

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

In the Matter of Kirby School District's Petition for Waiver of Minimum School District Size

On September 14, 2017, during a regular meeting of the Arkansas State Board of Education, pursuant to the legal authority and jurisdiction vested in the Board by Ark. Code Ann. § 6-13-1613 (minimum school district waiver size), the Board considered the Petition for Waiver filed by the Kirby School District.

FINDINGS OF FACT

1. On July 10, 2017, the Arkansas Department of Education published lists in accordance with Ark. Code Ann. § 6-13-1612. The Kirby School District appeared on the § 6-13-1602(2) consolidation list because the District had fewer than three hundred fifty (350) students according to the District's average daily membership in each of the two school years immediately preceding the 2017-18 school year.

2. Arkansas Code Annotated § 6-13-1603 requires that a school district appearing on the consolidation list be administratively annexed to or consolidated with one or more school districts by the next school year unless the school district is granted a waiver of minimum school district size under Ark. Code Ann. § 6-13-1613 by the State Board of Education.

3. On August 3, 2017, the District filed a timely petition with the State Board that contained all necessary documentation and statements of assurance required by Ark. Code Ann. § 6-13-1613.

4. On September 14, 2017, a hearing was held before the State Board in which the District provided additional evidence in support of its petition.

5. The District is not in fiscal, facilities, or academic distress. The District is not on probationary status for a violation of the Standards for Accreditation.

6. The academic facilities owned and operated by the District are adequate as evidenced by the school district's facilities master plan.

7. The District's board of directors assured in a resolution its support of the petition.

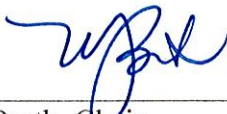
CONCLUSIONS OF LAW

8. Upon consideration of the District's petition and evidence presented at the hearing, the State Board concludes that the District produced the evidence required by Ark. Code Ann. § 6-13-1613 to justify a minimum school size waiver.

ORDER

For the above reasons, the Kirby School District's petition for a minimum school district size waiver is granted.

Signed this 15th day of September, 2017.



Jay Barth, Chair
Arkansas State Board of Education