

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1312

By: Representative C. Douglas

## For An Act To Be Entitled

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

## Subtitle

TO PROVIDE AN AUTOMATIC WAIVER FROM ADMINISTRATIVE CONSOLIDATION OR REORGANIZATION FOR A SCHOOL DISTRICT PLACED ON THE CONSOLIDATION LIST 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, is amended to read as follows:

(3)(A) ~~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 receives an automatic waiver from the department under § 6-13-1613.

(B) The department shall maintain a separate list of the



school districts that have 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. Automatic waiver granted.

(a)(1) The Department of Education shall grant an automatic waiver to a school district placed on the consolidation list by the department under § 6-13-1602 and notify the school district within thirty (30) days of placing a school district on the consolidation list if the school district is not in violation of Standards of Accreditation for Arkansas Public Schools and School Districts and is not currently classified in academic distress, facilities distress, or fiscal distress.

(2)(A) The department shall notify a school district that the school district is not entitled to an automatic waiver within thirty (30) days of placing the school district on the consolidation list if the department determines that the school district is not entitled to an automatic waiver because the school district is classified in academic distress, facilities distress, fiscal distress, or in violation of the Standards of Accreditation for Arkansas Public Schools and School Districts.

(B) The notification provided under subdivision (2)(A) shall include the specific reason for the denial of the automatic waiver and provide a thirty-day window for the school district to cure the deficiency if possible.

(3) A school district that is granted an automatic waiver under this section may still voluntarily consolidate under § 6-13-1417.

(4) The department shall submit a copy of a notice of approval or denial of an automatic waiver to the State Board of Education.

(b)(1) A school district that is placed on the consolidation list by the department under § 6-13-1602 and that is not entitled to an automatic waiver because the school district is classified in academic distress, fiscal distress, facilities distress, or in violation of the Standards of Accreditation for Arkansas Public Schools and School Districts shall be afforded the same assistance and duration of time as provided to other school districts under § 6-15-429 or § 6-20-1908 to remedy any issues that resulted in the school district's being placed in academic distress or fiscal distress.

(2) If a school district placed on the consolidation list by the department under § 6-13-1602 that is classified in academic distress or fiscal distress remedies the issue or issues that resulted in the school district's being classified in academic distress or fiscal distress and is removed from academic distress or fiscal distress, the school district shall be granted an automatic waiver from administrative reorganization under this section.

(3) A school district that is classified in academic distress, fiscal distress, facilities distress, or in violation of the Standards of Accreditation for Arkansas Public Schools and School Districts on January 1, 2015 is subject to this section.

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 are 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.