

**~~ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING ADMINISTRATIVE CONSOLIDATION OR  
ANNEXATION OF PUBLIC SCHOOL DISTRICTS  
AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS~~**

~~August 8, 2005~~

~~1.00 — PURPOSE~~

~~1.01 — These rules shall be known as the Arkansas Department of Education Rules Governing the Administrative Consolidation and Annexation of Public School Districts.~~

~~2.00 — AUTHORITY~~

~~The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. § 6-11-105, Ark. Code Ann. §§ 6-13-1601 et seq., 25-15-204 and Act 2151 of 2005.~~

~~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 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 loses territory or students as a result of administrative annexation or consolidation.~~

~~3.04 — "Average daily membership" (ADM) means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest one hundredth. Students who may be counted for average daily membership are: (i) students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; (ii) legally transferred students living outside the district but attending a public school in the district; and (iii) students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.~~

- 3.05 — ~~“Isolated school” means a school within a school district that prior to administrative consolidation or annexation qualified as an isolated school district under A.C.A. § 6-20-601 and is subject to administrative consolidation or annexation.~~
- 3.06 — ~~“Petition for voluntary administrative annexation” means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative annexation of a school district or districts into a receiving school district.~~
- 3.07 — ~~“Petition for voluntary administrative consolidation” means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative consolidation of a school district or districts into a resulting school district.~~
- 3.08 — ~~“Receiving district” means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation.~~
- 3.09 — ~~“Resulting district” means the new school district created from an affected district or districts as a result of administrative consolidation.~~
- 4.00 — ~~PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING VOLUNTARY ADMINISTRATIVE CONSOLIDATION OR ANNEXATION UNDER ACT 60 (SECOND EXTRAORDINARY SESSION OF 2003)~~
- 4.01 — ~~By January 1 of each year, the ADE shall publish a consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the district's average daily membership in each of the two (2) school years immediately preceding the current school year.~~
- 4.02 — ~~Any school district submitting a Petition for Voluntary Administrative Consolidation or Annexation pursuant to Act 60 may submit a single petition for State Board consideration. A school district's Petition for Voluntary Administrative Consolidation or Annexation (Petition), including all required attachments, **MUST** be received in the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201, **NO LATER THAN** 4:30 p.m. on March 1, of the year of petition. Petitions **MUST** be submitted on the proper official Department of Education petition form and attached documents hereby incorporated into these rules as Attachments A and B respectively. A school district may attach additional information to the petition form, if necessary, to~~

fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested. ~~PETITIONS RECEIVED AFTER 4:30 P.M. ON MARCH 1, OF THE YEAR OF PETITION, SHALL NOT BE CONSIDERED BY THE STATE BOARD REGARDLESS OF DATE MAILED.~~

- ~~4.03~~ While there is no provision in Act 60 that notice be published, the petitioning school districts are strongly encouraged to publish their intent to petition the State Board to consolidate or annex into a resulting or receiving school district by running said publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The petitioning parties may publish their intention to petition the State Board in a statewide newspaper of daily circulation, if the local newspaper does not publish on a daily or weekly basis.
- ~~4.04~~ The State Board may consider the petition at either a regular or special board meeting. All petitions for administrative consolidation or annexation timely filed with the State Board shall be heard by the State Board at either a regularly scheduled or specially called meeting after March 1, of the year of petition, with appropriate notice to all parties.
- ~~4.05~~ The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Commissioner's Memo.
- ~~4.06~~ At the hearing before the State Board, the order of presentation shall be as follows:
- ~~A)~~ Remarks by petitioning school districts' spokesperson(s);
  - ~~B)~~ Remarks by opposing school districts and citizens' groups' spokesperson(s);
  - ~~C)~~ Closing remarks by opposing school districts and citizen's groups' spokesperson(s); and
  - ~~D)~~ Closing remarks by petitioning school districts' spokesperson(s).
- ~~4.07~~ Each petitioning school district shall have twenty (20) minutes to present the district's remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district's spokesperson(s) more than twenty (20) minutes to speak.
- ~~4.08~~ Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one

