

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION**  
**RULES GOVERNING CONSOLIDATION AND**  
**ANNEXATION OF SCHOOL DISTRICTS**

**TABLE OF CONTENTS**

<b>Chapter 1: Authority and Definitions</b>	<b>3</b>
1.00 Purpose	3
2.00 Authority	3
3.00 Definitions	3
4.00 Consolidation and Annexation Authority of the State Board of Education	4
<b>Chapter 2: Consolidation and Annexation of School Districts</b>	<b>4</b>
5.00 Conditions under which the State Board of Education may Annex School Districts	4
6.00 Conditions under which the State Board of Education may Consolidate School Districts	7
7.00 Resulting District Successor in Interest – When Part of District Taken	8
8.00 Annexation or Consolidation Not to Negatively Impact State-Assisted Desegregation	8
9.00 Other State Board of Education Duties	9
10.00 Appeal and Election	9
11.00 Use of Fund Balances	9
12.00 Involuntary Annexation or Consolidation—Effective Date—Interim Board of Directors	10
13.00 Voluntary Annexation or Consolidation—Effective Date—Interim Board of Directors	15
14.00 Formation of a Permanent Board of Directors	18
<b>Chapter 3: Administrative Consolidation and Annexation of School Districts</b>	<b>20</b>
15.00 Administrative Consolidation List	20
16.00 Administrative Reorganization	20
17.00 Retention of Historical Records and Documents	22
18.00 Audit Required	23
19.00 Preservation of Historical School Artifacts	24
20.00 Financial Relief for Debts Acquired as a Result of Involuntary Consolidations	24
21.00 Annual Reports	26
22.00 Academic Support Centers	27
<b>Chapter 4: Consolidation and Annexation Incentive Funding</b>	<b>28</b>
23.00 Definitions Applicable to Consolidation and Annexation Incentive Funding	28
24.00 Guidelines for the Distribution of Consolidation and Annexation Incentive Funding	28
25.00 General Requirements	30
26.00 State Board Hearing Procedures—Voluntary Consolidations and Annexations	31

27.00	State Board Hearing Procedures—Involuntary Consolidations and Annexations	31
<b>Chapter 5:</b>	<b>Waivers</b>	<b>32</b>
28.00	Minimum School District Size Waiver	32
<b>Appendix A:</b>	<b>Attachments Pertaining to Annexations and Consolidations of School Districts (Non-Administrative)</b>	<b>35</b>
	Petition for Annexation	36
	Petition for Consolidation	39
	School Board Resolution	43
	Affidavit Concerning Desegregation Orders	44
<b>Appendix B:</b>	<b>Attachments Pertaining to Administrative Annexations and Consolidations of School Districts</b>	<b>45</b>
	Petition for Voluntary Annexation	46
	Petition for Voluntary Consolidation	50
	School Board Resolution	54
	Affidavit of Average Daily Membership	55
	Affidavit of Isolated School Status	57
	Affidavit Concerning Desegregation Orders	59

**ARKANSAS DEPARTMENT OF EDUCATION**  
**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION**  
**RULES GOVERNING CONSOLIDATION AND**  
**ANNEXATION OF SCHOOL DISTRICTS**  
**January 2019 \_\_\_\_\_**

**CHAPTER 1: AUTHORITY AND DEFINITIONS**

**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 Acts 745 and 936 of 2017~~ and Act 757 of 2019.

**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.
- 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*

### **CHAPTER 2: 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 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 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~~ is the duty of the ~~Department of Education Arkansas~~ Geographic Information Systems Office 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 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 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~~ is the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office 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 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 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. § 6-13-634.

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*

### **CHAPTER 3: ADMINISTRATIVE CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS**

#### **15.00 ADMINISTRATIVE CONSOLIDATION LIST**

15.01 By January 1 of each year, the ~~Department of Education~~ Division of Elementary and Secondary 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~~ Division of Elementary and Secondary 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~~ Division of Elementary and Secondary 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 RETENTION OF HISTORICAL RECORDS AND DOCUMENTS**

- 17.01 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:

- 17.01.1 Student transcripts;
- 17.01.2 Graduation records;
- 17.01.3 Minutes and other legal documents of the local board of directors;
- 17.01.4 Maps or boundary documents;
- 17.01.5 Sports records, trophies, and awards;
- 17.01.6 Employee records; and
- 17.01.7 Financial records.

*Source: Ark. Code Ann. § 6-13-1607*

## **18.00 AUDIT REQUIRED**

- 18.01 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.
- 18.02 The comprehensive financial review shall begin no less than ten (10) days after the earliest of:
  - 18.02.1 The publication of the district's name on the consolidation and annexation list under Ark. Code Ann. § 6-13-1602;
  - 18.02.2 The filing of a petition for voluntary administrative consolidation or administrative annexation; or
  - 18.02.3 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.
- 18.03 Beginning on the date of 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~~ Division of Elementary and Secondary 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.

- 18.03.1 No contract or other debt obligation incurred by a school district for which the ~~department~~ Division has oversight authority under Ark. Code Ann. § 6-13-1608 and Section 18.00 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.
- 18.04 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.
- 18.05 The ~~Department of Education~~ Division of Elementary and Secondary 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 18.00 of these rules.
- 18.06 A school district may not incur debt without the prior written approval of the ~~Department of Education~~ Division of Elementary and Secondary Education if the school district is identified by the ~~Department of Education~~ Division of Elementary and Secondary 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*

## **19.00 PRESERVATION OF HISTORICAL SCHOOL ARTIFACTS**

- 19.01 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*

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

- 20.01 As used in Section 20.00 of these rules:

- 20.01.1 “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;



- 20.01.2 “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;
- 20.01.3 “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;
- 20.01.4 “Excess accounts payable” means accounts payable of an Act 60 school district that exceed available funding; and
- 20.01.5 “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 Division of Elementary and Secondary Education to require an expenditure of funds by the resulting school district to be correct.
- 20.02 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 ~~administratively reorganized~~ school district before the July 1 administrative consolidation date that would have caused deficit spending if paid from the funds of the Act 60 ~~administratively reorganized~~ district, the Department of Education Division of Elementary and Secondary Education shall provide supplemental funding to the resulting district.
- 20.03 The amount of the supplemental funding provided under Ark. Code Ann. § 6-13-1610(b) and Section 20.02 of these rules shall be equal to the amount of the excess accounts payable and improper expenditure exceptions assumed by the resulting school district.
- 20.03.1 The amount of accounts payable, excess accounts payable, improper expenditure exceptions, and available funding shall be determined by the Department of Education Division of Elementary and Secondary Education based on information provided in a final audit and other verifiable fiscal information available to the Department of Education Division of Elementary and Secondary Education.
- 20.03.2 The audit of an Act 60 ~~administratively reorganized~~ school district required under Ark. Code Ann. § 6-13-1610 and Section 20.00 of

these rules shall be completed within the time under Ark. Code Ann. § 6-20-1801(d) for school districts in fiscal distress.

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

20.04 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~~ Division of Elementary and Secondary 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.

20.04.1 No contract or other debt obligation incurred by a school district for which the ~~Department of Education~~ Division of Elementary and Secondary Education has oversight authority under Ark. Code Ann. § 6-13-1610 and Section 20.00 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*

## **21.00 ANNUAL REPORTS**

21.01 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~~ Division of Elementary and Secondary Education indicating:

21.01.1 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:

21.01.1.1 Parent-teacher associations;

21.01.1.2 Booster clubs; and

21.01.1.3 Parent involvement committees;

- 21.01.2 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
- 21.01.3 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.
- 21.02 ~~The Department of Education~~ Division of Elementary and Secondary 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:
  - 21.02.1 Opportunities for inclusion or participation in the resulting or receiving district; and
  - 21.02.2 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

## **22.00 ACADEMIC SUPPORT CENTERS**

- 22.01 The purpose of Ark. Code Ann. § 6-13-1612 and Section 22.00 of these rules is to:
  - 22.01.1 Prevent students who attend administratively consolidated or administratively annexed schools from returning home to communities with little or no opportunities for supplemental academic support;
  - 22.01.2 Increase opportunities for access to library materials, academic resource materials, and educational technology for these students within their local communities; and
  - 22.01.3 Help advance academic performance for these students by providing opportunities for homework and tutorial assistance based on the Arkansas ~~curriculum frameworks~~ academic standards.
- 22.02 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 22.00 of these rules.

