

History. Acts 1995, No. 1125, § 6; 2013, No. 1138, § 12.

Amendments. The 2013 amendment substituted "licensed" for "certified" in (b)(2).

SUBCHAPTER 14 — CONSOLIDATION, ANNEXATION, AND FORMATION

SECTION.

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Consolidation, annexation, or merger of districts, § 6-14-122.

Effective Dates. Acts 2001, No. 1037, § 2; Mar. 22, 2001. Emergency clause provided: "It is found and determined by the General Assembly that several school districts have agreed upon boundary changes, and it could cause irreparable harm for students who are displaced by a change in boundaries in the middle of a school year. Therefore, it is necessary to have boundary changes effective prior to the beginning of the school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2003, No. 1467, § 23; emergency clause failed to pass. Emergency clause provided: "Unless otherwise provided in this act, this act shall become effective on July 1, 2003."

Acts 2019, No. 910, § 6346(b); July 1, 2019. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the sections of this act other than the two uncodified sections of this act preceding the emergency clause titled 'Funding and classification of cabinet-level department secretaries' and 'Transformation and Efficiencies Act transition team' should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and Sections 1 through 6343 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019".

6-13-1401. Definitions.

As used in this subchapter:

- (1) "Affected district" means a school district that:
 - (A) Loses territory or students as a result of annexation; or
 - (B) Is involved in a consolidation;
- (2) "Aggrieved district" means the lawfully constituted and existing board of directors of a school district that gains or loses territory or students as a result of an annexation or consolidation;
- (3) "Annexation" means the joining of an affected school district or part thereof with a receiving district;
- (4) "Consolidation" means the joining of two (2) or more affected school districts or parts thereof to create a new single school district;
- (5) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation; and
- (6) "Resulting district" means the new school district created from an affected district or districts as a result of consolidation.

History. Acts 2001, No. 1225, § 1; 2011, No. 989, § 5; 2011, No. 1217, § 1.

Amendments. The 2011 amendment by No. 989 subdivided and rewrote former (1); inserted (2) and redesignated the remaining subdivisions accordingly; and deleted former (6).

The 2011 amendment by No. 1217 subdivided and rewrote former (1); inserted (2) and redesignated the remaining subdivisions accordingly.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2001 Arkansas General Assembly, Education Law, 24 U. Ark. Little Rock L. Rev. 453.

6-13-1402. Consolidation and annexation authority.

There shall not be any consolidation or annexation of any public school district with any other school district in the state without the prior consent and approval of the State Board of Education.

History. Acts 2001, No. 1225, § 1.

6-13-1403. Conditions under which State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected district or districts to a receiving district or districts under the following conditions:

(1) The state board, after providing thirty (30) days' written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation, failure to meet fiscal or facilities distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.;

(2)(A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected district or districts are located.

(B) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts.

(C) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

(3)(A) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected district or districts to a receiving district or districts as provided for in § 6-14-122.

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in § 6-14-122; or

(4)(A) The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts.

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

(b) The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district.

(1) The state board, after providing thirty (30) days' written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation, failure to meet fiscal distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2) Upon receipt of:

(A) A valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section; and

(B) Proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately before the time the petition is filed with the state board.

(c)(1) In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to annex a school district or districts upon a motion of the state board as allowed in subsection (b) of this section.

(d)(1) Upon determination by the state board to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.

(B) It is the duty of the Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk of each county where a receiving district is located;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Systems Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the receiving district until changes are made according to the provisions of law.

(f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:

- (1) The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
- (2) The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 6; 2013, No. 1073, § 7; 2015, No. 103, § 2; 2017, No. 936, §§ 6, 7; 2019, No. 757, § 4.

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3); rewrote (e)(1)(B)(i); inserted (e)(1)(B)(ii) and (iii); and substituted "The boundaries established under this subsection (e)" for "boundaries so established" in (e)(3).
The 2013 amendment, in (a)(1), inserted "or facilities" preceding "distress" and added "and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq."