- ~~(1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school district(s) or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.~~
- ~~4.09 Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.~~
- ~~4.010 Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.~~
- ~~4.11 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for administrative consolidation or annexation.~~
- ~~4.12 The State Board shall issue a written decision approving the administrative consolidations or annexations requested in the petitions, if the petitions are granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.~~
- ~~4.13 The State Board's written decision shall be made on or before May 1, of the year of petition.~~
- ~~4.14 Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state including school districts which are not petitioners for the administrative consolidation or annexation before the State Board.~~
- ~~4.15 If the State Board denies a school district's petition or does not receive a petition from a school district on the consolidation list, then the State Board shall, on its own motion, administratively consolidate all of the school district with or into one (1) or more other school districts by May 1, of the year of petition.~~
- ~~4.16 For administrative consolidations considered under the provisions of Section 4.15, the notice requirements placed upon the State Board by Section 4.05 shall not apply. Instead, the State Board shall provide such advance notice to the districts of the State Board's meeting at which the administrative consolidation will be considered as is practicable and required by law.~~

~~5.00 — STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ADMINISTRATIVE CONSOLIDATION OR ANNEXATION~~

~~5.01 — Except as otherwise provided for in these rules or law and in addition to any other requirements herein, the State Board shall not deny a petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:~~

- ~~(A) — The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or~~
- ~~(B) — The voluntary administrative consolidation or annexation would not contribute to the betterment of the education of students in the districts; or~~
- ~~(C) — The proposed consolidation or annexation does not result in a resulting or receiving school district with an average daily membership meeting or exceeding three hundred fifty (350) based upon the prior year third (3<sup>rd</sup>) quarter average daily membership.~~

~~In making a determination under (B) of Section 5.01, certain considerations will be taken into account by the State Board. The State Board will consider the extent to which the respective districts are or have been in compliance with certain provisions of Arkansas law or State Board rules, including academic and fiscal distress, Standards for Accreditation, and Arkansas teacher salary schedules.~~

~~For those resulting or receiving districts in compliance with Section 5.01 (C), the projected ADM of the proposed resulting or receiving district shall not be a factor in making the determination to approve or deny the petition for administrative consolidation or annexation.~~

~~If the State Board, after consideration of the petition and the evidence produced at the hearing, shall determine that significant reason(s) exist why the proposed administrative consolidation or annexation would not contribute to the betterment of the education of the students in the districts, it may deny the petition and shall state its specific findings in the order entered in the proceedings.~~

~~5.02 — Prior to the entry of any order approving a petition for administrative consolidation or annexation, 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 district or districts in desegregation of the public schools of this state.~~

~~5.03 — In addition to all other requirements in these rules, the State Board shall not approve any petition nor order any annexation or consolidation of school districts when the effect of such annexation or consolidation~~

~~hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.~~

~~5.04—In addition to the standards set forth in Section 5.01 of these rules, noncontiguous school districts may voluntarily consolidate if:~~

- ~~(A)(1) The facilities and physical plant of each school district are within the same county, and~~
- ~~(2) The State Board approves the administrative consolidation, or~~
- ~~(B)(1) The facilities and physical plant of each school district are not within the same county, and~~
- ~~(2) The State Board approves the administrative consolidation or annexation and finds that:~~
  - ~~(i) — (i) — The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved, or~~
  - ~~(ii) — (ii) — The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.~~

~~5.05—If the resulting district in an administrative consolidation fails to establish an interim school board by May 31 of the year of petition, the State Board shall appoint an interim board to serve until the next elected school board assumes office, in the following manner:~~

- ~~(A) — The interim board shall be made up of seven (7) board members;~~
- ~~(B) — The interim board shall be made up of board members from the boards of directors of the affected school districts;~~
- ~~(C) — The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;~~
- ~~(D) — Unless provided otherwise by the State Board, the board membership of each interim resulting school district under Section 5.05 shall be selected first of the board presidents; second, board secretaries; and third, any other remaining current local board members selected by the State Board;~~
- ~~(E) — The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and~~
- ~~(F) — The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.~~