- 22.03 The ~~Department of Education~~ Division of Elementary and Secondary 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*

#### **CHAPTER 4: CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING**

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

For the purposes of Sections 23.00 through 25.00 of these rules, the following definitions apply:

- 23.01 “Annexation” includes both Annexation and Administrative Annexation as defined in Section 3.00 of these Rules.
- 23.02 “Consolidation” includes both Consolidation and Administrative Consolidation as defined in Section 3.00 of these Rules.
- 23.03 “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.
- 23.04 “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.
- 23.05 “Funding Factor” means a factor established by the ~~Arkansas Department of Education (Department)~~ Division of Elementary and Secondary Education (Division) to ensure that the calculated funding does not exceed the funds available for consolidation/annexation incentive funding.

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

- 24.01 The distribution of consolidation and annexation incentive funding is dependent upon appropriation and funding by the Arkansas General Assembly.
- 24.02 Consolidation/annexation incentive funding shall be determined as follows:
- 24.02.1 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.

24.02.2 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).

24.02.3 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 is three hundred (300).

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).

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).

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).

- 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).
- 24.02.8 If a district is annexed by multiple school districts, the incentive funding shall be computed as in Sections 24.02.1 through 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.

## 25.00 GENERAL REQUIREMENTS

- 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.
- 25.02 Any district that has received consolidation/annexation incentive funds and subsequently dissolves shall be liable to the ~~Department of Education~~ Division of Elementary and Secondary Education for the full or apportioned amount of incentive funding received if any of the following conditions result due to the dissolution:
- 25.02.1 Districts are formed with substantially the same boundaries as the former districts prior to consolidation or annexation;
- 25.02.2 The ability of any district to desegregate or remain desegregated is inhibited;
- 25.02.3 The ability of the State to ensure that students are provided a quality education in an efficient manner is inhibited.
- 25.03 Any repayment due, as required in Section 25.02 above, shall be paid from the assets of the district prior to dissolution of the district. The ~~Department of Education~~ Division of Elementary and Secondary Education may withhold, from any state funding due the district, the amount of repayment funds or a portion thereof.

25.04 In the event full repayment is not made as required under Section 25.02 above, the ~~Department of Education~~ Division of Elementary and Secondary 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~~ Division determines that such apportionment would be inequitable. In such case, the State Board shall apportion the repayment among the districts upon an equitable basis.

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

- 26.01 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
- 26.02 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.
- 26.03 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.
- 26.04 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.
- 26.05 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.
- 26.06 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school districts' petition.
- 26.07 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.
- 26.08 The State Board shall issue a written order concerning the matter.

## **27.00 STATE BOARD HEARING PROCEDURES – INVOLUNTARY CONSOLIDATIONS AND ANNEXATIONS**

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

- 27.02 The spokesperson(s) for the ~~Department of Education~~ Division of Elementary and Secondary Education shall have a total of twenty (20) minutes to present the ~~Department of Education's Division's~~ remarks. The State Board may allow more than twenty (20) minutes if necessary.
- 27.03 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.
- 27.04 The spokesperson(s) for the ~~Department of Education~~ Division 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.
- 27.05 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.
- 27.06 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school districts' petition.
- 27.07 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.
- 27.08 The State Board shall issue a written order concerning the matter.

## **CHAPTER 5: WAIVERS**

### **28.00 MINIMUM SCHOOL DISTRICT SIZE WAIVER**

- 28.01 A school district that is placed on the consolidation list published by the ~~Department of Education~~ Division of Elementary and Secondary 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.
- 28.02 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:
- 28.02.1 The average daily membership of the school district in the current school year;



- 28.02.2 A statement that the school district is not in probationary status for any violation of the Standards for Accreditation of Arkansas ~~Publie~~ Public Schools and School Districts;
- 28.02.3 A copy of the school district's current year budget and any fiscal audit conducted within the previous two years; and
- 28.02.4 A statement of assurance that the school district is not currently classified in academic distress, fiscal distress, or facilities distress.
- 28.03 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.
- 28.04 The State Board shall grant a petition for a waiver if it is demonstrated by the school district that:
  - 28.04.1 The school district is not currently classified in academic distress, fiscal distress, or facilities distress;
  - 28.04.2 The school district is not in probationary status for a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;
  - 28.04.3 The academic facilities owned and operated by the school district are adequate as evidenced by the school district's facilities master plan; and
  - 28.04.4 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.
- 28.05 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 28.04 of these rules change. A hearing shall be conducted using the following procedures:
  - 28.05.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
  - 28.05.2 The spokesperson(s) for the ~~Department of Education~~ Division of Elementary and Secondary Education shall have a total of twenty (20) minutes to present the ~~Department of Education's~~ Division's remarks. The State Board may allow more than twenty (20) minutes if necessary.

- 28.05.3 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.
- 28.05.4 The spokesperson(s) for the ~~Department of Education~~ Division 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.
- 28.05.5 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.
- 28.05.6 The State Board shall then discuss, deliberate and vote upon the matter of revoking the school districts' waiver.
- 28.05.7 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.
- 28.05.8 The State Board shall issue a written order concerning the matter.
- 28.06 A school district that is granted a waiver shall remain listed on the consolidation list that is published annually by the ~~Department of Education~~ Division of Elementary and Secondary Education.

Source: Ark. Code Ann. § 6-13-1613

**APPENDIX A**

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

**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:

---



---



---



---

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:

---



---



---



---

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

MARK UP

**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.

**APPENDIX B**

**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:

---



---



---



---

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:

---

---

---

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:  
\_\_\_\_\_

MARK UP



**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.

1 State of Arkansas

As Engrossed: H3/11/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

HOUSE BILL 1573

5 By: Representative Cozart

6 By: Senator J. English

## For An Act To Be Entitled

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

## Subtitle

15 TO AMEND AND UPDATE VARIOUS PROVISIONS OF  
16 THE ARKANSAS CODE CONCERNING PUBLIC  
17 EDUCATION.

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

22 SECTION 1. Arkansas Code § 6-11-125(b), concerning the use of  
23 information technology to eliminate the amount of paperwork by the State  
24 Board of Education, is repealed.

25 ~~(b) The State Board of Education, acting through the department, shall~~  
26 ~~use every means available to eliminate the amount of paperwork required by~~  
27 ~~state law and regulations to be reported from each local school district by~~  
28 ~~utilizing to the fullest extent possible, beginning no later than July 1,~~  
29 ~~1998, the information technology network linking local school districts and~~  
30 ~~the department.~~

32 SECTION 2. Arkansas Code § 6-11-126 is repealed.

33 ~~6-11-126. Computer funds approval.~~

34 ~~Before the Department of Education obligates any funds for the purchase~~  
35 ~~or lease of a computer for the Arkansas Public School Computer Network, the~~  
36 ~~department shall first seek prior review from the Joint Interim Oversight~~



~~Subcommittee on Educational Reform.~~

SECTION 3. Arkansas Code § 6-11-127, is amended to read as follows:  
6-11-127. School district boundaries.

~~The Commissioner of Education Arkansas Geographic Information Systems Office shall keep for the Commissioner of Education records showing descriptions of each school district in the state, a map showing the school districts with their boundaries, the location of the schoolhouses, and the electoral zones, if any, into which each school district has been divided.~~

SECTION 4. Arkansas Code § 6-13-1403(d)(2)(B), concerning the conditions under which the State Board of Education may annex school districts, is amended to read as follows:

(B) It shall be is the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

SECTION 5. Arkansas Code § 6-13-1404(d)(2)(B), concerning the conditions under which the State Board of Education may consolidate school districts, is amended to read as follows:

(B) It shall be is the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

SECTION 6. Arkansas Code § 6-13-1414(d), concerning boundary changes by the State Board of Education, is amended to read as follows:

(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the ~~Department of Education~~ Arkansas Geographic Information Systems Office to immediately make changes in the maps of the school districts ~~of the county~~ to show the changes of boundaries.

