

Stricken language would be deleted from and underlined language would be added to present law.
Act 377 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H2/12/15 H2/23/15

A Bill

HOUSE BILL 1263

By: Representatives Cozart, C. Armstrong, Baltz, Branscum, Deffenbaugh, Eubanks, Farrer, K. Ferguson, C. Fite, Gossage, Harris, Lampkin, Lowery, Lundstrum, McElroy, McNair, Miller, Ratliff, Richmond, Scott, Womack, *C. Douglas, Murdock, Ballinger, Beck, Bentley, Della Rosa, M. Gray, G. Hodges, Payton, Richey, Sullivan, Tosh*

By: Senators A. Clark, B. Johnson, *Caldwell, Maloch, G. Stubblefield, Irvin, Teague*

For An Act To Be Entitled

AN ACT TO PROVIDE A WAIVER FOR A SCHOOL DISTRICT FROM AN ADMINISTRATIVE CONSOLIDATION OR REORGANIZATION UNDER CERTAIN *CONDITIONS; TO DECLARE AN EMERGENCY;* AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE A WAIVER FOR A SCHOOL DISTRICT FROM AN ADMINISTRATIVE CONSOLIDATION OR REORGANIZATION UNDER CERTAIN CONDITIONS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-13-1603(a)(3), concerning administrative reorganization of a school district, is amended to read as follows:

(3) ~~Any~~ A school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section 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 § 6-13-1602 unless the school district has been granted a waiver under § 6-13-1613.



SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 16, is amended to add an additional section to read as follows:

6-13-1613. Minimum school district size waiver.

(a)(1) A school district that is placed on the consolidation list published by the Department of Education under § 6-13-1602(2) may annually request a waiver from the average daily membership requirement of three hundred fifty (350) students from the State Board of Education.

(2) A school district shall submit a petition for a waiver to the state board no later than thirty (30) days after the consolidation list is published.

(3) The petition for a waiver shall include:

(A) The average daily membership of the school district in the current school year;

(B) A statement that the school district *is not in probationary status* for any violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) A copy of the school district's current year budget and any fiscal audit conducted within the previous two year; and

(D) A statement of assurance that the school district is not currently classified in academic distress, fiscal distress, or facilities distress.

(b)(1) The state board shall render a decision to either grant or reject a petition for waiver that is received by a school district within *forty-five (45)* days of receipt.

(2) The state board shall grant a petition for a waiver if it is demonstrated by the school district that:

(A) The school district is not currently classified in academic distress, fiscal distress, or facilities distress;

(B) The school district *is not in probationary status* for a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) The academic facilities owned and operated by the school district are adequate as evidenced by the school district's facilities master plan; and

(D) It is in the best interest of the students in the school district to keep the school district open due to the length of

potential time spent on the bus by a student traveling to and from school should the school district be administratively reorganized, as assured by the school board of directors of the school district requesting the waiver.

(3) The state board may revoke a waiver that has been granted to a school district at anytime if it is found that the conditions under subdivision (b)(2)(A) of this section change.

(c) A school district that is granted a waiver shall remain listed on the consolidation list that is published annually by the department.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that small school districts are at risk of being consolidated or reorganized; that small school districts that are successful in educating their students and not in academic or fiscal distress should not be consolidated or reorganized; and that this act is immediately necessary to ensure that small school districts that are placed on the consolidation list are not consolidated immediately. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/Cozart

APPROVED: 03/11/2015