ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE CLOSURE OF ISOLATED SCHOOLS
September 2012

1.00 PURPOSE

1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Closure of Isolated Schools.

2.00 AUTHORITY

2.01 The State Board of Education enacted these rules pursuant to Ark. Code Ann. §§ 6-11-105, 6-13-1603, 6-20-602 and 25-15-201 et seq.

3.00 DEFINITIONS

3.01 "Affected district" means a school district that:

3.01.1 Loses territory or students as a result of an administrative annexation; or

3.01.2 Is involved in an administrative consolidation.

3.02 "Closure" means the cessation of use of an isolated school for the purpose of daily classroom instruction.

3.03 "Isolated school" means a school within a school district that:

3.03.1 Prior to administrative consolidation or annexation under Ark. Code Ann. § 6-13-1601 et seq. qualified as an isolated school district under Ark. Code Ann. § 6-20-601; and

3.03.2 Is subject to administrative consolidation under Ark. Code Ann. § 6-13-1601 et seq.

3.04 "Partial closure" means the cessation of daily classroom instruction in one or more grade levels of an isolated school. This definition does not include the cessation of daily classroom instruction in classrooms within a particular grade level.

3.05 "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of an administrative annexation; and

3.06 "Resulting district" means the new school district created from an affected district or districts as a result of an administrative consolidation.

4.00 CLOSING OF ISOLATED SCHOOLS

4.01 Any isolated school within a resulting or receiving district shall remain open unless the school board of directors of the resulting or receiving district adopts a motion to close the isolated school or parts thereof by:

4.01.1 Unanimous vote of the full board of directors; or

4.01.2 A majority vote of the full board of directors, but less than a unanimous vote, and the motion is considered by and approved by a majority vote of members of the State Board of Education (State Board).

4.02 Any school board of directors seeking the state board approval to close isolated schools or parts thereof under subdivision 4.01.2 of these rules shall:

4.02.1 No less than thirty (30) days prior to a regularly scheduled State Board meeting, request a hearing on the matter before the State Board and file a petition to have the motion reviewed and approved by the State Board.

4.02.2 The petition shall:

4.02.2.1 Identify the specific isolated schools or part thereof that the local board of directors has moved to close;

4.02.2.2 State all reasons that the isolated schools or part thereof should be closed;

4.02.2.3 State how the closure will serve the best interests of the students in the district as a whole;

4.02.2.4 State if the closure will have any negative impact on desegregation efforts or violate any valid court order from a court of proper jurisdiction; and

4.02.2.5 Have attached a copy of the final motion approving the closure by the local board of directors.

4.03 Upon receiving a petition for approval of a motion to close all or part of an isolated school under subdivisions 4.01.2 and 4.02 of these rules, the State Board shall have the authority to review and approve or disapprove the petition.

4.04 The State Board shall only approve a motion to close isolated schools or parts thereof under subdivisions 4.01.2 and 4.02 of these rules if the closure is in the best interest of the students in the school district as a whole.

4.05 The State Board shall not close a school if the State Board finds that the closure will have any negative impact on desegregation efforts or will violate any valid court order from a court of proper jurisdiction.

4.06 Except under subsection 4.07 of these rules, the State Board shall not require the closure of all or part of an isolated school without a motion from the local board of directors as required under subdivisions 4.01.2 and 4.02 of these rules.

4.07 Ark. Code Ann. § 6-20-602 and these rules shall not be construed to restrict the authority of the Department of Education and the State Board otherwise granted by law.

4.08 Funding for isolated school districts 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 district.

5.00 STATE BOARD HEARING PROCEDURES – CLOSURE OF ISOLATED SCHOOLS

5.01 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.

5.02 The spokesperson(s) for the petitioning school district shall have a total of fifteen (15) minutes to present the school district’s remarks. The State Board may allow more than fifteen (15) minutes if necessary.

5.03 The spokesperson(s) for any individual or group of citizens that opposes the petition shall have a total of fifteen (15) minutes to present the remarks of the individual or group of citizens. The State Board may allow more than fifteen (15) minutes if necessary.

5.04 The spokesperson(s) for the petitioning school district shall have a total of five (5) minutes to present closing remarks to the State Board. The State Board may allow more than five (5) minutes if necessary.

5.05 The State Board shall then discuss, deliberate and vote upon the matter of approving or denying the school district’s petition.

5.06 If it deems necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations and votes upon the matter take place in a public hearing.

5.07 The State Board shall issue a written order concerning the matter.