ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS
September 2014

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., 25-15-201 et seq., Act 1073 of 2013 and annual appropriations of the Arkansas General Assembly.

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

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 Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 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 Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 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 the duty of the Department of Education 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 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 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 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 Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 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 Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 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 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 the duty of the Department of Education 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 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 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 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 Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 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 singe-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 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 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 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 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 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 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 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. § 6-13-604.

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 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 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

ADMINISTRATIVE CONSOLIDATION AND ANNEXATION OF SCHOOL DISTRICTS

15.00 ADMINISTRATIVE CONSOLIDATION LIST

15.01 By January 1 of each year, the Department of 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 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.

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.

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 DEVELOPMENT OF PLAN TO TRACK STUDENT PROGRESS

17.01 Following the administrative consolidation or administrative annexation 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 1, 2004, each receiving district or resulting district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:

17.01.1 Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;

17.01.2 Economically disadvantaged students;

17.01.3 Students from major racial and ethnic groups; and

17.01.4 Specific population groups as identified by the State Board, the Department of Education, the affected district, or the receiving district as target groups for closing the achievement gaps.

17.02 The receiving or resulting district shall obtain and retain all student records from the affected district for the five (5) years immediately preceding the administrative consolidation or administrative annexation, specifically including, but not limited to:

17.02.1 Individual student records;

17.02.2 Attendance records;

17.02.3 Enrollment records;

17.02.4 Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., specifically including benchmark assessments and end-of-course assessments; and

17.02.5 American College Test (ACT) and Standardized Aptitude Test (SAT) results and records.

17.03 The school district shall report to the Department of Education information determined by the Department of Education as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

17.03.1 Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;

17.03.2 Economically disadvantaged students; and

17.03.3 Students from major racial and ethnic groups.

17.04 By November 1 of each year, the Department of Education shall file a written report with the Governor, the chair of the House Interim Committee on Education, the chair of the Senate Interim Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the

affected district as a subgroup and the following subgroups of those transferred students:

17.04.1 Students who have been placed at risk of academic failure as required under Ark. Code Ann. § 6-15-1602;

17.04.2 Economically disadvantaged students; and

17.04.3 Students from major racial and ethnic groups.

Source: Ark. Code Ann. § 6-13-1606

18.00 RETENTION OF HISTORICAL RECORDS AND DOCUMENTS

18.01 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:

18.01.1 Student transcripts;

18.01.2 Graduation records;

18.01.3 Minutes and other legal documents of the local board of directors;

18.01.4 Maps or boundary documents;

18.01.5 Sports records, trophies, and awards;

18.01.6 Employee records; and

18.01.7 Financial records.

Source: Ark. Code Ann. § 6-13-1607

19.00 AUDIT REQUIRED

19.01 The Division of 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.

19.02 The comprehensive financial review shall begin no less than ten (10) days after the earliest of:

19.02.1 The publication of the district's name on the consolidation and annexation list under Ark. Code Ann. § 6-13-1602;

19.02.2 The filing of a petition for voluntary administrative consolidation or administrative annexation; or

19.02.3 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.

19.03 Beginning on the date of publication of the consolidation list under Ark. Code Ann. § 6-13-1602 and Section 16.00 of these rules each year, the Department of 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.

19.03.1 No contract or other debt obligation incurred by a school district for which the department has oversight authority under Ark. Code Ann. § 6-13-1608 and Section 19.00 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.

19.04 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.

19.05 The Department of Education and the Division of 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 19.00 of these rules.

19.06 A school district may not incur debt without the prior written approval of the Department of Education if the school district is identified by the Department of 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

20.00 PRESERVATION OF HISTORICAL SCHOOL ARTIFACTS

20.01 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

21.00 FINANCIAL RELIEF FOR DEBTS ACQUIRED AS A RESULT OF INVOLUNTARY CONSOLIDATIONS

21.01 As used in Section 21.00 of these rules:

21.01.1 "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;

21.01.2 "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;

21.01.3 "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;

21.01.4 "Excess accounts payable" means accounts payable of an Act 60 school district that exceed available funding; and

21.01.5 "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 to require an expenditure of funds by the resulting school district to be correct.

21.02 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 school district before the July 1 administrative consolidation date that would have caused deficit spending

if paid from the funds of the Act 60 district, the Department of Education shall provide supplemental funding to the resulting district.

21.03 The amount of the supplemental funding provided under Ark. Code Ann. § 6-13-1610(b) and Section 21.02 of these rules shall be equal to the amount of the excess accounts payable and improper expenditure exceptions assumed by the resulting school district.

21.03.1 The amount of accounts payable, excess accounts payable, improper expenditure exceptions, and available funding shall be determined by the Department of Education based on information provided in a final audit and other verifiable fiscal information available to the Department of Education.

