

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE CLOSING OF ISOLATED SCHOOLS
July 2005

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing the Closing of Isolated Schools Following an Annexation or Consolidation 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 and 6-13-1603.

3.00 DEFINITIONS

- 3.01 "Affected district" means a school district that loses territory or students as a result of administrative annexation or consolidation.
- 3.02 "Closure" means the cessation of use of a school or part thereof for the purpose of daily classroom instruction.
- 3.03 "Isolated school" means a school within a school district that, prior to administrative consolidation or annexation pursuant to Ark. Code Ann. §§ 6-13-1601 *et seq.*, qualified as an isolated school district under Ark. Code Ann. § 6-20-602.
- 3.04 "Partial closure" means the cessation of some, but not all, daily classroom instruction within a school (e.g., changing the use of the school from grades one (1) through eight (8) to grade one (1) through five (5)).
- 3.05 "Receiving district" means a school district that receives territory or students, or both, from an affected district as a result of an administrative annexation.
- 3.06 "Resulting district" means the new school district created from an affected district or districts as a result of an administrative consolidation.

4.00 CLOSING OF ISOLATED SCHOOLS

- 4.01 Procedures for Closure by Local School District Board of Directors

Isolated schools within resulting or receiving districts shall remain open unless:

4.01.1 The school board of the resulting or receiving school district adopts a motion to close the isolated school or parts thereof by:

4.01.1.2 Unanimous vote of the full board of directors, or

4.01.1.3 A majority vote of the full board of directors, but less than a unanimous vote, and such motion is considered by and approved by a majority vote of members of the State Board of Education.

4.02 Procedures For State Board of Education Consideration of Local School District's Motion To Close Part or All of an Isolated School

Any school board seeking the State Board of Education's approval to close an isolated school or schools or parts thereof pursuant to Section 4.01 above shall do the following:

4.02.1 Request, in writing, a hearing on the matter of the isolated school closure before the State Board of Education no less than thirty (30) days before a regularly scheduled meeting of the State Board of Education.

4.02.2 The hearing request shall be accompanied by a petition to have the local school board's motion on the matter of the isolated school's closure reviewed and approved by the State Board of Education. Hearing requests which are not accompanied by a petition shall be returned to the submitting school district and shall not be considered by the State Board of Education.

4.02.3 The petition shall address all of the following:

4.02.3.1 Identify the specific isolated schools or part thereof that the local board has moved to close;

4.02.3.2 State all reasons that the isolated schools or part thereof shall be closed;

4.02.3.3 State how the closure will serve the best interests of the students in the district as a whole;

4.02.3.4 State if the closure will have any negative impacts on desegregation efforts or violate any valid court order from a court of proper jurisdiction; and

4.02.3.5 Have attached a copy of the final motion approving the closure by the local board of directors.

- 4.03 Upon reviewing the local school board's motion to close all or part of an isolated school or schools, the State Board of Education shall have the authority to review and approve or disapprove the petition.
- 4.04 The State Board of Education shall only approve a local school board's motion to close all or part of an isolated school or schools if the closure is in the best interest of the students in the school district as a whole.
- 4.05 The State Board of Education shall not close a school if it finds that the closure will have any negative impact on desegregation efforts or will violate a court order from a court of competent jurisdiction.
- 4.06 The State Board of Education is not authorized to require the closure of an isolated school, or any parts thereof, without a motion from the local school board of directors as described in Section 4.01 above.
- 4.07 This Rule shall become effective on August 12, 2005.