- ~~5.06—If the resulting district in an administrative consolidation voluntarily agrees to establish an interim school board by May 31, of the year of petition, the board shall be selected as follows:~~
- ~~(A)—The board of directors of the affected districts may by agreement establish an interim board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors;~~
  - ~~(B)—The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;~~
  - ~~(C)—The board of each affected school district shall select the board members that it wishes to have placed on the interim board of the resulting district. If the affected district is unable to select membership by a majority vote of the local board, the affected district(s) may select members to the interim resulting board by drawing lots.~~
  - ~~(D)—The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and~~
  - ~~(E)—The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation unless the resulting district opts to follow the procedures set forth in Section 2 of Act 274 of 2005.~~
- ~~5.07—If a school district fails to petition the State Board for administrative consolidation or annexation as required by A.C.A. § 6-13-1603(a)(2)(A) or the State Board denies a petition for administrative consolidation or annexation, the State Board shall, on its own motion, administratively consolidate a school district with or into any one (1) or more school districts in Arkansas by May 1, and the administrative consolidation shall be effective the July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.~~
- ~~5.08—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 A.C.A. § 6-13-1602.~~

~~5.09~~ Upon approving a petition for administrative consolidation or annexation or acting on its own motion to administratively consolidate school districts, the State Board shall prepare a written order of administrative consolidation or annexation and file such order with the county clerk's office of each county clerk in the counties where the resulting or receiving school district is located.

~~5.10~~ The State Board shall not order the closing of any isolated school facility as a result of an administrative consolidation or annexation of an isolated school except as allowed by law.

~~5.11~~ The board of directors of any receiving school district created after an administrative annexation (whether interim or permanent) shall be in compliance with A.C.A. § 6-13-1406 and Act 274 of the Arkansas 85th General Assembly.

~~6.00~~ GENERAL PROVISIONS GOVERNING ADMINISTRATIVE CONSOLIDATIONS OR ANNEXATIONS

~~6.01~~ All administrative consolidations or annexations 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.

~~6.02~~ The millage rate of the electors of the affected districts of an administrative consolidation or annexation shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district.

~~6.03~~ No administrative consolidation or annexation shall be construed to require the closing of any school or school facility except as allowed by law.

~~6.04~~ All resulting or receiving school districts created from an administrative consolidation or annexation shall have no more than one (1) superintendent and no more than one (1) local school board.

~~6.05~~ 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 classified by the State Board as being in academic or fiscal distress at the time of the consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the July 1 effective date of consolidation unless:

(A) The school district fails to meet minimum teacher salary requirements set forth in law and rules; or



~~(B) — The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools issued by the Department of Education.~~

~~6.06 — The provisions of A.C.A. § 6-13-1406, Act 25 of the Second Extraordinary Session 2003 and Act 2151 of 2005 shall govern the board of directors of each resulting or receiving school district created from an administrative consolidation or annexation.~~

#### ~~7.00 — ISOLATED SCHOOLS~~

~~7.01 — Prior to July 1, 2004, and each July 1 thereafter, the Department shall determine which schools meet the definition of “isolated schools” based upon the verified information submitted in the district’s petition for administrative consolidation or annexation or based upon relevant data submitted to the Department pursuant to A.C.A. § 6-20-601 and 602.~~

~~7.02 — Any isolated school within a resulting or receiving school district shall remain open except as allowed by law.~~

~~7.03 — Funding for isolated schools shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving school district.~~

#### ~~8.0 — BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS~~

~~8.01 — All boards of directors of local school districts shall be made up of five (5), seven (7) or nine (9) members as allowed by law, unless the school district is under a valid court order otherwise directing the number and composition of the local board.~~

~~8.02 — No board of directors shall have an even number of directors whether or not the number of directors of a school district’s board of directors was established by an agreement between or among the former school districts, which comprise the school district incident to a consolidation or annexation of the former school districts.~~

