

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**In the Matter of Marvell-Elaine School District's Petition for Waiver of Minimum  
School District Size**

On April 13, 2023, 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 reconsidered the Petition for a minimum school district size waiver filed by the Marvell-Elaine School District.

**FINDINGS OF FACT**

1. On November 2, 2022, the Division of Elementary and Secondary Education published lists in accordance with Ark. Code Ann. § 6-13-1602 through the issuance of Commissioner's Memo COM-23-038. The Marvell-Elaine 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 2022-23 school year.

2. Arkansas Code Annotation § 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 the minimum school district size by the State Board of Education pursuant to Ark. Code Ann. § 6-13-1613.

3. On November 18, 2022, the District filed a timely petition for a minimum school district size waiver with the State Board.

4. On December 8, 2022, a hearing was held before the State Board concerning the District's petition.

5. The District was not classified as being in facilities distress or fiscal distress. It was, however, classified as in need of Level 5 – Intensive support.

6. The academic facilities owned and operated by the District were 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.

8. On December 8, 2022, the State Board denied the District's petition, which it had the authority to do because the District was classified as being in need of Level 5 – Intensive support.

9. In March of 2023, the Arkansas General Assembly passed Act 237 of 2023 (a/k/a the "LEARNS Act"), which provided new, innovative options for improving student learning in school districts, including those classified as being in need of Level 5 – Intensive support. Because the Act contained an Emergency Clause, most of its provisions took effect on March 14, 2023, including the provisions affording school districts this opportunity.

#### **CONCLUSIONS OF LAW AND ORDER**

10. During its regular meeting on April 13, 2023, considering the promulgation of the LEARNS Act and the opportunities it provides, among other things, the State Board voted to rescind its denial of the District's petition for a minimum school district size waiver.

IT IS SO ORDERED.

Signed this 13<sup>th</sup> day of April, 2023.

  
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Ouida Newton, Chair  
Arkansas State Board of Education