The 2015 amendment inserted "Systems" in (e)(1)(B)(iii).
The 2017 amendment, in (a)(1) and (b)(1), inserted "or failure to meet the requirements to exit Level 5 — Intensive support", deleted "the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq." preceding "the Arkansas Fiscal Assessment", and added "and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq." at the end; deleted "academic" preceding "fiscal or facilities" in (a)(1); and deleted "academic or" preceding "fiscal distress" in (b)(1).
The 2019 amendment substituted "is" for "shall be" and "Arkansas Geographic Information Systems Office" for "Department of Education" in (d)(2)(B).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Academic Standards, 26 U. Ark. Little Rock L. Rev. 385.

6-13-1404. Conditions under which State Board of Education may consolidate school districts.

(a) The State Board of Education shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

(1) The state board, after providing thirty (30) days' written notice to the affected districts, determines consolidation is in the best interest of the affected district or districts and the resulting district, based upon failure to meet standards for accreditation, failure to meet fiscal or facilities distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support, pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2)(A) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

(B) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

(C) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

(D) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in § 6-14-122; and

(E) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days' written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation, failure to meet fiscal distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.; or

(2) May vote to approve, by a majority of a quorum present of the members of the state board, the consolidation of the affected districts into a resulting district upon receipt of:

(A) A valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section; and

(B) Proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately before the time the petition is filed with the state board.

(c)(1) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to consolidate a school district or districts on a motion of the state board as allowed in subsection (b) of this section.

(d)(1) Upon consolidation of a school district by the state board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected districts and establishing the resulting district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It is the duty of the Arkansas Geographic Information Systems Office to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

- (i) County clerk of each county where a resulting district is located;
- (ii) Secretary of State; and
- (iii) Arkansas Geographic Information Systems Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the resulting district until changes are made according to the provisions of law.

(f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

- (1) The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or
- (2) The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 7; 2013, No. 1073, § 8; 2015, No. 103, § 3; 2017, No. 936, §§ 8, 9; 2019, No. 757, § 5; 2019, No. 910, § 1167.

A.C.R.C. Notes. Under the authority of § 25-43-109, this section is set out above as amended by Acts 2019, No. 757, § 5. Subdivision (d)(2)(B) was also amended by Acts 2019, No. 910, § 1167 to read as follows: "(B) It shall be the duty of the Division of Elementary and Secondary Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts."

Amendments. The 2011 amendment subdivided former (e)(1) as (e)(1) through (e)(1)(B); rewrote (e)(1)(B)(i); inserted (e)(1)(B)(ii) and (iii); and substituted "The boundaries established under this subsection (e) for "boundaries so established" in (e)(3).

The 2013 amendment, in (a)(1), inserted "or facilities" preceding "distress" and added "and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq."

The 2015 amendment inserted "Systems" in (e)(1)(B)(iii).

The 2017 amendment, in (a)(1) and (b)(1), inserted "or failure to meet the requirements to exit Level 5 — Intensive support", deleted "the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq." preceding "the Arkansas Fiscal Assessment", and added "and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq." at the end; substituted "failure to meet" for "or academic" following "accreditation" in (a)(1); and substituted "failure to meet" for "or academic or" following "accreditation" in (b)(1).

The 2019 amendment by No. 757 substituted "is" for "shall be" and "Arkansas Geographic Information Systems Office" for "Department of Education" in (d)(2)(B).

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d)(2)(B).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev.

Nikki L. Cox, Note: School Integration Reform — A Call for Desegregation Policies That Are More Than Skin Deep, 36 U. Ark. Little Rock L. Rev. 123 (2013).

6-13-1405, 6-13-1406. [Repealed.]

Publisher's Notes. These sections, concerning effective date of annexation or consolidation and the term and election of the board of directors, were repealed by Acts 2011, No. 1217, § 2. The sections were derived from the following sources:

- 6-13-1405. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2003 (2nd Ex. Sess.), No. 60, § 2.
- 6-13-1406. Acts 2001, No. 1225, § 1; 2003 (2nd Ex. Sess.), No. 25, § 1.