~~8.03 — No less than ninety (90) days prior to the 2005 annual school election, any school district with an even number of directors shall file a petition with the State Board of Education to establish the requisite odd number of directors.~~

~~8.04 — If the number of board members needs to be reduced to create a required odd number of directors and the members cannot agree on the method of reduction, the board of directors in office as of August 12, 2005, shall draw lots to determine which board positions will be eliminated.~~

- ~~8.05 — Any change in the number of directors serving on the local school district board of directors required by Arkansas law and these Rules shall be effective upon the directors' taking office following the 2005 annual school election.~~
- ~~8.06 — Except as otherwise provided by law, any school district which elects its school board members from single member zones shall be subject to the requirements of these Rules.~~

**~~BEFORE THE ARKANSAS STATE BOARD OF EDUCATION~~**

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**~~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 A.C.A. § 6-13-1601 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 A.C.A. § 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 quorum present 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 A.C.A. §§ 6-13-1405, 6-13-1406, and 6-13-1412 or 6-13-1413.~~

~~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 services 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 A.C.A. § 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.~~

~~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.~~

~~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.~~

~~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 A.C.A. § 6-13-1601 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 A.C.A. § 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 quorum present 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 first proper school election following the petitioned consolidation, the resulting \_\_\_\_\_ School District shall elect \_\_\_\_\_ local board members in compliance with A.C.A. §§ 6-13-1405, 6-13-1406 and 6-13-1412 or 6-13-1413.

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 services to all of the school districts involved based on the following factual reasons:

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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 A.C.A. § 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.



7. ~~The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district, 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.~~

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.~~

~~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 quorum 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 A.C.A. § 6-20-601 a school district must meet four of five criteria to qualify as an isolated school.
4. I am aware that pursuant to A.C.A. § 6-20-602 an isolated school must qualify as an isolated school district under § 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 § 6-20-602 (Act 60 of the Second Extraordinary Session of 2003).
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)*

(1) — ~~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 \_\_\_\_\_.~~

(2) — ~~The density ratio of transported students is less than three (3) students per square mile of area. The density ratio is \_\_\_\_\_.~~

(3) — ~~The total area of the district is ninety five (95) square miles or greater. The total area is \_\_\_\_\_ square miles.~~

(4) — ~~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 \_\_\_\_\_.~~

(5) — ~~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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

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Notary Public

My Commission expires:

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~~ARKANSAS DEPARTMENT OF EDUCATION  
RULE GOVERNING CONSOLIDATION OR ANNEXATION OF PUBLIC SCHOOL  
DISTRICTS AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS  
March 13, 2006~~

~~1.0 — PURPOSE~~

~~1.01 — This rule shall be known as the Arkansas Department of Education Rule Governing the Consolidation and Annexation of Public School Districts.~~

~~2.0 — AUTHORITY~~

~~The State Board of Education's authority for promulgation of this rule is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-13-1401 et seq.~~

~~3.0 — DEFINITIONS~~

~~3.01 — "Annexation" means the joining of an affected school district or a part of the school district with a receiving district.~~

~~3.02 — "Affected district" means a school district that loses territory or students as a result of annexation or consolidation.~~

~~3.03 — "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district.~~

~~3.04 — "Petition for annexation" means the official forms and documents published by the Department and hereby attached and incorporated into this rule as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board of Education for annexation of a school district or districts into a receiving school district.~~

~~3.05 — "Petition for consolidation" means the official forms and documents published by the Department and hereby attached and incorporated into this rule as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board of Education for consolidation of a school district or districts into a resulting school district.~~

~~3.06 — "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation.~~

~~3.07 — "Resulting district" means the new school district created from an affected district or districts as a result of consolidation.~~



~~3.08 — “State Board” means the State Board of Education.~~

~~4.0 — PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING  
THE ANNEXATION OF SCHOOL DISTRICTS~~

~~4.01 — There shall not be any annexation of any public school district with any other public school district in the state without the prior consent and approval of the State Board.~~

