BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

IN THE MATTER OF THE CONSOLIDATION OF WICKES SCHOOL DISTRICT OF POLK COUNTY AND THE VAN COVE SCHOOL DISTRICT OF POLK COUNTY:

PETITION FOR CONSOLIDATION

COMES NOW the Wickes School District of Polk County and the Van Cove School District of Polk County (Petitioners), acting by and through their respective superintendent(s) duly authorized, pursuant to A.C.A. § 6-13-1401 et seq., and petition the Arkansas State Board of Education (Board) to approve the consolidation of the Petitioners in the resulting Cossatot River School District, and hereby would submit to the Board as follows:

1. Pursuant to A.C.A. § 6-13-1401 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 Wickes and Van Cove School Districts into the resulting Cossatot River 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, proof of public notice of intent to petition this Board to consolidate the Petitioners into the resulting Cossatot River School District. Said public notice of intent to consolidate was published in the local newspaper of general circulation 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 pursuant to A.C.A. §§ 6-13-1405, 1406 and 1413 that following the effective date of consolidation, the resulting Cossatot River School District will establish an interim school board of directors of seven (7) members; the interim board will serve

until the first regular school election in the year following the effective date of the consolidation with three (3) interim board positions up for election the first September 2010 school board election after the July 1 consolidation, and two (2) other interim board positions up for election in September 2011, and the remaining two (2) interim board positions up for election in September 2012. All board positions shall serve and be elected at-large from the entire Cossatot School District. As soon as possible after July 1, the interim board shall establish either a three (3) or five (5) year term of office for the board of directors of the Cossatot School District.

4. The Petitioners submit that Wickes School District and Van Cove School District are geographically contiguous.

5. Pursuant to A.C.A. § 6-13-1401 et seq., the Petitioners hereby submit and declare that the effective date of the petitioned consolidation shall be July 1, 2010, and that there shall be only one local school board and one local superintendent of the resulting Cossatot River School District.

6. The Petitioners hereby submit an affidavit of facts by the superintendents of the affected school districts, which is incorporated as Exhibit D, concerning the relevant status of any federal court-ordered supervision or jurisdiction of desegregation cases involving the affected districts.

7. It is anticipated that the consolidation of the former Wickes and Van Cove School Districts into the new Cossatot River School District will allow for the creation and establishment of a new high school. It is also anticipated and expected that the new high school will be established and built in the area between Polk County RD 15 and Hickory Creek along Hwy 71S in order to best serve the transportation needs of students from both school districts.

WHEREFORE, Petitioners request that the Board approve the consolidation of the Wickes School District of Polk County and the Van Cove School District of Polk County into the resulting Cossatot River School District; that it issue an Order dissolving the affected school districts and establishing the resulting school district; and that it file its Order with the County Clerk of Polk County.

Respectfully submitted,

Wickes School District
Polk County

By: Megan Witanski 1-21-10
Superintendent Date

1-21-10
President, School Board Date

Van Cove School District
Polk County

By: Andrew Curry 21 JAN 2010
Superintendent Date

21 Jan 2010
President, School Board Date

EXHIBIT A

SCHOOL BOARD RESOLUTION

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

At the regular school board meeting held on Jan. 21, 2010, wherein a quorum was present and a majority of the quorum voted to approve the consolidation of the Wickes School District with the Van Cove School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the Wickes School District Board of Directors, pursuant to Arkansas law, that consolidation is hereby approved.

Wickes School District
of Polk County

By: Megan Witanski 1-21-10
Superintendent Date

Doug Curtis 1-21-10
President, School Board Date

EXHIBIT B

PROOF OF PUBLICATION

(Attach copy of public notice and proof of publication from the newspaper)

NOTICE OF INTENT TO CONSOLIDATE

Wickes School District of Polk County and Van Cove School District of Polk County hereby provide lawful notice of their intent to file a petition with the Arkansas State Board of Education requesting approval to consolidate the Wickes School District and the Van Cove School District. On Jan. 21, 2010, the Wickes School District Board of Directors met and approved, and on Jan. 21, 2010, the Van Cove School Board of Directors met and approved, and the boards are giving notice to the public of the districts' intent to consolidate into one school district. The superintendent of each school

Thursday, January 28, 2010

Legals

District has been granted the authority to petition the State Board of Education for consolidation of the respective school district. Said petition shall be filed with the State Board of Education at least thirty days prior to the meeting when the petition will be presented for the consideration of the State Board of Education.

Published: 01/28/10 & 02/04/10

Legals

Notice of Intent to Consolidate

Wickes School District of Polk County and Van Cove School District of Polk County hereby provide lawful notice of their intent to file a petition with the Arkansas State Board of Education requesting approval to consolidate the Wickes School District and the Van Cove School District. On Jan. 21, 2010, the Wickes School District Board of Directors met and approved, and on Jan. 21, 2010, the Van Cove School Board of Directors met and approved, and the boards are giving notice to the public of the districts' intent to consolidate into one school district. The superintendent of each school district has been granted the authority to petition the State Board of Education for consolidation of the respective school districts. Said petition shall be filed with the State Board of Education at least thirty days prior to the meeting when the petition will be presented for the consideration of the State Board of Education.

See: Jan. 28 and Feb. 4, 2010

EXHIBIT D

AFFIDAVIT CONCERNING DESEGREGATION ORDERS

COMES NOW the Wickes School District Board 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 Wickes School District currently 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.

Further the affiant sayeth not,

IN WITNESS WHEREOF, I hereunto set my hands this 21st day of January, 2010.

Megan Witonski
Superintendent

County of Polk
State of Arkansas

Sworn and subscribed before me, Notary Public, this 21 day of January 2010.

Sylvia Lyle
Notary Public

My Commission Expires:
4-14-2013

Sylvia Lyle
County Of Polk
Notary Public - Arkansas
My Commission Exp 04/14/2013

EXHIBIT A

SCHOOL BOARD RESOLUTION

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

At the regular school board meeting held on January 21, 2010 wherein a quorum was present and a majority of the quorum voted to approve the consolidation of the Van Cove School District with the Wickes School District, and the minutes of said meeting reflect such. Therefore, this document is to serve as the formal resolution of the Van Cove School District Board of Directors, pursuant to Arkansas law, that consolidation is hereby approved.

Van Cove School District
of Polk County

By: Andrew Curry 21 Jan 2010
Superintendent Date

Johnny Doyal 21 Jan 2010
President, School Board Date

EXHIBIT D

AFFIDAVIT CONCERNING DESEGREGATION ORDERS

COMES NOW the Van Cove School District Board 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 Van Cove School District currently 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.

Further the affiant sayeth not,

IN WITNESS WHEREOF, I hereunto set my hands this 21 day of JANUARY, 2010.

Andrew Curry
Superintendent

County of Polk
State of Arkansas

Sworn and subscribed before me, Notary Public, this 21st day of January 2010.

Regina Foster
Notary Public

My Commission Expires:

2-28-2012

6-13-1401. Definitions.

As used in this subchapter:

(1) "Affected district" means a school district that loses territory or students as a result of annexation or consolidation;

(2) "Annexation" means the joining of an affected school district or part thereof with a receiving district;

(3) "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district;

(4) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation;

(5) "Resulting district" means the new school district created from an affected district or districts as a result of consolidation; and

(6) "State board" means the State Board of Education.

History. Acts 2001, No. 1225, § 1.

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 the State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected school 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 or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 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; and

(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 school district or districts to a receiving district or districts as provided for in § 6-14-122; and

(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; and

(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 or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) Upon receipt of 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 upon receipt of 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 time a week for two (2) consecutive weeks immediately prior to 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 prior to 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).

(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 school district or districts.

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

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks of the county or counties where the receiving district or districts are located. The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be 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.

6-13-1404. Conditions under which the 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 school 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 or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 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 or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 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 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 upon receipt of 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 time a week for two (2) consecutive weeks immediately prior to 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 prior to 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).

(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 school districts and establishing the resulting school district or districts.

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

(B) It shall be the duty of the Department of Education 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 issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the resulting district or districts are located.

(2) The county clerk shall make a permanent record of the order and, thereafter, the boundaries so established shall be 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.

6-13-1405. Effective date of annexation or consolidation.

(a) Upon consolidation or annexation of a school district by the State Board of Education:

(1) The effective date of the annexation or consolidation shall be the July 1 following the state board action unless otherwise determined by the state board;

(2) The state board shall prescribe the number of members of the board of directors of the resulting or receiving district and prescribe the method of forming the board of directors of the resulting or receiving district;

(3) The consolidation or annexation plan adopted by the state board shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected school district;

(4) All terms and conditions of the consolidation shall be as set forth by the state board and shall be binding on the school districts and the respective boards of directors; and

(5) (A) (i) The state board shall afford the local school districts in a consolidation thirty (30) days to establish an interim local board to govern the resulting district pursuant to § 6-13-1406 until the next school election.

(ii) If the consolidation is under § 6-13-1602, the resulting districts shall establish an interim board by May 31 immediately preceding the effective date of consolidation.

(B) If the local school districts fail to establish an interim board, the state board shall appoint an interim local board to serve until the next elected board assumes office.

(C) (i) The interim board shall be made up of board members from the boards of directors of the affected districts.

(ii) The proportion of board members from each of the affected districts shall be equal to the proportion of the student population in the resulting district that came from each affected district.

(b) Upon a petition for consolidation or annexation:

(1) Consolidation shall be the July 1 following the order of the state board directing the annexation or the consolidation, unless the state board determines otherwise;

(2) Each board of directors of the affected districts by majority approval of the members of the local board of directors may enter into a written agreement executed by the former president and secretary of each district. The agreement shall prescribe the date of the annexation of the affected district or districts to the receiving district or the formation of the resulting district from consolidation of affected districts;

(3) The agreement shall also prescribe the number of members of the board of directors of the resulting district as allowed by law; and

(4) An executed copy of the agreement shall be filed with the county clerk of each county that contains territory or a portion of the territory of each affected district.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2003 (2nd Ex. Sess.), No. 60, § 2.

6-13-1406. Board of directors — Term — Election.

(a) (1) (A) Unless the board of directors of the affected district or districts and the board of directors of the receiving district or districts agree otherwise, the board of directors of the receiving district or districts after annexation shall be the same board of directors of the receiving district prior to annexation until the next regular school election.

(B) (i) In lieu of electing a new board of directors at the next regular school election, the board of directors of the affected district or districts and the board of directors of the receiving district may agree to form an interim board of directors whose members shall serve until the regular school election in the year following the effective date of the annexation.

(ii) (a) If an interim board of directors is formed to serve until the school election in the year following the effective date of the annexation, the interim board of directors shall be composed of the members of the board of directors of the receiving district and at least one (1) member selected by the board of directors of each affected district.

(b) Each member selected from the affected district shall be determined by a vote of the affected board of directors. In the case of a tie vote, the member shall be selected by drawing lots.

(2) The boards of directors of the affected districts may by agreement establish a new board of directors other than the current board of directors of the receiving 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 § 6-13-604.

(3) The board of directors of the receiving district created by agreement shall be elected from single-member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board of directors in proportions reflected in the school district as a whole.

(b) (1) Unless the boards of directors of the affected districts agree otherwise, the board of directors of the resulting district after consolidation shall be composed of seven (7) members until the next regular school election.

(2) The boards of directors of the affected districts may by agreement establish a 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 § 6-13-604.

(3) The board of directors of the resulting district shall be elected from single-member zones of substantially equal population based upon the most recent census information and from which racial minorities may be represented on the board of directors in proportions reflected in the school district as a whole.

(c) The length of the term of each member of the board of directors after annexation or consolidation shall be for a time period as allowed by law.

(d) At the first meeting of a new board of directors after annexation or consolidation, the members shall determine their terms by lot so that no more than two (2) members' terms expire during any one (1) year.

(e) Any vacancy on the board of directors shall be filled in the manner provided for by law.

(f) The establishment of a board of directors with an even number of members following annexation or consolidation is hereby prohibited.

History. Acts 2001, No. 1225, § 1; 2003 (2nd Ex. Sess.), No. 25, § 1.

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

(a) Any receiving 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 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 school district's or 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) Prior to 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 and regulations 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.

6-13-1410. Appeal and election.

The decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except that an aggrieved school 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.

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 school 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 or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., or the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.

History. Acts 2003 (2nd Ex. Sess.), No. 71, § 1.

6-13-1412. Board of directors after annexation — Term — Election.

(a) (1) Notwithstanding any other provisions of law, school districts that annex after January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, and opt to follow the procedures in this section or school districts that voluntarily annex and opt to follow the procedures in this section shall form a new board of directors made up of the board of directors of the receiving district plus at least one (1) member of the board of directors of each affected district as provided under § 6-13-1406(a)(1)(B)(ii).

(2) The board of directors of each affected district shall select by majority vote at least one (1) member to serve on the new board of directors.

(3) In the case of a tie vote on the board of directors of an affected district, the member shall be selected by drawing lots.

(b) (1) School districts that annexed before January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, and which have an interim board of directors that has not stood for election since the creation of the interim board of directors shall have a board of directors made up of the members of the interim board of directors.

(2) Within thirty (30) days of February 24, 2005, the members of the board of directors shall determine their terms by lot so that no more than three (3) members' terms expire during any one (1) year with no fewer than one (1) member's term expiring at the regular school election in the year following the effective date of the annexation.

(c) (1) In no case shall the interim board of directors or permanent board of directors have:

(A) More than seven (7) or fewer than five (5) members; or

(B) An even number of members.

(2) If the addition of members from the affected district or districts would cause the interim board of directors to be out of compliance with subdivision (c)(1) of this section or if the board of directors decides to reduce the size of the board of directors, the total number of positions held by the members of the receiving district shall be reduced as necessary by:

(A) Voluntary resignation of one (1) or more existing members; or

(B) Drawing lots by the directors of the receiving district prior to annexation.

(d) In lieu of electing a new board of directors at the next regular school election, the members of the interim board of directors created under subsection (a) of this section shall determine their terms by lot so that no more than three (3) members' terms expire during any one (1) year with no fewer than one (1) member's term expiring at the regular school election in the year following the effective date of the annexation.

(e) (1) Unless the school district is allowed to do otherwise pursuant to § 6-13-604, the board of directors of the receiving district after annexation shall be composed of five (5) or seven (7) members as determined by a majority vote of the board of directors of the receiving district, and the determination shall be exempt from the requirements of §§ 6-13-604 and 6-13-606.

(2) (A) The board of directors shall be elected from single-member zones if single-member election zones are necessary to comply with the Voting Rights Act of 1965, as in existence on January 1, 2005, ensuring the protection of the voting rights of minority populations in school districts. Otherwise, the election may be at large for the board of director members whose terms are expiring.

(B) (i) If the board of directors of a school district is required to be elected from single-member zones, the procedure for the election shall be as necessary to comply with the Voting Rights Act of 1965, as in existence on January 1, 2005, and state law.

(ii) The zoning shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the annexation, at which time the full board of directors shall be up for election.

(C) No sanctions provided by state statutory law, specifically including, but not limited to, the sanctions under § 6-13-631(h)(2) or State Board of Education rule shall be levied against a school district if the deadline for zoning allowed under subdivision (e)(2)(B) of this section is met.

