

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 215

By: Senator J. Bryant  
By: Representative B. McKenzie

## For An Act To Be Entitled

AN ACT TO AMEND THE PERMISSIBLE USES FOR REAL ESTATE  
DONATED BY A PUBLIC SCHOOL DISTRICT; TO AMEND THE  
ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM  
ACT; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE PERMISSIBLE USES FOR REAL  
ESTATE DONATED BY A PUBLIC SCHOOL  
DISTRICT; AND TO AMEND THE ARKANSAS  
PUBLIC SCHOOL ACADEMIC FACILITIES  
PROGRAM ACT.

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

SECTION 1. Arkansas Code § 6-21-108(b), concerning the donation of real property by a public school district, is amended to read as follows:

(b)(1) If the board of directors for a school district determines that real property owned or controlled by the school district is not required for the present or future needs of the school district and that the donation of the real property would serve a beneficial educational service for the citizens of the school district, then the school district may donate real property to an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, a community college, a not-for-profit organization, a county, a city, an incorporated town, or any entity thereof for the following limited purposes:

(A) Having the real property preserved, improved, upgraded, rehabilitated, or enlarged by the donee;



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(B) Providing an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, or a community college with the donated property in which to hold classes; or

(C)(i) Providing community programs and beneficial educational services, social enrichment programs, or after-school programs.

(ii) Real property donated to an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, or a community college under this subdivision

(b)(1)(C) shall be used exclusively and entirely only for community programs and beneficial educational services, social enrichment programs, or after-school programs.

(iii) The provision of housing or another similar program or benefit shall not qualify as a community program or beneficial educational service, social enrichment program, or after-school program under this subdivision (b)(1)(C).

(2) A school district may donate the fee simple title and absolute interest in real property, without any reservations or restrictions to the real property, to an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, a community college, a not-for-profit organization, a county, a city, an incorporated town, or any entity thereof.

(3) If two (2) years after the effective date of consolidation the real property of the consolidated school district is not used by the school district for educational purposes and has not been sold, preserved, leased, or donated, the school district board of directors shall make the real property available to an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, a community college, a not-for-profit organization, a county, a city, an incorporated town, or any entity thereof, by donation or low-cost long-term lease, for the following limited purposes:

(A) Having the real property preserved, improved, upgraded, rehabilitated, or enlarged by the donee;

(B) Providing an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, or a community college with the donated property in which to hold classes; or

(C)(i) Providing community programs and beneficial

educational services, social enrichment programs, or after-school programs.

(ii) Real property donated to an open-enrollment public charter school, a publicly supported institution of higher education, a technical institute, or a community college under this subdivision (b)(3)(C) shall be used exclusively and entirely only for community programs and beneficial educational services, social enrichment programs, or after-school programs.

(iii) The provision of housing or another similar program or benefit shall not qualify as a community program or beneficial educational service, social enrichment program, or after-school program under this subdivision (b)(3)(C).

SECTION 2. Arkansas Code § 6-21-803(13), concerning the definition of "public school facility" under the Arkansas Public School Academic Facilities Program Act, is amended to read as follows:

(13) "Public school facility" means any public school building or space, including related areas such as improved or unimproved real property or the physical plant and grounds, that is used for any purpose, including, without limitation:

- (A) An extracurricular activity;
- (B) An organized physical activity course as defined in § 6-16-137;
- (C) Prekindergarten education;
- (D) District administration; or
- (E) Delivery of instruction to public school students that is an integral part of an adequate education as described in § 6-20-2302;

SECTION 3. Arkansas Code § 6-21-803(17), concerning the definition of "unused or underutilized public school facility" under the Arkansas Public School Academic Facilities Program Act, is amended to read as follows:

(17) "Unused or underutilized public school facility" means a public school facility, academic facility, or other improved or unimproved real property that:

- (A) As a whole or in a significant portion, is not being used for a public educational, academic, extracurricular, or administrative purpose ~~and the nonuse or underutilization threatens the integrity or purpose~~

~~of the public school facility or other real property as a public education facility; and~~

(B) ~~As of August 1, 2017, is~~ Is not subject to:

(i) A lease to a third party for fair market value;

or

(ii) An executed offer to purchase by a third party for fair market value.

