 page so that the student can visually comprehend the words on a page of a  
27 state mandated assessment or a state-mandated test, if made available by the  
28 test developer.

29  
30  
31 **APPROVED: 03/29/2017**  
32  
33  
34  
35  
36

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017

*As Engrossed: S3/20/17*

## A Bill

SENATE BILL 596

4  
5 By: Senator J. English  
6 By: Representative Cozart

### For An Act To Be Entitled

7  
8  
9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING PUBLIC SCHOOL EDUCATION; AND FOR OTHER  
11 PURPOSES.

### Subtitle

12  
13  
14  
15 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
16 CONCERNING PUBLIC SCHOOL EDUCATION.

17  
18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 *SECTION 1. Arkansas Code § 6-5-904(b)(3)(B)(i), concerning positive*  
22 *youth development grant applications, is amended to read as follows:*

23 *(i) The applicant operates or will operate the program within*  
24 *the geographic boundaries of a public school district that contains at least*  
25 *one (1) school ~~in school improvement, as designated~~ identified as targeted or*  
26 *comprehensive by the Department of Education; and*

27  
28 *SECTION 2. Arkansas Code § 6-5-904(d)(2)(B), concerning positive youth*  
29 *development grant applications, is amended to read as follows:*

30 *(B) A public school district has been ~~designated by~~*  
31 *identified to receive Level 5 – Intensive support from the department as*  
32 *being in school improvement.*

33  
34 *SECTION 3. Arkansas Code § 6-13-112(c), concerning responsibilities of*  
35 *the State Board of Education and Commissioner of Education regarding school*  
36 *districts under state authority, is amended to read as follows:*



1           (c) A person appointed by the state board or the commissioner to  
2       operate a school district under the authority of the state board or the  
3       commissioner shall not have previously been an administrator responsible for  
4       a school district that was placed in fiscal distress, academic distress,  
5       facilities distress, Level 5 - Intensive support, or in violation of the  
6       Standards for Accreditation of Arkansas Public Schools and School Districts.

7  
8           SECTION 4. Arkansas Code § 6-13-112(e), concerning responsibilities of  
9       the State Board of Education and Commissioner of Education regarding school  
10      districts under state authority, is repealed.

11      ~~(e) Before the appointment of an interim school district board of~~  
12      ~~directors, permanent school district board of directors, or community~~  
13      ~~advisory board for the school district under the authority of the state board~~  
14      ~~or the commissioner, the commissioner or the state board through the~~  
15      ~~commissioner shall seek recommendations for individuals to serve as members~~  
16      ~~of the interim school district board of directors, permanent school district~~  
17      ~~board of directors, or community advisory board from the members of the~~  
18      ~~General Assembly who represent the area in which the school district is~~  
19      ~~located.~~

20  
21           SECTION 5. Arkansas Code § 6-13-1305(4), concerning school district  
22      policy, is amended to read as follows:

23           (4) ~~School~~ School-level improvement plans, including the form  
24      and function of strategic planning and its relationship to school district  
25      planning;

26  
27           SECTION 6. Arkansas Code § 6-13-1403(a)(1), concerning conditions  
28      under which the State Board of Education may annex school districts, is  
29      amended to read as follows:

30           (1) The state board, after providing thirty (30) days' written  
31      notice to the affected school districts, determines that annexation is in the  
32      best interest of the affected district or districts and the receiving  
33      district based upon failure to meet standards for accreditation, ~~or failure~~  
34      ~~to meet academic, fiscal, or facilities distress requirements, or failure to~~  
35      ~~meet the requirements to exit Level 5 - Intensive support pursuant to The~~  
36      Quality Education Act of 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive~~

1 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the~~  
2 ~~Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.,~~  
3 ~~and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et~~  
4 ~~seq., and the Arkansas Educational Support and Accountability Act, § 6-15-~~  
5 ~~2901 et seq.;~~  
6

7 SECTION 7. Arkansas Code § 6-13-1403(b)(1), concerning conditions  
8 under which the State Board of Education may annex school districts, is  
9 amended to read as follows:

10 (1) The state board, after providing thirty (30) days written  
11 notice to the affected districts, may on its own motion based on a school  
12 district's failure to meet standards for accreditation, ~~or failure to meet~~  
13 ~~academic or fiscal distress requirements, or failure to meet the requirements~~  
14 ~~to exit Level 5 - Intensive support pursuant to The Quality Education Act of~~  
15 ~~2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and~~  
16 ~~Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal~~  
17 ~~Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas~~  
18 ~~Educational Support and Accountability Act, § 6-15-2901 et seq.; or~~  
19

20 SECTION 8. Arkansas Code § 6-13-1404(a)(1), concerning conditions  
21 under which the State Board of Education may consolidate school districts, is  
22 amended to read as follows:

23 (1) The state board, after providing thirty (30) days' written  
24 notice to the affected school districts, determines consolidation is in the  
25 best interest of the affected district or districts and the resulting  
26 district based upon failure to meet standards for accreditation, ~~or academic,~~  
27 ~~failure to meet fiscal, or facilities distress requirements, or failure to~~  
28 ~~meet the requirements to exit Level 5 - Intensive support, pursuant to The~~  
29 ~~Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive~~  
30 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., the~~  
31 ~~Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.,~~  
32 ~~and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et~~  
33 ~~seq., and the Arkansas Educational Support and Accountability Act, § 6-15-~~  
34 ~~2901 et seq.; or~~  
35

36 SECTION 9. Arkansas Code § 6-13-1404(b)(1), concerning conditions

1 under which the State Board of Education may consolidate school districts, is  
2 amended to read as follows:

3 (1) After providing thirty (30) days written notice to the  
4 affected districts, may consolidate school districts upon its own motion  
5 based upon a school district's failure to meet standards for accreditation,  
6 ~~or academic or failure to meet~~ fiscal distress requirements, or failure to  
7 meet the requirements to exit Level 5 - Intensive support pursuant to The  
8 Quality Education Act of 2003, § 6-15-201 et seq., ~~the Arkansas Comprehensive~~  
9 ~~Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and~~  
10 the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et  
11 seq., and the Arkansas Educational Support and Accountability Act, § 6-15-  
12 2901 et seq.; or

13  
14 SECTION 10. Arkansas Code § 6-13-1411(b), concerning use of fund  
15 balances, is amended to read as follows:

16 (b) The provisions of this section shall not apply if the  
17 consolidation or annexation is because of the school district's failure to  
18 meet standards for accreditation, ~~or failure to meet academic, fiscal, or~~  
19 ~~facilities distress requirements, or failure to meet the requirements to exit~~  
20 Level 5 - Intensive support pursuant to The Quality Education Act of 2003, §  
21 6-15-201 et seq., ~~the Arkansas Comprehensive Testing, Assessment, and~~  
22 ~~Accountability Program Act, § 6-15-401 et seq., the Arkansas Fiscal~~  
23 ~~Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas~~  
24 ~~Public School Academic Facilities Program Act, § 6-21-801 et seq., and the~~  
25 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

26  
27 SECTION 11. Arkansas Code § 6-13-1613(a)(3)(D), concerning minimum  
28 school district size waiver, is amended to read as follows:

29 (D) A statement of assurance that the school district is  
30 not currently classified in ~~academic distress~~ Level 5 - Intensive support,  
31 fiscal distress, or facilities distress.

32  
33 SECTION 12. Arkansas Code § 6-13-1613(b)(2)(A), concerning minimum  
34 school district size waiver, is amended to read as follows:

35 (A) The school district is not currently classified in  
36 ~~academic distress~~ Level 5 - Intensive support, fiscal distress, or facilities

1 *distress;*

2

3 *SECTION 13. Arkansas Code § 6-15-202(f)(7), concerning accreditation,*  
4 *is amended to read as follows:*

5 *(7) ~~Section 6-15-401 et seq., concerning the Arkansas~~*  
6 *~~Comprehensive Testing, Assessment, and Accountability Program~~ 6-15-2901 et*  
7 *seq. concerning the Arkansas Educational Support and Accountability Act;*

8

9

10 *SECTION 14. Arkansas Code § 6-15-1003(c)(2), concerning academically*  
11 *competent students, is amended to read as follows:*

12 *(2) School districts, schools, and students shall participate in*  
13 *the state assessments in the basic core of knowledge and skills as defined by*  
14 *the Department of Education in the ~~Arkansas Comprehensive Testing,~~*  
15 *~~Assessment, and Accountability Program~~ Arkansas Educational Support and*  
16 *Accountability Act, § 6-15-2901 et seq.*

17

18 *SECTION 15. Arkansas Code § 6-15-1005(e)(2), concerning safe,*  
19 *equitable, and accountable public schools, is amended to read as follows:*

20 *(2) Every school will develop and implement a data-driven ~~school~~*  
21 *school-level improvement plan based on these analyses that leads to increased*  
22 *student achievement and continuous school improvement; and*

23

24 *SECTION 16. Arkansas Code § 6-15-1005(f)(3), concerning safe,*  
25 *equitable, and accountable public schools, is amended to read as follows:*

26 *(3) Every school will involve parents in developing school goals*  
27 *and priorities and evaluating the effectiveness of the ~~school~~ school-level*  
28 *improvement plan.*

29

30 *SECTION 17. Arkansas Code § 6-15-1005(g)(2), concerning safe,*  
31 *equitable, and accountable public schools, is amended to read as follows:*

32 *(2) All schools will participate in the ~~Arkansas Comprehensive~~*  
33 *~~Testing, Assessment, and Accountability Program~~ Arkansas Educational Support*  
34 *and Accountability Act, § 6-15-2901 et seq.*

35

36 *SECTION 18. Arkansas Code § 6-15-1005(g)(5), concerning safe,*

1 equitable, and accountable public schools, is amended to read as follows:

2 (5) Each school will issue a school achievement report to the  
3 community on all ~~state-required~~ statewide student assessments.

