

**ARKANSAS DEPARTMENT OF EDUCATION
EMERGENCY RULES GOVERNING ADMINISTRATIVE CONSOLIDATION
OR ANNEXATION OF PUBLIC SCHOOL DISTRICTS**

March 2004

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Emergency Rules Governing the Administrative Consolidation and Annexation of Public School Districts.

2.00 AUTHORITY

- 2.01 The State Board of Education's authority for promulgation of these rules is pursuant to Ark. Code Ann. § 6-11-105, Ark. Code Ann. § 6-13-1603 and § 1604 [Acts 60 and 80 of the Second Extraordinary Session, 2003] and Ark. Code Ann. § 25-15-204.

3.00 DEFINITIONS

- 3.01 "Administrative annexation" means the joining of an affected school district or a part of the school district with a receiving district.
- 3.02 "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.
- 3.03 "Affected district" means a school district that loses territory or students as a result of administrative annexation or consolidation.
- 3.04 "Average daily membership" (ADM) means the total number of days attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the district during that period of time rounded up to the nearest one hundredth. Students who may be counted for average daily membership are: (i) students who reside within the boundaries of the school district and who are enrolled in a public school operated by the district or a private school for special education students, with their attendance resulting from a written tuition agreement approved by the Department of Education; (ii) legally transferred students living outside the district but attending a public school in the district; and (iii) students who reside within the boundaries of the school district and who are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program.

- 3.05 “Consolidated average daily membership” means the sum of the average daily membership for each school district included in a consolidation if the average daily membership for the school district was five hundred (500) or fewer for the school year immediately preceding the school year for which the consolidation becomes effective.
- 3.06 “Consolidation assistance funding” means, unless otherwise stated herein, funding assistance provided pursuant to Section 7.00 of these rules to assist both administrative consolidations and annexations.
- 3.07 “Isolated school” means a school within a school district that prior to administrative consolidation or annexation qualified as an isolated school district under A.C.A. § 6-20-601 and is subject to administrative consolidation or annexation.
- 3.08 “National school lunch students” means those students from low socio-economic backgrounds as indicated by the eligibility for free or reduced-priced meals under the National School Lunch Act as calculated and verified on October 1 of each year and submitted to the Department of Education.
- 3.09 “Petition for voluntary administrative annexation” means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative annexation of a school district or districts into a receiving school district.
- 3.10 “Petition for voluntary administrative consolidation” means the official forms and documents published by the Department and hereby attached and incorporated into these rules as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board for administrative consolidation of a school district or districts into a resulting school district.
- 3.11 “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.
- 3.12 “Resulting district” means the new school district created from an affected district or districts as a result of administrative consolidation.

4.00 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING

VOLUNTARY ADMINISTRATIVE CONSOLIDATION OR ANNEXATION
UNDER ACT 60 (SECOND EXTRAORDINARY SESSION OF 2003)

- 4.01 Any school district submitting a Petition for Voluntary Administrative Consolidation or Annexation pursuant to Act 60 may submit a single petition for State Board consideration. A school district's Petition for Voluntary Administrative Consolidation or Annexation (Petition), including all required attachments, **MUST** be received in the Office of the Director, Department of Education, #4 Capitol Mall, Little Rock, AR 72201, **NO LATER THAN 4:30 p.m.** on April 1, 2004. Petitions **MUST** be submitted on the proper official Department of Education petition form and attached documents hereby incorporated into these rules as Attachments A and B respectively. A school district may attach additional information to the petition form, if necessary, to fully present its information. If mailed, the petition and all required attachments must be sent by certified mail, return receipt requested. **PETITIONS RECEIVED AFTER 4:30 P.M. ON APRIL 1, 2004, SHALL NOT BE CONSIDERED BY THE STATE BOARD REGARDLESS OF DATE MAILED.**
- 4.02 While there is no provision in Act 60 that notice be published, the petitioning school districts are strongly encouraged to publish their intent to petition the State Board to consolidate or annex into a resulting or receiving school district by running said publication in a local newspaper of general circulation once a week for two (2) consecutive weeks. The petitioning parties may publish their intention to petition the State Board in a statewide newspaper of daily circulation, if the local newspaper does not publish on a daily or weekly basis.
- 4.03 The State Board may consider the petition at either a regular or special board meeting. All petitions for administrative consolidation or annexation timely filed with the State Board shall be heard by the State Board at either a regularly scheduled or specially called meeting after April 1, 2004, with appropriate notice to all parties.
- 4.04 The State Board shall give at least five (5) calendar days advance written notice from the date of receipt to a petitioning school district of the date, time and place of the State Board meeting at which its petition will be considered. Notice may be provided via U.S. mail, facsimile or ADE electronic Director's Memo.
- 4.05 At the hearing before the State Board, the order of presentation shall be as follows:
- A) Remarks by petitioning school districts' spokesperson(s);
 - B) Remarks by opposing school districts and citizens' groups' spokesperson(s);