6-13-1407. Creation of school district — When part of school district taken.

(a) Any receiving district or resulting district created under this section shall become the successor in interest to the property of the school district dissolved, shall become liable for the contracts and debts of such a school district, and may sue and be sued therefor.

(b) When territory less than the entire school district is annexed or consolidated to a school district, the receiving district or resulting district shall take the property of the school district from which the territory was taken, as the State Board of Education shall deem proper, and shall be liable for that part of all indebtedness of the school district from which the territory was taken as shall be assigned to it by the state board unless otherwise approved by a majority vote of the affected district's or affected districts' board or boards of directors.

History. Acts 2001, No. 1225, § 1.

6-13-1408. Annexation or consolidation not to negatively impact state-assisted desegregation.

(a) The State Board of Education shall not order any annexation or consolidation under this subchapter or any other act or any combination of acts which hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.

(b) Before the entry of any order under this subchapter, the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed annexation or consolidation on the effort of the state to assist a school district or districts in desegregation of the public schools of this state.

(c) Any order of annexation or consolidation or combination thereof that violates the provisions of this section shall be null and void.

History. Acts 2001, No. 1225, § 1.

6-13-1409. State Board of Education.

- (a) The State Board of Education shall have the following duties regarding consolidations and annexations:
- (1) To form local school districts, change boundary lines of school districts, dissolve school districts and annex the territory of those school districts to another school district, create new school districts, and perform all other functions regarding changes in school districts in accordance with the law;
 - (2) To transfer funds and attach territory that is in no school district to other school districts as may seem best for the educational welfare of the children; and
 - (3) To enact rules regarding the consolidation and annexation of school districts under this title.
- (b) The millage rate of the electors of the affected district shall remain the same until an election may be held to change the rate of taxation for the resulting district or receiving district.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 20; 2019, No. 315, § 199.
Amendments. The 2019 amendment deleted "and regulations" following "rules" in (a)(3).

6-13-1410. Appeal and election.

Notwithstanding any other provision of law, the decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except that only an aggrieved district may appeal to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2003, No. 1467, § 21; 2011, No. 989, § 8.

Amendments. The 2011 amendment added "Notwithstanding any other provision of law" at the beginning and substituted "only an aggrieved district may appeal" for "an aggrieved school district may appeal."

6-13-1411. Use of fund balances.

(a) Unless otherwise approved by a unanimous vote of the board of directors of the resulting district, the fund balances of any school district that is consolidated, annexed, or otherwise reorganized shall be used by the resulting district solely for the construction of facilities or the operation, maintenance, or support of the schools that were located in the affected district from which the fund balance was derived if any of the facilities of the affected district from which the fund balance was derived remain open.

(b) The provisions of this section shall not apply if the consolidation or annexation is because of the school district's failure to meet standards for accreditation, failure to meet fiscal or facilities distress requirements, or failure to meet the requirements to exit Level 5 — Intensive support pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq., the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq., and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq.

History. Acts 2003 (2nd Ex. Sess.), No. 71, § 1; 2013, No. 1073, § 9; 2017, No. 936, § 10.

Amendments. The 2013 amendment, in (b), inserted "or facilities" preceding "distress" and added "and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq."
 The 2017 amendment, in (b), deleted "academic" preceding "fiscal or facilities", inserted "or failure to meet the requirements to exit Level 5 — Intensive support", deleted "the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq." preceding "the Arkansas Fiscal Assessment", and added "and the Arkansas Educational Support and Accountability Act, § 6-15-2901 et seq." at the end.

6-13-1412, 6-13-1413. [Repealed.]

Publisher's Notes. These sections, concerning the term and election of a board of directors after an annexation or consolidation, were repealed by Acts 2011, No. 1217, § 3. The sections were derived from the following sources:
 6-13-1412. Acts 2005, No. 274, § 1.
 6-13-1413. Acts 2005, No. 274, § 2.

