

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1312

5 By: Representative C. Douglas
6

For An Act To Be Entitled

8 AN ACT TO PROVIDE AN AUTOMATIC WAIVER FROM
9 ADMINISTRATIVE CONSOLIDATION OR REORGANIZATION FOR A
10 SCHOOL DISTRICT PLACED ON THE CONSOLIDATION LIST
11 UNDER CERTAIN CONDITIONS; TO DECLARE AN EMERGENCY;
12 AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROVIDE AN AUTOMATIC WAIVER FROM
16 ADMINISTRATIVE CONSOLIDATION OR
17 REORGANIZATION FOR A SCHOOL DISTRICT
18 PLACED ON THE CONSOLIDATION LIST UNDER
19 CERTAIN CONDITIONS; AND TO DECLARE AN
20 EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 6-13-1603(a)(3), concerning administrative
27 reorganization, is amended to read as follows:

28 (3) ~~(A) Any~~ A school district on the consolidation list that does
29 not submit a petition under subdivision (a)(2)(A) of this section or that
30 does not receive approval by the state board for a voluntary consolidation or
31 annexation petition shall be administratively consolidated by the state board
32 with or into one (1) or more school districts by May 1, to be effective July
33 1 immediately following the publication of the list required under § 6-13-
34 1602 unless the school district receives an automatic waiver from the
35 department under § 6-13-1613.

36 (B) The department shall maintain a separate list of the



1 school districts that have been granted a waiver under § 6-13-1613.

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3 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 16, is
4 amended to add an additional section to read as follows:

5 6-13-1613. Automatic waiver granted.

6 (a)(1) The Department of Education shall grant an automatic waiver to
7 a school district placed on the consolidation list by the department under §
8 6-13-1602 and notify the school district within thirty (30) days of placing a
9 school district on the consolidation list if the school district is not in
10 violation of Standards of Accreditation for Arkansas Public Schools and
11 School Districts and is not currently classified in academic distress,
12 facilities distress, or fiscal distress.

13 (2)(A) The department shall notify a school district that the
14 school district is not entitled to an automatic waiver within thirty (30)
15 days of placing the school district on the consolidation list if the
16 department determines that the school district is not entitled to an
17 automatic waiver because the school district is classified in academic
18 distress, facilities distress, fiscal distress, or in violation of the
19 Standards of Accreditation for Arkansas Public Schools and School Districts.

20 (B) The notification provided under subdivision (2)(A)
21 shall include the specific reason for the denial of the automatic waiver and
22 provide a thirty-day window for the school district to cure the deficiency if
23 possible.

24 (3) A school district that is granted an automatic waiver under
25 this section may still voluntarily consolidate under § 6-13-1417.

26 (4) The department shall submit a copy of a notice of approval
27 or denial of an automatic waiver to the State Board of Education.

28 (b)(1) A school district that is placed on the consolidation list by
29 the department under § 6-13-1602 and that is not entitled to an automatic
30 waiver because the school district is classified in academic distress, fiscal
31 distress, facilities distress, or in violation of the Standards of
32 Accreditation for Arkansas Public Schools and School Districts shall be
33 afforded the same assistance and duration of time as provided to other school
34 districts under § 6-15-429 or § 6-20-1908 to remedy any issues that resulted
35 in the school district's being placed in academic distress or fiscal
36 distress.

1 (2) If a school district placed on the consolidation list by the
2 department under § 6-13-1602 that is classified in academic distress or
3 fiscal distress remedies the issue or issues that resulted in the school
4 district's being classified in academic distress or fiscal distress and is
5 removed from academic distress or fiscal distress, the school district shall
6 be granted an automatic waiver from administrative reorganization under this
7 section.

8 (3) A school district that is classified in academic distress,
9 fiscal distress, facilities distress, or in violation of the Standards of
10 Accreditation for Arkansas Public Schools and School Districts on January 1,
11 2015 is subject to this section.

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that small school districts are at
15 risk of being consolidated or reorganized; that small school districts that
16 are successful in educating their students and are not in academic or fiscal
17 distress should not be consolidated or reorganized; and that this act is
18 immediately necessary to ensure that small school districts that are placed
19 on the consolidation list are not consolidated immediately. Therefore, an
20 emergency is declared to exist, and this act being immediately necessary for
21 the preservation of the public peace, health, and safety shall become
22 effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,
25 the expiration of the period of time during which the Governor may veto the
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is
28 overridden, the date the last house overrides the veto.

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