

## **A.C.A. § 6-13-1613**

Unofficially updated with all emergency legislation effective through March 21, 2023; and also includes all laws regardless of effective date through Act 175 of the 2023 Regular Session. Unofficial updates are provisional only and do not include corrections and edits by the Arkansas Code Revision Commission.

***AR - Arkansas Code Annotated > Title 6 Education > Subtitle 2. Elementary and Secondary Education Generally > Chapter 13 School Districts > Subchapter 16 — Public Education Reorganization Act***

### **6-13-1613. Minimum school district size waiver.**

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(a)

(1) A school district that is placed on the consolidation list published by the Division of Elementary and Secondary Education under § 6-13-1602(2) may annually request a waiver from the average daily membership requirement of three hundred fifty (350) students from the State Board of Education.

(2) A school district shall submit a petition for a waiver to the state board no later than thirty (30) days after the consolidation list is published.

(3) The petition for a waiver shall include:

(A) The average daily membership of the school district in the current school year;

(B) A statement that the school district is not in probationary status for any violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) A copy of the school district's current year budget and any fiscal audit conducted within the previous two (2) years; and

(D) A statement of assurance that the school district is not currently classified in Level 5 — Intensive support, fiscal distress, or facilities distress.

(b)

(1) The state board shall render a decision to either grant or reject a petition for a waiver that is received from a school district within forty-five (45) days of receipt.

(2) The state board shall grant a petition for a waiver if it is demonstrated by the school district that:

(A) The school district is not currently classified in Level 5 — Intensive support, fiscal distress, or facilities distress;

(B) The school district is not in probationary status for a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts;

(C) The academic facilities owned and operated by the school district are adequate as evidenced by the school district's facilities master plan; and

(D) It is in the best interest of the students in the school district to keep the school district open due to the length of potential time spent on the bus by a student traveling to and from school should the school district be administratively reorganized, as assured by the school board of directors of the school district requesting the waiver.

(3) The state board may revoke a waiver that has been granted to a school district at any time if it is found that the conditions under subdivision (b)(2) of this section change.

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(c) A school district that is granted a waiver shall remain listed on the consolidation list that is published annually by the division.

## History

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Acts 2015, No. 377, § 2; 2017, No. 936, §§ 11, 12; 2019, No. 910, § 1180.

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