SECTION 4. Arkansas Code § 6-21-806(a)(7)(A), concerning the required report from a school district to the Division of Public School Academic Facilities and Transportation regarding unused or underutilized public school facilities in each public school district under the Academic Facilities Master Plan Program, is amended to read as follows:

(7)(A) Submit a report to the division by ~~February 1~~ January 31 of each year that identifies:

(i) All unused or underutilized public school facilities in the school district; and

(ii) The unused or underutilized public school facilities, if any, that are designated in the district's facilities master plan to be reused, renovated, or demolished as part of a specific committed project or planned new construction project.

SECTION 5. Arkansas Code § 6-21-815(c)(1), concerning the lease or purchase of a school district's unused or underutilized public school facilities, is amended to read as follows:

(c)(1) Except as otherwise provided in this section, a school district shall make unused or underutilized public school facilities available for lease or purchase for no more than fair market value to any open-enrollment public charter school located within the geographical boundaries of the school district before the school district may donate unused or underutilized public school facilities as authorized under § 6-21-108.

SECTION 6. Arkansas Code § 6-21-816(a)(1), concerning requirements to sell or lease unused or underutilized public school facilities, is amended to read as follows:

(a)(1)(A) Except as otherwise provided in this section, if a school

district determines that any public school facility, academic facility, or other real property is no longer needed for school purposes or is unused or underutilized, the school district may sell, donate, or lease the public school facility, academic facility, or other real property in accordance with §§ 6-13-103 and 6-13-620 and this subchapter.

(B) A school district shall notify the division regarding the unused or underutilized public school facility under subdivision (a)(1)(A) of this section before it may sell, donate, or lease the public school facility, academic facility, or other real property under subdivision (a)(1)(A) of this section.

SECTION 7. Arkansas Code § 6-21-816(b)(1)(A), concerning an open-enrollment public charter school's right of first refusal to purchase or lease an unused or underutilized public school facility, is amended to read as follows:

(b)(1)(A) If a school district decides to sell, lease, or otherwise transfer ownership of an academic facility, a public school facility, an unused or underutilized public school facility, or other real property belonging to the school district, an open-enrollment public charter school located within the school district's boundaries shall have a right of first refusal to purchase or lease the academic facility, public school facility, unused or underutilized public school facility, or other real property belonging to the school district for fair market value.

SECTION 8. Arkansas Code § 6-21-816(b)(3), concerning a school district's authority to sell, lease, or otherwise transfer a public school facility, is amended to read as follows:

(3) Subject to the priority list under subdivision (b)(1)(C) of this section, nothing in this subchapter shall be construed to delay or limit the authority of a school district to sell, lease, or otherwise transfer a public school facility, an academic facility, an unused or underutilized public school facility, or other real property to a an open-enrollment public charter school on terms agreed to by the school district and open-enrollment public charter school.

SECTION 9. Arkansas Code § 6-21-816(h), concerning a school district

or public charter school that fails to comply with requirement related to the sale or lease of public school facilities, is amended to read as follows:

(h)(1) The rules promulgated under this section and the Code of Ethics for Arkansas Educators shall include a provision that requires a school district to list immediately school district property as unused or underutilized upon the school district's determination that a public school facility or other real property belonging to the school district is no longer necessary for school district purposes or is unused or underutilized.

(2) The division may classify:

(A) Classify a school district that fails to comply with this section as being in academic facilities distress under § 6-21-811; and

(B) Recommend to the State Board of Education whether a school district that fails to comply with this section should be placed on Accredited – Cited Status.

(3) A school district superintendent may be subject to sanctions under the Code of Ethics for Arkansas Educators if the school district superintendent fails to comply with this section.

~~(2)~~(4) The authorizer may take action under § 6-23-105 on the charter of a public charter school that fails to comply with this section.