

ORDER

IT IS HEREBY ORDERED pursuant to Arkansas Code Annotated §§ 6-13-1401 et seq. and the May 13, 2013 vote of the Arkansas State Board of Education (State Board) that:

1. The voluntary annexation petition submitted by the Bradley School District and the Emerson-Taylor School District for the annexation of the Bradley School District into the Emerson-Taylor School District is hereby granted for the reasons set forth therein. A copy of the voluntary annexation petition is attached to this order. (Exhibit A).

2. Effective July 1, 2013, the Bradley School District is hereby is abolished and shall be annexed into the receiving Emerson-Taylor School District.

3. The State Board finds that the voluntary annexation of the Bradley School District into the Emerson-Taylor School District will not hamper, delay, or in any manner negatively affect the desegregation efforts of a school district or districts in this state. A copy of an advisory opinion from the Attorney General is attached to this order. (Exhibit B).

4. The Arkansas Department of Education is hereby directed, on behalf of the State Board, to:

a. Revise the maps of the school districts to properly show the boundary lines of the receiving district;

b. File a copy of this order and a map of the boundary lines of the receiving district with:

- (1) The county clerk of each county where the district will be located;
- (2) The Secretary of State; and
- (3) The Arkansas Geographic Information Office.

RECEIVED
ATTORNEY'S OFFICE

JUN 9 3 2013

DEPARTMENT OF EDUCATION
GENERAL DIVISION

5. For the reasons set forth above, the voluntary annexation petition submitted by the Bradley School District and the Emerson-Taylor School District is hereby granted.

IT IS SO ORDERED.

ORDER SIGNED AND EXECUTED ON THIS 20th OF MAY 2013.



Arkansas State Board of Education
Mr. Jim Cooper, Chair

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE ANNEXATION OF THE BRADLEY SCHOOL DISTRICT OF
LAFAYETTE COUNTY INTO THE EMERSON-TAYLOR SCHOOL DISTRICT OF
COLUMBIA COUNTY

PETITION FOR ANNEXATION

COMES NOW the Emerson-Taylor School District (ETSD) of Columbia County and the Bradley School District (BSD) of Lafayette County (Petitioners) acting by and through their respective Superintendents 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 Bradley School District into the petitioning receiving Emerson-Taylor 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 approving this petition for annexation of the Bradley School District into the receiving Emerson-Taylor School District as approved by a majority of the quorum present of the local boards of education of the respective Petitioners pursuant to the terms and conditions contained in the approved ~~Voluntary Annexation Agreement~~ required by Ark. Code Ann. § 6-13-1416 and attached hereto as Exhibit B.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit C attached hereto, proof of public notice of intent to petition this Board to annex the Bradley School District into the receiving Emerson-Taylor School District. The public notice of intent to annex was published in the local newspaper(s) of general circulation of the affected and

receiving districts for a time period of no less than once a week for two (2) consecutive weeks prior to the hearing of this petition by this Board.

3. Pursuant to Ark. Code Ann. §6-13-1401 et seq., the Petitioners hereby agree the resulting school district, to be named the Emerson-Taylor-Bradley School District (ETBSD), shall establish a seven (7) member interim school board to serve until the regular school election of 2014. The interim school board shall consist of all five (5) board members of the current ETSD and two (2) board members of the BSD. The respective interim board members from BSD school district shall be selected by voluntary resignation of board members and/or drawing of lots of remaining board members as necessary to select the initial respective interim board members to serve from each school district. As soon as feasible after the effective date of annexation, the interim board of education shall develop seven (7) single member zones for school board representation, with five (5) zones established within the boundaries of the current Emerson-Taylor School District and two (2) zones established within the boundaries of the current Bradley School District. The school board member zones shall be based on latest census data and shall meet state and federal legal requirements.

4. Pursuant to Ark. Code Ann. §6-13-1401 et seq., the Petitioners agree that at the regular school election of 2014 all seven (7) school board member zones shall be open for election, pursuant to Ark. Code Ann. §§ 6-13-1416 and 6-13-1417, so that a full school board election shall take place and that the former interim school board shall cease to serve as the school board as determined by the results of the September 2014 full school board election. At the first school board meeting after the full school board election of September 2014, the newly elected school board shall draw lots to stagger the terms of election so that no more than two (2) school board member zones shall be up for election in the same school year. For any newly

elected school board members after September 2014, the term of office for that member shall be a five (5) year term of office. At the first school board meeting after the September 2014 school election and after the board of directors have drawn lots for staggered terms the newly elected school board shall elect officers to serve on the board of directors.