4

5 SECTION 19. Arkansas Code § 6-15-1005(h)(3), concerning safe,  
6 equitable, and accountable public schools, is amended to read as follows:

7 (3) In order for administrators to be able to renew a license,  
8 they must have participated in a continuing education and professional  
9 development program based on their ~~school~~ school-level improvement plans,  
10 performance evaluation results, and student achievement scores.

11

12 SECTION 20. Arkansas Code § 6-15-1402(b)(2)(A)(ii), concerning the  
13 school performance report, is amended to read as follows:

14 (ii) ~~Norm-referenced test~~ Statewide student  
15 assessment results;

16

17 SECTION 21. Arkansas Code § 6-15-1402(b)(2)(A)(iii), concerning the  
18 school performance report, is repealed.

19 ~~(iii) Augmented, criterion-referenced, or norm-~~  
20 ~~referenced assessment results;~~

21

22 SECTION 22. Arkansas Code § 6-15-1402(b)(3)(A)(ii), concerning the  
23 school performance report, is amended to read as follows:

24 (ii) ~~Norm-referenced test~~ Statewide student  
25 assessment results;

26

27 SECTION 23. Arkansas Code § 6-15-1402(b)(3)(A)(iii), concerning the  
28 school performance report, is repealed.

29 ~~(iii) Augmented criterion-referenced assessment~~  
30 ~~results;~~

31

32 SECTION 24. Arkansas Code § 6-15-1402(b)(3)(A)(xiv), concerning the  
33 school performance report, is repealed.

34 ~~(xiv) Student participation in the Arkansas College~~  
35 ~~and Career Readiness Planning Program under § 6-15-441; and~~

36

1       SECTION 25. Arkansas Code § 6-15-1402(b)(4)(B)(i), concerning the  
2 school performance report, is repealed.

3               ~~(i) Highly qualified teacher;~~  
4

5       SECTION 26. Arkansas Code § 6-15-1402(d)(2), concerning the school  
6 performance report, is amended to read as follows:

7               (2) Explore the feasibility of incorporating the school school-  
8 level improvement plans developed by schools and school district support  
9 plans developed by school districts with the school performance reports.  
10

11       SECTION 27. Arkansas Code § 6-15-1402(e), concerning the school  
12 performance report, is amended to read as follows:

13               (e) The school performance report shall not include individual student  
14 information if the information is reported in a manner that would identify a  
15 particular student except as permitted under the Family Educational Rights  
16 and Privacy Act of 1974, 20 U.S.C. 1232g, as in effect on January 1, 2017.  
17

18       SECTION 28. Arkansas Code § 6-15-1503 is repealed.

19       ~~6-15-1503. State-mandated exams.~~

20       ~~(a)(1) The State Board of Education shall ensure that any revisions~~  
21 ~~made to the Arkansas Academic Content Standards and Curriculum Framework~~  
22 ~~process is to be aligned to the state assessment system for core academic~~  
23 ~~areas of reading, writing, mathematics, science, and social studies as~~  
24 ~~funding permits.~~

25       ~~(2) All end of course tests shall be aligned with the content~~  
26 ~~standards and curriculum frameworks.~~

27       ~~(b) All other components of the Arkansas Comprehensive Testing,~~  
28 ~~Assessment, and Accountability Program should be aligned with the Arkansas~~  
29 ~~Academic Content Standards and Curriculum Framework process.~~  
30

31       SECTION 29. Arkansas Code § 6-15-1602 is repealed.

32       ~~6-15-1602. Students who have been placed at risk of academic failure --~~  
33 ~~Personal education plans.~~

34       ~~(a)(1) Local school districts shall identify students in all grades~~  
35 ~~who have been placed at risk of academic failure and shall implement a~~  
36 ~~personal education plan for academic improvement with focused intervention~~



1 ~~and performance benchmarks.~~

2 ~~(2) Identification shall occur as early as can reasonably be~~  
3 ~~done and can be based on grades, observations, and other factors that~~  
4 ~~teachers and administrators consider appropriate without having to await the~~  
5 ~~results of end-of-grade or end-of-course tests.~~

6 ~~(b)(1) At the beginning of the school year, a personal education plan~~  
7 ~~shall be developed for any student not performing at least at grade level, as~~  
8 ~~identified by the state end-of-grade test.~~

9 ~~(2) If a student's performance appears to be falling below state~~  
10 ~~proficiency standards at any time during the school year, a personal~~  
11 ~~education plan shall be developed.~~

12 ~~(c) Focused intervention and acceleration activities may include,~~  
13 ~~among other things, summer school, Saturday school, and extended days.~~

14 ~~(d) Local school districts shall provide the activities identified in~~  
15 ~~subsection (c) of this section, and transportation, free of charge to~~  
16 ~~students.~~

17  
18 SECTION 30. Arkansas Code § 6-15-1704(b)(1)(C)(i) and (ii), concerning  
19 parental involvement plans, are amended to read as follows:

20 ~~(i) School improvement for two (2) consecutive~~  
21 ~~school years Level 4 - Directed support; or~~

22 ~~(ii) Academic distress Level 5 - Intensive support.~~

23  
24 SECTION 31. Arkansas Code § 6-15-2002 is repealed.