SECTION 7. Arkansas Code § 6-14-113 is repealed.

~~6-14-113. Election kits for school elections.~~

~~(a) In order that the annual school elections held throughout this~~

1 ~~state will be conducted in a more uniform manner, the State Board of~~  
2 ~~Education is authorized and directed to prepare and distribute annually upon~~  
3 ~~the request of the county board of election commissioners of each county~~  
4 ~~annual school election kits or packages designed especially for conducting~~  
5 ~~annual school elections in the manner required by law.~~

6 ~~(b) The kits or packages shall contain forms for a list of voters and~~  
7 ~~duplicate list of voters, tally sheets, oaths of election officials,~~  
8 ~~certificates of results, and notices of election. In addition thereto, the~~  
9 ~~kits or packages shall contain carbon paper, envelopes for regular,~~  
10 ~~irregular, and spoiled ballots, instructions for voters and election~~  
11 ~~officials, seals, and other necessary equipment and supplies except ballot~~  
12 ~~boxes, ballots, and certified lists of eligible voters, which shall be~~  
13 ~~furnished to the election officials in the manner provided by law.~~

14 ~~(c)(1) The kits or packages provided for in this section shall be~~  
15 ~~distributed annually to the several county boards of election commissioners~~  
16 ~~at least thirty (30) days prior to the annual school election.~~

17 ~~(2) A sufficient number of kits or packages shall be supplied to~~  
18 ~~each county in order that at least one (1) kit or package may be made~~  
19 ~~available at each voting precinct or voting place in the county.~~

20 ~~(d) The cost of the kits or packages prepared by the Department of~~  
21 ~~Education pursuant to this section shall be paid from the maintenance funds~~  
22 ~~provided for the department by legislative appropriation.~~

23  
24 SECTION 8. Arkansas Code § 6-15-202(f)(15), concerning development of  
25 regulations and standards for accreditation, is repealed.

26 ~~(15) Section 6-15-2009 [repealed] concerning remedial~~  
27 ~~instruction;~~

28  
29 SECTION 9. Arkansas Code § 6-15-202(f)(22) and (23), concerning  
30 development of regulations and standards for accreditation regarding health  
31 education and oral health standards, are repealed.

32 ~~(22) Section 6-16-1002 [repealed] concerning health education;~~

33 ~~(23) Section 6-16-1003 [repealed] concerning oral health~~  
34 ~~standards;~~

35  
36 SECTION 10. Arkansas Code § 6-15-202(f)(31), concerning development of

1 regulations and standards for accreditation regarding the qualifications for  
2 valedictorian and salutatorian, is amended to read as follows:

3 (31) Section 6-18-101 concerning qualifications for  
4 valedictorian and salutatorian, if applicable;

5  
6 SECTION 11. Arkansas Code § 6-15-202(f)(35), concerning development of  
7 regulations and standards for accreditation regarding attendance, is  
8 repealed.

9 ~~(35) Section 6-18-211 [repealed] concerning attendance for~~  
10 ~~students in grades nine through twelve (9-12);~~

11  
12 SECTION 12. Arkansas Code § 6-15-1005(f)(1), concerning safe,  
13 equitable, and accountable public schools, is amended to read as follows:

14 (f)(1) All public schools will have a program plan of parental  
15 involvement.

16  
17 SECTION 13. Arkansas Code § 6-15-1402(a), concerning the rules  
18 regarding school performance reports, is amended to read as follows:

19 (a)(1) In order to generally improve public school accountability, to  
20 provide benchmarks for measuring individual school improvement, and to  
21 empower parents and guardians of children enrolled in Arkansas public schools  
22 by providing them with the information to judge the quality of their schools,  
23 the Department of Education shall ~~annually~~ prepare and publish annually a  
24 school performance report for each ~~individual~~ public school in the state,  
25 including without limitation the Arkansas School for the Deaf, the Arkansas  
26 School for the Blind, and the Arkansas School for Mathematics, Sciences, and  
27 the Arts, and shall ~~distribute the report to~~ notify the House Committee on  
28 Education and the Senate Committee on Education of the availability of the  
29 report on the department website no later than April 15 each year.

30 (2)(A) The school performance report for each school shall be  
31 made available to every parent or guardian of a child in kindergarten through  
32 grade twelve (K-12) in the public schools of Arkansas by posting the school  
33 performance report for each school on the website of the department by April  
34 15 each year ~~and the website of the school district in which the public~~  
35 ~~schools addressed in the school performance report are located no later than~~  
36 ~~April 15 each year.~~

1                   (B) Each school district shall post the school performance  
2 report for each of its schools on the district's website not later than ten  
3 (10) days after it is posted on the department's website.  
4

5           SECTION 14. Arkansas Code § 6-15-1402(b)(2), concerning a school  
6 performance report for elementary schools, is amended to read as follows:

7                   (2) The school performance report for elementary schools shall:

8                   (A) Include three-year trend data and allow parents or  
9 guardians to compare the school's performance with state and national  
10 averages in areas and shall include, ~~but not be limited to,~~ without  
11 limitation the following measures:

- 12                   (i) School safety;  
13                   (ii) Statewide student assessment results beginning  
14 with grade three (3);  
15                   (iii) Licensed staff qualifications;  
16                   (iv) Total per-pupil spending;  
17                   (v) Assessment of the local taxpayer investment in  
18 the school district;  
19                   (vi) Percentage of students eligible to receive free  
20 or reduced-price meals;  
21                   (vii) Average salary of the staff; and  
22                   (viii) Average attendance rates for students; and

23                   (B) Indicate separately whether:

- 24                   (i) The school distributed the school's student  
25 discipline policy to parents;  
26                   (ii) The school's teachers, administrators,  
27 classified school employees, and volunteers have been provided with  
28 appropriate student discipline training; and  
29                   (iii) The school district has adopted a parental  
30 involvement plan in compliance with § 6-15-1702.  
31

32           SECTION 15. Arkansas Code § 6-15-1704(a), concerning the annual review  
33 of parental involvement plans, is amended to read as follows:

34                   (a) Annually by ~~October~~ August 1, every school district shall review  
35 and update the school district's parental involvement plan and:

- 36                   (1) File a copy of the plan with the Department of Education;



(2) Place a copy of the plan on the school district's website;  
and

(3)(A) Place a parent-friendly summary of the plan as a  
supplement to the student handbook.

(B) The parent shall sign a form acknowledging receipt of  
the summary and return the signed form to the school where the student is  
enrolled.

SECTION 16. Arkansas Code § 6-15-2006(b)(1), concerning annual school  
performance reports, is amended to read as follows:

(b)(1) A school district board of directors shall publish annually the  
school performance report required by § 6-15-2101 on its website not later  
than ten (10) days after it is posted on the department's 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.~~

~~(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 statewide student assessment,~~  
~~the percentile rankings by school and grade level on any other assessments as~~  
~~required by the 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;~~

~~(B) By grade level, the number and percentage of all~~  
~~students retained in grades one through eight (1-8);~~

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

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

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

SECTION 17. Arkansas Code § 6-15-2202(b)(2), concerning access to  
public school information on school improvement plans for school districts

1 classified as in need of Level 5 – Intensive support, is amended to read as  
2 follows:

3 (2) A parent-friendly explanation of+

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

6 ~~(B) The status of each public school in the public school~~  
7 ~~district; and~~

8 ~~(C) Why why~~ the public school district is receiving Level  
9 5 – Intensive support, a school is identified as in need of targeted or  
10 comprehensive support, or the public school district is in fiscal distress  
11 and what the public school district is doing to be removed from Level 5 –  
12 Intensive support, to remove the school or schools within the public school  
13 district from being identified as in need of targeted or comprehensive  
14 support, or to be removed from fiscal distress;

15  
16 SECTION 18. Arkansas Code § 6-15-2202(c)(1), concerning access to  
17 public school information on school improvement plans and a school's  
18 compliance with the standards for accreditation, is amended to read as  
19 follows:

20 (1) Directly monitors a school for compliance with standards and  
21 for accreditation; or

22  
23 SECTION 19. Arkansas Code § 6-15-2401(b), concerning review of  
24 Arkansas Placement Status Reports and reports of students needing  
25 remediation, is repealed.

