

### Petition for Minimum School District Size Waiver

- Act 60 of 2004 requires that school districts with an average daily membership of fewer than 350 students for the two years immediately preceding the current school year must administratively consolidate with or annex to another school district.
- By January 1 of each year, the Division of Elementary and Secondary Education must publish a “consolidation list” identifying all school districts that meet this criterion.  
  
DESE published this list on September 9, 2021. Six school districts appeared on this list: Augusta, Guy-Perkins, Marvell-Elaine, Shirley, Strong-Huttig, and Western Yell County.
- Ark. Code Ann. § 6-13-1613 authorizes any school district appearing on the consolidation list to seek a “minimum school district size waiver” by filing a petition with the State Board.
- The State Board shall grant the petition if the school district demonstrates those items set forth in Ark. Code Ann. § 6-13-1613(b)(2)(A) through (D); specifically:
  - It is not currently classified in Level 5 – Intensive Support, fiscal distress or facilities distress;
  - It is not in probationary status for a violation of the Standards for Accreditation;
  - Its academic facilities are adequate as evidenced by the district’s facilities master plan; and
  - It is in the best interest of the student of the district to keep the district open due to the length of potential time spent on the bus by a student traveling to and from school should the district be administratively reorganized, as assured by the district’s Board of Directors.

- A school district must file a petition annually with the State Board (assuming its student count remains below 350).
- The State Board may revoke a waiver it has granted if the district that received the waiver is classified as being in Level 5 – Intensive Support, fiscal distress, or facilities distress.