

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1397 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H2/3/05 H2/25/05*

**A Bill**

HOUSE BILL 1289

5 By: Representatives Thompson, Jeffrey  
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**For An Act To Be Entitled**

9 AN ACT TO ALLOW A SCHOOL DISTRICT TO CLOSE AN  
10 ISOLATED SCHOOL AREA FOLLOWING AN ANNEXATION OR  
11 CONSOLIDATION; AND FOR OTHER PURPOSES.  
12

**Subtitle**

13 AN ACT TO ALLOW A SCHOOL DISTRICT TO  
14 CLOSE AN ISOLATED SCHOOL AREA FOLLOWING  
15 AN ANNEXATION OR CONSOLIDATION.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-13-1603(f) through (l), concerning  
22 administrative reorganization, are amended to read as follows:

23 ~~(f) No school facility in a school district included in the~~  
24 ~~consolidation list required by § 6-13-1602 shall be closed by the state board~~  
25 ~~or a local school board until after completion of an assessment of public~~  
26 ~~school facilities by the Joint Committee on Educational Facilities as~~  
27 ~~required by Act 1181 of 2003, but in no event shall any be closed prior to~~  
28 ~~June 1, 2005.~~

29 ~~(g)~~(f) No administratively consolidated or annexed school district  
30 shall have more than one (1) superintendent.

31 ~~(h)~~(g) No school district administratively consolidated with a school  
32 district designated by the state board as being in academic or fiscal  
33 distress shall be subject to academic or fiscal distress sanctions for a  
34 period of three (3) years from the effective date of consolidation unless:

35 (1) The school district fails to meet minimum teacher salary



1 requirements; or

2 (2) The school district fails to comply with the Standards for  
3 Accreditation of Arkansas Public Schools issued by the department.

4 ~~(i)~~(h) Noncontiguous school districts may voluntarily consolidate if  
5 the facilities and physical plant of each school district:

6 (1) Are within the same county, and the state board approves the  
7 administrative consolidation; or

8 (2) Are not within the same county, and the state board approves  
9 the administrative consolidation or annexation and finds that:

10 (A) The consolidation or annexation will result in the  
11 overall improvement in the educational benefit to students in all of the  
12 school districts involved; or

13 (B) The consolidation or annexation will provide a  
14 significant advantage in transportation costs or service to all of the school  
15 districts involved.

16 ~~(j)~~(i) Contiguous districts may administratively consolidate even if  
17 they are not in the same county.

18 ~~(k)~~(j) The state board shall promulgate rules to facilitate the  
19 administration of this subchapter.

20 ~~(l)~~(k) The provisions of § 6-13-1406 shall govern the board of  
21 directors of each resulting or receiving school district created under this  
22 subchapter.

23

24 SECTION 2. Arkansas Code § 6-20-602 is amended to read as follows:  
25 6-20-602. Isolated schools.

26 (a) "Isolated school" means a school within a school district that:

27 (1) Prior to administrative consolidation or annexation under  
28 this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5) qualified as an  
29 isolated school district under § 6-20-601; and

30 (2) Is subject to administrative consolidation or annexation  
31 under this section, § 6-13-1601 et seq., and § 6-13-1405(a)(5).

32 (b) *Any isolated school within a resulting or receiving district shall*  
33 *remain open, unless the school board of the resulting or receiving district*  
34 *adopts a motion to close the isolated school or parts thereof by:*

35 (1) Unanimous vote of the full board of directors; or

36 (2)(A) A majority vote of the full board of directors, but less

1 than a unanimous vote, and such motion is considered by and approved by a  
2 majority vote of members of the State Board of Education.

3 (B) Any school board seeking the State Board of  
4 Education's approval to close isolated schools or parts thereof under  
5 subsection (b)(2)(A) of this section shall:

6 (i) No less than thirty (30) days prior to a  
7 regularly scheduled State Board of Education meeting, request a hearing on  
8 the matter before the State Board of Education and file a petition to have  
9 the motion reviewed and approved by the State Board of Education.

10 (ii) The petition shall:

11 (a) Identify the specific isolated schools or  
12 part thereof that the local board has moved to close; and

13 (b) State all reasons that the isolated schools  
14 or part thereof should be closed;

15 (c) State how the closure will serve the best  
16 interests of the students in the district as a whole;

17 (d) State if the closure will have any negative  
18 impact on desegregation efforts or violate any valid court order from a court  
19 of proper jurisdiction; and

20 (e) Have attached a copy of the final motion  
21 approving the closure by the local board of directors.

22 (C) Upon receiving a petition for approval of a motion to  
23 close all or part of an isolated school under subsection (b)(2)(A) of this  
24 section, the State Board of Education shall have the authority to review and  
25 approve or disapprove the petition.

26 (i) The State Board of Education shall only approve  
27 a motion to close isolated schools or parts thereof under subsection  
28 (b)(2)(A) of this section, if the closure is in the best interest of the  
29 students in the school district as a whole.

30 (ii) The State Board of Education shall not close a  
31 school if the State Board of Education finds the closure will have any  
32 negative impact on desegregation efforts or will violate any valid court  
33 order from a court of proper jurisdiction.

34 (D) The State Board of Education is not authorized to  
35 require the closure of an isolated school or any parts thereof without a  
36 motion from the local board of directors as required under subsection

1 (b)(2)(A) of this section.

2 (c) Funding for isolated school districts shall be expended by the  
3 resulting or receiving district only on the operation, maintenance, and other  
4 expenses of the isolated schools within the resulting or receiving district.

5 /s/ Thompson, et al

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APPROVED: 3/30/2005

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