26 ~~(b) As a part of the school improvement plan pursuant to § 6-15-2201~~  
27 ~~{repealed}, the State Board of Education shall ensure that each school~~  
28 ~~district and high school develops strategies to improve student readiness for~~  
29 ~~the public postsecondary level based on annual analysis of the feedback~~  
30 ~~report data.~~

31  
32 SECTION 20. Arkansas Code § 6-15-2502(a), concerning the establishment  
33 of educational renewal zones, is amended to read as follows:

34 (a) ~~Effective July 1, 2004, any~~ A public school, an education service  
35 cooperative, or an institution of higher education is authorized to enter  
36 into one (1) or more interlocal agreements through which they collaborate to

1 improve public school performance and academic achievement.

2  
3 SECTION 21. Arkansas Code § 6-15-2502(c)(1), concerning the  
4 establishment of educational renewal zones to improve school performance and  
5 achievement, is amended to read as follows:

6 (1) Identify and implement education and management strategies  
7 designed specifically to improve public school performance and student  
8 academic achievement throughout the State of Arkansas, with special focus on  
9 the ~~state's most academically distressed~~ public schools in need of support;

10  
11 SECTION 22. Arkansas Code § 6-15-2502(d)(3)(B)(ii), concerning the  
12 establishment of educational renewal zones, is amended to read as follows:

13 (ii) A public school district designated classified  
14 by the Department of Education ~~as a school in school improvement or a school~~  
15 ~~in a school district designated by the department~~ as being in academic  
16 distress need of Level 5-intensive support shall participate in an education  
17 renewal zone if requested to do so by the department, and the division  
18 working with the department shall establish priorities of establishing  
19 education renewal zones for those schools, which shall be contingent on the  
20 appropriation availability of funding for the renewal zones.

21  
22 SECTION 23. Arkansas Code § 6-15-2502(d)(3)(C)(i) and (ii), concerning  
23 the establishment of educational renewal zones for schools identified as at  
24 risk or classified as in need of Level 5 – Intensive support, are amended to  
25 read as follows:

26 (i) The school is ~~classified~~ identified as a school  
27 ~~in school improvement or alert status for school improvement at risk for~~  
28 meeting school performance indicators for all students or for any one (1)  
29 identified subpopulation under the Arkansas state ~~compliance~~ plan under the  
30 ~~No Child Left Behind Act of 2001~~ Every Student Succeeds Act, 20 U.S.C. § 6301  
31 ~~et seq.~~ Pub. L. No. 114-95;

32 (ii) The school lies within a school district  
33 ~~designated by the department~~ classified by the State Board of Education as in  
34 ~~academic distress or financial distress~~ need of Level 5 – Intensive support  
35 under the ~~Arkansas Comprehensive Testing, Assessment, and Accountability~~  
36 Program Arkansas Educational Support and Accountability Act, § 6-15-2901 et

1 seq.;

2  
3 SECTION 24. Arkansas Code § 6-15-2503(a), concerning inclusion of  
4 schools within designated educational renewal zones, is amended to read as  
5 follows:

6 (a)(1) The Division of Education Renewal Zones, the State Board of  
7 Education, and the local school districts shall exercise due diligence to  
8 assure, to the extent that funds are available, that each school ~~classified~~  
9 identified as a school in ~~school improvement need of support~~ under the ~~No~~  
10 ~~Child Left Behind Act of 2001 Every Student Succeeds Act, 20 U.S.C. § 6301 et~~  
11 ~~seq., as in existence on December 1, 2003 Pub. L. No. 114-95~~, is included in  
12 a designated education renewal zone.

13 (2) The state board may promulgate rules establishing criteria  
14 for the placement of schools in ~~school improvement need of support~~ in a  
15 designated education renewal zone if insufficient funds exist to place all  
16 schools in ~~school improvement need of support~~ in a designated education  
17 renewal zone.

18  
19 SECTION 25. Arkansas Code § 6-15-2504(a) and (b), concerning school  
20 improvement plans, are amended to read as follows:

21 (a) Each school participating in an education renewal zone shall  
22 develop and implement a ~~school~~ school-level improvement plan.

23 (b) Each ~~school~~ school-level improvement plan shall at a minimum  
24 include the following:

25 (1) Goals for improving student achievement;  
26 (2) Measurable benchmarks for achieving student improvement  
27 goals;

28 (3) A timeline for reaching goals in improving student  
29 achievement; and

30 (4) Requirements for services to be provided by the education  
31 renewal zone partners.

32  
33 SECTION 26. Arkansas Code § 6-15-2605(e)(1) and (2), concerning the  
34 application forms and procedures for the Rewarding Excellence in Achievement  
35 Program, are amended to read as follows:

36 (e)(1) In order to participate in the Rewarding Excellence in

1 Achievement Program, a public school district or public charter school ~~must~~  
2 ~~shall have an approved comprehensive school improvement plan, as defined in §~~  
3 ~~6-15-419(9) [repealed]~~ a district support plan that outlines the role of the  
4 district in supporting the Rewarding Excellence in Achievement Program.

5 (2) Before full implementation of a Rewarding Excellence in  
6 Achievement plan, the ~~comprehensive school improvement plan~~ school-level  
7 improvement plan of the public school, ~~public school district~~, or public  
8 charter school shall include:

9 (A) Assessment and evaluation tools to measure student  
10 performance and progress based on an achievement gains model;

11 (B) Performance goals and benchmarks for improvement;

12 (C) Measures of student attendance and completion rates;

13 (D) A rigorous professional development system ~~consistent~~  
14 ~~with the comprehensive school improvement plan defined in § 6-15-419(9) and~~  
15 ~~student academic improvement plans as defined in § 6-15-419(3);~~

16 (E) Measures of student, family, and community involvement  
17 and satisfaction;

18 (F) A data reporting system about students and their  
19 academic progress that provides parents and the public with understandable  
20 information;

21 (G) A teacher induction and mentoring program for  
22 probationary teachers that provides continuous learning and sustained teacher  
23 support; and

24 (H) Substantial participation by teachers in developing  
25 the Rewarding Excellence in Achievement plan.

26  
27 SECTION 27. Arkansas Code § 6-15-2606(c)(1)(A), concerning the  
28 contents of a Rewarding Excellence in Achievement plan regarding achievement  
29 gains of students in a teacher's class, is amended to read as follows:

30 (1)(A) Achievement gains of students in each teacher's class on  
31 student scores under the statewide student assessment ~~program~~ system  
32 described in § ~~6-15-433~~ 6-15-2907.

33  
34 SECTION 28. Arkansas Code § 6-15-2606(c)(2)(A), concerning the  
35 contents of a Rewarding Excellence in Achievement plan regarding achievement  
36 gains of students on a school-wide basis, is amended to read as follows:

1 (2)(A) Achievement gains of students on a school-wide basis  
2 under the statewide student assessment program system described in § ~~6-15-433~~  
3 ~~{repealed}~~ 6-15-2907.  
4

5 SECTION 29. Arkansas Code § 6-15-2606(c)(3)(A), concerning the  
6 Rewarding Excellence in Achievement Program regarding a teacher evaluation,  
7 is amended to read as follows:

8 (A) An individual objective teacher evaluation conducted  
9 by the school principal that is aligned with the ~~comprehensive school~~  
10 ~~improvement plan and~~ professional development plan described in § 6-15-2607;  
11 and  
12

13 SECTION 30. Arkansas Code § 6-15-2701(c)(2), concerning the use of  
14 national school lunch state categorical funding for chronically  
15 underperforming schools, is amended to read as follows:

16 (2) In a chronically underperforming school's comprehensive  
17 ~~school~~ school-level improvement plan, direct the use of national school lunch  
18 state categorical funding for strategies to close gaps in academic  
19 achievement, including without limitation:

20 (A) Using an Arkansas Scholastic Audit;

21 (B) Using disaggregated school data to set academic  
22 improvement targets in reading, writing, mathematics, and science;