25 ~~6-15-2002. Comprehensive program.~~

26 ~~The State Board of Education shall establish a comprehensive program~~  
27 ~~for student progression that shall include:~~

28 ~~(1) Standards for evaluating each student's performance,~~  
29 ~~including the student's mastery level with respect to the academic content~~  
30 ~~standards;~~

31 ~~(2) Specific levels of performance in reading, writing, and~~  
32 ~~mathematics for each grade level and specific proficiency levels of~~  
33 ~~performance on statewide assessments, including end-of-course examinations,~~  
34 ~~below which a student shall be remediated within an intensive program that is~~  
35 ~~different from the previous year's program and that takes into account the~~  
36 ~~student's learning style; and~~

~~(3) Appropriate alternative education intervention programs as developed by the local school district in compliance with state and federal law and approved by the Department of Education for a student who has been retained two (2) consecutive years.~~

SECTION 32. Arkansas Code § 6-15-2004(a)(2), concerning reading deficiency and parental notification, are amended to read as follows:

(2)(A) Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in grades kindergarten through two (K-2), or through teacher observations, shall be given intensive reading instruction ~~utilizing a reading program approved by the State Board of Education~~ based on the science of reading as soon as practicable following the identification of the reading deficiency.

~~(B) The student's reading proficiency shall be reassessed by utilizing assessments within the state board approved reading program.~~

~~(C)~~ The student shall continue to be provided with intensive reading instruction until the reading deficiency is corrected.

SECTION 33. Arkansas Code § 6-15-2006(b) and (c), concerning the student progression annual report, are amended to read as follows:

(b)(1) A school district board of directors shall publish annually in ~~the local newspaper~~ the school performance report required by ~~§ 6-15-1402 and report in writing to the State Board of Education~~ § 6-15-2101 on its website, with the option of also publishing it in the local newspaper, by October 15 of each year, and the following information on the prior school year or the latest information available:

~~(1)(A)~~ By grade level, economic status, and ethnicity, the number and percentage of all students in kindergarten through grade twelve (K-12) performing at each category level on the ~~state-mandated examinations~~ statewide student assessment, the percentile rankings by school and grade level on any other assessments as required by the ~~state-board~~ State Board of Education, the number of students taking advanced placement courses or courses offered under the International Baccalaureate Diploma Programme, the number taking the advanced placement exams, and the percent of students making a 3, 4, or 5 on advanced placement exams;

~~(2)(B)~~ By grade level, the number and percentage of all

1 students retained in grades one through eight (1-8);

2 ~~(3)(C)~~ The graduation rate, grade inflation rate, drop-out  
3 rate for grades nine through twelve (9-12), and college remediation rate;

4 ~~(4)(D)~~ The number of students transferring pursuant to the  
5 unsafe school provision of ~~§ 6-15-432~~ § 6-18-320; and

6 ~~(5)(E)~~ The number of students transferring pursuant to the  
7 Arkansas Opportunity Public School Choice Act of 2004, § 6-18-227.

8 (2) The school performance report shall be easily identifiable on  
9 the website.

10 (c) A printed copy of the school performance report under § 6-15-2101  
11 shall be made available upon request.

12 (d) This section shall apply to the extent that it is not in violation  
13 of applicable state or federal law.

14  
15 SECTION 34. Arkansas Code § 6-15-2009 is repealed.

16 ~~6-15-2009. Public school assessments and remediation.~~

17 ~~(a)(1) Each student shall participate in the statewide program of~~  
18 ~~educational assessment required in §§ 6-15-419, 6-15-433, and this section~~  
19 ~~and by the State Board of Education.~~

20 ~~(2) Each student in grades three through eight (3-8) shall~~  
21 ~~participate in assessments required in §§ 6-15-419, 6-15-433, and this~~  
22 ~~section and by the state board.~~

23 ~~(3) Students in appropriate grades shall participate in the end-~~  
24 ~~of-course assessments and college and career readiness measurements required~~  
25 ~~by §§ 6-15-419 and 6-15-433 as established by the state board and this~~  
26 ~~section.~~

27 ~~(4)(A) The State Board of Education shall determine the~~  
28 ~~requisite scale score of student performance on each assessment or~~  
29 ~~measurement required in subdivisions (a)(1)-(3) of this section.~~

30 ~~(B) The State Board of Education shall make its~~  
31 ~~determination of the requisite scale score of student performance on college~~  
32 ~~and career readiness measurements used for college placement in conjunction~~  
33 ~~with the Arkansas Higher Education Coordinating Board.~~

34 ~~(b)(1) A student identified as not meeting the satisfactory pass~~  
35 ~~levels in the immediate previously administered state-mandated assessment~~  
36 ~~shall participate in the remediation activities as required in the student's~~