- C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s); and
 - D) Closing remarks by petitioning school districts' spokesperson(s).
- 4.06 Each petitioning school district shall have twenty (20) minutes to present the district's remarks. The district may allocate its time to one (1) or more spokespersons, but the total time allocated should not exceed twenty (20) minutes. In its sole discretion, the State Board may allow a district's spokesperson(s) more than twenty (20) minutes to speak.
- 4.07 Any school district or group of citizens, which opposes a petition, shall have the opportunity to present its opposition to the State Board. The State Board may, on its own motion, choose to hear from more than one (1) spokesperson per opposing school district or group of citizens. However, the spokesperson(s) representing the opposing school district(s) or group of citizens shall have a total time allocated not to exceed twenty (20) minutes. In its sole discretion, the State Board may allow the spokesperson(s) more than twenty (20) minutes to speak.
- 4.08 Both the district and the opposition shall be given ten (10) minutes to present closing remarks to the State Board, allocated among one (1) or more spokesperson(s) as each side sees fit.
- 4.09 Time taken by a spokesperson to respond to a question by a State Board member shall not count against the respective side's time allotment.
- 4.10 Any documents to be considered by the State Board shall be submitted via first class mail to the Director's Office three (3) business days prior to the State Board hearing of the petition for administrative consolidation or annexation.
- 4.11 The State Board shall issue a written decision approving the administrative consolidations or annexations requested in the petitions, if the petitions are granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.
- 4.12 The State Board's written decision shall be made on or before June 1, 2004.
- 4.13 Under no circumstances shall the State Board be obligated to grant a petition where to do so would hamper, delay, or in any manner negatively affect the desegregation efforts of any school district or districts in the state including school districts which are not petitioners for the administrative consolidation or annexation before the State Board.

- 4.14 If the State Board denies a school district's petition or does not receive a petition from a school district on the consolidation list, then the State Board shall, on its own motion, administratively consolidate all of the school district with or into one (1) or more other school districts by June 1, 2004.
- 4.15 For administrative consolidations considered under the provisions of Section 4.14, the notice requirements placed upon the State Board by Section 4.04 shall not apply. Instead, the State Board shall provide such advance notice to the districts of the State Board's meeting at which the administrative consolidation will be considered as is practicable and required by law.
- 5.00 STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ADMINISTRATIVE CONSOLIDATION OR ANNEXATION
- 5.01 Except as otherwise provided for in these rules or law and in addition to any other requirements herein, the State Board shall not deny a 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 administrative consolidation or annexation would not contribute to the betterment of the education of students in the districts; or
 - (C) The proposed consolidation or annexation does not result in a resulting or receiving school district with an average daily membership meeting or exceeding three hundred fifty (350) based upon the prior year third (3rd) quarter average daily membership.

In making a determination under (B) of Section 5.01, certain considerations will be taken into account by the State Board. The State Board will consider the extent to which the respective districts are or have been in compliance with certain provisions of Arkansas law or State Board rules, including academic and fiscal distress, Standards for Accreditation, and Arkansas teacher salary schedules.

For those resulting or receiving districts in compliance with Section 5.01 (C), the projected ADM of the proposed resulting or receiving district shall not be a factor in making the determination to approve or deny the petition for administrative consolidation or annexation.

If the State Board, after consideration of the petition and the evidence produced at the hearing, shall determine that significant reason(s) exist why the proposed administrative consolidation or annexation would not

contribute to the betterment of the education of the students in the districts, it may deny the petition and shall state its specific findings in the order entered in the proceedings.