(3) (A) (i) If prior to the annexation either the receiving district or the affected district had been zoned as necessary to comply with the Voting Rights Act of 1965, as in existence on January 1, 2005, or state law, the receiving district shall review the makeup and boundaries of the zones and the latest decennial census data of the receiving district.

(ii) After the review required under subdivision (e)(3)(A)(i) of this section, the receiving district shall be rezoned as necessary to comply with the Voting Rights Act of 1965, as in existence on January 1, 2005, and state law.

(B) Any rezoning under subdivision (e)(3)(A)(ii) of this section shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the annexation.

(C) No sanctions provided by state statutory law, specifically including, but not limited to, the sanction under § 6-13-631(h)(2) or State Board of Education rule, shall be levied against a school district if the deadline for rezoning allowed under subdivision (e)(3)(B) of this section is met.

(f) The length of the term of each member of the board of directors after annexation shall be for a time period as determined by the board of directors and allowed by law.

(g) Any vacancy on the board of directors shall be filled in the manner provided for by law.

(h) (1) The provisions of §§ 6-13-1405 and 6-13-1406 with respect to the election of a board of directors following annexation shall not be applicable for school districts annexed under Acts 2003 (2nd Ex. Sess.), No. 60, that follow the procedures in this section or school districts that voluntarily annex and opt to follow the procedures in this section.

(2) However, the State Board of Education shall allow school districts thirty (30) days to establish an interim local board of directors or as incorporated in this section by reference.

History. Acts 2005, No. 274, § 1.

6-13-1413. Board of directors after consolidation — Term — Election.

(a) Notwithstanding any other provision of law, school districts that consolidate after January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, and that opt to follow the procedures in this section or school districts that voluntarily consolidate and opt to follow the procedures in this section shall form an interim board of directors as provided by §§ 6-13-1405(a)(5) and 6-13-1406(b).

(b) In lieu of electing a new board of directors at the next regular school election, the members of the interim board of directors created under subsection (a) of this section shall determine their terms by drawing lots so that no more than three (3) members' terms expire during any one (1) year with no fewer than one (1) member's term expiring at the regular school election in the year following the effective date of the consolidation.

(c) (1) Unless the school district is allowed to do otherwise pursuant to § 6-13-604, the board of directors of the school district after consolidation shall be composed of five (5) or seven (7) members as determined by a majority vote of the board of directors of the resulting district, and the determination shall be exempt from the requirements of §§ 6-13-604 and 6-13-606.

(2) (A) The board of directors shall be elected from single-member zones if single-member election zones are necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, to ensure the protection of the voting rights of minority populations in school districts. Otherwise, the election may be at large for members of the board of directors whose terms are expiring.

(B) (i) If the board of directors of a school district is to be elected from single-member zones, the school district shall be zoned as necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, and state law.

(ii) The zoning shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the consolidation, at which time the full board of directors shall be up for election.

(C) No sanctions provided by state statutory law, specifically including, but not limited to, the sanctions under § 6-13-631(h)(2) or State Board of Education rule, shall be levied against a school district if the deadline for zoning allowed under subdivision (c)(2)(B) of this section is met.

(3) (A) (i) If prior to the consolidation either of the affected districts had been zoned in compliance with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, or state law, the resulting district shall review the makeup and boundaries of the zones and the latest federal decennial census data of the receiving district.

(ii) After the review required under subdivision (c)(3)(A)(i) of this section, the resulting district shall be rezoned as necessary to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005, and state law.

(B) Any rezoning under subdivision (c)(3)(A)(ii) of this section shall be completed no later than one hundred twenty (120) calendar days prior to the second school election following the effective date of the consolidation.

(C) No sanctions under state statutory law, specifically including, but not limited to, the sanctions

under § 6-13-631(h)(2) or State Board of Education rule, shall be levied against a school district if the deadline for rezoning allowed under subdivision (c)(3)(B) of this section is met.

(d) The length of the term of each member of the board of directors after consolidation shall be for a time period as determined by the board of directors and allowed by law.

(e) Any vacancy on the board of directors shall be filled in the manner provided for by law.

(f) The provisions of §§ 6-13-1405 and 6-13-1406 with respect to the election of a board of directors following consolidation shall not be applicable for school districts consolidating under Acts 2003 (2nd Ex. Sess.), No. 60, that follow the procedures in this section or school districts that voluntarily consolidate and opt to follow the procedures in this section. However, the State Board of Education shall allow school districts thirty (30) days to establish an interim local board of directors. If the affected districts fail to establish an interim board of directors as required, the State Board of Education shall appoint an interim local board of directors pursuant to § 6-13-1405 or as incorporated in this section by reference.

(g) **(1)** Notwithstanding any other provisions of law, school districts that consolidated before January 1, 2005, under Acts 2003 (2nd Ex. Sess.), No. 60, may by majority vote of the board of directors opt to return to at-large elections if the school district:

(A) Was required to establish single-member election zones solely because of the requirements of Acts 2003 (2nd Ex. Sess.), No. 60;

(B) Is not or was not required to establish single-member election zones by any state law other than Acts 2003 (2nd Ex. Sess.), No. 60; and

(C) Is not or was not required to have single-member election zones to comply with the federal Voting Rights Act of 1965, as in effect on January 1, 2005.

(2) Any school district opting to return to at-large elections as allowed under this section shall return to an at-large election over a period of time as each individual member's position comes up for election based on the staggered term of office for each board position as established by the local board of directors.

History. 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 prior to 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 school district no less than one 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 school 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 Department of Education to immediately make changes in the maps of the school districts of the county to show the changes of boundaries.

(e) The state board shall issue an order establishing the changed boundaries and shall file the order with the county clerk in each county in which every affected school district lies. The county clerk shall make a permanent record of the order, and thereafter the boundaries so established shall be the boundaries of the affected school 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.

ARKANSAS DEPARTMENT OF EDUCATION
RULE GOVERNING CONSOLIDATION OR ANNEXATION OF PUBLIC SCHOOL DISTRICTS AND BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

March 13, 2006

1.0 PURPOSE

1.01 This rule shall be known as the Arkansas Department of Education Rule Governing the Consolidation and Annexation of Public School Districts.

2.0 AUTHORITY

The State Board of Education's authority for promulgation of this rule is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-13-1401 et seq.

3.0 DEFINITIONS

3.01 "Annexation" means the joining of an affected school district or a part of the school district with a receiving district.

3.02 "Affected district" means a school district that loses territory or students as a result of annexation or consolidation.

3.03 "Consolidation" means the joining of two (2) or more school districts or parts thereof to create a new single school district.

3.04 "Petition for annexation" means the official forms and documents published by the Department and hereby attached and incorporated into this rule as Attachment A, which are the official forms and documents necessary for school districts to properly petition the State Board of Education for annexation of a school district or districts into a receiving school district.

3.05 "Petition for consolidation" means the official forms and documents published by the Department and hereby attached and incorporated into this rule as Attachment B, which are the official forms and documents necessary for school districts to properly petition the State Board of Education for consolidation of a school district or districts into a resulting school district.

3.06 "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation.

3.07 "Resulting district" means the new school district created from an affected district or districts as a result of consolidation.

3.08 "State Board" means the State Board of Education.

4.0 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING THE ANNEXATION OF SCHOOL DISTRICTS

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

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

4.02.1 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 of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.;

(i) 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;

(ii) 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 district or districts; and

(iii) 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 Ark. Code Ann. § 6-14-122;

(iv) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in Ark. Code Ann. § 6-14-122; and

(v) 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 Ark. Code Ann. § 6-14-122; or

(vi) 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; and

(vii) 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 Ark. Code Ann. § 6-14-122.

4.03 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, under the following conditions:

4.03.1 The State Board, after providing thirty (30) days written notice to the affected school districts, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code. Ann. § 6-15-402 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

4.03.2 Upon receipt of 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 Section 4.02 of this rule and upon receipt of 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 once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

4.04 The petition for annexation filed by a school district must be filed on the attached "Petition for Annexation" form, along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the Office of the Commissioner, Department of Education, #4 Capitol Mall, Little Rock, AR 72201. 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.

4.05 In order for the petition for annexation to be valid, it shall be filed in the Office of the Commissioner at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board.

4.06 No petition is required to be filed for the State Board to annex a school district or districts upon a motion of the State Board as set forth in Section 4.03.1 of this rule.

4.07 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 Commissioner's Memo.

4.08 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 citizen's groups' spokesperson(s);
C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s);
D) Closing remarks by petitioning school districts' spokesperson

4.09 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.

4.10 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 districts(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.

4.11 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.

4.12 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.

4.13 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for annexation.

4.14 The State Board shall issue a written decision approving the annexation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.

4.15 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 annexation before the State Board.

5.0 PROCEDURES OF THE STATE BOARD OF EDUCATION CONCERNING THE CONSOLIDATION OF SCHOOL DISTRICTS

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

5.02 The State Board shall consider the consolidation of an affected school district or districts to a resulting district or districts under the following conditions:

5.02.1 The State Board, after providing thirty (30) days written notice to the affected school districts, determines that consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq.,

and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

(i) The affected districts file a petition with the State Board requesting that the affected districts be consolidated into a resulting district or districts, and a copy of the petition is filed with the county clerk's office of each county where the affected districts are located;

(ii) 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 districts; and

(iii) A majority of the qualified electors in the affected districts vote to approve the consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in Ark. Code Ann. § 6-14-122; and

(iv) 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.

5.03 The State Board 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 under the following conditions:

5.03.1 The State Board, after providing thirty (30) days written notice to the affected schools, may on its own motion based on a school district's failure to meet standards of accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, Ark. Code Ann. § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, Ark. Code Ann. § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, Ark. Code Ann. § 6-20-1901 et seq.; or

5.03.2 Upon receipt of a valid petition for consolidation and after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in Section 5.02 of this rule and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district in the local newspapers of general circulation in the affected districts for a time period of no less than once a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the State Board.

5.04 The petition for consolidation filed by a school district must be filed on the attached "Petition for Consolidation" form along with all required attachments, in order for the petition to be considered by the State Board. The petition, with all required attachments, must be submitted to the

Office of the Commissioner, Arkansas Department of Education, #4 Capitol Mall, Little Rock, AR 72201. 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.

5.05 In order for the petition for consolidation to be valid, it shall be filed in the Office of the Commissioner at least thirty (30) days prior to the next regularly scheduled State Board meeting, at which time the petition will be presented for hearing before the State Board.

5.06 No petition is required to be filed for the State Board to consolidate a school district or districts upon a motion of the State Board and as set forth in Section 5.03.1 of this Rule.

5.07 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 Commissioner's Memo.

5.08 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 citizen's groups' spokesperson(s);
C) Closing remarks by opposing school districts and citizen's groups' spokesperson(s);
D) Closing remarks by petitioning school districts' spokesperson

5.09 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.

5.10 Any school district or group of citizens, which opposes a petition, shall have the opportunity to present is 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 districts(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.

5.11 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.

5.12 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.

5.13 Any documents to be considered by the State Board shall be submitted via first class mail to the Commissioner's Office at least three (3) business days prior to the State Board hearing of the petition for consolidation.

5.14 The State Board shall issue a written decision approving the consolidation requested in the petition, if the petition is granted. If the State Board denies a petition, it shall issue a written decision stating the reasons for such denial.

5.15 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 consolidation before the State Board.

6.0 STATE BOARD OF EDUCATION ACTION ON PETITIONS FOR ANNEXATIONS AND CONSOLIDATIONS

6.01 Prior to the entry of any order approving a petition for 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.

6.02 In addition to all other requirements in this rule, 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.

6.03 Upon the annexation or consolidation of school districts by the State Board's own motion, or by the approval of a petition requesting annexation or consolidation, the State Board shall issue an order containing, but not limited to, the following:

6.03.1 Dissolving the affected school districts and establishing the receiving or resulting district or districts;
6.03.2 Establishing the boundary lines of the receiving or resulting district or districts;

6.03.3 Directing the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving or resulting district or districts.

6.04 The State Board shall also issue an order establishing the changed boundaries and shall file the order with the county clerk or clerks where the receiving or resulting district or districts are located.

6.05 The county clerk shall make a permanent record of the order described in Section 6.04 of this Rule, above, and, thereafter, the boundaries so established shall be the boundaries of the receiving or resulting district until changes are made according to the provisions of law.

6.06 The State Board shall neither annex nor consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation or consolidation:

(1) The annexation or consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The annexation or consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

7.0 GENERAL PROVISIONS GOVERNING CONSOLIDATIONS OR ANNEXATIONS

7.01 All 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.

7.02 The millage rate of the electors of the affected districts of a 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.

7.03 Upon the State Board's approval of a petition for annexation or consolidation or the approval of an annexation or consolidation pursuant to the State Board's own motion, the effective date of the annexation or consolidation shall be the July 1 following the order of the State Board directing the annexation or consolidation, unless the State Board determines otherwise.

8.0 BOARDS OF DIRECTORS OF LOCAL SCHOOL DISTRICTS

8.01 The State Board shall afford the school districts involved in an annexation or consolidation thirty (30) days from the date of its order granting the annexation or consolidation to establish an interim board to govern the

receiving or resulting district, with the interim board to be selected pursuant to the provisions of either Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 or 6-13-1413.

8.02 The provisions of Ark. Code Ann. §§ 6-13-1405, 6-13-1406, 6-13-1412 and 6-13-1413 shall govern the board of directors of each resulting or receiving school district created from an annexation or consolidation.

8.03 All boards of directors of local school districts shall be made up on five (5), seven (7) or nine (9) members as allowed by law, unless the school district is under a valid court order otherwise directing the number and composition of the local board.

8.04 No board of directors shall have an even number of directors whether or not the number of directors of a school district's board of directors was established by an agreement between or among the former school districts, which comprise the school district incident to a consolidation or annexation of the former school districts.

ARKANSAS DEPARTMENT OF EDUCATION

Dr. Tom W. Kimbrell
Commissioner

State Board of Education

Dr. Naccaman Williams
Springdale
Chair

Jim Cooper
Melbourne
Vice Chair

Sherry Burrow
Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

February 24, 2010

Megan Witonski
Superintendent
Wickes School District
130 School Drive
Wickes, AR 71973

Andrew Curry
Superintendent
Van Cove School District
110 South Fifth Street
Cove, AR 71937

Re: Petition for Voluntary Consolidation of the Wickes School District with the Van Cove School District

Dear Ms. Witonski and Mr. Curry:

This letter is to notify you that the State Board of Education (Board) will hold a hearing on the Petition for the Voluntary Consolidation of the Wickes School District with the Van Cove School District on Monday, March 8, 2010, at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.

As representative of the Wickes and Van Cove School Districts, you, along with any School Board members or other representatives of your districts, are requested to attend the hearing to address any questions of the State Board.

Should you have any questions or comments, please contact my office at 501-682-4227.