6-13-1414. Boundary change by State Board of Education.

- (a)(1) The State Board of Education shall consider a petition from a local board of directors of any school district seeking an adjustment or change of boundary lines between its school district and an adjoining school district.
- (2) The local board of directors must file the petition with the state board at least thirty (30) days before the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.
- (b) Upon proof to the state board of public notice issued in the local newspapers of general circulation in each affected district no less than one (1) time a week for two (2) consecutive weeks, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining school districts.
- (c) If the local board of directors of each of the affected districts is unable to agree on the proposed change in boundary lines, the state board shall adjust and change the boundary lines in accordance with its best judgment subject to the requirement of subsection (f) of this section or shall rule that the boundaries remain unchanged.
- (d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Arkansas Geographic Information Systems Office to immediately make changes in the maps of the school districts to show the changes of boundaries.
- (e)(1) The state board shall:

- (A) Issue an order establishing the changed boundaries; and
- (B) File the order with the:
 - (i) County clerk in each county in which every affected district lies;
 - (ii) Secretary of State; and
 - (iii) Arkansas Geographic Information Systems Office.
- (2) The county clerk shall make a permanent record of the order.
- (3) The boundaries established under this subsection shall be the boundaries of the affected districts until changes are made according to the provisions of law.
- (f) The state board shall not order any change in school district boundaries which hampers, delays, or in any manner negatively affects the desegregation efforts of the public school districts in the State of Arkansas.

History. Acts 2001, No. 1037, § 1; 2011, No. 989, § 9; 2015, No. 103, § 4; 2019, No. 757, § 6; 2019, No. 910, § 1168.

A.C.R.C. Notes. This section was originally codified at § 6-13-1210.

Under the authority of § 25-43-109, this section is set out above as amended by Acts 2019, No. 757, § 6. Subsection (d) was also amended by Acts 2019, No. 910, § 1168 to read as follows: "(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Division of Elementary and Secondary Education to immediately make changes in the maps of the school districts of the county to show the changes of boundaries."

Publisher's Notes. Acts 2001, No. 1225, § 3 provided that Title 6, Chapter 13, Subchapter 12 is repealed, but this section, enacted by Acts 2001, No. 1037, was not included in the engrossing on Acts 2001, No. 1225.

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3); rewrote (e)(1); and substituted "The boundaries established under this subsection (e)" for "boundaries so established" in (e)(3).

The 2015 amendment inserted "Systems" in (e)(1)(B)(iii).

The 2019 amendment by No. 757, in (d), substituted "Arkansas Geographic Information Systems Office" for "Department of Education" and deleted "of the county" following "districts".

The 2019 amendment by No. 910 substituted "Division of Elementary and Secondary Education" for "Department of Education" in (d).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2001 Arkansas General Assembly, Education Law, 24 U. Ark. Little Rock L. Rev. 453.

6-13-1415. Involuntary consolidation or annexation — Effective date — Interim board of directors.

- (a) This section applies to the involuntary consolidation or involuntary annexation of a school district made by a motion of the State Board of Education.
- (b) The effective date of an involuntary consolidation or involuntary annexation of a school district shall be the July 1 after the state board action unless determined otherwise by the state board.
- (c) The state board shall establish the terms and conditions of the involuntary consolidation or involuntary annexation that shall govern the affected districts, resulting districts, and receiving districts.
- (d)(1) If the state board determines that a new permanent board of directors is necessary, the state board shall prescribe:
 - (A) The number of members for the new permanent board of directors of the resulting district or receiving district;
 - (B) The manner of formation of the new permanent board of directors of the resulting district or receiving district under § 6-13-1417; and
 - (C)(i) Whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.
 - (ii) The election for the new permanent school district board of directors may take place during the second school election after the effective date of consolidation or annexation only if the state board determines that additional time is required to implement single-member zoned elections.
- (2) If the state board determines that an interim board of directors is necessary, the state board shall prescribe:
 - (A) The number of members for the interim board of directors of the resulting district or receiving district;
 - (B) The terms of the members of the interim board of directors of the resulting district or receiving district; and
 - (C)(i) The manner of formation of the interim board of directors of the resulting district or receiving district.
 - (ii) The state board may:
 - (a) Allow the affected districts and receiving districts thirty (30) days to establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;
 - (b) Appoint an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation; or
 - (c) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board to govern the resulting district or receiving district.
- (3) The state board may determine that an interim board of directors is not necessary and may order the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school district board of directors.
- (e)(1) An interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (d)(1)(C) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the state board allows the local school districts time to establish an interim board of directors, the board of directors of each affected district before the consolidation or each affected district and receiving district before the annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors, subject to approval by the state board, by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school district board of directors; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) An interim board of directors shall be established by May 31 of the year preceding the effective date of administrative consolidation or administrative annexation under § 6-13-1603 if the state board determines that an interim board of directors is necessary.