23 (C) Using improvement targets to define professional  
24 development needs related to content, instruction, differentiation, and best  
25 practices in educating special education students, gifted and talented  
26 students, English language learners, and other student subgroups as needed;

27 (D) Developing interim building-level assessments to  
28 monitor student progress toward proficiency on the state benchmark  
29 assessments;

30 (E) Developing a plan to immediately address gaps in  
31 learning;

32 (F) Examining and realigning, as needed, school  
33 scheduling, academic support systems, and assignments of personnel; and

34 (G) Designing a plan for increasing parental knowledge and  
35 skill to support academic objectives; and  
36

1 SECTION 31. Arkansas Code § 6-15-2701(d)(1), concerning school  
2 improvement plans for chronically underperforming schools, is amended to read  
3 as follows:

4 (1) Monitoring ~~school~~ school-level improvement plans; and

5  
6 SECTION 32. Arkansas Code § 6-17-119(b)(7), concerning alternative pay  
7 programs included in a school district's comprehensive school improvement  
8 plan, is amended to read as follows:

9 (7) The program is ~~aligned and linked to each school's~~  
10 ~~comprehensive school improvement~~ included in the district's support plan;

11  
12 SECTION 33. Arkansas Code § 6-17-209(g), concerning interim personnel  
13 policy committees, is amended to read as follows:

14 (g) ~~The provisions of this~~ This section ~~shall~~ does not apply to  
15 instances in which the State Board of Education votes to annex or consolidate  
16 one (1) school district to or with two (2) or more receiving or resulting  
17 school districts due to enforcement by the state board of the provisions of  
18 this title relating to ~~academic distress~~ Level 5 – Intensive support,  
19 academic facilities distress, fiscal distress, or violations of the Standards  
20 for Accreditation of Arkansas Public Schools and School Districts.

21  
22 SECTION 34. Arkansas Code § 6-17-402(j)(1), concerning core licensure  
23 areas under the State Board of Education rules, is amended to read as  
24 follows:

25 (1) ~~Early Childhood~~ Elementary Education (K-6);

26  
27 SECTION 35. Arkansas Code § 6-18-701 is amended to read as follows:

28 6-18-701. Physical examinations – Individualized healthcare plans.

29 (a) ~~It shall be lawful for the~~ The board of directors of ~~any a~~ school  
30 district ~~in this state to~~ may appoint and provide for the payment of at least  
31 one (1) ~~or more physicians or nurses~~ physician or nurse and ~~to assign any~~  
32 ~~person so employed~~ the physician or nurse to the public schools of the  
33 district for the purpose of making ~~such~~ physical examinations of the ~~pupils~~  
34 ~~of the schools~~ public school students as may be prescribed in the rules and  
35 regulations of the State Board of Education.

36 (b) The nature of the examination shall be only ~~such as~~ to detect

1 contagious or infectious diseases or any defect of sight, hearing, or  
2 function or condition of health ~~tending to prevent any~~ that may prevent a  
3 pupil from receiving the full benefit of school work.

4 (c) ~~It shall be the duty of any physician or nurse so employed to~~ The  
5 physician or nurse appointed under subsection (a) of this section shall make  
6 such examinations for contagious or infectious disease, including without  
7 limitation the teeth and mouth, whenever the examination may be deemed  
8 necessary, and ~~to make examination for other defects at least one (1) time in~~  
9 each school year, preferably at or near the beginning of the year.

10 (d) In ~~any a~~ a city, town, or ~~any~~ county where the health authorities  
11 ~~are providing~~ provide for the physical examination of public school ~~children~~  
12 ~~substantially as contemplated~~ students provided in this section, the  
13 examination ~~provided for in this section need not~~ may not be made by any  
14 school physician or school nurse.

15 ~~(e) Nothing in this section shall be construed as preventing boards of~~  
16 ~~directors from requiring teachers to make such tests of sight and hearing as~~  
17 ~~may be prescribed by the board of directors.~~

18 ~~(f)(e)(1) Any pupil~~ A public school student may be excused from the  
19 examination ~~herein provided for~~ under this section on presentation of a  
20 certificate from a reputable physician that the physician has recently  
21 examined the ~~pupil~~ public school student or on presentation of a written  
22 statement of the ~~pupil's~~ public school student's parent or guardian that the  
23 parent or guardian objects to the examination of his or her child or ward,  
24 ~~but this provision shall not be applicable~~

25 (2) However, subdivision (e)(1) does not apply in the case of a  
26 pupil public school student suspected of having a contagious or infectious  
27 disease.

28 (f)(1) A public school student with special healthcare needs,  
29 including without limitation a student who has a chronic illness, is  
30 considered medically fragile, or who is dependent on technology, shall have  
31 an individualized healthcare plan that is developed in collaboration with the  
32 school nurse.

33 (2) An invasive medical procedure required by the public school  
34 student and provided at the public school shall be performed by trained and  
35 licensed, licensed healthcare provider who is licensed to perform the task  
36 under § 17-87-102(10)(D) or other professional licensure statutes, unless



1 otherwise permissible under § 17-87-103(10) and (11).

2 (3) A regular classroom teacher shall not perform tasks under  
3 subdivision (f)(2) of this section, except as otherwise permissible under §  
4 6-18-711(c).

5 (4) Custodial healthcare services required by a public school  
6 student under an individualized healthcare plan shall be provided by trained  
7 school employees other than the regular classroom teacher.

8  
9 SECTION 36. Arkansas Code § 6-18-709(g), concerning the report to the  
10 Department of Education of certain information regarding school nurses, is  
11 amended to read as follows:

12 (g) ~~Annually, beginning on July 1, 2015~~ by August 31, a school  
13 district shall report the following to the Department of Education:

14 (1) The number of full-time nurses employed by the school  
15 district;

16 (2) The number of part-time nurses employed by the school  
17 district;

18 (3) The number of full-time nurses with whom the school district  
19 contracts for service;

20 (4) The number of part-time nurses with whom the school district  
21 contracts for service;

22 (5) The level of licensure of each nurse working in the school  
23 district;

24 (6) The highest degree obtained for each nurse working in the  
25 school district;

26 (7) The amount of pay, including without limitation the source  
27 of funding, for each nurse working in the school district; and

28 (8) The number of students in the school district that are in  
29 each nursing acuity level as follows:

30 (A) Level 1 for students with occasional health concerns  
31 and routine health screenings at a ratio of one (1) school nurse per seven  
32 hundred fifty (750) students;

33 (B) Level 2 for students with healthcare concerns and  
34 those that require an individualized healthcare plan at a ratio of one (1)  
35 school nurse per four hundred (400) students;

36 (C) Level 3 for students with medically complex conditions

1 at a ratio of one (1) school nurse per two hundred twenty-five (225)  
2 students;

3 (D) Level 4 for students with medically fragile conditions  
4 at a ratio of one (1) school nurse per one hundred twenty-five (125)  
5 students; and

6 (E) Level 5 for students that are nursing dependent at a  
7 ratio of one (1) school nurse per one (1) student.

8  
9 SECTION 37. Arkansas Code § 6-18-711, concerning the administration of  
10 medication to a public school student with diabetes, is amended to add an  
11 additional subsection to read as follows:

12 (c) A public school employee may volunteer to be trained to administer  
13 and may administer glucagon to a student with Type 1 diabetes in an emergency  
14 situation as permitted under § 17-87-103(11).

15  
16 SECTION 38. Arkansas Code § 6-18-1803(b), concerning the Arkansas  
17 Commission on Eye and Vision Care of School-Age Children, is amended to read  
18 as follows:

19 (b) The commission and the Department of Education shall report their  
20 findings and updates to the Governor, the Legislative Council, and the House  
21 Committee on Public Health, Welfare, and Labor and Senate Committee on Public  
22 Health, Welfare, and Labor ~~two (2) times per year~~ annually.

