

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
 RULES GOVERNING CONSOLIDATION AND
 ANNEXATION OF SCHOOL DISTRICTS**

TABLE OF CONTENTS

Chapter 1: Authority and Definitions	3
1.00 Purpose	3
2.00 Authority	3
3.00 Definitions	3
4.00 Consolidation and Annexation Authority of the State Board of Education	4
Chapter 2: Consolidation and Annexation of School Districts	4
5.00 Conditions under which the State Board of Education may Annex School Districts	4
6.00 Conditions under which the State Board of Education may Consolidate School Districts	7
7.00 Resulting District Successor in Interest – When Part of District Taken	8
8.00 Annexation or Consolidation Not to Negatively Impact State-Assisted Desegregation	8
9.00 Other State Board of Education Duties	9
10.00 Appeal and Election	9
11.00 Use of Fund Balances	9
12.00 Involuntary Annexation or Consolidation—Effective Date—Interim Board of Directors	10
13.00 Voluntary Annexation or Consolidation—Effective Date—Interim Board of Directors	15
14.00 Formation of a Permanent Board of Directors	18
Chapter 3: Administrative Consolidation and Annexation of School Districts ...	20 <u>21</u>
15.00 Administrative Consolidation List	20 <u>21</u>
16.00 Administrative Reorganization	20 <u>21</u>
17.00 Retention of Historical Records and Documents	22 <u>23</u>
18.00 Audit Required	23 <u>24</u>
19.00 Preservation of Historical School Artifacts	24 <u>25</u>
20.00 Financial Relief for Debts Acquired as a Result of Involuntary Consolidations .	24 <u>25</u>
21.00 Annual Reports	26 <u>27</u>
22.00 Academic Support Centers	27 <u>28</u>
Chapter 4: Consolidation and Annexation Incentive Funding	28 <u>29</u>
23.00 Definitions Applicable to Consolidation and Annexation Incentive Funding ...	28 <u>29</u>
24.00 Guidelines for the Distribution of Consolidation and Annexation Incentive Funding	28 <u>29</u>
25.00 General Requirements	30 <u>31</u>
26.00 State Board Hearing Procedures—Voluntary Consolidations and Annexations .	31 <u>32</u>
27.00 State Board Hearing Procedures—Involuntary Consolidations and Annexations .	31 <u>32</u>

Chapter 5: Waivers **32 33**
28.00 Minimum School District Size Waiver 32 33

Appendix A: Attachments Pertaining to Annexations and Consolidations of School Districts (Non-Administrative) **35 36**
Petition for Annexation 36 37
Petition for Consolidation 39 40
School Board Resolution 43 44
Affidavit Concerning Desegregation Orders 44 45

Appendix B: Attachments Pertaining to Administrative Annexations and Consolidations of School Districts **45 46**
Petition for Voluntary Annexation 46 47
Petition for Voluntary Consolidation 50 51
School Board Resolution 54 55
Affidavit of Average Daily Membership 55 56
Affidavit of Isolated School Status 57 58
Affidavit Concerning Desegregation Orders 59 60

Mark UP

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING CONSOLIDATION AND
ANNEXATION OF SCHOOL DISTRICTS
August 2020 _____**

CHAPTER 1: AUTHORITY AND DEFINITIONS

1.00 PURPOSE

- 1.01 The purpose of these rules is to establish the requirements and procedures concerning the consolidation and annexation of school districts; the administrative consolidation and annexation of school districts; and the distribution of consolidation/annexation incentive funding.

2.00 AUTHORITY

- 2.01 The State Board of Education (State Board) enacts these rules pursuant to the authority granted by Ark. Code Ann. §§ 6-13-1401 et seq.; and 6-13-1601 et seq.; ~~and Act 757 of 2019.~~

13.00 VOLUNTARY CONSOLIDATION OR ANNEXATION – EFFECTIVE DATE – INTERIM BOARD OF DIRECTORS

- 13.01 Ark. Code Ann. § 6-13-1416 and Section 13.00 of these rules apply to any petition for consolidation or annexation of a school district submitted to the State Board by a school district.
- 13.02 The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the State Board approves the consolidation or annexation petition unless the State Board approves an alternative effective date or determines otherwise.
- 13.03 Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school district's board of directors.
 - 13.03.1 The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.
 - 13.03.2 The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent board of directors of the resulting district or receiving district under Ark. Code Ann. § 6-13-1417 or as allowed by law.
 - 13.03.2.1 If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.
 - 13.03.2.2 The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.
- 13.04 The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:

- 13.04.1 Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;
 - 13.04.2 Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or
 - 13.04.3 Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.
- 13.05 If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:
- 13.05.1 Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under Ark. Code Ann. § 6-13-1416(c)(3)(B) and Sections 13.03.2.1 and 13.03.2.2 of these rules; or
 - 13.05.2 All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.
- 13.06 If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district before annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:
- 13.06.1 The voluntary resignation of one (1) or more members of the existing board of directors;
 - 13.06.2 Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or

- 13.06.3 Selecting one (1) or more members of the existing board of directors by a random lot drawing.
- 13.07 If the written agreement in an administrative consolidation or an administrative annexation under Ark. Code Ann. § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.
- 13.08 An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the State Board.
- 13.08.1 If the written agreement is approved by the State Board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school boards of directors.
- 13.08.2 A written agreement under Ark. Code Ann. § 6-13-1416 and Section 13.00 of these rules shall not be effective without approval from the State Board.
- 13.09 A consolidation or annexation petition approved by the State Board along with an executed copy of the written agreement shall be filed with the:
- 13.09.1 County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;
- 13.09.2 Secretary of State; and
- 13.09.3 Arkansas Geographic Information Systems Office.
- 13.10 An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.
- 13.11 An approved consolidation or annexation petition filed with the Secretary of State and the Arkansas Geographic Information Systems Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Systems Office.
- 13.12 A receiving district that received an affected district as a result of a voluntary administrative annexation under § 6-13-1601 *et seq.* shall notify all contiguous public school districts of its intent to close a public school campus that is part of an affected district a minimum of (1) year before the closure of the public school campus.

13.12.1 An affected district under Section 13.12 of these rules shall have been the result of a voluntary administrative annexation under § 6-13-1601 *et seq.* that occurred no more than twenty (20) years ago.

13.13 Upon receiving notice from the receiving district under Section 13.12 of these rules, a contiguous public school district may:

13.13.1 Notify the receiving district of its interest in accepting the affected district for purposes of keeping the public school campus open, and;

13.13.2 Petition the State Board of Education to reverse the previous voluntary administrative annexation under § 6-13-1601 *et seq.* and consolidate the affected district into the contiguous public school district.

13.13.2 A petition under Section 13.13.2 of these rules shall include the following without limitation:

13.13.2.1 How the contiguous public school district intends to serve the students of the affected district;

13.13.2.2 Evidence that the consolidation will not cause fiscal hardship on the contiguous public school district; and

13.13.2.3 Evidence that the consolidation will not cause fiscal hardship on the affected district.

Source: Ark. Code Ann. § 6-13-1416