(f)(1) A consolidation or annexation order adopted by the state board shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Systems Office.

(2) A consolidation or annexation order shall include a map of the boundaries of the resulting district or receiving district.

(3) A consolidation or annexation order filed with the Secretary of State and the office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the office.

(g) The state board may promulgate rules necessary to administer this subchapter.

History. Acts 2011, No. 1217, § 4; 2015, No. 103, § 5.

Amendments. The 2015 amendment inserted "Systems" in (f)(1)(C) and twice in (f)(3).

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to any petition for consolidation or annexation of a school district submitted to the State Board of Education by a school district.

(b) The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the state board approves the consolidation or annexation petition unless the state board approves an alternative effective date or determines otherwise.

(c)(1) Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school district board of directors.

(2) The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.

(3)(A) The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent board of directors of the resulting district or receiving district under § 6-13-1417 or as allowed by law.

(B)(i) If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.

(ii) The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.

(d) The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:

(1) Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(2) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or

(3) Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school district board of directors.

(e)(1) If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (c)(3)(B) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the written agreement may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school district board of directors; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) If the written agreement in an administrative consolidation or an administrative annexation under § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.

(f)(1) An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the state board.

(2) If the written agreement is approved by the state board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school district boards of directors.

(3) A written agreement under this section shall not be effective without approval from the state board.

(g)(1) A consolidation or annexation petition approved by the state board along with an executed copy of the written agreement shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Systems Office.

(2) An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.

(3) An approved consolidation or annexation petition filed with the Secretary of State and the office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the office.

History. Acts 2011, No. 1217, § 4; 2013, No. 1073, § 10; 2015, No. 103, § 6.

Amendments. The 2013 amendment substituted "written agreement" for "state board" in (e)(1)(B). The 2015 amendment inserted "Systems" in (g)(1)(C); and inserted "Systems" twice in (g)(3).

6-13-1417. Formation of permanent board of directors.

(a)(1) A permanent board of directors shall have either five (5) or seven (7) members unless the school district is allowed to have nine (9) members under § 6-13-634.

(2) The length of the terms of the board of directors may be for the time period prescribed by law and:

(A) Prescribed in the written agreement under § 6-13-1416; or

(B) Determined by the permanent board of directors.

(3) At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that not more than two (2) members' terms expire during any one (1) year.

(4) A vacancy on the board of directors shall be filled as prescribed by law.

(b)(1) If single-member election zones are not necessary to comply with the Voting Rights Act of 1965, 52 U.S.C. § 10301, or with any other federal or state law, any or all of the members of the permanent board of directors may be elected at large.

(2) A minimum of five (5) members of a permanent board of directors shall be elected from single-member election zones if one (1) or more of the following applies:

(A) Single-member election zones are required to comply with the Voting Rights Act of 1965, 52 U.S.C. § 10301, or other federal law;

(B) The resulting district or receiving district after consolidation or annexation is required to be zoned under § 6-13-631 or other state law; or

(C) The boards of directors of the affected districts before consolidation or the boards of directors of the affected districts and receiving districts before annexation agree that the permanent board of directors shall be elected from single-member election zones.