1 ~~academic improvement plan beginning in the school year the assessment results~~  
2 ~~are reported.~~

3 ~~(2) The Department of Education may determine that an~~  
4 ~~individualized education program for a student with disabilities identified~~  
5 ~~under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et~~  
6 ~~seq., meets the requirements of an academic improvement plan under this~~  
7 ~~section if the individualized education program addresses one (1) or more~~  
8 ~~academic areas in which the student is not proficient on state-mandated~~  
9 ~~assessments.~~

10 ~~(3)(A) The public school district where the student is enrolled~~  
11 ~~shall notify the student's parent, guardian, or caregiver of the parent's~~  
12 ~~role and responsibilities as well as the consequences for the student's~~  
13 ~~failure to participate in the plan.~~

14 ~~(B) This notice may be provided via student handbooks~~  
15 ~~issued to students.~~

16 ~~(4) A student in grades three through eight (3-8) identified as~~  
17 ~~not passing a state-mandated assessment and who fails to participate in the~~  
18 ~~subsequent academic improvement plan shall be retained and shall not be~~  
19 ~~promoted to the next appropriate grade until:~~

20 ~~(A) The student is deemed to have participated in an~~  
21 ~~academic improvement plan; or~~

22 ~~(B) The student passes the state-mandated assessment for~~  
23 ~~the current grade level in which the student is retained.~~

24 ~~(c)(1) A student required to take an end-of-course assessment who is~~  
25 ~~identified as not meeting the requisite scale score for the end-of-course~~  
26 ~~assessment shall participate in the remediation activities as required in the~~  
27 ~~student's academic improvement plan in the school year that the assessment~~  
28 ~~results are reported in order to receive academic credit on his or her~~  
29 ~~transcript for the course related to the end-of-course assessment.~~

30 ~~(2) The academic improvement plan shall include remediation~~  
31 ~~activities focused on those areas in which a student failed to meet the~~  
32 ~~requisite scale score of an end-of-course assessment.~~

33 ~~(3) A student who is identified as not meeting the requisite~~  
34 ~~scale score for an end-of-course assessment shall not receive academic credit~~  
35 ~~on his or her transcript for the course related to the end-of-course~~  
36 ~~assessment until the student is identified as having participated in~~

~~remediation through an academic improvement plan.~~

~~(d)(1) The state board may require remediation activities and an academic improvement plan for a student in grades in which a state-mandated assessment is required.~~

~~(2) The state board may require that the academic improvement plan include one (1) or more opportunities for a student to retake the measurement.~~

~~(3) For the purpose of a college and career readiness measurement, remediation shall not require that a student pass a subsequent college and career readiness measurement in order to graduate from an Arkansas high school.~~

~~(e)(1) The end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.~~

~~(2)(A) The superintendent of each public school district shall be responsible for the proper administration of this section and the rules promulgated by the state board to implement the requirements of this section.~~

~~(B) To the extent that a public school district is determined to have knowingly failed to administer these provisions of law or rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.~~

~~(3) Each year the department shall make public item and task prototypes for the English language arts and mathematics assessments required by this section or a selection of actual items and tasks from the most recent assessments.~~

~~(4)(A) The state board shall promulgate rules to establish cut scores, remediation programs required in this section, and other components of the state assessment program necessary to administer the provisions of this section.~~

~~(B) Remedial activities and instruction provided during high school shall not be in lieu of English language arts, mathematics, science, history, or other core courses required for graduation.~~

~~(5) Each school year, the department shall establish and publish by commissioner's memo an assessment cycle for state-required assessments that a public school district shall follow unless the public school district has obtained a written waiver from the department.~~

~~(6)(A) The department shall develop the form of end-of-course assessments and subsequent end-of-course assessments with the documents, manuals, forms, and protocols necessary for the proper administration, completion, submission, and scoring of the assessment.~~

~~(B) The assessment shall be composed of sections that may include both multiple choice and open-response test items.~~

~~(7) For the 2009-2010 school year and each school year thereafter, the department shall take steps to ensure that the end-of-course assessments are aligned with state standards and that professional development training is available to teachers of courses for which an end-of-course assessment is required.~~

~~(8) In administering the assessments under this section, the public school district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and state board rules.~~

SECTION 35. Arkansas Code § 6-15-2101(a)(2), concerning school rating system annual reports, is amended to read as follows:

(2) The department shall prescribe the design and content of these reports that shall include without limitation descriptions of achievement of all schools participating in any assessment program and all of their major student populations as determined by the department, provided that the provisions of ~~§ 6-15-415~~ § 6-15-2909 pertaining to student records apply to this section.

SECTION 36. Arkansas Code § 6-15-2101(b), concerning school rating system annual reports, is amended to read as follows:

(b)(1) The department shall provide information regarding performance of students and educational programs as required under ~~§§ 6-15-433~~ §§ 6-15-2907 and 6-15-2301 and implement a system of school reports as required by statute and State Board of Education rule.