Sincerely,

Jeremy C. Lasiter
General Counsel

cc: Dr. Tom Kimbrell, Commissioner of Education
State Board Office
Rep. Bill Abernathy
Rep. Steve Cole
Rep. Randy Stewart
Senator Steve Faris
Senator Larry Teague

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
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Jonesboro

Brenda Gullett
Fayetteville

Sam Ledbetter
Little Rock

Alice Mahony
El Dorado

Dr. Ben Mays
Clinton

Toyce Newton
Crossett

February 24, 2010

Paul E. Shelton, Superintendent
Caddo Hills School District
2268 Highway 8 East
Norman, AR 72364

Bill Blackwood, Superintendent
DeQueen School District
P. O. Box 950
DeQueen, AR 71832

Donnie Davis, Superintendent
Dierks School District
P. O. Box 124
Dierks, AR 71833

Jeff Alexander, Superintendent
Kirby School District
P. O. Box 9
Kirby, AR 71950

Dr. Diann Gathright, Superintendent
Mena School District
501 Hickory Street
Mena, AR 71953

Re: Petition for Voluntary Consolidation of the Wickes School District with the Van Cove School District

Dear Superintendents:

This letter is to notify you that the State Board of Education (Board) will hold a hearing on the petition of the Wickes School District to be consolidated with the Van Cove School District on Monday, March 8, 2010, at 9:00 a.m. in the Auditorium of the Arch Ford Education Building, Four Capitol Mall, Little Rock, Arkansas.

As representatives of the school districts that are contiguous to the Wickes and Van Cove Districts, you are invited and encouraged to attend the hearing to address any possible questions of the State Board.

Should you have any questions or comments, please contact my office at 501-682-4227.

Sincerely,

Jeremy C. Lasiter
General Counsel

cc: Dr. Tom Kimbrell, Commissioner of Education
State Board Office

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
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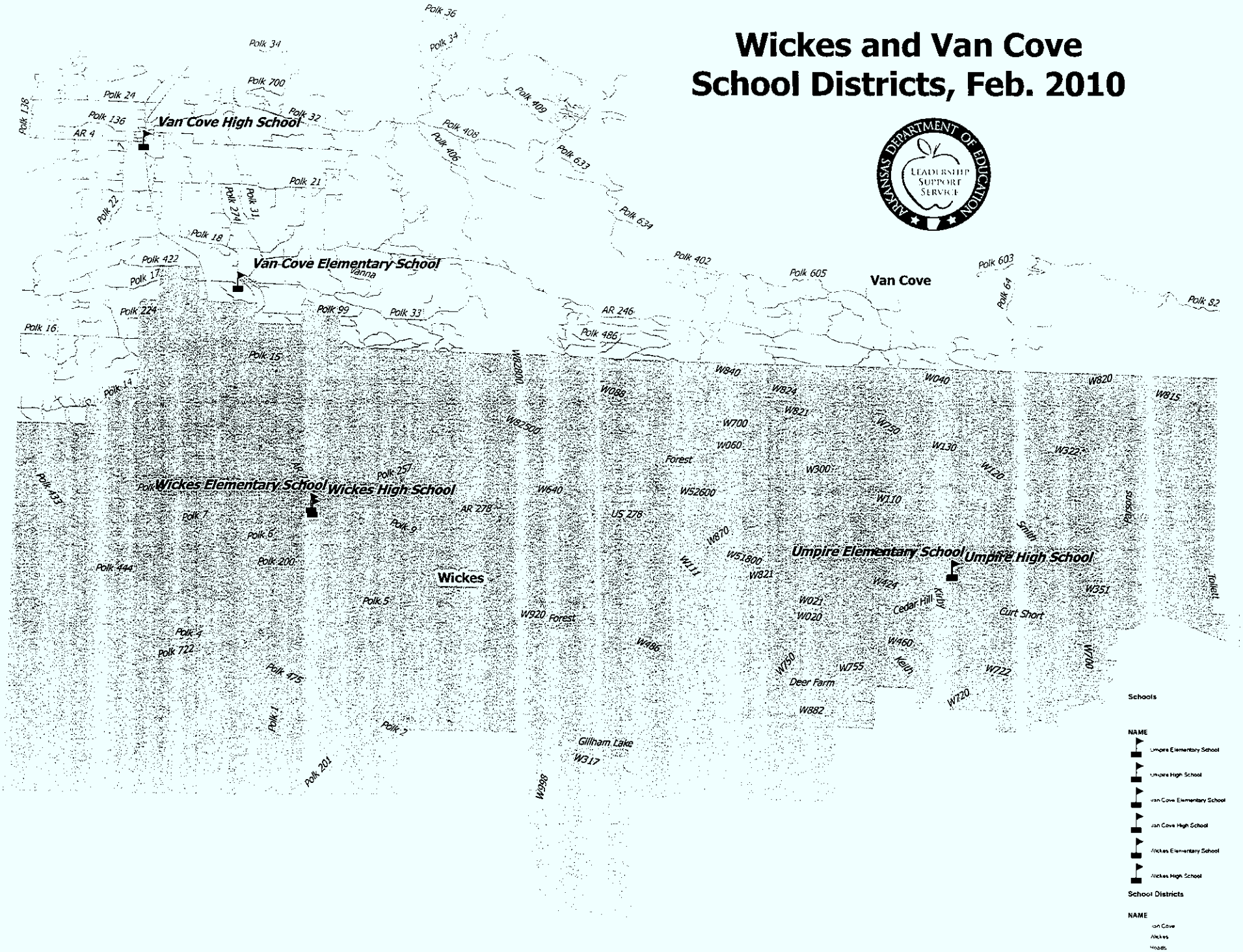
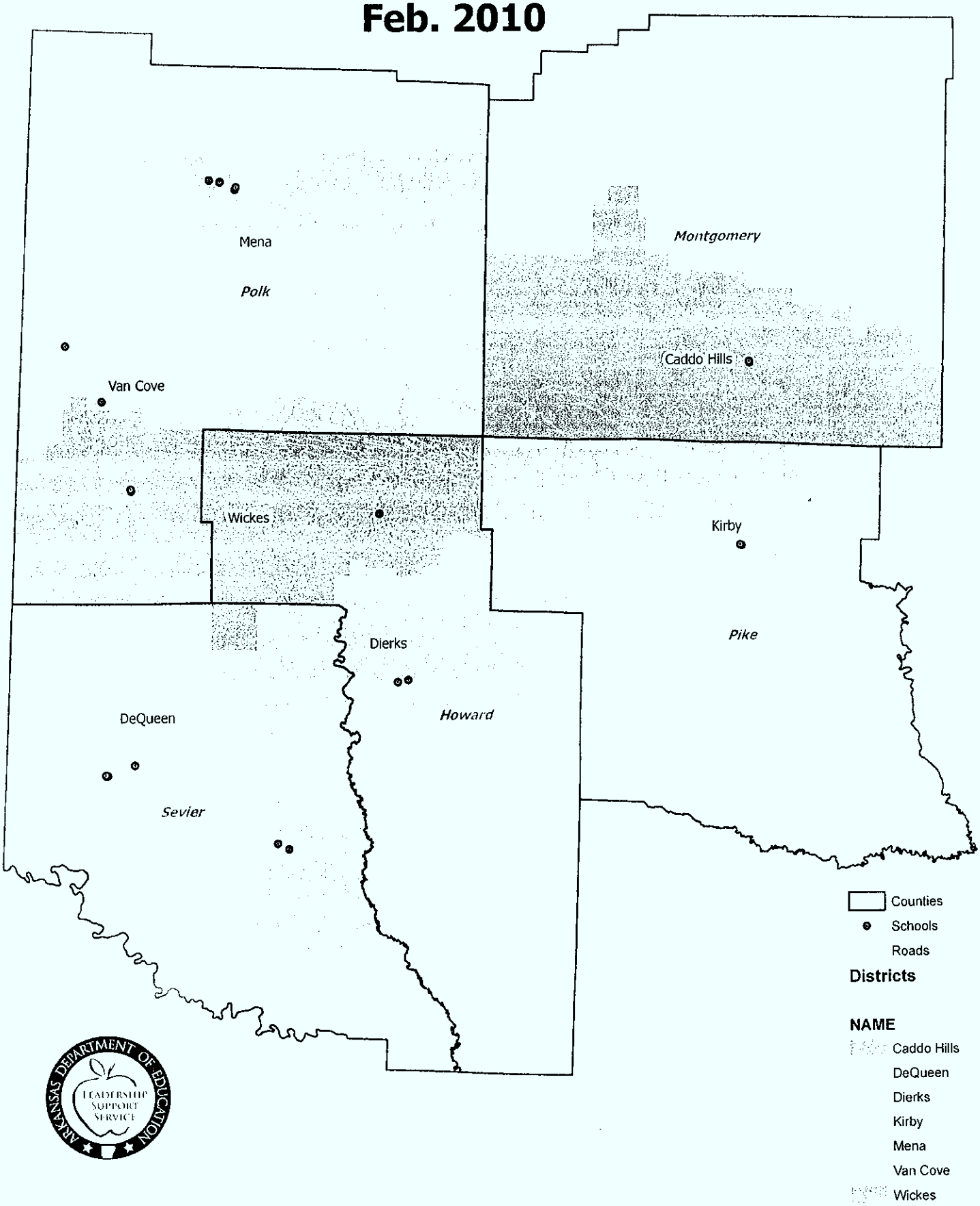
An Equal Opportunity Employer

Wickes and Van Cove School Districts, Feb. 2010



Wickes, Van Cove and Area School Districts Feb. 2010



LEA	DISTRICT	COUNTY	DATED	TYPE	PURPOSE	RATE	CURRENT BALANCE OF ISSUE	MATURITY	TOTAL 09 10 PAYMENT	TOTAL 10 11 PAYMENT	TOTAL 11 12 PAYMENT	TOTAL 12 13 PAYMENT	TOTAL 13 14 PAYMENT
57-05	Wickes	Polk	09/01/2003	Commercial Bond	Voted Refunding	6.25%	80,000.00	Feb 2013	25,000.00	23,750.00	22,500.00	21,250.00	0.00
57-05	Wickes	Polk	07/01/2007	Commercial Bond	2nd Lien Construction	3.85% - 4.30%	925,000.00	Feb 2028	73,412.50	72,065.00	70,665.00	69,265.00	72,865.00
57-05	Wickes	Polk	02/01/2008	Commercial Bond	2nd Lien Construction	2.50% - 3.25%	455,000.00	Feb 2018	58,618.76	57,493.76	56,368.76	60,018.76	58,518.76
57-05	Wickes	Polk	02/01/2008	Commercial Bond	2nd Lien Construction	2.90% - 4.00%	485,000.00	Feb 2028	37,395.00	36,815.00	36,235.00	35,655.00	35,075.00
57-05	Wickes	Polk	03/01/2009	Commercial Bond	Refunding	1.50% - 4.25%	2,765,000.00	Feb 2028	82,532.08	165,035.00	198,910.00	201,985.00	219,857.50
57-05	Wickes	Polk	06/18/2001	Lease Purchase	Energy Conservation	6.50%	3,965.97	Jun 2011	2,817.74	2,817.74	0.00	0.00	0.00
57-05	Wickes	Polk	10/15/2007	Revolving Loan	Construction	4.950%	71,343.00	May 2012	27,312.48	26,135.31	24,961.39	0.00	0.00
					Totals		4,785,308.97		307,088.56	384,111.81	409,640.15	388,173.76	386,316.26

LEA	DISTRICT	COUNTY	DATED	TYPE	PURPOSE	RATE	CURRENT BALANCE OF ISSUE	MATURITY	TOTAL 09 10 PAYMENT	TOTAL 10 11 PAYMENT	TOTAL 11 12 PAYMENT	TOTAL 12 13 PAYMENT	TOTAL 13 14 PAYMENT
57-04	Van-Cove	Polk	11/01/2007	Commercial Bond	Voted Construction Refunding	3.60% - 4.35%	2,045,000.00	Jun 2037	124,755.00	128,315.00	126,695.00	125,075.00	128,387.50
57-04	Van-Cove	Polk	07/01/2009	Commercial Bond	Voted Construction	3.25% - 5.00%	585,000.00	Jun 2037	36,627.08	40,287.50	39,800.00	39,312.50	38,825.00
57-04	Van-Cove	Polk	07/20/2009	Lease Purchase	School Buses	4.90%	124,065.00	Jul 2019	0.00	16,884.92	16,884.92	16,884.92	16,884.92
					Totals		2,754,065.00		161,382.08	185,487.42	183,379.92	181,272.42	184,097.42

Funding Calculation Estimates for Van Cove and Wickes School Districts if Consolidated/Annexed in fiscal year 2009-10

Funding calculations provided are estimates and are subject to change. Not all funding categories are listed.

Estimated Incentive Funding - FY10 per student amount

LEA NO.	County	School District	FY09 3-Qtr ADM	First Year FY10 $5,905.00	Second Year FY11 1st yr x .50
5704	POLK	VAN COVE	423.91	1,771,500.00	885,750.00
5705	POLK	WICKES	698.32	0.00	0.00
Totals			1,122.23	1,771,500.00	885,750.00
Total years one and two				2,657,250.00	

FY11 per student amount

First Year FY11 $6,023.00	Second Year FY12 1st yr x .50
1,806,900.00	903,450.00
0.00	0.00
1,806,900.00	903,450.00
2,710,350.00	

LEA NO.	County	School District	2008 Assessment	FY09 3-Qtr ADM as of 7/28/09	5 Yr Avg Misc at URT FY04 to FY08	URT at 98% collection rate	URT at 98% plus 5 yr Avg Misc	Local Revenue per ADM	5,905.00 Foundation Funding per ADM State	SWI
5704	POLK	VAN COVE	15,771,113	423.91	59,129.56	386,392.27	445,521.83	1,050.98	4,854.02	0.78348
5705	POLK	WICKES	35,020,460	698.32	13,409.39	858,001.27	871,410.66	1,247.87	4,657.13	0.73205
Total after consolidation/annexation			50,791,573	1,122.23	72,538.94	1,244,393.54	1,316,932.48	1,173.50	4,731.50	0.75198

LEA NO.	County	School District	5,905.00 State Foundation Funds	35.00 Enhanced Educational Funding	41.32 *Professional Development Funding	FY10 Gen Facilities base yr less 4/10 base yr	FY10 SMIF base yr less 4/10 base yr
5704	POLK	VAN COVE	2,057,666.72	14,836.85	17,518.06	5,721.60	29,110.02
5705	POLK	WICKES	3,252,168.94	24,441.20	28,858.04	8,967.60	37,817.40
Total before/after consolidation/annexation			5,309,835.67	39,278.05	46,376.10	14,689.20	66,927.42

*Professional development rate not rounded.

Bonded debt assistance calculated with same misc funds data used to calculate foundation funding.

LEA NO.	County	School District	FY10 Debt Payment	FY10 % Debt Pmt Adjustment	FY10 Adjusted Debt Payment	FY10 Required Debt Svc Mills	18.03 FY10 Bonded Debt Assistance	Bond Balance - as of 1/1/05	Bond Maturity
5704	POLK	VAN COVE	112,400.00	100.00%	112,400.00	7.12695	42,677.84	1,575,000	FY27
5705	POLK	WICKES	224,838.76	90.00%	202,354.88	5.77819	53,257.93	3,225,000	FY28
Total after consolidation/annexation			337,238.76	93.28%	314,580.53	6.19356	94,237.87		
Total before consolidation/annexation					314,754.88		95,935.76		

Van Cove is in NSLA transition. NSLA transition is not considered in the post-consolidation/annexation calculation.

