

1 State of Arkansas *As Engrossed: H2/12/15 H2/23/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

HOUSE BILL 1263

4

5 By: Representatives Cozart, C. Armstrong, Baltz, Branscum, Deffenbaugh, Eubanks, Farrer, K. Ferguson,  
6 C. Fite, Gossage, Harris, Lampkin, Lowery, Lundstrum, McElroy, McNair, Miller, Ratliff, Richmond,  
7 Scott, Womack, *C. Douglas, Murdock, Ballinger, Beck, Bentley, Della Rosa, M. Gray, G. Hodges,*  
8 *Payton, Richey, Sullivan, Tosh*

9 By: Senators A. Clark, B. Johnson, *Caldwell, Maloch, G. Stubblefield, Irvin, Teague*

10

11

## For An Act To Be Entitled

12

AN ACT TO PROVIDE A WAIVER FOR A SCHOOL DISTRICT FROM  
13 AN ADMINISTRATIVE CONSOLIDATION OR REORGANIZATION  
14 UNDER CERTAIN *CONDITIONS; TO DECLARE AN EMERGENCY;*  
15 AND FOR OTHER PURPOSES.

16

17

18

## Subtitle

19

*TO PROVIDE A WAIVER FOR A SCHOOL DISTRICT  
20 FROM AN ADMINISTRATIVE CONSOLIDATION OR  
21 REORGANIZATION UNDER CERTAIN CONDITIONS;  
22 AND TO DECLARE AN EMERGENCY.*

23

24

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

26

27 SECTION 1. Arkansas Code § 6-13-1603(a)(3), concerning administrative  
28 reorganization of a school district, is amended to read as follows:

29

30

31

32

33

34

35

36



1 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 16, is  
2 amended to add an additional section to read as follows:

3 6-13-1613. Minimum school district size waiver.

4 (a)(1) A school district that is placed on the consolidation list  
5 published by the Department of Education under § 6-13-1602(2) may annually  
6 request a waiver from the average daily membership requirement of three  
7 hundred fifty (350) students from the State Board of Education.

8 (2) A school district shall submit a petition for a waiver to  
9 the state board no later than thirty (30) days after the consolidation list  
10 is published.

11 (3) The petition for a waiver shall include:

12 (A) The average daily membership of the school district in  
13 the current school year;

14 (B) A statement that the school district is not in  
15 probationary status for any violation of the Standards for Accreditation of  
16 Arkansas Public Schools and School Districts;

17 (C) A copy of the school district's current year budget  
18 and any fiscal audit conducted within the previous two year; and

19 (D) A statement of assurance that the school district is  
20 not currently classified in academic distress, fiscal distress, or facilities  
21 distress.

22 (b)(1) The state board shall render a decision to either grant or  
23 reject a petition for waiver that is received by a school district within  
24 forty-five (45) days of receipt.

25 (2) The state board shall grant a petition for a waiver if it is  
26 demonstrated by the school district that:

27 (A) The school district is not currently classified in  
28 academic distress, fiscal distress, or facilities distress;

29 (B) The school district is not in probationary status for  
30 a violation of the Standards for Accreditation of Arkansas Public Schools and  
31 School Districts;

32 (C) The academic facilities owned and operated by the  
33 school district are adequate as evidenced by the school district's facilities  
34 master plan; and

35 (D) It is in the best interest of the students in the  
36 school district to keep the school district open due to the length of

1 potential time spent on the bus by a student traveling to and from school  
2 should the school district be administratively reorganized, as assured by the  
3 school board of directors of the school district requesting the waiver.

4 (3) The state board may revoke a waiver that has been granted to  
5 a school district at anytime if it is found that the conditions under  
6 subdivision (b)(2)(A) of this section change.

7 (c) A school district that is granted a waiver shall remain listed on  
8 the consolidation list that is published annually by the department.

9  
10 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that small school districts are at  
12 risk of being consolidated or reorganized; that small school districts that  
13 are successful in educating their students and not in academic or fiscal  
14 distress should not be consolidated or reorganized; and that this act is  
15 immediately necessary to ensure that small school districts that are placed  
16 on the consolidation list are not consolidated immediately. Therefore, an  
17 emergency is declared to exist, and this act being immediately necessary for  
18 the preservation of the public peace, health, and safety shall become  
19 effective on:

20 (1) The date of its approval by the Governor;

21 (2) If the bill is neither approved nor vetoed by the Governor,  
22 the expiration of the period of time during which the Governor may veto the  
23 bill; or

24 (3) If the bill is vetoed by the Governor and the veto is  
25 overridden, the date the last house overrides the veto.

26  
27 /s/Cozart

28  
29  
30 **APPROVED: 03/11/2015**