

## A.C.A. § 6-13-1601

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.

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### **6-13-1601. Definitions.**

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As used in this subchapter:

- (1) “Administrative annexation” means the joining of an affected district or a part of the school district with a receiving district;
- (2) “Administrative consolidation” means the joining of two (2) or more school districts to create a new single school district with one (1) administrative unit and one (1) board of directors that is not required to close school facilities;
- (3) “Affected district” means a school district that loses territory or students as a result of administrative annexation or administrative consolidation;
- (4) “Average daily membership” has the same meaning as defined in § 6-20-2303;
- (5) “Receiving district” means a school district or districts that receive territory or students, or both, from an affected district as a result of administrative annexation; and
- (6) “Resulting district” means the new school district created from an affected district or affected districts as a result of administrative consolidation.

### **History**

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Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 21; 2013, No. 1073, § 12.

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## A.C.A. § 6-13-1602

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### **6-13-1602. Administrative consolidation list.**

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By January 1 of each year, the Division of Elementary and Secondary Education shall publish a:

- (1) List of all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year; and
- (2) Consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

### **History**

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Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22; 2011, No. 989, § 10; 2019, No. 910, § 1169.

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## **A.C.A. § 6-13-1603**

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### **6-13-1603. Administrative reorganization.**

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(a)

(1) Any school district included in the Division of Elementary and Secondary Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of this section.

(2)

(A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) A school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602 unless the school district has been granted a waiver under § 6-13-1613.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

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- (d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.
- (e) Nothing in this section shall be construed to require the closing of any school or school facility.
- (f) No administratively consolidated or annexed district shall have more than one (1) superintendent.
- (g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:
- (1) The school district fails to meet minimum teacher salary requirements; or
  - (2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the division.
- (h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:
- (1) Are within the same county, and the state board approves the administrative consolidation; or
  - (2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:
    - (A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or
    - (B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.
- (i) Contiguous school districts may administratively consolidate even if they are not in the same county.
- (j) The state board shall promulgate rules to facilitate the administration of this subchapter.
- (k) The provisions of §§ 6-13-1415 — 6-13-1417 shall govern the board of directors of each resulting district or receiving district created under this subchapter.

## History

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Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23; 2011, No. 1217, § 5; 2015, No. 377, § 1; 2019, No. 910, §§ 1170, 1171.