5. The Petitioners submit that their respective school districts are geographically contiguous.

6. 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.

7. 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, 2013, and that there shall be only one local school board and the current one local superintendent of the receiving Emerson-Taylor School District, Mr. Gary Hines, shall be superintendent of the new Emerson-Taylor-Bradley School District. Mr. Gammye Moore, the superintendent of the affected Bradley School District, shall serve as the Assistant Superintendent of the new Emerson-Taylor-Bradley School District.

8. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district(s), which is incorporated as Exhibit E, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

WHEREFORE, Petitioners request that the Board approve the annexation of the Bradley School District of Lafayette County into the receiving Emerson-Taylor School District of Columbia County, to create the new Emerson-Taylor-Bradley School District of Columbia and Lafayette Counties; that it issue an Order dissolving the affected school districts and establishing the new Emerson-Taylor-Bradley School District; that it issue an Order establishing the boundary lines of the receiving school district and prepare a map of the resulting ETBSD; and that it file its Order and map with the County Clerks of Columbia and Lafayette Counties, and the Arkansas Geographic Information Office.

Respectfully submitted,

Bradley School District

Emerson-Taylor School District

By:  4-4-13
Superintendent Date
 4-4-13
President, School Board Date

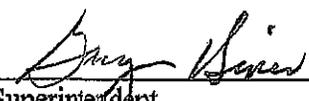
By:  4-4-13
Superintendent Date
 4-4-13
President, School Board Date

Exhibit A

School Board Resolution

COMES NOW the Bradley 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 April 4, 2013, wherein a quorum was present and a majority of the quorum voted to approve the annexation of the Bradley School District into the Emerson-Taylor School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the Bradley School District Board of Directors, pursuant to Arkansas law, that said annexation is hereby approved.

Bradley School District

of Lafayette County

By:

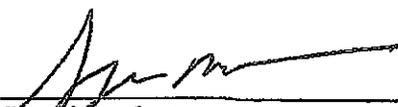
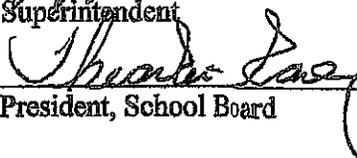
| | |
|--|---------------|
|  | <u>4-4-13</u> |
| Superintendent | Date |
|  | <u>4-4-13</u> |
| President, School Board | Date |

Exhibit A

School Board Resolution

COMES NOW the Emerson-Taylor 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 April 4, 2013, wherein a quorum was present and a majority of the quorum voted to approve the annexation of the Bradley School District into the Emerson-Taylor School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the Emerson-Taylor School District Board of Directors, pursuant to Arkansas law, that said annexation is hereby approved.

Emerson-Taylor School District

of Columbia County

By: Greg Jones 4-4-13
Superintendent Date
Dickie Herring 4-4-13
President, School Board Date

AGREEMENT FOR AN VOLUNTARY ANNEXATION OF THE
BRADLEY SCHOOL DISTRICT INTO THE EMERSON-TAYLOR SCHOOL DISTRICT

WHEREAS, the Bradley School District (BSD) of Lafayette County, and the Emerson-Taylor School District (ETSD), of Columbia County, (BSD and ETSD are the "Schools"), and both BSD and ETSD are desirous of petitioning the Arkansas State Board of Education to cause the BSD to be annexed into the ETSD, to create the new Emerson-Taylor-Bradley School District (ETBSD), pursuant to Ark. Code Ann § 6-13-1401 *et. seq.*, and

WHEREAS, both BSD and ETSD agree that it would be in the Schools' mutual best interest and the mutual best interests of the Schools' patrons for the Schools to enter into this Voluntary Annexation Agreement (Agreement), and

WHEREAS, the purpose of this Agreement is to set forth the terms and conditions of the proposed voluntary annexation so that the annexation may be accomplished in the best interest of the Schools;

NOW THEREFORE, in consideration of their mutual promises and agreements, BSD and ETSD agree as follows:

1. **Effective date.** If approved by the Arkansas State Board of Education (SBE), the effective date of the voluntary annexation shall be July 1, 2013.

2. **Names.** The ETSD is willing to approve an annexation of the BSD under the following terms of agreement. The resulting school district shall be known as the Emerson-Taylor-Bradley School District (ETBSD). Subject to the approval of the SBE, the Bradley campus shall be known as the Bradley Campus and the Emerson and Taylor campuses of the ETSD, collectively comprising the ETSD, shall continue to be so referenced after the annexation. Each of the current campuses within the ETSD and the new ETBSD shall continue to keep their same mascots. However, the Bradley School campus shall continue to be known as the Bradley School campus and any sports teams or other representatives from the Bradley campus playing on a Bradley school team in an Arkansas Activities Association event shall be known as the "Bradley Bears" until such time as the Bradley School campus is no longer in operation or no teams represent the Bradley school campus.

