

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

As Engrossed: H3/16/11

A Bill

HOUSE BILL 2010

5 By: Representative Hubbard
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE PUBLIC EDUCATION REORGANIZATION
9 ACT TO REQUIRE THE DEPARTMENT OF *EDUCATION AND STATE*
10 *BOARD OF EDUCATION* TO CONSIDER FACTORS IN ADDITION TO
11 AVERAGE DAILY MEMBERSHIP BEFORE FORCING THE
12 CONSOLIDATION OR ANNEXATION OF A PUBLIC SCHOOL
13 *DISTRICT; TO DECLARE AN EMERGENCY;* AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 *TO REQUIRE THE CONSIDERATION OF FACTORS*
19 *IN ADDITION TO AVERAGE DAILY MEMBERSHIP*
20 *BEFORE FORCING THE CONSOLIDATION OR*
21 *ANNEXATION OF A PUBLIC SCHOOL DISTRICT;*
22 *AND TO DECLARE AN EMERGENCY.*
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 6-13-1602 is amended to read as follows:
28 6-13-1602. Administrative consolidation list.

29 (a) By February 1, 2004, and each January 1 thereafter Except as
30 provided in subsection (b) of this section, by January 1 of each year, the
31 Department of Education shall publish a consolidation list that includes all
32 school districts with fewer than three hundred fifty (350) students according
33 to the school district average daily membership in each of the two (2) school
34 years immediately preceding the current school year.

35 (b) Beginning with the January 1, 2011, consolidation list and for
36 each consolidation list thereafter, the department shall not include on the



1 consolidation list under subsection (a) of this section a school district
2 that for the two (2) school years immediately preceding the current school
3 year and through the date of the consolidation list has not been identified
4 by the department as:

5 (1) Being in academic distress or school improvement under § 6-
6 15-425;

7 (2) Having an annual improvement category rating of level one
8 (1) or level two (2) under § 6-15-2102;

9 (3) Having an annual performance category rating of level one
10 (1) or level two (2) under § 6-15-2103;

11 (4) Being in fiscal distress under § 6-13-1027; or

12 (5) Being in facilities distress under § 6-21-811.

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14 *SECTION 2. EMERGENCY CLAUSE. It is found and determined by the*
15 *General Assembly of the State of Arkansas that the continued identification*
16 *of school districts for consolidation solely on the basis of average daily*
17 *membership interferes with the efficient and effective administration of*
18 *public schools in small, rural school districts in this state; that the*
19 *implementation of this act is essential to the operation of school districts*
20 *affected by the act; and that this act is immediately necessary to allow the*
21 *State Board of Education and the Department of Education sufficient time to*
22 *develop rules and procedures to implement this act for school districts*
23 *currently on the January 1, 2011 consolidation list. Therefore, an emergency*
24 *is declared to exist and this act being immediately necessary for the*
25 *preservation of the public peace, health, and safety shall become effective*
26 *on:*

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

28 *(2) If the bill is neither approved nor vetoed by the Governor,*
29 *the expiration of the period of time during which the Governor may veto the*
30 *bill; or*

31 *(3) If the bill is vetoed by the Governor and the veto is*
32 *overridden, the date the last house overrides the veto.*

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36 /s/Hubbard