

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

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/12/07 S3/30/07

A Bill

SENATE BILL 938

5 By: Senator Bryles
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7

For An Act To Be Entitled

9 AN ACT TO ENCOURAGE THE VOLUNTARY CREATION OF
10 ADMINISTRATIVELY CONSOLIDATED SCHOOL DISTRICTS OR
11 ADMINISTRATIVELY ANNEXED SCHOOL DISTRICTS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 TO ENCOURAGE THE VOLUNTARY CREATION OF
15 ADMINISTRATIVELY CONSOLIDATED SCHOOL
16 DISTRICTS OR ADMINISTRATIVELY ANNEXED
17 SCHOOL DISTRICTS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an*
24 *additional subchapter to read as follows:*

25 6-13-1701. Purpose.

26 The purpose of this subchapter is to encourage the voluntary creation
27 of administratively consolidated or administratively annexed school districts
28 that are as near to being county-wide as is practicable under our existing
29 system of school district territorial organization and to further encourage
30 the voluntary formation of single administrative public education units that
31 include territory from more than one county where circumstances in a
32 particular area make that educationally beneficial.
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34 6-13-1702. Definitions.

35 As used in this subchapter:

36 (1)(A) "Administrative annexation" means the joining of an



1 affected school district or a part of the school district with a receiving
2 school district.

3 (B) "Administrative annexation" does not include the
4 closing of school facilities;

5 (2) "Administrative consolidation" means the joining of two (2)
6 or more school districts to create a single school district with one (1)
7 administrative unit and one (1) board of directors that is not required to
8 close school facilities;

9 (3) "Affected school district" means a school district that
10 loses territory or students, or both, as a result of an administrative
11 consolidation or an administrative annexation;

12 (4) "Receiving school district" means a school district or
13 districts that receive territory or students, or both, from an affected
14 school district as a result of an administrative consolidation or an
15 administrative annexation;

16 (5) "Resulting school district" means the new school district
17 created from an affected district or districts as a result of an
18 administrative consolidation or an administrative annexation; and

19 (6) "State board" means the State Board of Education.

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21 6-13-1703. Voluntary administrative consolidation or voluntary
22 administrative annexation.

23 (a)(1) Any school district may agree to a voluntary administrative
24 consolidation or a voluntary administrative annexation with another school
25 district or school districts under the provisions of this section.

26 (2)(A) Any school district that agrees to a voluntary
27 administrative consolidation or a voluntary administrative annexation shall
28 submit to the State Board of Education a petition that contains the terms of
29 the voluntary administrative consolidation or voluntary administrative
30 annexation agreement petition and any other information required by the state
31 board.

32 (B) If the petition is approved by the state board, the
33 affected school districts shall complete the voluntary administrative
34 consolidation or the voluntary administrative annexation as directed by the
35 state board.

36 (3) The state board shall not deny a petition for voluntary

1 administrative consolidation or voluntary administrative annexation unless:

2 (A) A provision contained in the agreement for a voluntary
3 administrative consolidation or voluntary administrative annexation would
4 violate state or federal law; or

5 (B) The voluntary administrative consolidation or
6 voluntary administrative annexation would not enhance the educational
7 opportunities of students in the affected school districts.

8 (b) Any voluntary administrative consolidation or voluntary
9 administrative annexation under this section shall not create a resulting
10 school district that adversely affects the desegregation of another school
11 district in this state.

12 (c) The ad valorem tax rate shall be determined as set forth under §
13 6-13-1409 for any affected school district under this subchapter.

14 (d) Nothing in this subchapter shall require the closing of any school
15 or school facility.

16 (e) The resulting school district shall not have more than one (1)
17 superintendent.

18 (f) Any school district not designated as being in academic or fiscal
19 distress for the current school year that voluntarily administrative
20 consolidates or voluntarily annexes a school district designated by the state
21 board as being in academic or fiscal distress at the time of consolidation or
22 annexation shall not be subject to academic or fiscal distress sanctions for
23 a period of three (3) years from the effective date of consolidation or
24 annexation unless:

25 (1) The school district fails to meet minimum teacher salary
26 requirements; or

27 (2) The school district fails to comply with the Standards for
28 Accreditation of Arkansas Public Schools issued by the Department of
29 Education.

30 (g) The state board may approve the voluntary administrative
31 consolidation of noncontiguous school districts if the facilities and
32 physical plant of each school district:

33 (1) Are within the same county; or

34 (2) Are not within the same county and the state board finds
35 that the consolidation or annexation will:

36 (A) Improve the overall educational benefit to students in

1 all of the affected school districts; or

2 (B) Provide a significant advantage in transportation
3 costs or service to all of the affected school districts.

4 (h) Contiguous districts may agree to a voluntary administrative
5 consolidation even if they are not in the same county.

6 (i) The provisions of § 6-13-1406 shall govern the board of directors
7 of each school district created under this subchapter.

8 (j) The state board shall promulgate rules to facilitate the
9 administration of this subchapter.

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11 6-13-1704. Incentives for the resulting school district containing
12 seventy percent (70%) or more of the total county school enrollment.

13 (a)(1) To the extent that funding is available for the incentive
14 program established under this subsection, the state board may develop an
15 incentive program encouraging the creation of an administrative public
16 education unit through a voluntary administrative consolidation or a
17 voluntary administrative annexation that results in a school district
18 containing seventy percent (70%) or more of the total school district
19 enrollment of all the districts in the county where the resulting school
20 district is situated.

21 (2) To implement the incentive program established under this
22 subsection, the state board shall promulgate rules that:

23 (A) Provide the methodology for the state board's
24 allocation or distribution of funds that are appropriated or otherwise made
25 available for the incentive program;

26 (B) Establish the conditions and criteria for the state
27 board's award of incentives under the incentive program; and

28 (C) Identify the incentives and amounts that may be
29 awarded, including:

30 (i) For the first year after consolidation or
31 annexation, an award of one thousand dollars (\$1,000) per student in the
32 resulting school district up to a maximum of two and one-half million dollars
33 (\$2,500,000);

34 (ii) For the second year after consolidation or annexation, an
35 award of five hundred dollars (\$500) per student in the resulting school
36 district up to a maximum of one million and seven hundred-fifty thousand

1 dollars (\$1,750,000); and

2 (iii) For the third year after consolidation or annexation, an
3 award of five hundred dollars (\$500) per student in the resulting school
4 district up to a maximum of eight hundred seventy-five thousand dollars
5 (\$875,000).

6 (b)(1) To the extent that funding is available for the incentive
7 program established in subsection (b) of this section and the Division of
8 Public School Academic Facilities and Transportation determines that an award
9 is merited, the division may provide additional financial support for the
10 resulting school district's academic facilities.

11 (2) The Commission for Arkansas Public School Academic
12 Facilities and Transportation shall promulgate rules as necessary to develop
13 and implement the incentive program established in subsection (b) of this
14 section.

15 (c)(1) To the extent that funding is available for the incentives
16 provided under this subsection and approved by the Department of Economic
17 Development, for the ten-year period after the resulting school district's
18 formation, any person or entity within the geographic area of that resulting
19 school district or who intends to locate within the resulting school district
20 and subsequently does locate within the resulting school district is entitled
21 to double any state incentive related to economic development or job creation
22 for which that person or entity is eligible as a result of the resulting
23 school district's formation.

24 (2) A resulting school district does not qualify for any
25 incentive funded by the Department of Economic Development Super Projects
26 Fund, § 19-5-1219.

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28 /s/ Bryles
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