- 5.02 Prior to the entry of any order approving a petition for administrative consolidation or annexation, 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 district or districts in desegregation of the public schools of this state.
- 5.03 In addition to all other requirements in these rules, the State Board shall not approve any petition nor order any annexation or consolidation of school districts when the effect of such annexation or consolidation hampers, delays, or in any manner negatively affects the desegregation efforts of a school district or districts in this state.
- 5.04 In addition to the standards set forth in Section 5.01 of these rules, noncontiguous school districts may voluntarily consolidate if:
 - (A)(1) The facilities and physical plant of each school district are within the same county, and
 - (2) The State Board approves the administrative consolidation, or
 - (B) (1) The facilities and physical plant of each school district are not within the same county, and
 - (2) The State Board approves the administrative consolidation or annexation and finds that:
 - (i) The consolidation or annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved, or
 - (ii) The consolidation or annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.
- 5.05 If the resulting district in an administrative consolidation fails to establish an interim school board by May 31, the State Board shall appoint an interim board to serve until the next elected school board assumes office, in the following manner:
 - (A) The interim board shall be made up of seven (7) board members;
 - (B) The interim board shall be made up of board members from the boards of directors of the affected school districts;
 - (C) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;

- (D) Unless provided otherwise by the State Board, the board membership of each interim resulting school district under Section 5.05 shall be selected first of the board presidents; second, board secretaries; and third, any other remaining current local board members selected by the State Board;
- (E) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and
- (F) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation.

5.06 If the resulting district in an administrative consolidation voluntarily agrees to establish an interim school board by May 31, 2004, the board shall be selected as follows:

- (A) The board of directors of the affected districts may by agreement establish an interim board of directors of the resulting district composed of not fewer than five (5) nor more than seven (7) directors, except for those school districts allowed to do otherwise pursuant to A.C.A. § 6-13-604;
- (B) The proportion of board members from each of the affected school districts shall be equal to the proportion of the student population in the resulting school district that came from each affected school district, with no less than one (1) board member being selected from the board of each affected school district;
- (C) The board of each affected school district shall select the board members that it wishes to have placed on the interim board of the resulting district. If the affected district is unable to select membership by a majority vote of the local board, the affected district(s) may select members to the interim resulting board by drawing lots.
- (D) The interim board shall have no authority to govern the resulting consolidated school district until the July 1 effective date of the consolidation; and
- (E) The interim board shall serve until the new school board directors have been sworn in and commissioned after the September school board election immediately following the effective date of the consolidation.

5.07 If a school district fails to petition the State Board for administrative consolidation or annexation as required by A.C.A. § 6-13-1603(a)(2)(A) or the State Board denies a petition for administrative consolidation or annexation, the State Board shall, on its own motion, administratively consolidate a school district with or into any one (1) or more school

districts in Arkansas by June 1, and the administrative consolidation shall be effective the July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.

- 5.08 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 school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under A.C.A. § 6-13-1602.
- 5.09 Upon approving a petition for administrative consolidation or annexation or acting on its own motion to administratively consolidate school districts, the State Board shall prepare a written order of administrative consolidation or annexation and file such order with the county clerk's office of each county clerk in the counties where the resulting or receiving school district is located.
- 5.10 The State Board shall not order the closing of any isolated school facility as a result of an administrative consolidation or annexation of an isolated school except as allowed by law.
- 5.11 The State Board shall not order the closing of any school facility in a school district included in the consolidation list required by A.C.A. § 6-13-1602 as a result of an administrative consolidation or annexation prior to the completion of an assessment of public school facilities, but in no event shall any school facility be closed, prior to June 1, 2005, except as allowed by law.
- 5.12 The board of directors of any receiving school district created after an administrative annexation (whether interim or permanent) shall be in compliance with A.C.A. § 6-13-1406 and Acts 60 and 25 of the Second Extraordinary Session 2003.

6.00 GENERAL PROVISIONS GOVERNING ADMINISTRATIVE CONSOLIDATIONS OR ANNEXATIONS

- 6.01 All administrative consolidations or annexations 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.
- 6.02 The millage rate of the electors of the affected districts of an administrative consolidation or annexation shall remain the same until an election may be held to change the rate of taxation for the resulting or receiving district.