~~4.02 — The State Board shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:~~

~~4.02.1 — 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 of accreditation or failure to meet academic or fiscal 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., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.;~~

- ~~(i) — 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;~~
- ~~(ii) — 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 district or districts; and~~
- ~~(iii) — 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;~~
- ~~(iv) — 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~~

- ~~(v) — 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~~
- ~~(vi) — 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~~
- ~~(vii) — 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.~~

~~4.03 — 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, under the following conditions:~~

- ~~4.03.1 — The State Board, after providing thirty (30) days written notice to the affected school districts, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal 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. § 6-15-402 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or~~
- ~~4.03.2 — 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 Section 4.02 of this rule 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 once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.~~

- ~~4.04 — The petition for annexation filed by a school district must be filed on the attached “Petition for Annexation” form, along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201. A school district may attach additional information to the petition form, if necessary, to fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested.~~
- ~~4.05 — In order for the petition for annexation to be valid, it shall be filed in the Office of the Commissioner 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.~~
- ~~4.06 — No petition is required to be filed for the State Board to annex a school district or districts upon a motion of the State Board as set forth in Section 4.03.1 of this rule.~~
- ~~4.07 — The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Commissioner’s Memo.~~
- ~~4.08 — At the hearing before the State Board, the order of presentation shall be as follows:~~
- ~~A) — Remarks by petitioning school districts’ spokesperson(s);~~
  - ~~B) — Remarks by opposing school districts and citizen’s groups’ spokesperson(s);~~
  - ~~C) — Closing remarks by opposing school districts and citizen’s groups’ spokesperson(s);~~
  - ~~D) — Closing remarks by petitioning school districts’ spokesperson~~
- ~~4.09 — Each petitioning school district shall have twenty (20) minutes to present the district’s remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district’s spokesperson(s) more than twenty (20) minutes to speak.~~
- ~~4.10 — Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one (1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school districts(s)~~

~~or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.~~

~~4.11 Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.~~

~~4.12 Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.~~

~~4.13 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for annexation.~~

~~4.14 The State Board shall issue a written decision approving the annexation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.~~

~~4.15 Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state, including school districts which are not petitioners for the annexation before the State Board.~~

#### ~~5.0 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING THE CONSOLIDATION OF SCHOOL DISTRICTS~~

~~5.01 There shall not be any consolidation of any public school district with any other public school district in the state without the prior consent and approval of the State Board.~~

~~5.02 The State Board shall consider the consolidation of an affected school district or districts to a resulting district or districts under the following conditions:~~

~~5.02.1 The State Board, after providing thirty (30) days written notice to the affected school districts, determines that consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards of accreditation or failure to meet academic or fiscal 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.,~~

and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

- (i) — The affected districts file a petition with the State Board requesting that the affected districts be consolidated into a resulting district or districts, and a copy of the petition is filed with the county clerk’s office of each county where the affected districts are located;
- (ii) — 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 districts; and
- (iii) — A majority of the qualified electors in the affected districts vote to approve the 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
- (iv) — 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.

5.03 — The State Board 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 under the following conditions:

5.03.1 — The State Board, after providing thirty (30) days written notice to the affected schools, may on its own motion based on a school district’s failure to meet standards of accreditation or failure to meet academic or fiscal 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., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

5.03.2 — Upon receipt of a valid petition for consolidation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Section 5.02 of this rule and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

5.04 — The petition for consolidation filed by a school district must be filed on the attached “Petition for Consolidation” form along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the

~~Office of the Commissioner, Arkansas Department of Education, #4 Capitol Mall, Little Rock, AR 72201. A school district may attach additional information to the petition form, if necessary, to fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested.~~

