

**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 December 8, 2022, 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 considered the Petition for Waiver of Minimum School District Size 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 2022-2023 school year.

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

3. On November 18, 2022, the District filed a timely petition 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 is not classified as being in facilities distress or fiscal distress. It is, however, classified as in need of Level 5—Intensive Support.

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

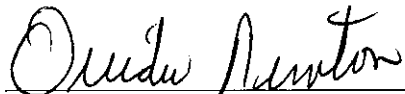
#### **CONCLUSIONS OF LAW**

8. Upon consideration of the District's petition and evidence presented at the hearing, the State Board concludes that the District's minimum school district size waiver should be denied.

#### **ORDER**

For the above reasons, this Board denies the Petition of the Marvell-Elaine School District for a minimum school district size waiver effective December 8, 2022.

Signed this 8<sup>th</sup> day of December, 2022.

  
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Ouida Newton, Chair  
Arkansas State Board of Education