- 6.03 No administrative consolidation or annexation shall be construed to require the closing of any school or school facility except as allowed by law.
- 6.04 All resulting or receiving school districts created from an administrative consolidation or annexation shall have no more than one (1) superintendent and no more than one (1) local school board.
- 6.05 No school district administratively consolidated with a school district classified by the State Board as being in academic or fiscal distress shall be subject to academic or fiscal distress sanctions for a period of three (3) years from the July 1 effective date of consolidation unless:
 - (A) The school district fails to meet minimum teacher salary requirements set forth in law and rules; or
 - (B) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools issued by the Department of Education.
- 6.06 The provisions of A.C.A. § 6-13-1406 and Act 25 of the Second Extraordinary Session 2003 shall govern the board of directors of each resulting or receiving school district created from an administrative consolidation or annexation.
- 6.07 No charter school in existence on January 29, 2004, or achieving charter school status by June 1, 2005, shall be subject to the administrative consolidation or annexation requirements of A.C.A. § 6-13-1601 – 1604.

7.00 ADMINISTRATIVE CONSOLIDATION ASSISTANCE FUNDS

- 7.01 The state shall, as a first priority, pay administrative consolidation assistance funding to each school district that meets the following qualifications:
 - (A) A school district that is administratively consolidated or annexed by the State Board pursuant to A.C.A. § 6-13-1603 by July 1, 2004; or
 - (B) Whose petition for voluntary administrative consolidation or annexation is approved by the State Board pursuant to A.C.A. § 6-13-1603 and is effective as of July 1, 2004, and the average daily membership of the school district is at least three hundred fifty (350) and no more than five hundred (500) for each of the two (2) school years preceding the school year in which the administrative petition for consolidation or annexation is filed.

- 7.02 For school districts that qualify under Section 7.01, administrative consolidation assistance funding shall be paid in an amount equal to:
- (A) Eight hundred dollars (\$800) multiplied times the consolidated average daily membership; plus
 - (B) Seven hundred dollars (\$700) multiplied times the consolidated national school lunch student total; and
 - (C) No school district with an average daily membership of greater than five hundred (500) for the school year immediately preceding the school year the consolidation or annexation becomes effective shall have that school district's student population included in the "consolidated average daily membership" or the "consolidated national school lunch student total".
 - (D) In no event shall the total consolidated average daily membership or the total consolidated national school lunch student count exceed seven hundred (700) for purposes of assistance funding.
- 7.03 To the extent funding is available after the administrative consolidation assistance funds allowed under 7.02 is provided to all eligible school districts, the state shall pay administrative consolidation assistance funds to each school district that:
- (A) Has an average daily membership of more than five hundred (500) for each of the two (2) school years preceding the school year in which the administrative consolidation or annexation petition is filed; and
 - (B) Administratively consolidates or annexes with or into another school district by July 1, 2004.
- 7.04 For school districts that qualify under Section 7.03, administrative consolidation assistance funds paid pursuant to Section 7.06 shall be paid in an amount equal to:
- (A) Eight hundred dollars (\$800) multiplied times the resulting or receiving district's average daily membership, but the resulting or receiving district's average daily membership number used in this calculation shall not exceed seven hundred (700) students; and
 - (B) Seven hundred dollars (\$700) multiplied times the resulting or receiving district's national school lunch student total, but the resulting or receiving district's national school lunch student total used in this calculation shall not exceed seven hundred (700) national school lunch students.
- 7.05 If sufficient funding is not available to pay the initial amounts required under Section 7.04, those amounts shall be reduced by the Department in such a manner as to provide equal administrative consolidation assistance

funds per student to the school districts that are eligible for funding under Section 7.03.

- 7.06 A school district that is eligible to receive funding under both Section 7.02 and Section 7.04 shall first receive funding under Section 7.02 and then shall receive funding under Section 7.04, but a school district shall not receive total funding for more than seven hundred (700) students under either or both Sections 7.02 and Section 7.04.
- 7.07 Administrative consolidation or annexation assistance funding may be used by the school districts for any purpose. However, the State Board may by later rule require some or all of the funds allocated to the resulting or receiving district to be expended on the construction or improvement of school facilities.
- 7.08 All administrative consolidation or annexation assistance funding shall be paid to the resulting or receiving school district during the first year of consolidation or annexation as appropriation and funding is available.