LEA NO.	County	District	Oct-08 Enrollment Calculated	Oct-08 FREE	Oct-08 REDUCED	Oct-08 TOTAL F&R	Oct-08 PAID	Oct-08 F&R %	992.00 Oct-08 Adjusted F&R %	In transition pre cons/annx FY10 revised NSLA funding	Not in transition post cons/annx FY10 NSLA
5704	POLK	VAN COVE	418.00	218	80	298.00	120.00	71.3%	71.00%	197,076.34	295,616.00
5705	POLK	WICKES	702.00	375	127	502.00	200.00	71.3%	71.00%	497,984.00	497,984.00
Total after consolidation/annexation			1,120.00	593	207	800.00	320.00	71.3%	71.00%		793,600.00
Total before consolidation/annexation										695,060.34	

23-Feb-10

Funding Calculation Estimates for Van Cove and Wickes School Districts if Consolidated/Annexed in fiscal year 2009-10

Funding calculations provided are estimates and are subject to change. Not all funding categories are listed.

LEA NO.	County	District	Oct-05 Enrolled	Oct-06 Enrolled	Oct-07 Enrolled	Oct-08 Enrollment Calculated	Percent Change in Enrollment 2005-06 to 2006-07	2006-07 to 2007-08	2007-08 to 2008-09	FY10 3 Yr Avg Growth if 1% or more in each of 3 yrs	FY10 Total NSLA Growth Funding
5704	POLK	VAN COVE	463.00	454.00	407.00	418.00	-1.94%	-10.35%	2.70%	0.00	0.00
5705	POLK	WICKES	692.00	697.00	724.00	702.00	0.72%	3.87%	-3.04%	0.00	0.00
Total after consolidation/annexation			1,155.00	1,151.00	1,131.00	1,120.00	-0.35%	-1.74%	-0.97%	0.00	0.00

LEA NO.	County	School District	2008 M&O Mills	2008 Dedicated M&O Mills	2008 Debt Service Mills	2008 Total Mills	FY09 FWI - District Share of Participation	FY09 FWI - State Share of Participation	FY10 FWI - District Share of Participation	FY10 FWI - State Share of Participation
5704	POLK	VAN COVE	31.90	0.00	13.00	44.90	0.27673	0.72327	0.26895	0.73105
5705	POLK	WICKES	25.00	0.00	14.20	39.20	0.35099	0.64901	0.36319	0.63681

Data used to calculate student growth funding for fiscal year 2009-2010 is estimated for quarters 2, 3, and 4 pursuant to Act 1501 of 2009.

LEA NO.	County	School District	FY08 3-Qtr ADM as of 9/11/08	FY09 Qtr 1 ADM	FY09 Qtr 2 ADM	FY09 Qtr 3 ADM	FY09 Qtr 4 ADM	FY10 Qtr 1 ADM	FY09 3-Qtr ADM	FY09 ADM Qtr 2 % of Qtr 1	FY09 ADM Qtr 3 % of Qtr 1	FY09 ADM Qtr 4 % of Qtr 1
5704	POLK	VAN COVE	411.52	418.36	421.93	431.47	427.51	416.41	423.91	100.85%	103.13%	102.19%
5705	POLK	WICKES	715.05	697.67	703.70	694.19	703.55	733.79	698.32	100.86%	99.50%	100.84%
Total after consolidation/annexation			1,126.57	1,116.03	1,125.63	1,125.66	1,131.06	1,150.20	1,122.23	100.86%	100.86%	101.35%

Estimated student growth funding is greater than declining enrollment, so declining enrollment funding has been marked through.

LEA NO.	County	School District	ESTIMATE FY10 Est. Qtr 2 fr FY09 % change	ESTIMATE FY10 Est. Qtr 3 fr FY09 % change	ESTIMATE FY10 Est. Qtr 4 fr FY09 % change	ACTUAL Increase in FY10 Q1 ADM fr FY09 3Q ADM	ESTIMATE Increase in FY10 Q2 est ADM fr FY09 3Q ADM	ESTIMATE Increase in FY10 Q3 est ADM fr FY09 3Q ADM	ESTIMATE Increase in FY10 Q4 est ADM fr FY09 3Q ADM	FY10 Estimated SGF Qtrs 2,3,4 and SGF Qtr 1 5905	FY10 Declining Enrollment 5905
5704	POLK	VAN COVE	419.96	429.46	425.52	0.00	0.00	5.55	1.61	10,564.41	0.00
5705	POLK	WICKES	740.13	730.13	739.97	35.47	41.81	31.81	41.65	222,539.43	~~49,395.32~~
Total after consolidation/annexation			1,160.09	1,160.12	1,165.69	27.97	37.86	37.89	43.46	217,287.69	
Total before consolidation/annexation										233,103.84	

LEA NO.	County	District	FY10 5,905.00 Declining Enrollment	FY08 3-Qtr ADM	Diff in FY08 ADM 3Q and FY09 ADM 3Q	
5704	POLK	VAN COVE	0.00	411.52	-12.39	no ADM decline
5705	POLK	WICKES	~~49,395.32~~	715.05	16.73	ADM decline
Total after consolidation/annexation			~~12,813.85~~	1,126.57	4.34	ADM decline

District LEA	5704000	5705000
District Description	VAN COVE SCHOOL DISTRICT	WICKES SCHOOL DISTRICT
FY-07 Legal Balance	1,222,398.08	1,226,531.58
FY-07 Restricted SOF	19,936.80	143,107.73
FY-07 Deposits with Paying Agents	0.00	0.00
FY-07 Current Loans	0.00	0.00
FY-07 Unrestricted Legal Balance	1,202,461.28	1,083,423.85
FY-08 Legal Balance	1,013,414.90	1,056,494.66
FY-08 Restricted SOF	13,658.76	271,816.65
FY-08 Deposits with Paying Agents	0.00	0.00
FY-08 Current Loans	0.00	0.00
FY-08 Unrestricted Legal Balance	999,756.14	784,678.01
FY-09 Legal Balance	813,151.31	650,013.31
FY-09 Restricted SOF	8,230.99	153,164.58
FY-09 Deposits with Paying Agents	0.00	0.00
FY-09 Current Loans	0.00	0.00
FY-09 Unrestricted Legal Balance	804,920.32	496,848.73
BUDGET:		
FY-10 Legal Balance	636,454.38	317,845.39
FY-10 Restricted SOF	(10,965.11)	(166,740.93)
FY-10 Deposits with Paying Agents	0.00	0.00
FY-10 Current Loans	0.00	0.00
FY-10 Unrestricted Legal Balance	625,489.27	151,104.46

Arkansas Department of Education
Historical Review of Selected Data

	Van Cove			Wickes		
	06-07	07-08	08-09	06-07	07-08	08-09
*ADM (3 QTR)	448	412	424	697	715	698
*Total Assessment	14,393,708	15,338,630	15,771,113	30,295,381	31,689,088	35,020,460
Total Expenditures	3,855,181	4,086,927	4,981,721	7,064,230	9,386,221	8,265,173
Per Pupil Expenditures	7,945	9,124	8,723	9,206	9,708	10,117
Total Mills	39.90	44.90	44.90	39.20	39.20	39.20
*Total Debt	1,568,183	2,199,410	2,144,866	3,013,435	4,944,972	4,786,549
*Certified FTE's	40.87	40.61	36.94	71.08	72.95	75.06
*Average Teacher Salary	36,013	37,224	40,773	39,921	43,750	43,233
*Free & Reduced Lunch			75.77%			100.00%
Mileage Van Cove to Wickes	11.43 Miles					

*Actual fiscal year three quarter average.

Total Debt includes Bonded and Non-bonded filed with ADE.

Certified FTE's is the Total Non-Federal Certified FTE's.

Average Salary includes Non-Federal Certified Classroom FTE's.

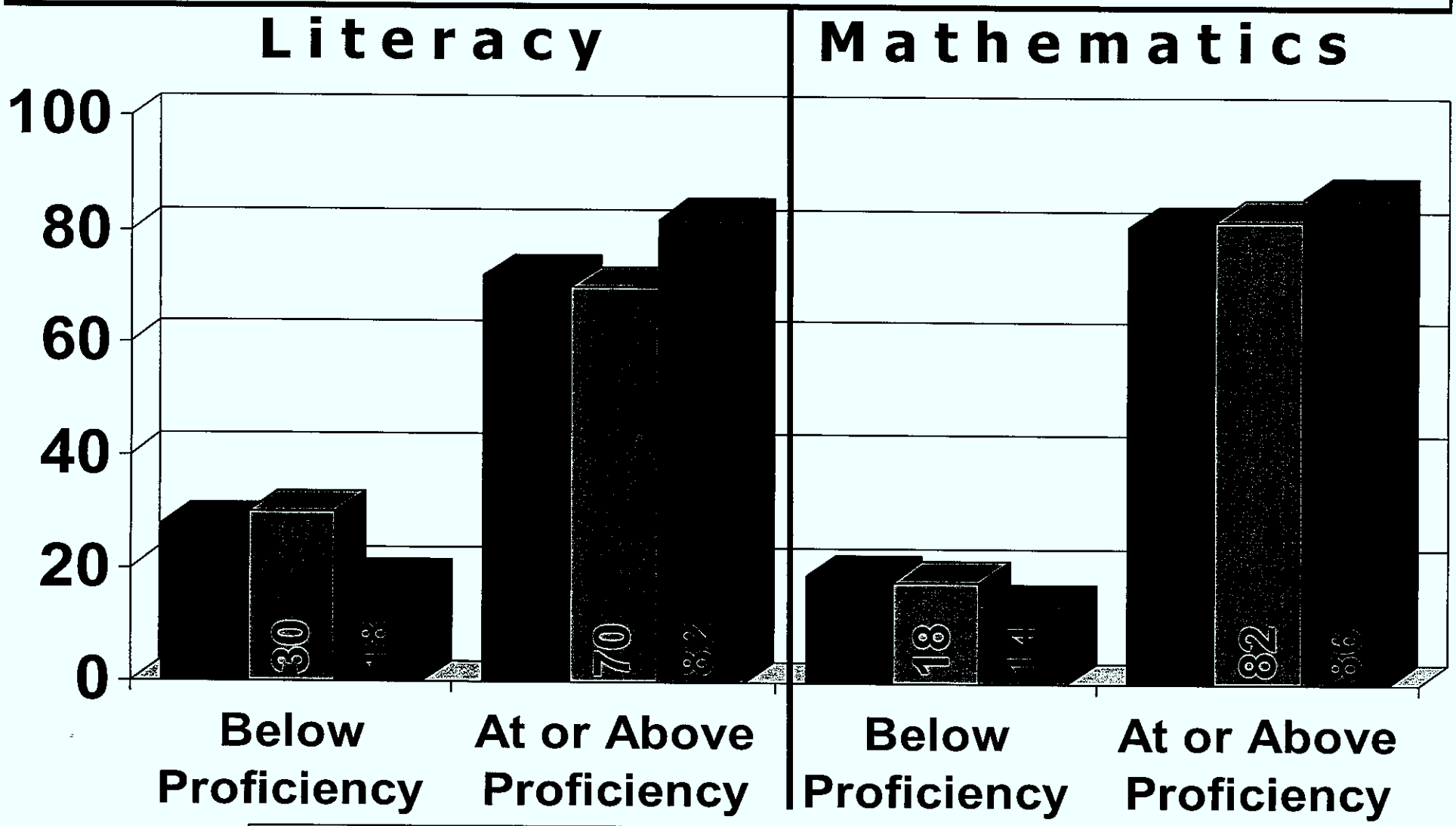
Wickes School District is Provision 2

Data Source: Annual Statistical Reports (ASR) - ADM, Total Assessment, Total Expenditures, Total Mills, Total Debt, Certified FTE's, & Average Salary

Child Nutrition Cycle 2 Data - Free & Reduced Lunch (prior to publication)

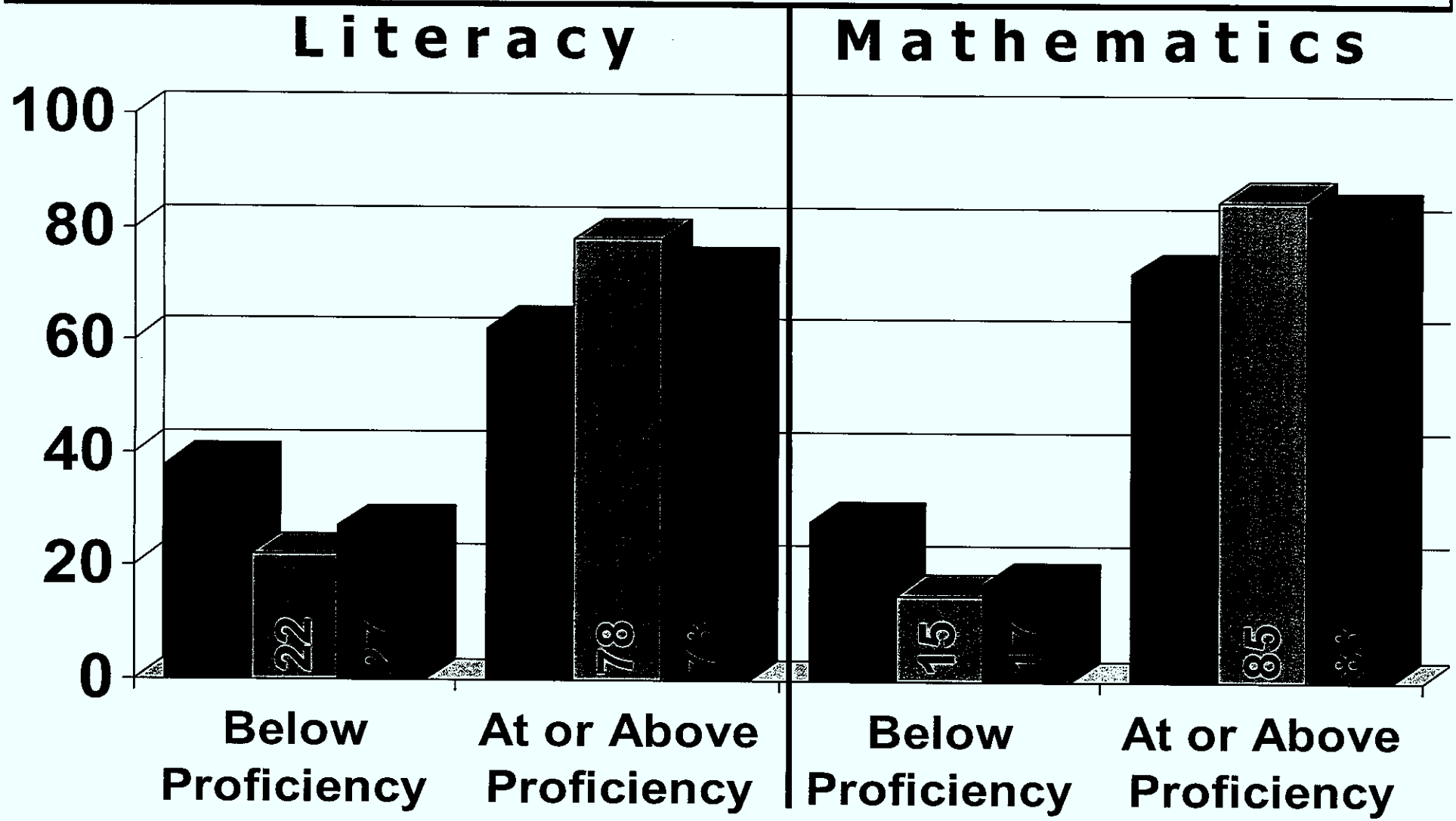
Mileage - Mapquest

Wickes Benchmark (Grade 3)