21.03.2 The audit of an Act 60 school district required under Ark. Code Ann. § 6-13-1610 and Section 21.00 of these rules shall be completed within the time under Ark. Code Ann. § 6-20-1801(d) for school districts in fiscal distress.

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

21.04 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 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.

21.04.1 No contract or other debt obligation incurred by a school district for which the Department of Education has oversight authority under Ark. Code Ann. § 6-13-1610 and Section 21.00 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

22.00 ANNUAL REPORTS

22.01 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 indicating:

22.01.1 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:

22.01.1.1 Parent-teacher associations;

22.01.1.2 Booster clubs; and

22.01.1.3 Parent involvement committees;

22.01.2 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

22.01.3 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.

22.02 The Department of 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:

22.02.1 Opportunities for inclusion or participation in the resulting or receiving district; and

22.02.2 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

23.00 ACADEMIC SUPPORT CENTERS

23.01 The purpose of Ark. Code Ann. § 6-13-1612 and Section 23.00 of these rules is to:

23.01.1 Prevent students who attend administratively consolidated or administratively annexed schools from returning home to communities with little or no opportunities for supplemental academic support;

23.01.2 Increase opportunities for access to library materials, academic resource materials, and educational technology for these students within their local communities; and

23.01.3 Help advance academic performance for these students by providing opportunities for homework and tutorial assistance based on the Arkansas curriculum frameworks.

23.02 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 23.00 of these rules.

23.03 The Department of 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

CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING

24.00 DEFINITIONS APPLICABLE TO CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING

For the purposes of Sections 24.00 through 26.00 of these rules, the following definitions apply:

24.01 "Annexation" includes both Annexation and Administrative Annexation as defined in Section 3.00 of these Rules.

24.02 "Consolidation" includes both Consolidation and Administrative Consolidation as defined in Section 3.00 of these Rules.

24.03 "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.

24.04 "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.

24.05 "Funding Factor" means a factor established by the Arkansas Department of Education (Department) to ensure that the calculated funding does not exceed the funds available for consolidation/annexation incentive funding.

25.00 GUIDELINES FOR THE DISTRIBUTION OF CONSOLIDATION AND ANNEXATION INCENTIVE FUNDING

25.01 The distribution of consolidation and annexation incentive funding is dependent upon appropriation and funding by the Arkansas General Assembly.

25.02 Consolidation/annexation incentive funding shall be determined as follows:

25.02.1 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.

25.02.2 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).

25.02.3 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 three hundred (300).

25.02.4 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).

25.02.5 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).

25.02.6 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).

25.02.7 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).

25.02.8 If a district is annexed by multiple school districts, the incentive funding shall be computed as in Sections 25.02.1 through 25.02.7 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.

26.00 GENERAL REQUIREMENTS

26.01 Consolidation/annexation incentive funding shall be distributed to either the resulting district(s) established after consolidation or the receiving district(s) after annexation.

26.02 Any district that has received consolidation/annexation incentive funds and subsequently dissolves shall be liable to the Department of Education for the full or apportioned amount of incentive funding received if any of the following conditions result due to the dissolution:

26.02.1 Districts are formed with substantially the same boundaries as the former districts prior to consolidation or annexation;

26.02.2 The ability of any district to desegregate or remain desegregated is inhibited;

26.02.3 The ability of the State to ensure that students are provided a quality education in an efficient manner is inhibited.

26.03 Any repayment due, as required in Section 26.02 above, shall be paid from the assets of the district prior to dissolution of the district. The Department of Education may withhold, from any state funding due the district, the amount of repayment funds or a portion thereof.

26.04 In the event full repayment is not made as required under Section 26.02 above, the Department of 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 determines that such apportionment would be inequitable. In such case, the State Board shall apportion the repayment among the districts upon an equitable basis.

27.00 STATE BOARD HEARING PROCEDURES – VOLUNTARY 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 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.

27.03 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.

27.04 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.

27.05 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.

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.

28.00 STATE BOARD HEARING PROCEDURES – INVOLUNTARY CONSOLIDATIONS AND ANNEXATIONS

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

28.02 The spokesperson(s) for the Department of Education shall have a total of twenty (20) minutes to present the Department of Education's remarks. The State Board may allow more than twenty (20) minutes if necessary.

28.03 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.

28.04 The spokesperson(s) for the Department of Education 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 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.

28.06 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school districts' petition.

28.07 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.

28.08 The State Board shall issue a written order concerning the matter.

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 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 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 _____, 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.

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 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 if file its Order with the County Clerks of the _____ and _____ Counties, Arkansas, the Secretary of State and the Arkansas Geographic Information 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:
_____

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.