8.00 ISOLATED SCHOOLS

- 8.01 Prior to July 1, 2004, and each July 1 thereafter, the Department shall determine which schools meet the definition of “isolated schools” based upon the verified information submitted in the district’s petition for administrative consolidation or annexation or based upon relevant data submitted to the Department pursuant to A.C.A. § 6-20-601 and 602.
- 8.02 Any isolated school within a resulting or receiving school district shall remain open except as allowed by law.
- 8.03 Funding for isolated schools shall be expended by the resulting or receiving district only on the operation, maintenance, and other expenses of the isolated schools within the resulting or receiving school district.

9.00 EMERGENCY CLAUSE

WHEREAS, due to the passage of Acts 60 and 80 of the Second Extraordinary Session of 2003, it is determined that without the immediate promulgation of these rules, many public schools and the patrons they serve could be placed in a state of confusion regarding their right to public educational services and certain public school districts may be placed in jeopardy of losing federal or state funding or grants, the Arkansas State Board of Education promulgates this Emergency Rule Governing the Administrative Consolidation or Annexation of Public School Districts pursuant to A.C.A. § 25-15-204. The State Board of Education hereby determines that imminent peril to many of the school districts of this state will exist if certain school districts are not administratively consolidated or annexed

pursuant to Acts 60 and 80. As a result of the imminent peril facing school districts, this rule is to take effect immediately for 120 days upon passage by the State Board of Education as an emergency rule pursuant to A.C.A. § 25-15-204.

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

**IN THE MATTER OF THE ANNEXATION OF _____ SCHOOL
DISTRICT(S) OF _____ COUNTY INTO THE _____
SCHOOL DISTRICT OF _____ COUNTY:**

PETITION FOR VOLUNTARY ADMINISTRATIVE ANNEXATION

COMES NOW the _____ School District(s) of _____
County and the _____ School District of _____ County
(Petitioners), acting by and through their respective Superintendent(s) duly authorized,
pursuant to A.C.A. § 6-13-1601 et seq., and petition the Arkansas State Board of
Education (Board) to approve the voluntary administrative annexation of the petitioning
affected school district(s) into the petitioning receiving _____ School District,
and hereby would submit to the Board as follows:

1. Pursuant to A.C.A. § 6-13-1601 et seq., the Petitioners hereby submit and
incorporate in this petition as Exhibit A attached hereto, proof of legally binding local
board resolutions to annex the _____ School District(s) into the receiving
_____ School District as approved by a majority of the quorum present of the
local boards of education of the respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B
attached hereto, (submit only if public notice was published in the newspaper) proof of
public notice of intent to petition this Board to annex the Petitioners into the receiving
_____ School District. Said public notice of intent to annex (was)(was not)
published in the local newspaper(s) of general circulation (or in a state newspaper of

daily circulation if local newspaper does not exist on weekly basis) of the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the filing of this petition with this Board.

3. The Petitioners submit that the average daily membership in each of the two (2) school years immediately preceding the 2003-2004 school year were _____ and _____ for the _____ School District and _____ and _____ for the _____ School District.

4. Pursuant to A.C.A. § 6-13-1603(b), the Petitioners submit and incorporate an affidavit of proof as Exhibit C that the previous average daily membership of the affected school districts was a combined average daily membership of _____ for the 2003-2004 school year, which is an average daily membership meeting or exceeding three hundred fifty (350) total students.

5. The Petitioners submit that at the proper school election following the petitioned annexation, the receiving _____ School District shall elect _____ local board members in compliance with A.C.A. § 6-13-1406, as amended by Act 25 of the Second Extraordinary Session of 2003.

6. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-contiguous annexation because the annexation will result in (a) the overall improvement in the educational benefit to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or services to all of the school districts involved based on the following factual reasons:

7. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned annexation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit D.

8. Pursuant to A.C.A. § 6-13-1601 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned annexation shall be July 1, 2004, and that there shall be only one local school board and one local superintendent of the receiving _____ School District.

9. If Petitioners are claiming Isolated School status, Petitioners hereby submit that the _____ School District(s) qualify as an isolated school as certified by the attached affidavit of Isolated School Status incorporated in this petition as Exhibit E attached hereto.

10. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district(s), which is incorporated as Exhibit F, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

WHEREFORE, Petitioners request that the Board approve the annexation of the _____ School District(s) of _____ County into the receiving _____ School District of _____ County; that it issue an Order

dissolving the affected school district(s) and establishing the receiving _____
School District; that it issue an Order establishing the boundary lines of the receiving
school district; and that it file its Order with the County Clerks of _____ and
_____ Counties, Arkansas.