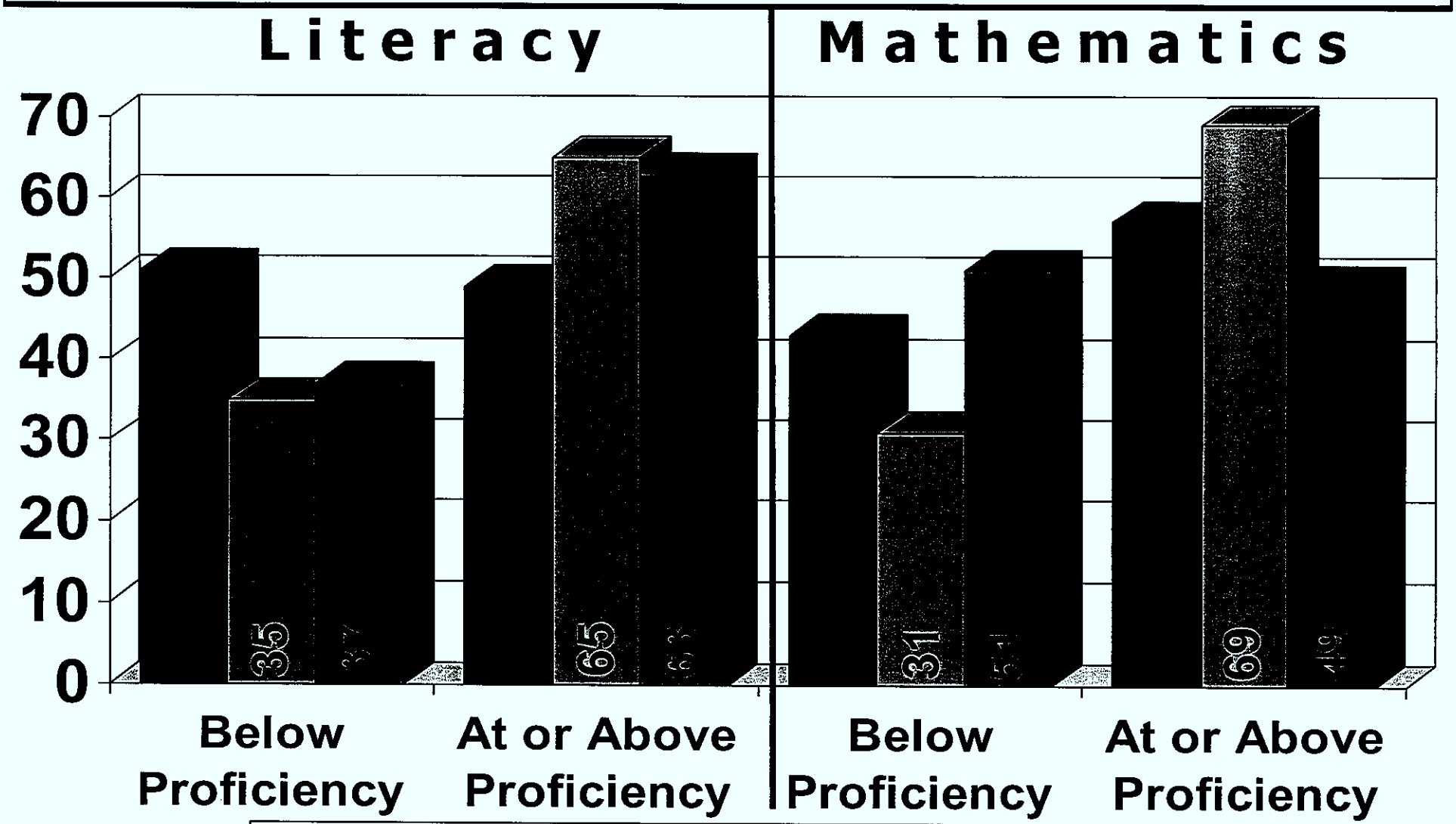
Combined Population

Wickes Benchmark (Grade 4)



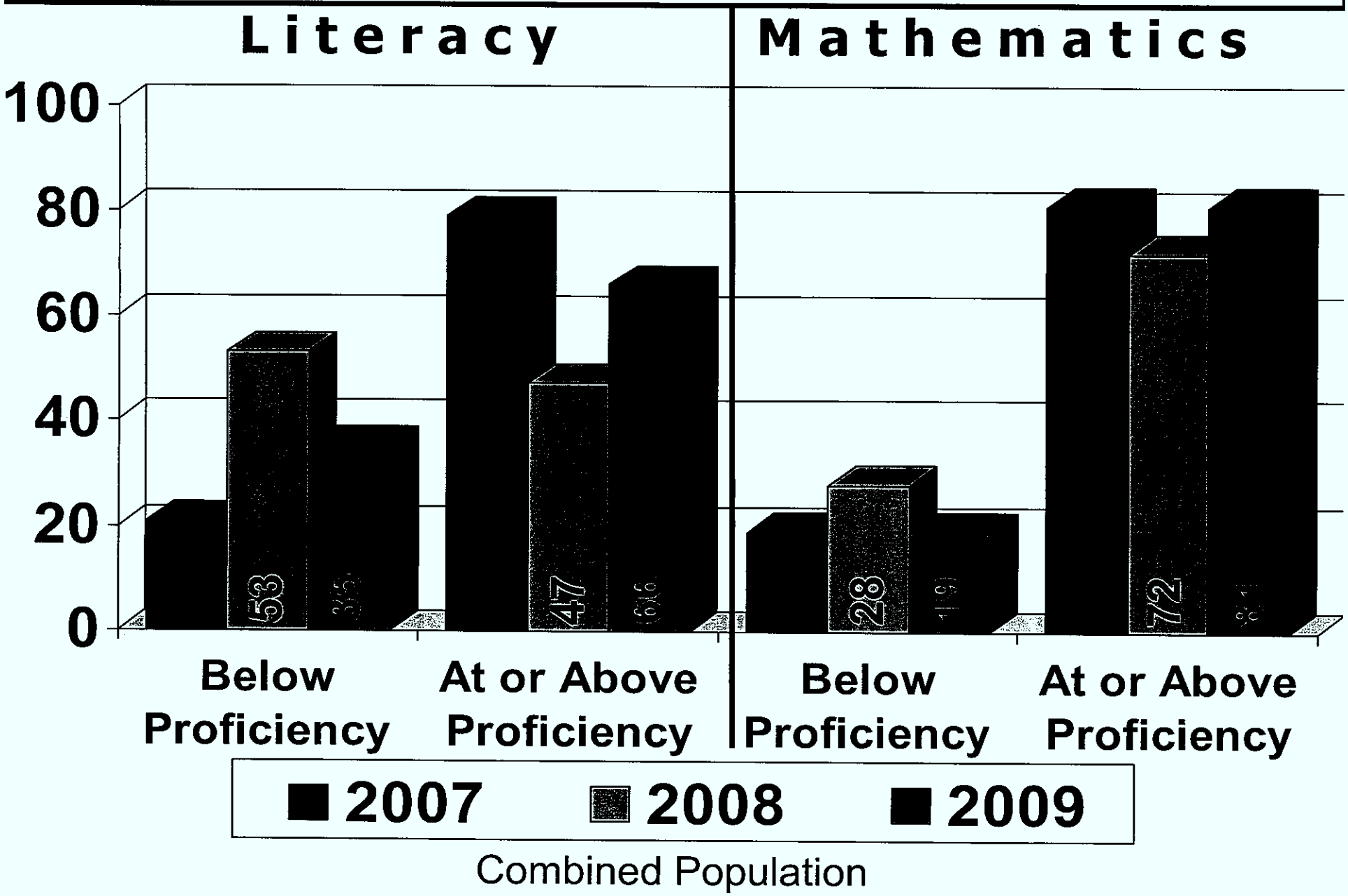
Combined Population

Wickes Benchmark (Grade 5)



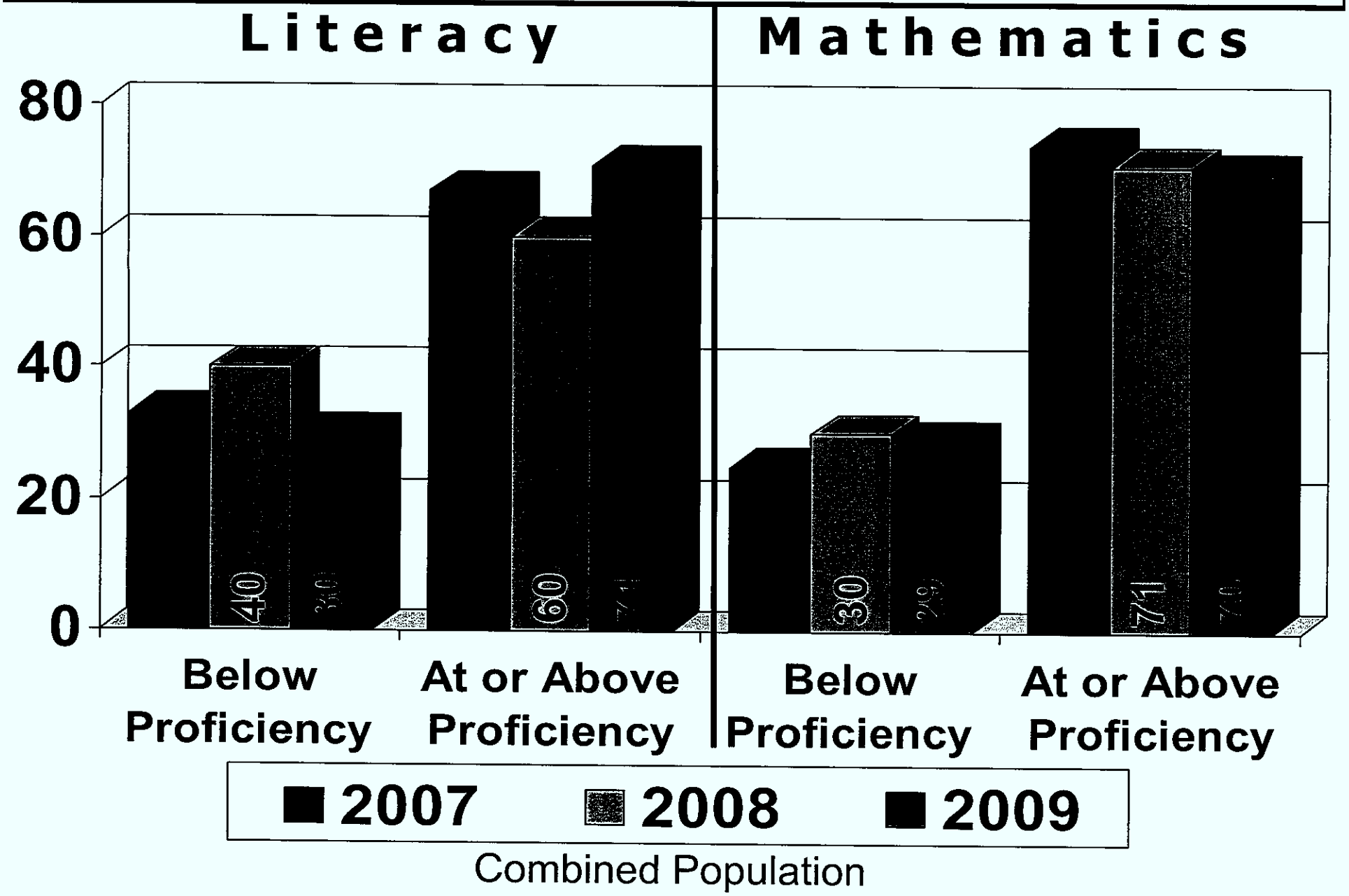
Combined Population

Wickes Benchmark (Grade 6)



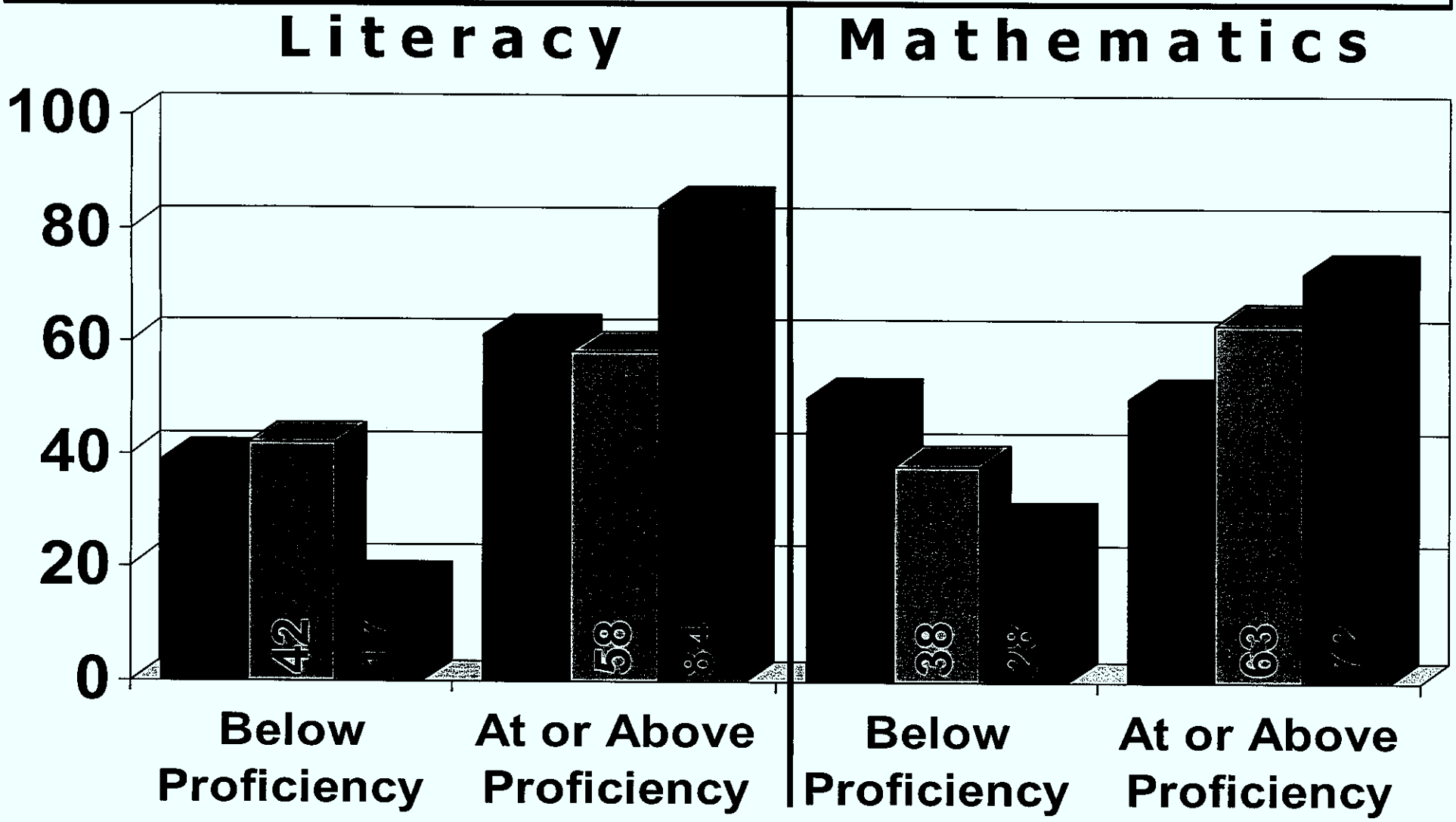
Combined Population

Wickes Benchmark (Grade 7)