- ~~5.05—In order for the petition for consolidation to be valid, it shall be filed in the Office of the Commissioner 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.~~
- ~~5.06—No petition is required to be filed for the State Board to consolidate a school district or districts upon a motion of the State Board and as set forth in Section 5.03.1 of this Rule.~~
- ~~5.07—The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Commissioner's Memo.~~
- ~~5.08—At the hearing before the State Board, the order of presentation shall be as follows:~~
- ~~A) —Remarks by petitioning school districts' spokesperson(s);~~
  - ~~B) —Remarks by opposing school districts and citizen's groups' spokesperson(s);~~
  - ~~C) —Closing remarks by opposing school districts and citizen's groups' spokesperson(s);~~
  - ~~D) —Closing remarks by petitioning school districts' spokesperson~~
- ~~5.09—Each petitioning school district shall have twenty (20) minutes to present the district's remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district's spokesperson(s) more than twenty (20) minutes to speak.~~
- ~~5.10—Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one (1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school districts(s) or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.~~

- ~~5.11—Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.~~
- ~~5.12—Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.~~
- ~~5.13—Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for consolidation.~~
- ~~5.14—The State Board shall issue a written decision approving the consolidation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.~~
- ~~5.15—Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state, including school districts which are not petitioners for the consolidation before the State Board.~~
- ~~6.0—STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ANNEXATIONS AND CONSOLIDATIONS~~
- ~~6.01—Prior to the entry of any order approving a petition for consolidation or annexation, 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 district or districts in desegregation of the public schools of this state.~~
- ~~6.02—In addition to all other requirements in this rule, the State Board shall not approve any petition nor order any annexation or consolidation of school districts when the effect of such annexation or consolidation hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.~~
- ~~6.03—Upon the annexation or consolidation of school districts by the State Board's own motion, or by the approval of a petition requesting annexation or consolidation, the State Board shall issue an order containing, but not limited to, the following:~~
- ~~6.03.1 Dissolving the affected school districts and establishing the receiving or resulting district or districts;~~
  - ~~6.03.2 Establishing the boundary lines of the receiving or resulting district or districts;~~

~~6.03.3 Directing the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving or resulting district or districts.~~

~~6.04 The State Board shall also issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the receiving or resulting district or districts are located.~~

~~6.05 The county clerk shall make a permanent record of the order described in Section 6.04 of this Rule, above, and, thereafter, the boundaries so established shall be the boundaries of the receiving or resulting district until changes are made according to the provisions of law.~~

~~6.06 The State Board shall neither annex nor consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation or consolidation:~~

- ~~(1) The annexation or consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or~~
- ~~(2) The annexation or consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.~~

## ~~7.0 GENERAL PROVISIONS GOVERNING CONSOLIDATIONS OR ANNEXATIONS~~

~~7.01 All consolidations or annexations 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.~~

~~7.02 The millage rate of the electors of the affected districts of a consolidation or annexation shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district.~~

~~7.03 Upon the State Board's approval of a petition for annexation or consolidation or the approval of an annexation or consolidation pursuant to the State Board's own motion, the effective date of the annexation or consolidation shall be the July 1 following the order of the State Board directing the annexation or consolidation, unless the State Board determines otherwise.~~

## ~~8.0 BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS~~

~~8.01 The State Board shall afford the school districts involved in an annexation or consolidation thirty (30) days from the date of its order granting the annexation or consolidation to establish an interim board to govern the~~



~~receiving or resulting district, with the interim board to be selected pursuant to the provisions of either Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 or 6-13-1413.~~

~~8.02 The provisions of Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 and 6-13-1413 shall govern the board of directors of each resulting or receiving school district created from an annexation or consolidation.~~

~~8.03 All boards of directors of local school districts shall be made up on five (5), seven (7) or nine (9) members as allowed by law, unless the school district is under a valid court order otherwise directing the number and composition of the local board.~~

~~8.04 No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts, which comprise the school district incident to a consolidation or annexation of the former 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 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 A.C.A. § 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 A.C.A. § 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 quorum present 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 A.C.A. §§ 6-13-1405, 6-13-1406, 6-13-1412 or 6-13-1413.~~

~~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 services 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 A.C.A. § 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.~~

~~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.~~

~~\_\_\_\_\_ 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 A.C.A. § 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 A.C.A. § 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 quorum present 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 A.C.A. §§ 6-13-1405, 6-13-1406, 6-13-1412 or 6-13-1413.~~

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 services to all of the school districts involved based on the following factual reasons:~~

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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 A.C.A. § 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.