(2) Annual school performance reports shall be in an easy-to-read format ~~and shall include both the school improvement and performance level designations.~~

SECTION 37. Arkansas Code § 6-15-2101(c), concerning school rating

1 system annual reports, is repealed.

2 ~~(e) The annual report shall designate one (1) school performance~~  
3 ~~category level for each school based on:~~

4 ~~(1) Student academic performance on state-mandated assessments~~  
5 ~~as required by law or by rule of the state board;~~

6 ~~(2) Student growth based on state-mandated assessments as~~  
7 ~~required by law or by rule of the state board; and~~

8 ~~(3) For a secondary school, the school's graduation rate.~~

9  
10 SECTION 38. Arkansas Code § 6-15-2101(d)(1) and (2), concerning school  
11 rating system annual reports, are amended to read as follows:

12 (1) Student performance on ~~state-mandated~~ statewide student  
13 assessments as required by law or rule of the state board;

14 (2) Student academic growth based on ~~state-mandated~~ statewide  
15 student assessments as required by law or rule of the state board;

16  
17 SECTION 39. Arkansas Code § 6-15-2106(b)(1), concerning school rating  
18 system rules, is amended to read as follows:

19 (1) ~~The Common Core State Standards~~ Arkansas academic standards;

20  
21 SECTION 40. Arkansas Code § 6-15-2106(b)(3), concerning school rating  
22 system rules, is amended to read as follows:

23 (3) Rules adopted under the requirements of a law enacted by the  
24 United States Congress for general education, including without limitation  
25 the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as  
26 reauthorized by the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et~~  
27 ~~seq.~~ Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or any  
28 supplementary federal regulations, directives, or decisions of the United  
29 States Department of Education pertaining to that legislation.

30  
31 SECTION 41. Arkansas Code § 6-21-2106(c) and (d), concerning school  
32 rating system rules, are repealed.

33 ~~(e) The state board may adopt by rule, criteria that permit the~~  
34 ~~following entities to be exempt from the identification and classification of~~  
35 ~~academic distress:~~

36 ~~(1) A public school that is designated solely as an alternative~~

1 ~~learning environment;~~

2 ~~(2) An open-enrollment public charter school whose mission and~~  
3 ~~enrollment are primarily focused on students who have dropped out of high~~  
4 ~~school or are identified as at risk of dropping out of school;~~

5 ~~(3) A conversion public charter school whose mission and~~  
6 ~~enrollment are primarily focused on students who have dropped out of high~~  
7 ~~school or are identified as at risk of dropping out of school;~~

8 ~~(4) The Arkansas School for the Blind; and~~

9 ~~(5) The Arkansas School for the Deaf.~~

10 ~~(d) The criteria adopted by the state board under subsection (c) of~~  
11 ~~this section shall include the method to measure student academic performance~~  
12 ~~for a student who attends an entity identified under subsection (c) of this~~  
13 ~~section to meet the requirements of state or federal law or regulation.~~

14  
15 SECTION 42. Arkansas Code § 6-15-2201 is repealed.

16 ~~6-15-2201. Implementation of state system of school improvement and~~  
17 ~~education accountability.~~

18 ~~(a) The Department of Education is responsible for implementing and~~  
19 ~~maintaining a system of intensive school improvement and education~~  
20 ~~accountability that shall include policies and programs to implement the~~  
21 ~~following:~~

22 ~~(1)(A) A system of data collection and analysis that will~~  
23 ~~improve information about the educational success of individual students and~~  
24 ~~schools.~~

25 ~~(B) The information and analyses shall be capable of~~  
26 ~~identifying educational programs or activities in need of improvement, and~~  
27 ~~reports prepared pursuant to this section shall be distributed to the~~  
28 ~~appropriate school district boards of directors prior to distribution to the~~  
29 ~~general public.~~

30 ~~(C) No disclosure shall be made that is in violation of~~  
31 ~~applicable federal or state law;~~

32 ~~(2) A program of school improvement that will analyze~~  
33 ~~information to identify schools' educational programs or educational~~  
34 ~~activities in need of improvement;~~

35 ~~(3) A method of delivering services to assist school districts~~  
36 ~~and schools to improve; and~~



~~(4) A method of coordinating the state educational goals and school improvement plans with any other state program that creates incentives for school improvement.~~

~~(b)(1) The department shall be responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section.~~

~~(2) There shall be an annual determination of whether each school is progressing toward implementing and maintaining a system of school improvement.~~

~~(c)(1) If progress is not being made, the local school district shall prepare and implement a revised school improvement plan.~~

~~(2) The department shall monitor the development and implementation of the revised school improvement plan.~~

~~(d)(1)(A) The department shall implement a training program to develop among state and school district educators a cadre of facilitators of school improvement.~~

~~(B) These facilitators shall assist schools and school districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.~~

~~(2)(A)(i) Upon request, the department shall provide technical assistance and training to any school, school district, or school district board of directors for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability.~~

~~(ii) Priority for these services shall be given to schools designated as school districts in academic distress or schools in need of school improvement under state or federal law.~~