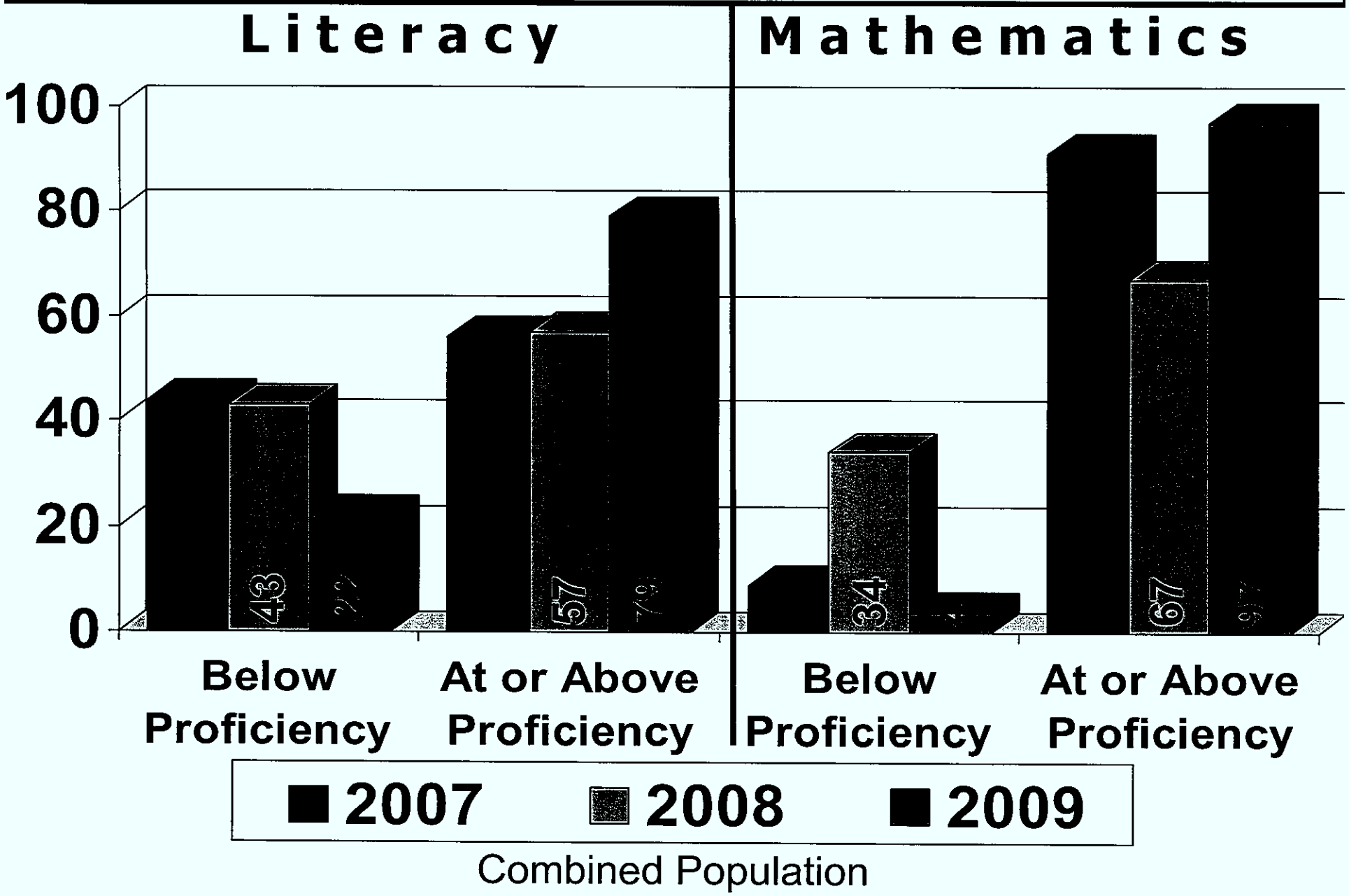
Combined Population

Wickes Benchmark (Grade 8)



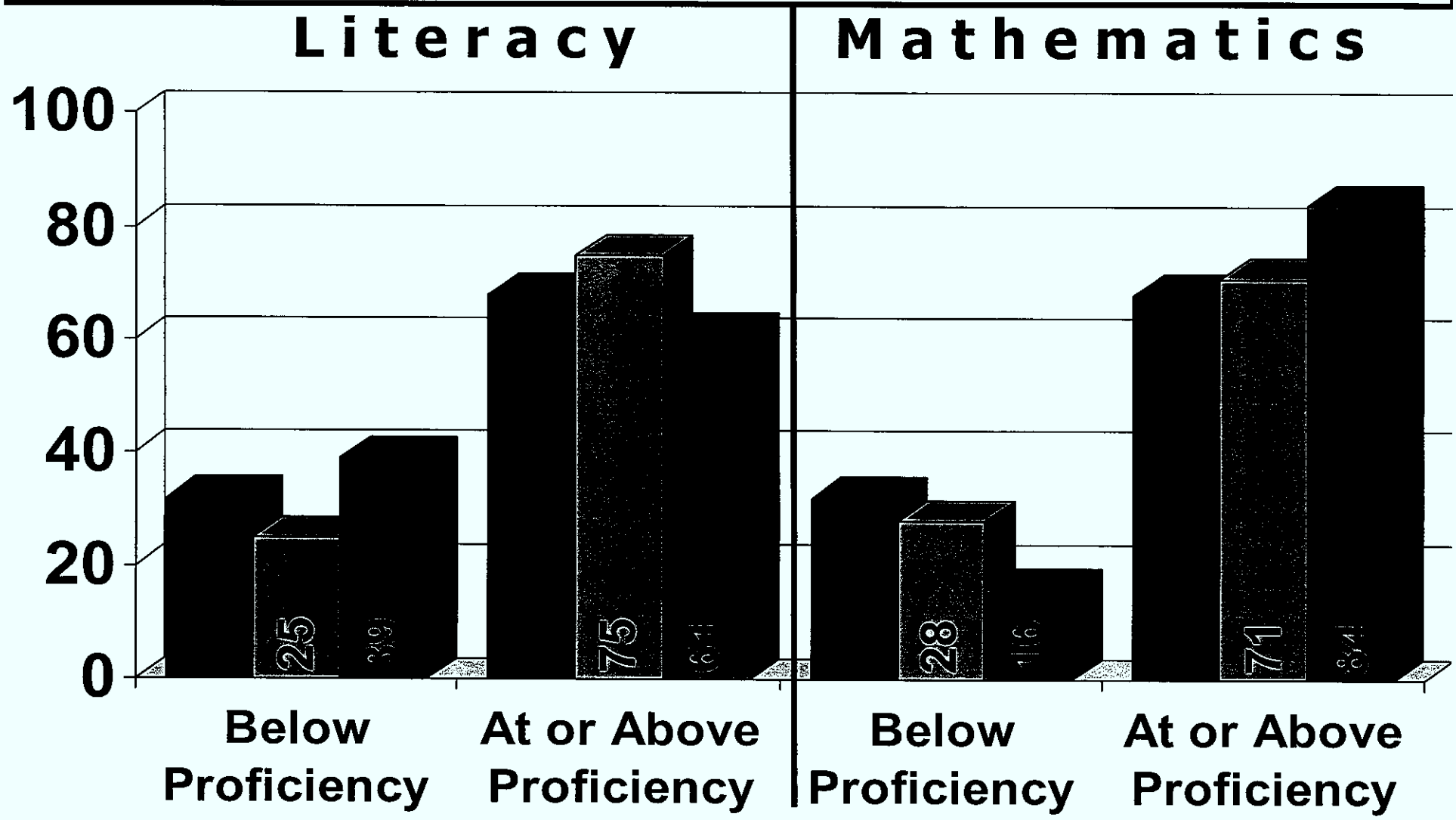
Combined Population

Van Cove Benchmark (Grade 3)



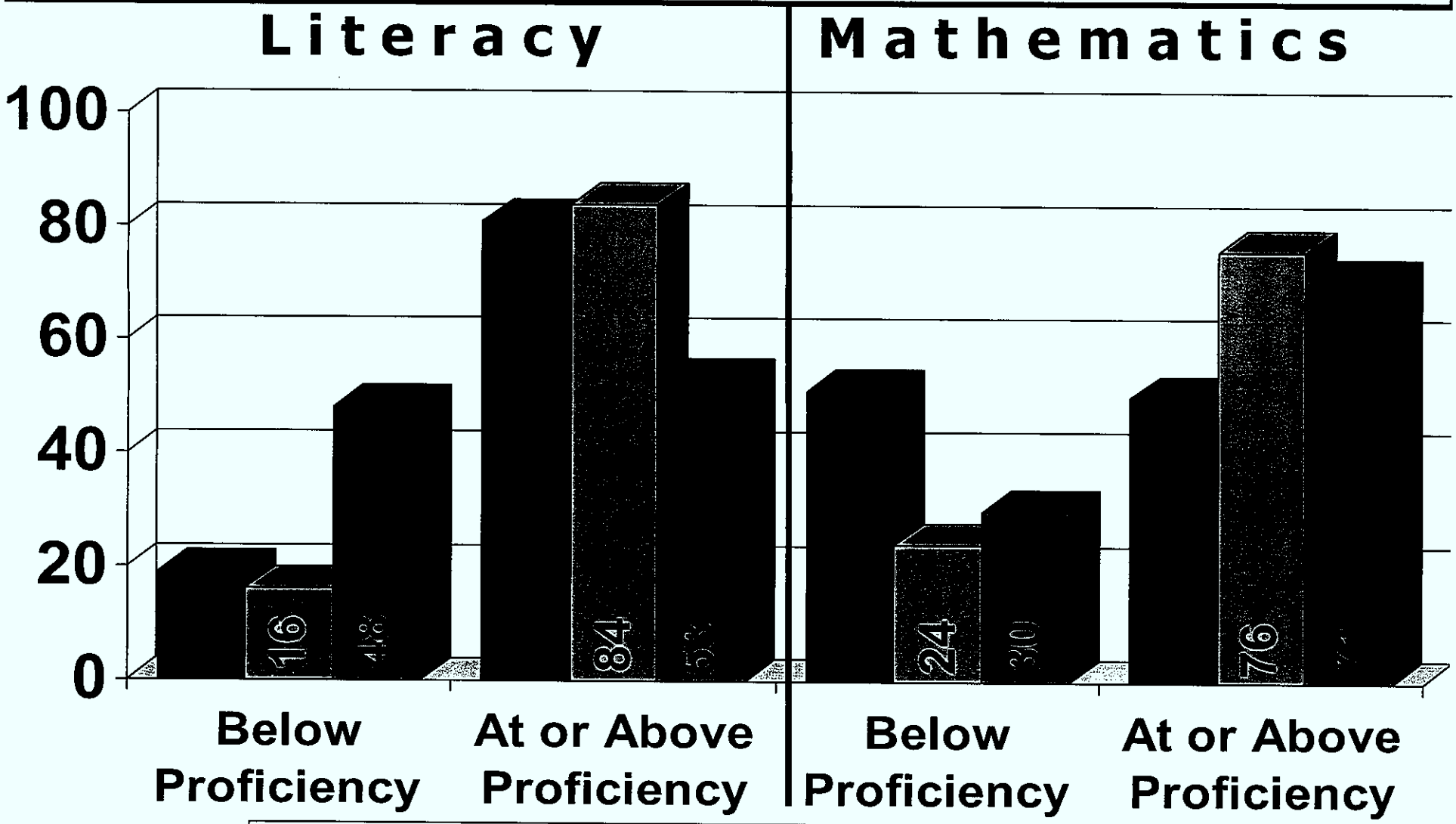
Combined Population

Van Cove Benchmark (Grade 4)



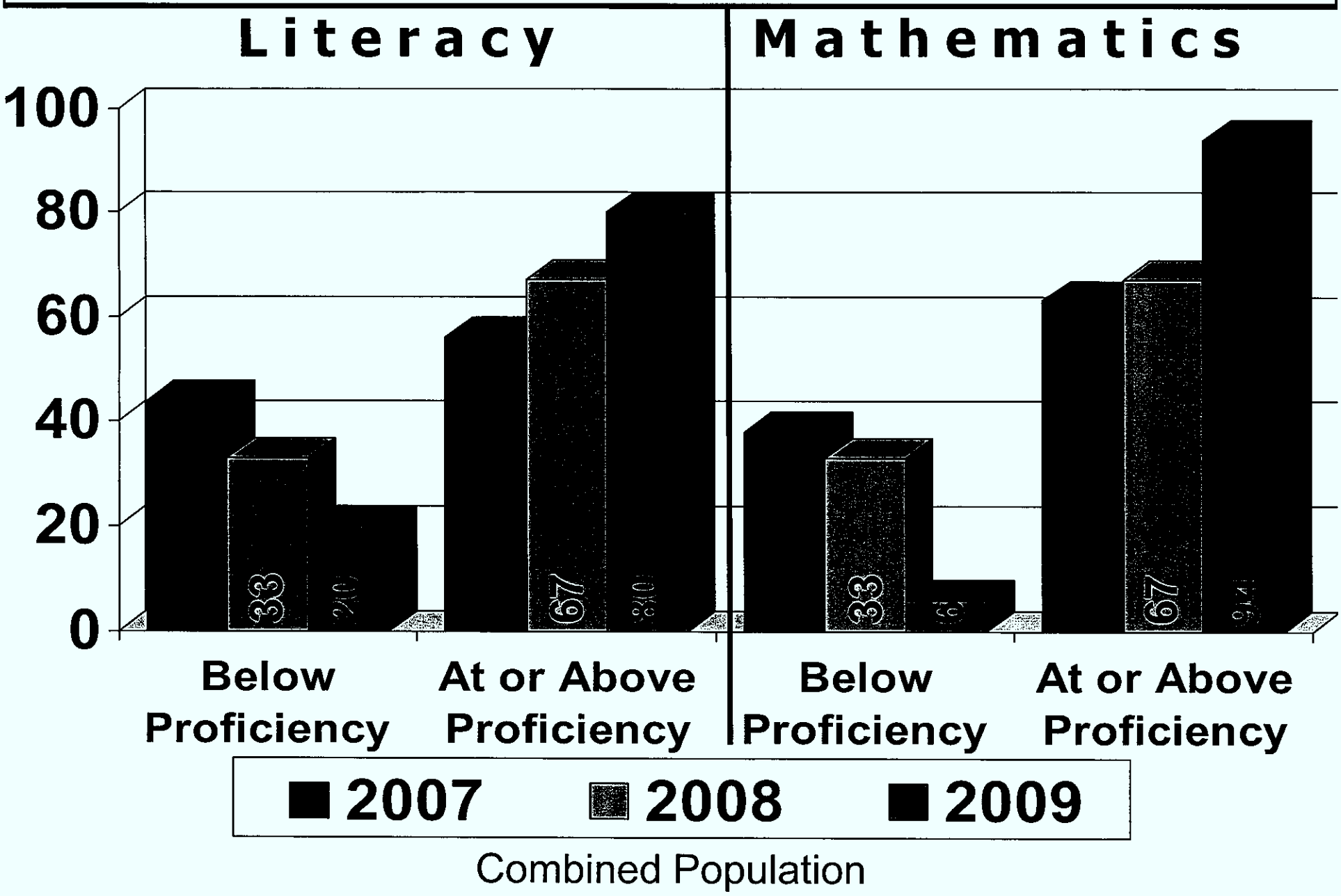
Combined Population

Van Cove Benchmark (Grade 5)