23  
24 SECTION 39. Arkansas Code § 6-18-1803(c)(1) and (2), concerning the  
25 Arkansas Commission on Eye and Vision Care of School-Age Children, are  
26 amended to read as follows:

27 (c)(1)~~(A)~~ The commission may accept any and all donations, grants of  
28 money, gifts, appropriations, instruments, equipment, supplies, materials,  
29 and services, conditional or otherwise, from private sources, from municipal  
30 and county governments, from the state, and from the United States  
31 government.

32 ~~(B)~~ (2) The commission may use any of its resources to  
33 further the commission's purposes and functions.

34 ~~(2)(A) There is created on the books of the Treasurer of State,~~  
35 ~~Auditor of State, and Chief Fiscal Officer of the State a special revenue~~  
36 ~~fund to be known as the "School-Age Children Eye and Vision Care Fund".~~

1                   ~~(B)(i)(3)~~ All moneys collected under this section shall be  
2 deposited into the State Treasury to the credit of the fund as special  
3 revenues a cash fund within the State Treasury to be maintained by the  
4 department.

5                   ~~(ii)~~ The fund shall also consist of any other  
6 revenues authorized by law.

7                   ~~(iii)~~ Within thirty (30) days after the effective  
8 date of this subchapter, the commission shall transfer all funds currently  
9 held to the fund.

10                  ~~(C)~~ The fund shall be used by the commission for the  
11 purpose of carrying out its responsibilities under this section.

12                  ~~(D)~~ Any money not used by the commission within a fiscal  
13 year to carry out its responsibilities under this section shall be carried  
14 forward into the next fiscal year.

15  
16       SECTION 40. Arkansas Code § 6-18-1804 is repealed.

17       ~~6-18-1804. Funding.~~

18       ~~(a)(1)~~ The Arkansas Commission on Eye and Vision Care of School-Age  
19 Children's funding shall be from grants, donations, and any other funds that  
20 may be made available through appropriations by the General Assembly.

21       ~~(2)~~ Moneys received by the commission shall be used solely for  
22 the support of the functions of the commission.

23       ~~(b)(1)~~ Grants and donations received by the commission shall be cash  
24 funds and shall be administered by the Arkansas Department of Health but  
25 shall be subject to appropriation by the General Assembly.

26       ~~(2)~~ Any moneys received from grantors and donors that are not  
27 expended by the commission shall be returned to the grantors and donors in  
28 proportion that each bears to the total of all grants and donations received  
29 by the commission.

30  
31       SECTION 41. Arkansas Code § 6-19-106 is amended to read as follows:

32       6-19-106. Bus drivers - Qualifications.

33       ~~(a)~~ No person physically defective or of unsound mind, known to be a  
34 habitual drunkard or of immoral habits, or A person who has been convicted  
35 within the past three (3) years of operating a motor vehicle in a reckless  
36 manner or while under the influence of intoxicating liquor or narcotic drugs,

1 ~~who has a general reputation of being a fast and reckless operator of motor~~  
2 ~~vehicles without regard to the rights of others, or who is less than nineteen~~  
3 (19) years of age on June 30 following his or her last birthday shall not be  
4 permitted or employed to ~~aet as chauffeur or operator of~~ operate any school  
5 bus, either privately or publicly owned, operated by public school districts  
6 and used to transport pupils to and from the public schools in the State of  
7 Arkansas.

8 ~~(b)(1) All school bus drivers employed as provided herein are exempt~~  
9 ~~from the regular chauffeur's license as heretofore required by law.~~

10 ~~(2) This subsection does not, however, apply to drivers of buses~~  
11 ~~operated for other purpose or purposes than to transport school children.~~

12  
13 SECTION 42. Arkansas Code § 6-20-106 is repealed.

14 ~~6-20-106. Amendment 74 rules and regulations.~~

15 ~~Due to pending public school finance litigation, before any rules and~~  
16 ~~regulations pursuant to the implementation of Arkansas Constitution,~~  
17 ~~Amendment 74, are reviewed by the Administrative Rules and Regulations~~  
18 ~~Subcommittee of the Legislative Council and adopted by the Department of~~  
19 ~~Education, such proposed rules and regulations shall be reviewed by the~~  
20 ~~Litigation Reports Oversight Subcommittee of the Legislative Council.~~

21  
22 SECTION 43. Arkansas Code § 6-20-210 is repealed.

23 ~~6-20-210. Pulaski County desegregation.~~

24 ~~(a) For the fiscal year ending June 30, 2004, and for each fiscal year~~  
25 ~~thereafter, the Department of Education shall, from time to time as needed,~~  
26 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State~~  
27 ~~the amount of funds disbursed or approved to be disbursed by the department~~  
28 ~~for desegregation expenses under the Pulaski County School Desegregation~~  
29 ~~Settlement Agreement.~~

30 ~~(b) Upon the receipt of the certification and after making those~~  
31 ~~deductions as set out in § 19-5-202(b)(2)(B), the Treasurer of State shall~~  
32 ~~also deduct from the net general revenues the amount certified and transfer~~  
33 ~~this amount to the Department of Education Public School Fund Account, there~~  
34 ~~to be used exclusively for payment of or reimbursement for expenses incurred~~  
35 ~~from the Department of Education Public School Fund Account under the~~  
36 ~~agreement.~~

1  
2 SECTION 44. Arkansas Code § 6-20-212 is repealed.

3 ~~6-20-212. Desegregation expenses.~~

4 ~~(a) For the fiscal year ending June 30, 2005, and for each fiscal year~~  
5 ~~thereafter, the Department of Education shall from time to time, as needed,~~  
6 ~~certify to the Treasurer of State and the Chief Fiscal Officer of the State,~~  
7 ~~the amount of funds disbursed or approved to be disbursed by the department~~  
8 ~~for desegregation expenses under any desegregation settlement agreement.~~

9 ~~(b) Upon the receipt of the certification, the Treasurer of State,~~  
10 ~~after making those deductions as set out in § 19-5-202(b)(2)(B), shall also~~  
11 ~~deduct from the net general revenues the amount certified and transfer this~~  
12 ~~amount to the Department of Education Public School Fund Account, there to be~~  
13 ~~used exclusively for payment of or reimbursement for expenses incurred from~~  
14 ~~the account under any desegregation settlement agreement.~~

15  
16 SECTION 45. Arkansas Code § 6-20-2203(c)(3)-(8), concerning uniform  
17 budget and accounting system regarding specific categories of public school  
18 and public school district expenditures, are amended to read as follows:

19 (3)~~(A)~~ Categories and descriptions of public school and school  
20 district expenditures that allow for the gathering of data on separate  
21 functions and programs provided by law, including without limitation the  
22 following expenditures:

23 ~~(i)~~(A) Athletic expenditures;  
24 ~~(ii)~~(B) Student transportation expenditures;  
25 ~~(iii)~~(C) School district level administrative costs;  
26 ~~(iv)~~(D) School level administrative costs;  
27 ~~(v)~~(E) Instructional facilitators;  
28 ~~(vi)~~(F) Supervisory aides;  
29 ~~(vii)~~(G) Substitutes;  
30 ~~(viii)~~(H) Property insurance; and  
31 ~~(ix)~~(I) Expenditures of court-ordered desegregation  
32 funding;

33 ~~(B) The department shall implement the expenditure~~  
34 ~~categories in this subdivision (c)(3) beginning with the 2007-2008 school~~  
35 ~~year;~~

36 (4)~~(A)~~ Categories and descriptions of public school and school

1 district expenditures that allow for the tracking of expenditures from the  
2 following sources of revenue:

3                   ~~(i)~~(A) Student growth;  
4                   ~~(ii)~~(B) Declining enrollment;  
5                   ~~(iii)~~(C) Special education ~~eatastrophie~~ high-cost  
6 occurrences;

7                   ~~(iv)~~(D) Special education services;  
8                   ~~(v)~~(E) Technology grants;  
9                   ~~(vi)~~(F) Debt service funding supplement;  
10                   ~~(vii)~~(G) General facilities funding;  
11                   ~~(viii)~~(H) Distance learning;  
12                   ~~(ix)~~(I) Gifted and talented; and  
13                   ~~(x)~~(J) Court-ordered desegregation funding.