Respectfully submitted,

_____ School District

_____ County

By: _____
Superintendent Date

President, School Board Date

_____ School District

_____ County

By: _____
Superintendent Date

President, School Board Date

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE CONSOLIDATION OF _____ SCHOOL DISTRICT(S) OF _____ COUNTY AND THE _____ SCHOOL DISTRICT OF _____ COUNTY:

PETITION FOR VOLUNTARY ADMINISTRATIVE CONSOLIDATION

COMES NOW the _____ School District(s) of _____ County and the _____ School District of _____ County (Petitioners), acting by and through their respective Superintendent(s) duly authorized, pursuant to A.C.A. § 6-13-1601 et seq., and petition the Arkansas State Board of Education (Board) to approve the voluntary administrative consolidation of the Petitioners into the resulting _____ School District, and hereby would submit to the Board as follows:

1. Pursuant to A.C.A. § 6-13-1601 et seq. , the Petitioners hereby submit and incorporate in this petition as Exhibit A attached hereto, proof of legally binding local board resolutions to consolidate the _____ and _____ School District(s) into the resulting _____ School District as approved by a majority of the quorum present of the local boards of education of the respective Petitioners.

2. The Petitioners hereby submit and incorporate in this petition as Exhibit B attached hereto, (submit only if public notice was published in the newspaper) proof of public notice of intent to petition this Board to consolidate the Petitioners into the resulting _____ School District. Said public notice of intent to consolidate (was)(was not) published in the local newspaper(s) of general circulation (or in state

newspaper of local daily circulation if local newspaper does not exist on weekly basis) of the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the filing of this petition with this Board.

3. The Petitioners submit that the average daily membership in each of the two (2) school years immediately preceding the 2003-2004 school year were _____ and _____ for the _____ School District and _____ and _____ for the _____ School District.

4. Pursuant to A.C.A. § 6-13-1603(b), the Petitioners submit and incorporate an affidavit of proof as Exhibit C that the previous average daily membership of the affected school districts was a combined average daily membership of _____ for the 2003-2004 school year, which is an average daily membership meeting or exceeding three hundred fifty (350) total students.

5. Pursuant to A.C.A. § 6-13-1405(a)(5), the Petitioners submit that this petitioned consolidation is pursuant to A.C.A. § 6-13-1602 and that an interim local board of seven (7) board members in accord with A.C.A. § 6-13-1406 (b)(1) shall be established by May 31, 2004, and the interim board shall be made up of board members of the affected former districts in proportion to the student's population in the former affected districts.

6. The Petitioners submit that at the first regular school election following the petitioned consolidation, the resulting _____ School District shall elect _____ local board members by zoned elections in compliance with A.C.A. § 6-13-1406.

7. The Petitioners submit that their respective school districts are geographically contiguous or that the Board should approve the petitioned non-

contiguous consolidation because the consolidation will result in (a) the overall improvement in the educational benefits to students in all of the school districts involved, or (b) will provide a significant advantage in transportation costs or services to all of the school districts involved based on the following factual reasons:

8. The Petitioners submit that they hereby request through the State Board, an Attorney General Opinion declaring whether the petitioned consolidation will or will not hamper, delay or in any manner negatively affect the desegregation of another school district or districts in this state. Upon receipt, the resulting opinion shall be incorporated herein and attached hereto as Exhibit D.

9. Pursuant to A.C.A. § 6-13-1601 et seq., the Petitioners hereby submit and declare that the effective date of this petitioned consolidation shall be July 1, 2004, and that there shall be only one local school board and one local superintendent of the resulting _____ School District.

10. If Petitioners are claiming Isolated School status, Petitioners hereby submit that the _____ School District(s) qualify as isolated schools as certified by the attached affidavit of Isolated School Status incorporated in this petition as Exhibit E attached hereto.

11. The Petitioners hereby submit an affidavit of facts by the superintendent of the affected school district, which is incorporated as Exhibit F, concerning the relevant

status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

WHEREFORE, Petitioners request that the Board approve the consolidation of the _____ School District(s) of _____ County and the _____ School District of _____ County into the resulting _____ School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; that it issue an Order establishing the boundary lines of the resulting school district; and that it file its Order with the County Clerks of the _____ and _____ Counties, Arkansas.