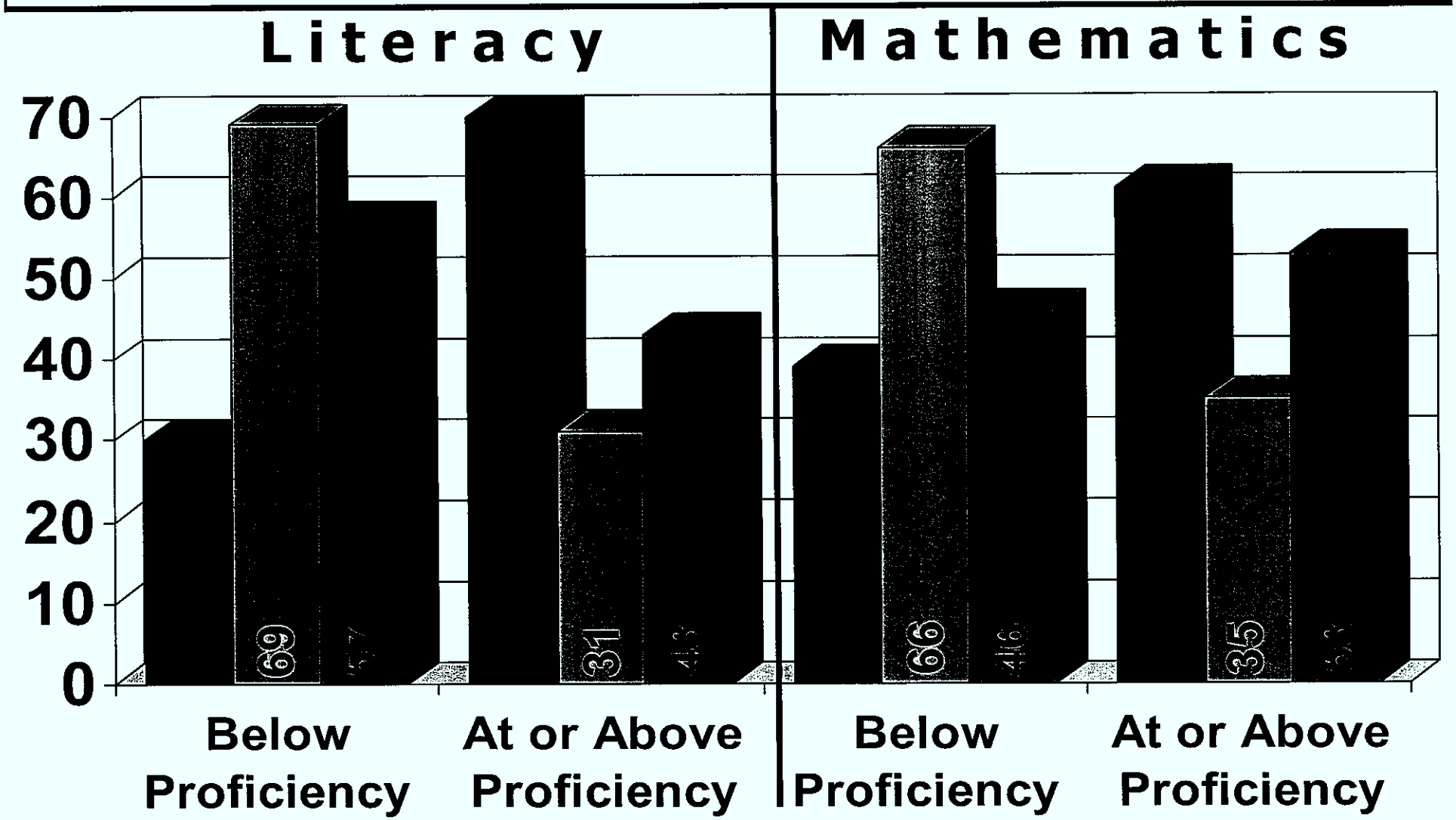
Combined Population

Van Cove Benchmark (Grade 6)



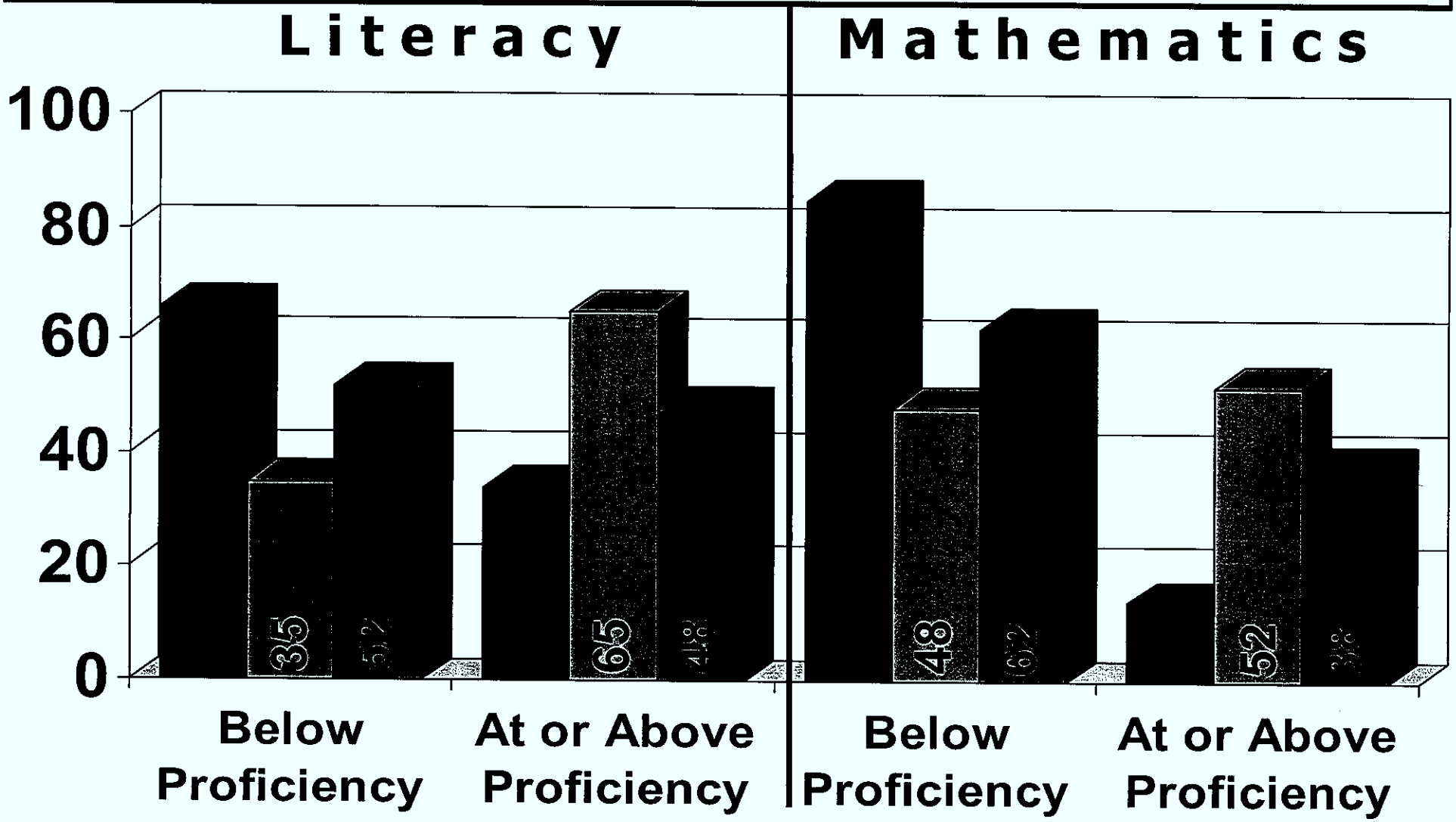
Combined Population

Van Cove Benchmark (Grade 7)



Combined Population

Van Cove Benchmark (Grade 8)



Combined Population

ACCREDITATION HISTORY
Van Cove School District
And
Wickes School District

Van Cove School District	06-07	07-08	08-09
District Office			
Van Cove Elementary School	C	A	C
Van Cove High School	C	C	C
Wickes School District	**06-07**	**07-08**	**08-09**
District Office			
Umpire Elementary School	A	A	A
Wickes Elementary School	A	A	A
Umpire High School	C	C	C
Wickes High School	C	C	A

03/08/10

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009
Lea: 57-04-000
County: POLK

District: VAN COVE SCHOOL DISTRICT
Supervisor: R. CAUSBIE

2008-2009 Status:
Review Date: Comments:

2007-2008 Status:
Review Date: Comments:

2006-2007 Status:
Review Date: Comments:

Enrollment-		
	K	34
	1	30
	2	28
	3	26
	4	31
	5	38
	6	30
	7	27
	8	31
	9	28
	10	38
	11	42
	12	35
	EE	0
	SM	0
	SS	0
	13	0
Total enrollment for 57-04-000:		418

FTE Totals-

Counselor	2.00
Principal	2.00
Asst. Principal	0.00
Library/Media	1.00

Staff Development Hours:
Total Book Volume:

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 57-04-018 School: VAN COVE HIGH SCHOOL

2008-2009 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2011 Licensure Completion Deadline
JAMES D GILBERT
399100 Career Orientation

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
NANCY SMITH Cite
440000 Spanish I

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
NANCY SMITH Cite
440020 Spanish II

2007-2008 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
TONJA R TOMBLIN
414000 Oral Communications (.5 credit)

8313 JOB NOT CERT 09/01/2009 Licensure Completion Deadline
NETLLA CURETON
3020 "Curriculum Supervision, Sec"

2006-2007 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
LEILANI D ROSE
6030 High School Guidance Counselor

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009

Area: 57-04-018 School: VAN COVE HIGH SCHOOL

Enrollment-		
	K	0
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	7	27
	8	31
	9	28
	10	38
	11	42
	12	35
	EE	0
	SM	0
	SS	0
	13	0
Total enrollment for 57-04-018:		201

FTE Totals-	
Counselor	1.00
Principal	1.00
Asst. Principal	0.00
Library/Media	0.50
Staff Development Hours:	60
Total Book Volume:	6580

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

'ea: 57-04-019 School: VAN COVE ELEMENTARY SCHOOL

2008-2009 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
TABETHA K RUSERT Cite
3050 Gifted/Talented Coordinator

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
TABETHA K RUSERT Cite
970800 Gifted and Talented

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
KRISTEN WADE Cite
6015 Elementary Guidance Counselor

2007-2008 Status: ACCREDITED
Review Date: Comments:

2006-2007 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2007 Licensure Completion Deadline
HELEN A KESTERSON
2010 Elementary School Principal

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 57-04-019 School: VAN COVE ELEMENTARY SCHOOL

Enrollment-	K	34
	1	30
	2	28
	3	26
	4	31
	5	38
	6	30
	7	0
	8	0
	9	0
	10	0
	11	0
	12	0
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 57-04-019: 217

FTE Totals-

Counselor	1.00
Principal	1.00
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours:	60
Total Book Volume:	4330

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009
Lea: 57-05-000 District: WICKES SCHOOL DISTRICT
County: POLK Supervisor: R. CAUSBIE

2008-2009 Status:
Review Date: Comments:

2007-2008 Status: ACCREDITED-CITED
Review Date: Comments:

2006-2007 Status:
Review Date: Comments:

Enrollment-

K	57
1	62
2	64
3	60
4	56
5	51
6	46
7	55
8	54
9	54
10	56
11	42
12	40
EE	0
SM	2
SS	3
13	0
Total enrollment for 57-05-000:	702

FTE Totals-

Counselor	2.26
Principal	3.00
Asst. Principal	0.00
Library/Media	2.88

Staff Development Hours:
Total Book Volume:

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 57-05-016 School: UMPIRE ELEMENTARY SCHOOL

2008-2009 Status: ACCREDITED
Review Date: Comments:

2007-2008 Status: ACCREDITED
Review Date: Comments:

8316 GRADE LEVEL
KARLA BRAY
6015 Elementary Guidance Counselor

2006-2007 Status: ACCREDITED
Review Date: Comments:

Enrollment-		
	K	10
	1	11
	2	13
	3	11
	4	12
	5	8
	6	7
	7	0
	8	0
	9	0
	10	0
	11	0
	12	0
	EE	0
	SM	0
	SS	0
	13	0
Total enrollment for 57-05-016:		72

FTE Totals-

Counselor	0.13
Principal	0.50
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours:	60
Total Book Volume:	3261

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 57-05-017 School: UMPIRE HIGH SCHOOL

2008-2009 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
KARLA BRAY Cite
6030 High School Guidance Counselor

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
430000 Algebra I

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
431000 Geometry

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
432000 Algebra II

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
433000 Pre Calculus including Trigonometry

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
439040 Functional Mathematics

8313 JOB NOT CERT 09/01/2010 Licensure Completion Deadline
JALYN W MITCHELL Cite
439070 Algebra III

2007-2008 Status: ACCREDITED-CITED
Review Date: Comments:

8316 GRADE LEVEL
ANISSA J MANASCO
388530 Vocal Music Grade 8

2006-2007 Status: ACCREDITED-CITED
Review Date: Comments:

Lea: 57-05-017 School: UMPIRE HIGH SCHOOL

8316 GRADE LEVEL 09/01/2009 Licensure Completion Deadline
JUSTIN D RUSSELL
377850 Health and Safety Grade 7

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
E DIANE WARREN
450000 Art

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
E DIANE WARREN
493020 Child Development (.5 credit)

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
E DIANE WARREN
493080 Family & Consumer Sciences

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
E DIANE WARREN
493110 Food & Nutrition (.5 credit)