14                   ~~(B) The department shall complete a trial implementation~~  
15 ~~of the revenue categories in subdivisions (c)(4)(A)(i) and (ii) of this~~  
16 ~~section by the end of the 2007-2008 school year and fully implement all~~  
17 ~~revenue categories in this subdivision (c)(4) beginning with the 2008-2009~~  
18 ~~school year;~~

19                   (5)(A) Categories and descriptions of student management coding,  
20 including without limitation:

21                   ~~(i)~~(A) Number of students transported; and  
22                   ~~(ii)~~(B) Daily route mileage.

23                   ~~(B) The department shall implement this subdivision (c)(5)~~  
24 ~~beginning with the 2007-2008 school year;~~

25                   (6)(A) Categories and descriptions of restricted fund balances  
26 that provide documentation of the purpose for the restriction.

27                   ~~(B) The department shall implement this subdivision (c)(6)~~  
28 ~~beginning with the 2007-2008 school year;~~

29                   (7) Categories and descriptions of expenditures that each  
30 education service cooperative shall report on its annual report authorized by  
31 law; and

32                   (8)(A) Rules relating to computing error rates in coding and  
33 reporting financial information under the system and penalties to focus on  
34 areas needing improvement.

35                   ~~(B) The department shall implement this subdivision (c)(8)~~  
36 ~~beginning with the 2007-2008 school year.~~

1  
2       SECTION 46. Arkansas Code § 6-20-2206(c)(5)(A), concerning  
3 miscellaneous provisions under the Arkansas Educational Financial Accounting  
4 and Reporting Act of 2004, is amended to read as follows:

5           (5)(A) All pupil attendance records shall be kept in their  
6 original form ~~and shall be public records.~~

7  
8       SECTION 47. Arkansas Code § 6-20-2207(a)(3), concerning rulemaking  
9 authority under the Arkansas Educational Financial Accounting and Reporting  
10 Act of 2004, is amended to read as follows:

11           (3) As necessary to comply with federal law, the Arkansas  
12 Handbook initially shall comply with the Financial Accounting for Local and  
13 State School Systems, 2003 Edition (NCES 2004-318). The Arkansas Handbook  
14 shall be exempt from the rule-making process and procedures required pursuant  
15 to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

16  
17       SECTION 48. Arkansas Code § 6-20-2303(21), concerning public school  
18 funding definitions, is amended to read as follows:

19           (21) "~~Special education catastrophic~~ high-cost occurrences"  
20 means individual cases in which special education and related services  
21 required by the individualized education program of a particular student with  
22 disabilities are unduly expensive, extraordinary, or beyond the routine and  
23 normal costs associated with special education and related services provided  
24 by a school district and funding is pursuant to rules promulgated by the  
25 state board;

26  
27       SECTION 49. Arkansas Code § 6-20-2305(b)(4)(C)(iii), concerning use of  
28 a school district's national school lunch state categorical funds, is amended  
29 to read as follows:

30           (iii) The school district shall include with its  
31 comprehensive ~~school~~ school-level improvement plan a written detailed  
32 statement concerning how the school district will use its excess national  
33 school lunch categorical funds each school year and explaining in detail the  
34 amount of funds and percent of total funds to be used to supplement all  
35 classroom teacher salaries as allowed in subdivision (b)(4)(C)(ii) of this  
36 section.

1  
2       SECTION 50. Arkansas Code § 6-20-2305(c), concerning public school  
3 funding, is amended to read as follows:

4       (c) Isolated funding under § 6-20-601, student growth funding, and  
5 special ~~education-catastrophic~~ education high-cost occurrences funding shall  
6 be funded as follows:

7           (1) Isolated funding and special ~~education-catastrophic~~  
8 education high-cost occurrences funding shall be allocated and funded to  
9 school districts in a line item appropriation within the Public School Fund  
10 pursuant to law or rules promulgate by the State Board of Education; and

11           (2) Student growth funding is calculated as the sum of the  
12 following amounts:

13                   (A) One quarter (1/4) of the per student foundation  
14 funding for the school district under subdivision (a)(2) of this section  
15 multiplied by the increase, if any, of each of the following:

16                           (i) The school district's quarterly average daily  
17 membership for the fourth quarter of the previous school year over the  
18 average daily membership of the previous school year;

19                           (ii) The school district's quarterly average daily  
20 membership for the first quarter of the current school year over the average  
21 daily membership of the previous school year;

22                           (iii) The school district's quarterly average daily  
23 membership for the second quarter of the current year over the average daily  
24 membership of the previous school year; and

25                           (iv) The school district's quarterly average daily  
26 membership for the third quarter of the current school year over the average  
27 daily membership of the previous school year;

28           (B) Excluding any increase resulting solely from  
29 consolidation or annexation with another school district; and

30           (C) If net revenues minus any recoupment under subdivision  
31 (a)(4)(B) of this section plus miscellaneous funds calculated under § 6-20-  
32 2308(b)(1)(A) exceed the foundation funding amount, a school district shall  
33 be eligible to receive the amount of calculated student growth funding that  
34 exceeds net revenues minus any recoupment under subdivision (a)(4)(B) of this  
35 section plus miscellaneous funds calculated under § 6-20-2308(b)(1)(A).  
36



1        *SECTION 51.* Arkansas Code § 6-21-112(f)(14), concerning the records of  
2 the Division of Public School Academic Facilities and Transportation, is  
3 amended to read as follows:

4                    (14) Keep records showing ~~a description of each school~~  
5 ~~district in the state, a map showing the school districts with current and~~  
6 ~~accurate boundaries,~~ the location of the academic facilities in the state by  
7 school district, ~~and the electoral zones, if any, into which each school~~  
8 ~~district has been divided;~~

9  
10        *SECTION 52.* Arkansas Code § 6-21-403(c), concerning requirements under  
11 the Free Textbook Act of 1975, is amended to read as follows:

12                    (c) ~~Any materials~~ Materials purchased with state funds shall be  
13 consistent with the ~~curriculum~~ Arkansas Academic Content Standards and  
14 educational goals established by the State Board of Education.

15  
16        *SECTION 53.* Arkansas Code § 6-21-403(d)(2), concerning requirements  
17 under the Free Textbook Act of 1975, is amended to read as follows:

18                    (2) The state board, through the department, may promulgate  
19 rules as may be necessary to carry out this subchapter ~~and shall report to~~  
20 ~~the members of the House Committee on Education and Senate Committee on~~  
21 ~~Education annually any school district out of compliance by November 1 of~~  
22 ~~each year.~~

23  
24        *SECTION 54.* Arkansas Code § 6-23-105(e)(1)(A), concerning the basis  
25 and procedure for public charter school probation or charter modification,  
26 revocation, or denial of removal, is amended to read as follows:

27                    (e)(1)(A) Immediately upon the revocation of a an open-enrollment  
28 charter by the authorizer, the public charter school shall:

29                                    (i) Transfer to the department all state funds held  
30 by the public charter school, which the department shall hold in  
31 receivership; and

32                                    (ii) Provide to the department a detailed accounting  
33 of all accounts payable due from the state funds and any additional  
34 information or records requested by the department concerning the  
35 disbursement of the state funds.

1        *SECTION 55.* Arkansas Code § 6-23-108(c)(2)(B), concerning a School for  
2        Agricultural Studies that is not currently classified in academic distress,  
3        is amended to read as follows:

4                    (B) Not currently be classified in ~~academic distress~~ need  
5        of Level 5 – Intensive support, fiscal distress, or facilities distress;

6  
7        *SECTION 56.* Arkansas Code § 6-23-304(b)(2) and (3), concerning  
8        preference to open enrollment charter schools in certain school districts,  
9        are amended to read as follows:

10                   (2) When the district has been classified by the state board as  
11        in ~~academic distress under § 6-15-428 [repealed]~~ need of Level 5 – Intensive  
12        support under § 6-15-2915; or

13                   (3) When the district has been classified by the Department of  
14        Education as in ~~some phase of school improvement status under § 6-15-426~~  
15        ~~[repealed]~~ or some phase of fiscal distress under the Arkansas Fiscal  
16        Assessment and Accountability Program, § 6-20-1901 et seq., if the fiscal  
17        distress status is a result of administrative fiscal mismanagement, as  
18        determined by the state board.