Respectfully submitted,

_____ School District

_____ County

By:

Superintendent Date

President, School Board Date

_____ School District

_____ County

By:

Superintendent Date

President, School Board Date

Exhibit A

SCHOOL BOARD RESOLUTION

COMES NOW the _____ School District Board acting by and through its Superintendent duly authorized and do herein declare:

A special or regular school board meeting was held on _____, 2004, wherein a quorum was present and a majority of the quorum voted to approve the consolidation/annexation of the _____ School District with the _____ School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the _____ School District Board of Directors, pursuant to Arkansas law, that said consolidation/annexation is hereby approved.

_____ School District
of _____ County

By: _____
Superintendent Date

By: _____
President, School Board Date

Exhibit C

AFFIDAVIT OF AVERAGE DAILY MEMBERSHIP

COMES NOW the affiant, _____, Superintendent of the _____ School District, and having been duly sworn, states under oath as follows:

1. The average daily membership (ADM) of the _____ School District, as that term is defined in Ark. Code Ann. § 6-13-1601(4), was _____ students for the 2001-2002 school year and _____ students for the 2002-2003 school year.

2. The combined average daily membership of the affected school districts was _____ for the 2003-2004 school year, an average daily membership meeting or exceeding three hundred fifty (350) total students.

FURTHER, affiant says not.

IN WITNESS WHEREOF, I hereunto set my hand this _____ day of _____, 2004.

Superintendent

County of _____
State of Arkansas

Sworn and subscribed before me, Notary Public, this _____ day of _____, 2004.

Notary Public

My Commission expires:

Exhibit E

AFFIDAVIT OF ISOLATED SCHOOL STATUS

Comes the affiant, _____, Superintendent of the _____

School District, and having been duly sworn, states under oath as follows:

1. My name is _____. I am the Superintendent of the _____ School District.
2. My business address is _____.
3. I am aware that pursuant to A.C.A. § 6-20-601 a school district must meet four of five criteria to qualify as an isolated school.
4. I am aware that pursuant to A.C.A. § 6-20-602 an isolated school must qualify as an isolated school district under § 6-20-601 prior to the administrative consolidation or annexation petitioned for herein.
5. I hereby submit that prior to the effective date of the administrative consolidation or annexation, the _____ School District qualified as an isolated school district and, therefore, is entitled to the rights and privileges conferred on an isolated school pursuant to § 6-20-602 (Act 60 of the Second Extraordinary Session of 2003).
6. I hereby declare that the _____ School District qualifies for isolated status because the school district meets the following list of at least four (4) of the five (5) criteria of being an isolated school district:
(circle appropriate responses and provide relevant data in the blanks)
 - (1) There is a distance of twelve (12) miles or more by hard-surfaced highway from the high school of the district to the nearest adjacent high school in an adjoining district. The distance is _____.

- (2) The density ratio of transported students is less than three (3) students per square mile of area. The density ratio is _____.
- (3) The total area of the district is ninety-five (95) square miles or greater. The total area is _____ square miles.
- (4) Less than fifty percent (50%) of bus route miles are on hard-surfaced roads. The percent of bus route miles on hard-surface roads is _____.
- (5) There are geographic barriers such as lakes, rivers, and mountain ranges which would impede travel to schools that otherwise would be appropriate for consolidation, cooperative programs, and shared services. The geographic barriers are_____.

7. Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this _____ day of _____, 2004.

Superintendent

COUNTY OF _____
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this _____ day of _____, 2004.

Notary Public

My Commission expires:

EXHIBIT F

AFFIDAVIT CONCERNING DESEGREGATION ORDERS

COMES NOW the _____ School District, acting by and through its Superintendent, and hereby states and represents to the State Board of Education that, to the best of my knowledge, the _____ School District currently (circle one) (is)(is not) involved in desegregation litigation in a United States Federal Court or is under the continuing jurisdiction of a United States Federal Court Order regarding desegregation of a public school or schools (see "*" at bottom of affidavit).

Further the affiant sayeth not.

IN WITNESS WHEREOF, I hereunto set my hand this _____ day of _____, 2004.

Superintendent

COUNTY of _____
STATE OF ARKANSAS

Sworn and subscribed before me, Notary Public, this _____ day of _____, 2004.

Notary Public

My Commission expires:

* = If you answered, "is involved in desegregation litigation, etc." above, please attach a copy of any applicable Court orders or other relevant documentation.