(3) If single-member election zones are necessary to comply with the Voting Rights Act of 1965, 52 U.S.C. § 10301, other federal law, or state law, the resulting district or receiving district shall:

(A) Review the demographic makeup and boundaries of the zones based on the latest federal decennial census data of the resulting district or receiving district after consolidation or annexation and rezone the resulting district or receiving district as necessary to comply with the Voting Rights Act of 1965, 52 U.S.C. § 10301, other federal law, or state law;

(B) Complete the election rezoning no later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation; and

(C) No later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation, file a digital map in a format prescribed by the Arkansas Geographic Information Systems Office detailing the election zone boundaries of the resulting district or receiving district with the:

- (i) Secretary of State;
- (ii) Arkansas Geographic Information Systems Office; and
- (iii) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district.

History. Acts 2011, No. 1217, § 4; 2013, No. 1073, § 11; 2013, No. 1155, § 12; 2015, No. 103, § 7.

Amendments. The 2013 amendment by No. 1073 rewrote (b)(3)(C).
The 2013 amendment by No. 1155 substituted "§ 6-13-634" for "§ 6-13-604" at the end of (a)(1).
The 2015 amendment inserted "Systems" twice in (b)(3)(C).

SUBCHAPTER 15 — CREATION OF SCHOOL DISTRICT BY DETACHING TERRITORY FROM EXISTING SCHOOL DISTRICT

SECTION.

- 6-13-1501. Creation of school district by detaching territory from existing school district.
- 6-13-1502. Minimum area and attendance requirements.
- 6-13-1503. Initiation of detachment.
- 6-13-1504. Petition — Election.
- 6-13-1505. Creation of school district.

Effective Dates. Acts 2003, No. 1397, § 2: Apr. 15, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Constitution requires the State of Arkansas to provide a general, suitable, and efficient system of public education; that procedures to ensure a general, suitable, and efficient system of public education need to be in place prior to the beginning of the 2003-2004 school year; and that this act is immediately necessary to allow school districts and the electors of those districts sufficient time to organize and plan to for a general, suitable, and efficient system of education in the district prior to the beginning of the 2003-2004 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2015, No. 947, § 3: Apr. 2, 2015. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there are a number of Arkansas school districts that are losing students; that the laws concerning detachment are not clear in assigning assets and indebtedness between old and new school districts; and that this act is immediately necessary to ensure that a newly created school district is able to secure property and assume debt. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-13-1501. Creation of school district by detaching territory from existing school district.

(a)(1) It is the intent of the General Assembly by this subchapter to provide opportunities for children of this state by allowing local community members the opportunity to establish and maintain public schools in a manner that optimizes educational resources within a community.

(2) The General Assembly finds that the educational needs of the students of this state shall be best served by not allowing creation of a school district under this subchapter with fewer than two thousand five hundred (2,500) students, thus ensuring adequate educational opportunities for students.

(b) A school district created under this subchapter shall have all the rights, privileges, and responsibilities of other public school districts.

History. Acts 2001, No. 1673, § 1; 2015, No. 372, § 1.

Amendments. The 2015 amendment substituted "two thousand five hundred (2,500)" for "four thousand (4,000)" in (a)(2); and deleted (b), and redesignated former (c) as (b).

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2001 Arkansas General Assembly, Education Law, 24 U. Ark. Little Rock L. Rev. 453.

6-13-1502. Minimum area and attendance requirements.

(a) A new school district may not be created in an area with fewer than two thousand five hundred (2,500) students in average daily membership.

(b) An existing school district shall not be reduced by means of detachment to an area with fewer than two thousand five hundred (2,500) students in average daily membership.

(c) A new school district to be created by detachment must only be made up of students from one (1) existing school district.

(d) This subchapter shall apply only to school districts that:

- (1) Had an average daily membership of at least five thousand (5,000) students in the school year immediately preceding the detachment; or