19  
20        *SECTION 57.* Arkansas Code § 6-23-304(d)(2)(B), concerning preference  
21        to open enrollment charter schools in certain school districts that are  
22        classified as in academic or fiscal distress, is amended to read as follows:

23                   (B) Been classified as in ~~academic~~ need of Level 5 –  
24        Intensive support or fiscal distress; and

25  
26        *SECTION 58.* Arkansas Code § 6-23-908(c)(3), concerning the Open-  
27        Enrollment Public Charter School Facilities Funding Aid Program, is amended  
28        to read as follows:

29                   (3) The open-enrollment public charter school is not:

30                   (A) Classified as in ~~academic distress under § 6-15-428~~  
31        ~~[repealed]~~ need of Level 5 – Intensive support under § 6-15-2915 or in fiscal  
32        distress under the Arkansas Fiscal Assessment and Accountability Program, §  
33        6-20-1901 et seq., and the corresponding rules adopted by the State Board of  
34        Education;

35                   (B) ~~Classified as a priority school under the Arkansas~~  
36        ~~Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401~~

1 ~~et seq. [repealed], nor received~~ In receipt of a rating of "F" under § 6-15-  
2 2105; or

3 (C) Placed in probationary status by the state charter  
4 school authorizer under § 6-23-105.

5  
6 **SECTION 59.** Arkansas Code § 6-41-210(a) and (b), concerning the  
7 Special Education Section of the Arkansas Department of Education, are  
8 amended to read as follows:

9 (a) There is established in the Department of Education a Special  
10 Education Section Unit.

11 (b) The section unit shall be headed by ~~an associate~~ a director, who  
12 shall be qualified by education, training, and experience to take  
13 responsibility for, and give direction to, the programs of the department  
14 relating to children with disabilities.

15  
16 **SECTION 60.** Arkansas Code § 6-41-211(a)(1), concerning the Special  
17 Education Section's consultation with the Advisory Council for the Education  
18 of Children with Disabilities, is amended to read as follows:

19 (a)(1) There shall be an Advisory Council for the Education of  
20 Children with Disabilities, which shall advise and consult with the  
21 Commissioner of Education and the ~~Associate~~ Director of the Special Education  
22 Section Unit of the Department of Education and which shall engage in such  
23 other activities as are set forth in this section.

24  
25 **SECTION 61.** Arkansas Code § 6-41-216(c)(3)(A), concerning the  
26 establishment of standards for a change in the educational status of a child,  
27 is amended to read as follows:

28 (3)(A) The Special Education Section Unit in the Department of  
29 Education shall establish standards and qualifications for individuals to  
30 serve as hearing officers.

31  
32 **SECTION 62.** Arkansas Code § 6-45-104(a)(2)(A)-(B), concerning the  
33 Arkansas Better Chance Program, is amended to read as follows:

34 (2) A local school is required to work with the Department of  
35 Education and its local community to establish, promote, and assist in the  
36 development of a program under the Arkansas Better Chance for School Success

1 Program to serve all children in the school as provided in § 6-45-108, if+  
2 ~~(A) The school has had seventy-five percent (75%) or more~~  
3 ~~students scoring below proficiency on the primary benchmark exams or other~~  
4 ~~exams designated by the department in the preceding two (2) school years; or~~  
5 ~~(B) The the school has been designated by the department~~  
6 ~~as being in school improvement status under § 6-15-425 [repealed] or is~~  
7 ~~located in a school district in academic distress classified as in need of~~  
8 ~~Level 5 – Intensive support.~~

9  
10 SECTION 63. Arkansas Code § 6-45-106(a)(2)(A)(i), concerning the  
11 Arkansas Better Chance Program and a school district that has been classified  
12 as being in academic distress, is amended to read as follows:

13 (i) The school is in a district that has been  
14 ~~designated~~ classified by the Department State Board of Education as being in  
15 ~~academic distress~~ need of Level 5 – Intensive support; and

16  
17 SECTION 64. Arkansas Code § 6-45-106(c)(1), concerning the Arkansas  
18 Better Chance Program, is amended to read as follows:

19 (c)(1) In allocating funding for the Arkansas Better Chance for School  
20 Success Program, priority consideration shall be given to+

21 ~~(A) Schools that have seventy-five percent (75%) or more~~  
22 ~~students scoring below proficiency on the primary benchmark exams or other~~  
23 ~~exams designated by the Department of Education in the preceding two (2)~~  
24 ~~school years; and~~

25 ~~(B) Schools that have been designated by the Department of~~  
26 ~~Education as being in school improvement status under § 6-15-425 [repealed]~~  
27 ~~or is a school located in a school district in academic distress that is~~  
28 ~~classified as in need of Level 5 – Intensive support.~~

29  
30 SECTION 65. Arkansas Code § 9-28-113(c)(2), concerning information  
31 sent to the Special Education Section regarding foster children, is amended  
32 to read as follows:

33 (2) Each school district shall forward the name of each foster  
34 care liaison and the contact information to the Special Education ~~Section~~  
35 Unit of the Department of Education at the beginning of each school year.

1        *SECTION 66.* Arkansas Code § 10-3-2102(f)(6), concerning duties of the  
2 House Committee on Education and the Senate Committee on Education under the  
3 Continuing Adequacy Evaluation Act of 2004, is repealed.

4        ~~(6) Reviewing the Arkansas Comprehensive School Improvement Plan~~  
5 ~~process; and~~

6  
7        *SECTION 67.* Arkansas Code § 19-6-815 is amended to read as follows:

8        19-6-815. School-Age Children Eye and Vision Care Fund.

9        The Any funds remaining in the School-Age Children Eye and Vision Care  
10 ~~Fund shall consist of those special revenues as specified in § 19-6-301(242),~~  
11 ~~and any other revenues as may be authorized by law, there to be used by the~~  
12 ~~Arkansas Commission on Eye and Vision Care of School Age Children for the~~  
13 ~~purpose of carrying out its responsibilities as stated in uncodified Section~~  
14 ~~1 of Acts 2007, No. 138 shall be transferred to the Department of Education~~  
15 Public School Fund Account to be used for school-based health centers.

16  
17        *SECTION 68.* Arkansas Code § 20-47-508(e), concerning the service plans  
18 for a child with emotional disturbance, is amended to read as follows:

19        (e) If after screening and assessment or collaborative evaluations it  
20 is determined that a child with emotional disturbance needs multiagency  
21 services, then initial and subsequent individualized multiagency service  
22 plans for the child and the child's family shall be jointly developed by the  
23 appropriate local or regional representatives of the community mental health  
24 centers, of the Department of Human Services county office, of the Department  
25 of Health, of the Special Education ~~Section~~ Unit of the Department of  
26 Education, of the local school district, and of any other service provider  
27 identified to meet the needs of the child and his or her family. The  
28 individualized service plan shall reflect an integrated service delivery that  
29 specifies services or programs with funding to be provided by each agency.  
30 The service plan shall also designate responsibility for case management.

31  
32        *SECTION 69.* Arkansas Code § 26-52-317(a)(2)(A)(v), concerning food and  
33 food ingredients with respect to the Department of Education, is repealed.

34        ~~(v) Amounts disbursed or approved to be disbursed by~~  
35 ~~the Department of Education for desegregation expenses under any~~  
36 ~~desegregation settlement agreement, as certified by the Treasurer of State~~

1 ~~and the Chief Fiscal Officer of the State under § 6-20-212; and~~  
2

3       SECTION 70. Arkansas Code § 26-53-145(a)(2)(A)(v), concerning food and  
4 food ingredients under the Arkansas Compensating Tax Act of 1949 with respect  
5 to the Department of Education, is repealed.

6               ~~(v) Amounts disbursed or approved to be disbursed by~~  
7 ~~the Department of Education for desegregation expenses under any~~  
8 ~~desegregation settlement agreement, as certified by the Treasurer of State~~  
9 ~~and the Chief Fiscal Officer of the State under § 6-20-212; and~~  
10

11                               /s/Cozart  
12

13  
14                               APPROVED: 4/5/19  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36