

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

On February 9, 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. § 6-13-1001 *et seq.* (Education Service Cooperative Act), the Board considered the request of the Stuttgart School District for a boundary change.

### **FINDINGS OF FACT**

1. On January 20, 2017, the Stuttgart School District Board of Directors and administration (“District”) requested a boundary change of Education Service Cooperatives. Specifically, the District requested that it be transferred from the Arkansas River Education Cooperative to the Wilbur D. Mills Education Cooperative. In its request, the District indicated that the Board of Directors of the Arkansas River Education Cooperative “denied [the District] release by a vote of 4-3.”

2. In a letter dated January 24, 2017, the Wilbur Mills Education Service Cooperative indicated that its Board of Directors, by a majority vote, authorized its Director to support the District’s request.

3. In a letter dated February 9, 2017, the Arkansas River Education Service Cooperative (“Cooperative”) responded to the District’s request, pointing out that the requested boundary change would be inconsistent with the Arkansas Department of Education Rules Governing Education Service Cooperatives (effective March 2016) for several reasons.

4. On February 9, 2019, a hearing on this matter was held before the State Board in which both the District and Cooperative had the opportunity to, and did, present additional evidence.

5. Evidence in both the pre-hearing filings and during the hearing established that the Cooperative has a total of approximately 20,323 students, that the District has approximately 1,578 students, and that there currently are seven Education Service Cooperatives in the State that have a total of less than 20,000 students.

### **CONCLUSIONS OF LAW**

6. The applicable law in considering requests for Education Service Cooperative boundary changes is set forth at Ark. Code Ann. § 6-13-1005 and § 6-13-1003(c).

7. Section 6-13-1003(c)(2) provides that while the State Board may make adjustments, “no more than four (4) of the areas formed may contain fewer than twenty thousand (20,000) students.”

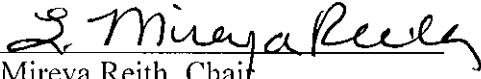
8. There currently exist seven Education Service Cooperatives in the State that contain fewer than 20,000 students, and the requested boundary change would result in yet another Education Service Cooperative having less than 20,000 students.

9. Because there currently are seven Education Service Cooperatives with fewer than 20,000 students, this Board is prohibited by Ark. Code Ann. § 6-13-1005 and § 6-13-1003(c) from granting the requested transfer.

### **ORDER**

For the above reasons, the Stuttgart School District’s request for an Education Service Cooperative boundary change is denied.

Signed this 10<sup>th</sup> day of February, 2017.

  
Mireya Reith, Chair  
Arkansas State Board of Education