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
E DIANE WARREN
493140 Housing & Interior Design (.5 credit)

Enrollment-		
	K	0
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	7	11
	8	13
	9	9
	10	13
	11	10
	12	3
	EE	0
	SM	0
	SS	0
	13	0
Total enrollment for 57-05-017:		59

FTE Totals-

Counselor	0.13
Principal	0.50
Asst. Principal	0.00
Library/Media	0.50

Staff Development Hours:	60
Total Book Volume:	5650

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Lea: 57-05-021 School: WICKES ELEMENTARY SCHOOL

2008-2009 Status: ACCREDITED
Review Date: Comments:

2007-2008 Status: ACCREDITED
Review Date: Comments:

8316 GRADE LEVEL
ERIKA A DUGGAN
366130 Reading Grade 6

2006-2007 Status: ACCREDITED
Review Date: Comments:

Enrollment-	K	47
	1	51
	2	51
	3	49
	4	44
	5	43
	6	39
	7	0
	8	0
	9	0
	10	0
	11	0
	12	0
	EE	0
	SM	0
	SS	0
	13	0

Total enrollment for 57-05-021: 324

FTE Totals-

Counselor	1.00
Principal	1.00
Asst. Principal	0.00
Library/Media	1.00

Staff Development Hours: 60
Total Book Volume: 5100

Lea: 57-05-022 School: WICKES HIGH SCHOOL

2008-2009 Status: ACCREDITED
Review Date: Comments:

2007-2008 Status: ACCREDITED-CITED
Review Date: Comments:

8316 GRADE LEVEL
TERRI A COULTER
973910 10th Grade Science Portfolio

8316 GRADE LEVEL
JILLANA HUNTER
399000 Family & Consumer Sciences Investigations

2006-2007 Status: ACCREDITED-CITED
Review Date: Comments:

8313 JOB NOT CERT 09/01/2008 Licensure Completion Deadline
SHAUNA GILBRAITH
415000 Journalism

ANNUAL ACCREDITATION STATUS REPORT (2008-2009)

Run Date: 05/07/2009

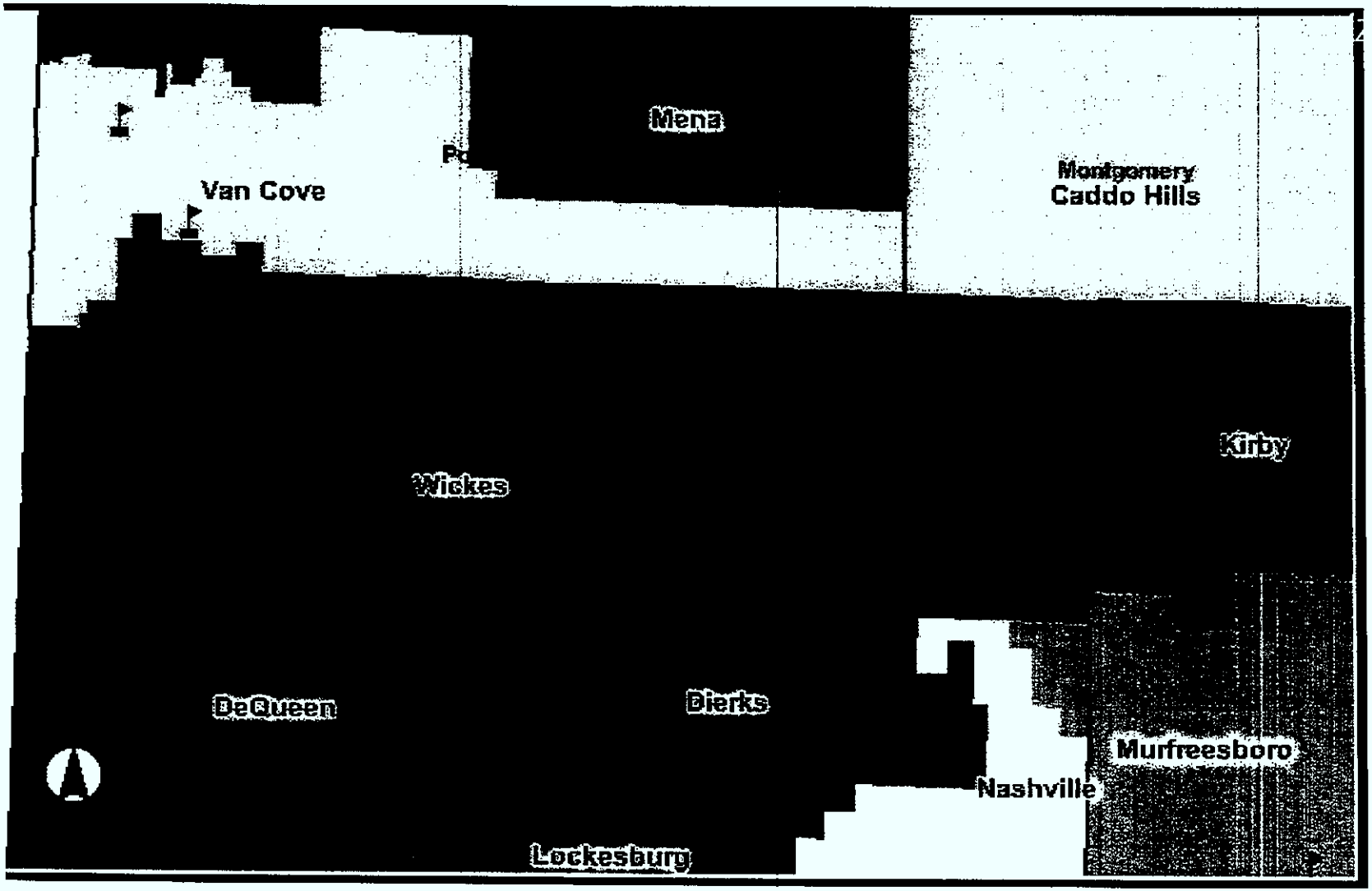
Lea: 57-05-022 School: WICKES HIGH SCHOOL

Enrollment-	K	0
	1	0
	2	0
	3	0
	4	0
	5	0
	6	0
	7	44
	8	41
	9	45
	10	43
	11	32
	12	37
	EE	0
	SM	2
	SS	3
	13	0
Total enrollment for 57-05-022:		247

FTE Totals-

Counselor	1.00
Principal	1.00
Asst. Principal	0.00
Library/Media	0.88

Staff Development Hours:	60
Total Book Volume:	6100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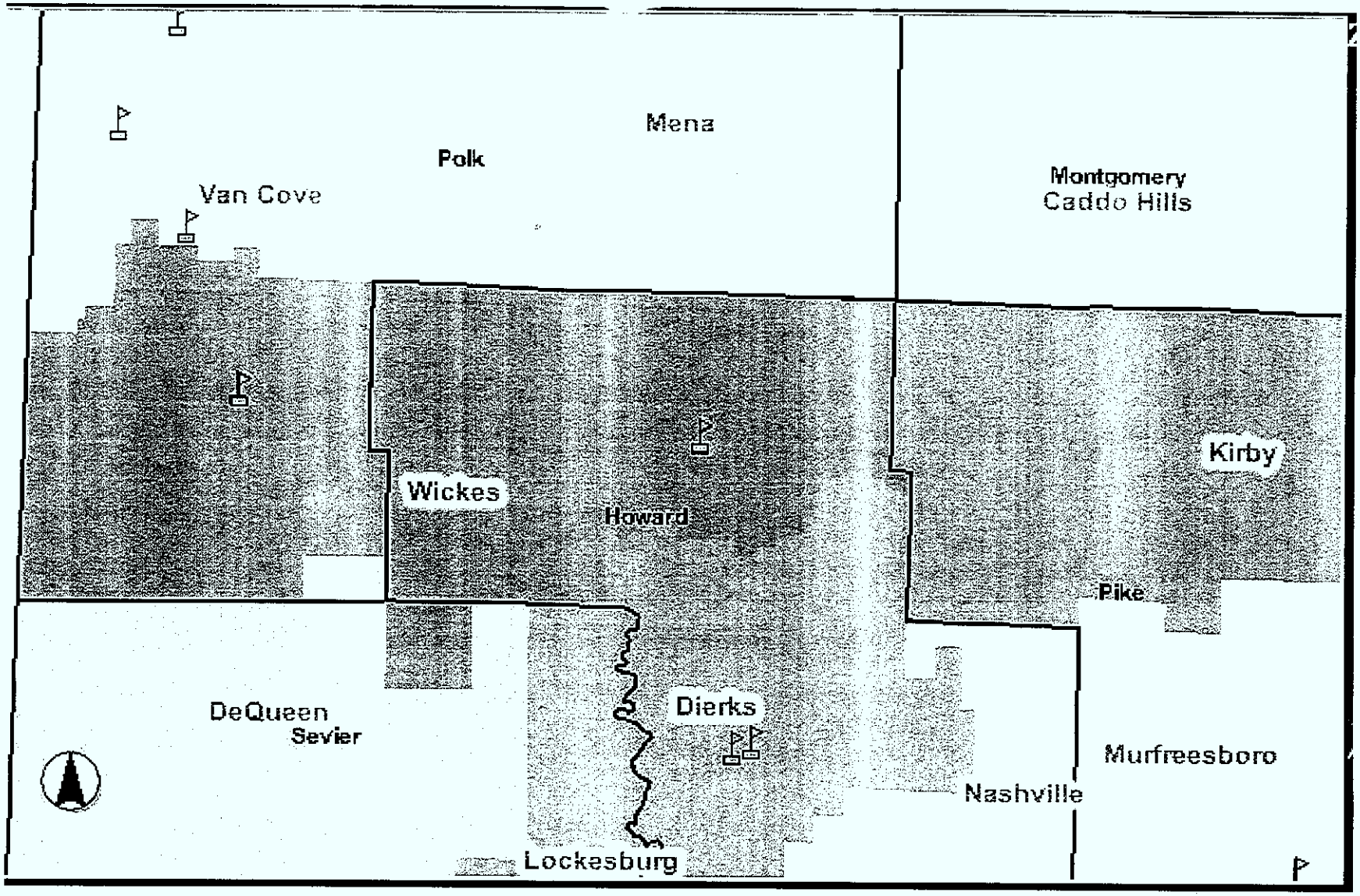
Wickes
DeQueen
Dierks
Murfreesboro
Nashville
Lockesburg


Mena
Polk
Van Cove
Montgomery
Caddo Hills
Wickes
Howard
Kirby
Pike
DeQueen
Sevier
Dierks
Murfreesboro
Nashville
Lockesburg

THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

Warren T. Readnour
Senior Assistant Attorney General

Direct dial: (501) 682-2016
Facsimile: (501) 682-2591
E-mail: warren.readnour@arkansasag.gov

February 22, 2010

Dr. Tom Kimbrell
Commissioner of Education
Arkansas Department of Education
4 State Capitol Mall
Little Rock, Arkansas 72201-1019

Re: Proposed Consolidation of the Wickes and Van Cove School Districts

Dear Dr. Kimbrell:

This is in response to your letter to Attorney General McDaniel dated February 11, 2010, in which you ask for our advice, pursuant to Ark. Code Ann. § 6-13-1408(b) and 6-13-1603, concerning the desegregation effects of a proposed consolidation of the Wickes School District with the Van Cove School District. Section 6-13-1408(b) provides that, prior to the entry of any order annexing or consolidating school districts, "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." Section 6-13-1603(c) provides that "[a]ll administrative consolidations or annexations under this section 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."

Under United States Supreme Court precedent, the term "desegregation" is a legal term of art that describes the process by which a school district eliminates, to the extent practicable, the lingering effects or "vestiges" of prior *de jure* racial discrimination. Thus, in the absence of a finding that a school district has engaged in the past in activities prohibited by the Fourteenth Amendment to the United States Constitution, and that there are presently lingering effects or vestiges of that discrimination that remain unaddressed, a school district is not "desegregating" as that term is used in case law.

In this case, the State Board is considering the possible consolidation of the Wickes School District with the contiguous Van Cove School District. If approved, the annexation would result in the creation of a new larger district. The Department of Education has indicated that the school districts that would share a border with the newly formed district would be the Caddo Hills, DeQueen, Dierks, Kirby, and Mena School Districts. Based on information provided by the Department of Education, we are unaware of any pending desegregation court decrees in Wickes, Van Cove, or the potential surrounding districts. Therefore, we cannot say that the proposed annexation will have any negative effect on any desegregation efforts in those districts.

As will be the case in any proposed annexation or consolidation, the Board must be cognizant that it may not order or approve any proposed annexation or consolidation with the purpose or intent to create racially segregated schools. As the Supreme Court noted in *Missouri v. Jenkins*, 515 U.S. 70, 115 (1995):

> [I]n order to find unconstitutional segregation, we require that plaintiffs "prove all of the essential elements of *de jure* segregation — that is, stated simply, a current condition of segregation resulting from *intentional state action directed specifically* to the [allegedly segregated] schools." *Keyes v. School Dist. No. 1, Denver*, 413 U.S. 189, 205-206 (1973) (emphasis added). "[T]he differentiating factor between *de jure* segregation and so-called *de facto* segregation . . . is purpose or *intent* to segregate." *Id.*, at 208 (emphasis in original).

There are numerous cases that discuss legal challenges to school district annexations and consolidations in the context of desegregation litigation, but in each case the question of whether a particular annexation or consolidation (or series of annexations or consolidations) were done with the requisite unconstitutional intent is a highly fact-specific inquiry.

To assist the State Board, we note that the 2009-2010 enrollment figures provided to us by the Department of Education reflect that the Wickes School District has a student population that is approximately 64% White, 32% Hispanic, and 0% Black. The Van Cove School District has a student population that is approximately 91% White, 6% Hispanic, and 0% Black. A combined Wickes-Van Cove district would have a student population that is approximately 75% White, 22% Hispanic, and 0% Black. The other school districts that surround Wickes have varying student racial compositions as follows: (1) DeQueen (approximately 39% White, 55% Hispanic, and 5% Black), (2) Dierks (approximately 92% White, 6% Hispanic, and 1% Black), and (3) Kirby (approximately 94% White, 5% Hispanic, and 0% Black). In addition, the other school districts that could also potentially share a border with the newly formed Wickes-Van Cove district have varying student racial compositions as follows: (1) Caddo Hills (approximately 84% White, 14% Hispanic, and 0% Black), and (2) Mena (approximately 95% White, 3% Hispanic, and 0% Black). Neither state nor federal law requires the Board to create school districts in a manner that would achieve any particular "racial balance" in the student

population of a school district.[1] We note, however, that the proposed consolidation of Wickes with Van Cove would create or maintain a predominately all-white resulting district bordered by a district with a substantial Hispanic population. For this reason, we advise the Board to scrutinize this proposed consolidation with great care and to satisfy itself that there are legitimate, non-racially-motivated reasons for the consolidation of Wickes with Van Cove.

Sincerely,

WARREN T. READNOUR
Senior Assistant Attorney General

[1] It should be noted that a decision made solely on a racial basis, even for laudable purposes such as diversity in education or the prevention of (re)segregation, would be subject to "strict scrutiny" analysis. *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 127 S.Ct. 2738 (2007).