3. **Board of Directors.** Following approval of the proposed annexation by the SBE, the ETBSD will establish a seven (7) member school board establishing two (2) single member zones in the area of the current BSD and five (5) single member zones in the ETSD. There would be an interim school board created effective July 1, 2013, made up of two (2) members from the Bradley School Board and all five (5) members from the Emerson-Taylor School Board. The Bradley School Board would select two (2) members from its district for the interim board; all five (5) of Emerson-Taylor's School Board members shall serve on the interim board. The interim board of directors will serve until the regular school election of September 2014 pursuant to Ark. Code Ann. § 6-13-14.16(d). As to the seven (7) member board elected in the regular school election of September 2014 and thereafter, all board positions shall serve five (5) year terms, subject to the staggered terms provision contained in Section 4. of the Petition for Annexation.

4. Superintendent. Mr. Gary Hines of the Emerson-Taylor School District shall remain under contract as superintendent of the Emerson-Taylor-Bradley School District, under the terms and conditions of his current contract. Mr. Gammye Moore, superintendent of the Bradley School District, shall serve as Assistant Superintendent of the Emerson-Taylor-Bradley School District, according to the terms and conditions of his current contract.

5. School Employees Employment. All employees of BSD employed as of July 1, 2013, shall become employees of the ETBSD for the 2013-2014 school year only and shall be subject to all terms, conditions of contract, personnel and other policies of the ETBSD. After evaluating the needs of the district during the 2013-2014 school year, all staff of the former BSD shall be reviewed for continued employment needs and shall remain subject to reassignment of duties, non-renewal or termination of contract provisions as allowed by law and policies of the ETBSD.

6. School Facilities. Both BSD and ETSD agree that ETBSD will allow the Bradley School campus to continue to operate both an elementary and high school system in the ETBSD as long as deemed economically and educationally feasible and beneficial to the ETBSD as a whole as determined by the school board of directors of the ETBSD on a periodic review ; and there shall be no specific test or determination or binding obligation on any future school board concerning the decision to open or close any of the schools in the district, including a school on the current Bradley School campus.

7. Millage Rates. The issue of unification of the millage rates in the current BSD and the current ETSD for the ETBSD shall be placed on the ballot for the annual school election in 2013.

8. Board Elections. As stated in Section 3., a seven (7) member interim board, comprised of two (2) members from the current BSD School Board and all five (5) members of the current ETSD School Board, shall serve until the board members elected in the 2014 annual school elections are duly sworn and authorized to assume their duties. There shall be no elections for school board members at the 2013 annual school election.

9. Petition. If the proposed merger of annexation is approved, the attached petition of annexation shall be approved by both the Bradley School Board and Emerson-Taylor School Board and submitted to the State Board of Education no later than April 12, 2013.

10. School Choice/Student Transfer. It is the intent of this Agreement that all students eligible for school choice under applicable law may exercise school choice option.

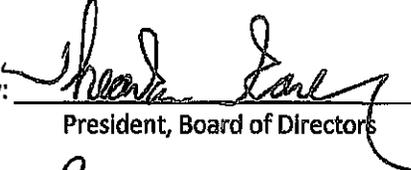
11. Entire Agreement. This Agreement along with Attachment A represents the entire proposal of annexation and no other terms or conditions or a proposed merger are contemplated or approved by the ETSD at this time. This action is necessary to protect the integrity of the new ETBSD with two (2) potential separate school systems and thus seek to avoid, as much as possible, fiscal distress, academic distress, facilities distress and violations of Arkansas Standards for Accreditation or other state or federal accountability laws, and maintain a standard of education and accountability desired by the new ETBSD.

12. Counterparts. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

13. Applicable law. The annexation shall be effective in accordance with the laws of the state of Arkansas and the rules of the Arkansas State Board of Education.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the 4 day of April, 2013.

BRADLEY SCHOOL DISTRICT OF LAFAYETTE COUNTY, ARKANSAS

By: 
President, Board of Directors

By: 
Secretary, Board of Directors

EMERSON-TAYLOR SCHOOL DISTRICT OF COLUMBIA COUNTY, ARKANSAS

By: 
President, Board of Directors

By: 
Secretary, Board of Directors