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.

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 quorum 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.

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING THE DISTRIBUTION OF  
CONSOLIDATION/ANNEXATION INCENTIVE FUNDING**  
November 2005

**1.0 — PURPOSE**

- 1.01 — These rules shall be known as the Arkansas Department of Education Rules Governing the Distribution of Consolidation/Annexation Incentive Funding.
- 1.02 — It is the purpose of these rules to provide the method for allocation of funds to provide a monetary incentive for those school districts that are consolidating or annexing.

**2.0 — AUTHORITY**

- 2.01 — The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 6-13-1401 et seq.

**3.0 — DEFINITIONS**

- 3.01 — "Affected District" means a school district that loses territory or students as a result of annexation or consolidation.
- 3.02 — "Annexation" means the joining of an affected school district or part thereof with a receiving district.
- 3.03 — "Average Daily Membership" (ADM) means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest hundredth.
- 3.04 — "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district.
- 3.05 — "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.
- 3.06 — "Foundation Funding Amount per Student" 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.
- 3.07 — "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.
- 3.08 — "Receiving District" means a school district or districts that receive territory, students, or both from an affected district as a result of annexation.
- 3.09 — "Resulting District" means the new school district created from an affected district or districts as a result of consolidation.

#### 4.0 — DISTRIBUTION GUIDELINES

4.01 — Consolidation/annexation incentive funding shall be determined as follows:

- 4.01.1 — ~~One hundred percent (100%) of the incentive allowance computed as provided in these rules shall be added 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 granted 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.~~
- 4.01.2 — ~~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 foundation funding amount per student by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is three hundred (300).~~
- 4.01.3 — ~~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 current year ADM of the smaller district by the foundation funding amount per student, by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable three hundred (300).~~
- 4.01.4 — ~~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 foundation funding amount per student by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is four hundred (400).~~
- 4.01.5 — ~~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 current year ADM of the smaller district by the foundation funding amount per student, by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable three hundred (300).~~
- 4.01.6 — ~~For those school districts not required to be consolidated/annexed in the current school year, if four (4) or more district consolidate or three (3) districts are annexed to a fourth school district, multiply the total prior year ADM of all except the largest district by the foundation funding amount per student by the funding factor, where the minimum ADM applicable is one hundred (100) and the maximum ADM applicable is five hundred (500).~~
- 4.01.7 — ~~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 current year ADM of the smaller district by the foundation funding amount per student, by the funding factor, where the minimum ADM applicable is~~

~~one hundred (100) and the maximum ADM applicable three hundred (300).~~

~~4.01.8 If a district is annexed by multiple school districts, the incentive funding shall be computed as in 4.01.1 — 4.01.7 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.~~

## **5.0 — GENERAL REQUIREMENTS**

~~5.01 Consolidation/annexation incentive funding shall be distributed to either the resulting district(s) established after consolidation or the receiving district(s) after annexation.~~

~~5.02 Any district that has received consolidation/annexation incentive funds and subsequently dissolves shall be liable to the Department for the full or apportioned amount of incentive funding received if any of the following conditions result due to the dissolution:~~

~~5.02.1 Districts are formed with substantially the same boundaries as the former districts prior to consolidation or annexation;~~

~~5.02.2 The ability of any district to desegregate or remain desegregated is inhibited;~~

~~5.02.3 The ability of the State to ensure that students are provided a quality education in an efficient manner is inhibited.~~

~~5.03 Any repayment due, as required in 5.02 above, shall be paid from the assets of the district prior to dissolution of the district. The Department may withhold, from any state funding due the district, the amount of repayment funds or a portion thereof.~~

~~5.04 In the event full repayment is not made as required under 5.02 above, the Department 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 determines that such apportionment would be inequitable. In such case, the State Board of Education shall apportion the repayment among the districts upon an equitable basis.~~