~~(B)(i) No less than semiannually, the department shall provide a report to the House Committee on Education and the Senate Committee on Education setting forth the school districts requesting assistance, the state of each request, and the dates and actions taken.~~

~~(ii) The department shall further report the results of the actions taken or assistance provided.~~

~~(e) As a part of the system of educational accountability, the department shall:~~

~~(1) Develop minimum performance standards for various grades and subject areas, as required in §§ 6-15-404 and 6-15-433;~~

~~(2) Administer the statewide assessment testing program created by § 6-15-433;~~

~~(3) Conduct or contract with a provider to conduct the program assessments required by § 6-15-403;~~

~~(4) Conduct or contract with any provider for implementation for any part or portion of this act; and~~

~~(5) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the State Board of Education rules and regulations or federal or state law.~~

SECTION 43. Arkansas Code § 6-15-2202(a)(1), concerning access to school improvement plans, is amended to read as follows:

(1) Improve student achievement and close achievement gaps among student subgroups by providing public access to comprehensive school school-level improvement plans;

SECTION 44. Arkansas Code § 6-15-2202(b)(1), concerning access to school improvement plans, is repealed.

~~(1)(A) The comprehensive school improvement plan developed under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., for each public school in the public school district.~~

~~(B) [Repealed.]~~

SECTION 45. Arkansas Code § 6-15-2202(b)(3)-(5), concerning access to school improvement plans, is amended to read as follows:

(3) A parent-friendly explanation of:

(A) The ~~school improvement status of~~ level of support being provided to the public school district;

(B) The ~~school improvement status of each public school in the public school district, including the identification of any supplemental educational services available to each public school; and~~

(C) Why the public school district ~~or any of its public schools are under academic distress, school improvement is receiving~~ Level 5

1 ~~– Intensive support, a school is identified as targeted or comprehensive, or~~  
2 ~~the public school district is in fiscal distress and what the public school~~  
3 ~~district is doing to be removed from academic distress, school improvement~~  
4 ~~Level 5 - Intensive support, to remove the school or schools within the~~  
5 ~~public school district from being identified as targeted or comprehensive, or~~  
6 ~~to be removed from fiscal distress;~~

7 (4) The public school district's parental involvement plan and  
8 the parental involvement plan of all public schools in the public school  
9 district and informational packets required under § 6-15-1702 ~~and under the~~  
10 ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.; and~~

11 (5) Teacher qualifications for all public schools in the public  
12 school district ~~under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301~~  
13 ~~et seq.~~

14  
15 SECTION 46. Arkansas Code § 6-15-2202(c)(2), concerning access to  
16 school improvement plans, is amended to read as follows:

17 (2) Assists a school with its ~~comprehensive school~~ school-level  
18 improvement plan or school district support plan.

19  
20 SECTION 47. Arkansas Code § 6-17-705(c), concerning professional  
21 development credit, is repealed.

22 ~~(c) Licensed personnel may earn up to twelve (12) hours of~~  
23 ~~professional development credit required under subsection (a) of this section~~  
24 ~~through online professional development credit approved by the Department of~~  
25 ~~Education and related to the:~~

26 ~~(1) School district's comprehensive school improvement plan; or~~  
27 ~~(2) Teacher's professional growth plan under the Teacher~~  
28 ~~Excellence and Support System, § 6-17-2801 et seq.~~

29  
30 SECTION 48. Arkansas Code § 6-17-707(c)(1)-(3), concerning the  
31 Arkansas Online Professional Development Initiative, are amended to read as  
32 follows:

33 (1) Are aligned to the required focus areas identified in the  
34 State Board of Education rules governing professional development and the  
35 ~~Arkansas Comprehensive Testing, Assessment, and Accountability Program~~  
36 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

1           (2) Are aligned with the clear, specific, and challenging  
2 academic content areas as established by the Department of Education as  
3 required under ~~§ 6-15-404~~ § 6-15-2906;

4           (3) Are aligned with the ~~state curriculum frameworks~~ Arkansas  
5 academic standards established by the department for each class level or  
6 subject area included in the respective professional development programs;

7  
8           SECTION 49. Arkansas Code § 6-17-707(h) and (i), concerning the  
9 Arkansas Online Professional Development Initiative, are amended to read as  
10 follows:

11           (h)(1) As part of a ~~school improvement plan~~ school district support  
12 plan, the department may include guidelines for the professional development  
13 programs to be delivered to the licensed personnel employed by ~~a school in~~  
14 ~~school improvement status or a school district in school improvement status~~  
15 ~~or academic distress~~ receiving Level 3 - Coordinated, Level 4 - Directed, or  
16 Level 5 - Intensive support.

17           (2)(A) As part of the ~~school improvement~~ school district support  
18 plan, the department may require the participation and completion of  
19 professional development courses or programs by licensed personnel in ~~the a~~  
20 ~~school or school district as appropriate for the licensed personnel's job~~  
21 ~~assignments and duties~~.

22           ~~(B) Licensed personnel employed by any school in school~~  
23 ~~improvement or school district in school improvement or academic distress~~  
24 ~~shall participate in, complete, and pass the assessment for the professional~~  
25 ~~development requirements included in the school's or school district's school~~  
26 ~~improvement plan.~~

27           ~~(i) The department shall further enhance its leadership role in~~  
28 ~~professional development for licensed personnel by:~~

29           ~~(1) Developing technology-based professional development~~  
30 ~~programs and other enhanced professional development options for school~~  
31 ~~districts and licensed personnel; and~~

32           ~~(2) Employing two (2) persons who have a high level of expertise~~  
33 ~~in professional development for the purpose of enhancing professional~~  
34 ~~development opportunities as set forth in this section.~~

35  
36           SECTION 50. Arkansas Code § 6-18-901(b), concerning maintenance of

1 permanent student records, is amended to read as follows:

2 (b) The permanent student record shall include all information  
3 concerning educational programming ~~provided a student who fails to achieve~~  
4 ~~mastery level performance on all administrations of the basic competency~~  
5 ~~tests including statewide student assessments~~ required under the Arkansas  
6 ~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~  
7 ~~et seq~~ Arkansas Educational Support and Accountability Act, § 6-15-2901 et  
8 seq.

9  
10 SECTION 51. Arkansas Code § 6-20-2305(b)(4)(C)(iv)(a), concerning  
11 public school funding, is amended to read as follows:

12 (iv)(a) Upon review of the school district's  
13 ~~comprehensive school~~ school-level improvement plan, if the Commissioner of  
14 Education determines that the school district has met the needs of students  
15 in the school district for whom the funding for additional educational  
16 categories this subsection is provided, has met the requirements of  
17 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently  
18 managed its resources, the commissioner shall give written approval of the  
19 detailed planned flexible use of excess national school lunch student  
20 categorical funds provided to the school district.

21  
22  
23 SECTION 52. Arkansas Code § 6-20-2305(b)(4)(C)(ix)(b)(5)-(7),  
24 concerning public school funding, is amended to read as follows:

25 (5) The school district shall include  
26 with its ~~comprehensive school~~ school-level improvement plan a written  
27 detailed narrative or plan concerning how the school district will use its  
28 excess national school lunch categorical funds each school year and  
29 explaining in detail the amount of funds and percent of total funds to be  
30 used to supplement all classroom teacher salaries as allowed in this  
31 subdivision (b)(4)(C)(ix);

32 (6) Upon review of the school district's  
33 ~~comprehensive school~~ school-level improvement plan, if the commissioner  
34 determines that the school district has met or is meeting the needs of  
35 students in the school district for which the funding for additional  
36 educational categories under this subdivision (b)(4)(C)(ix) and has prudently

1 managed its resources, the commissioner shall give written approval of the  
2 detailed planned flexible use of excess national school lunch student  
3 categorical funds provided to the school district; and

4 (7) Upon review of the school district's  
5 ~~comprehensive school~~ school-level improvement plan and other indicators, if  
6 the commissioner determines that a school district has not met the needs of  
7 students that may be served with national school lunch student categorical  
8 funds, the commissioner may require that any and all national school lunch  
9 categorical funds dedicated for use or application in the teacher salary fund  
10 shall be removed from and not used to meet the classroom teacher salary  
11 obligation and redirected and applied to meet the needs of students in a  
12 school district.

13  
14 SECTION 53. Arkansas Code § 6-20-2305(b)(4)(E)(ii)(c), concerning  
15 public school funding, is amended to read as follows:

16 (c) The analysis of student achievement data  
17 evaluated in student achievement growth models as defined under ~~§ 6-15-435~~ §  
18 6-15-2908 shall be expanded to include the evaluation of the best estimates  
19 of classroom, school, and school district effects on narrowing the  
20 achievement gap, in addition to the examination of student progress based on  
21 established value-added longitudinal calculations.

22  
23 SECTION 54. Arkansas Code § 6-23-107(b)(2)(A), concerning reporting  
24 requirements for public charter schools, is amended to read as follows:

25 (2)(A) For all students enrolled in the public charter school,  
26 the scores for assessments required under the ~~Arkansas Comprehensive Testing,~~  
27 ~~Assessment, and Accountability Program Act, § 6-15-401 et seq., including~~  
28 ~~without limitation benchmark assessments and end-of-course assessments~~  
29 Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

30  
31 SECTION 55. Arkansas Code § 10-3-2102(f)(2)-(5), concerning duties of  
32 the adequacy committee, are amended to read as follows:

33 (2) Reviewing the ~~curriculum frameworks~~ Arkansas academic  
34 standards developed by the Department of Education;

35 (3) Reviewing the ~~Arkansas Comprehensive Testing, Assessment,~~  
36 ~~and Accountability Program Act, § 6-15-401 et seq~~ Arkansas Educational

Support and Accountability Act, § 6-15-2901 et seq.;

(4) Reviewing fiscal, ~~academic~~, and facilities distress programs;

(5) Reviewing the state's standing under the ~~No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq.~~ Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95;

/s/J. English

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