

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 215

5 By: Senator J. Bryant
6 By: Representative B. McKenzie
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE PERMISSIBLE USES FOR REAL ESTATE
10 DONATED BY A PUBLIC SCHOOL DISTRICT; TO AMEND THE
11 ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM
12 ACT; AND FOR OTHER PURPOSES.
13
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Subtitle

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16 TO AMEND THE PERMISSIBLE USES FOR REAL
17 ESTATE DONATED BY A PUBLIC SCHOOL
18 DISTRICT; AND TO AMEND THE ARKANSAS
19 PUBLIC SCHOOL ACADEMIC FACILITIES
20 PROGRAM ACT.
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-21-108(b), concerning the donation of
25 real property by a public school district, is amended to read as follows:

26 (b)(1) If the board of directors for a school district determines that
27 real property owned or controlled by the school district is not required for
28 the present or future needs of the school district and that the donation of
29 the real property would serve a beneficial educational service for the
30 citizens of the school district, then the school district may donate real
31 property to an open-enrollment public charter school, a publicly supported
32 institution of higher education, a technical institute, a community college,
33 a not-for-profit organization, a county, a city, an incorporated town, or any
34 entity thereof for the following limited purposes:

35 (A) Having the real property preserved, improved,
36 upgraded, rehabilitated, or enlarged by the donee;



1 (B) Providing an open-enrollment public charter school, a
 2 publicly supported institution of higher education, a technical institute, or
 3 a community college with the donated property in which to hold classes; or

4 (C)(i) Providing community programs and beneficial
 5 educational services, social enrichment programs, or after-school programs.

6 (ii) Real property donated to an open-enrollment
 7 public charter school, a publicly supported institution of higher education,
 8 a technical institute, or a community college under this subdivision

9 (b)(1)(C) shall be used exclusively and entirely only for community programs
 10 and beneficial educational services, social enrichment programs, or after-
 11 school programs.

12 (iii) The provision of housing or another similar
 13 program or benefit shall not qualify as a community program or beneficial
 14 educational service, social enrichment program, or after-school program under
 15 this subdivision (b)(1)(C).

16 (2) A school district may donate the fee simple title and
 17 absolute interest in real property, without any reservations or restrictions
 18 to the real property, to an open-enrollment public charter school, a publicly
 19 supported institution of higher education, a technical institute, a community
 20 college, a not-for-profit organization, a county, a city, an incorporated
 21 town, or any entity thereof.

22 (3) If two (2) years after the effective date of consolidation
 23 the real property of the consolidated school district is not used by the
 24 school district for educational purposes and has not been sold, preserved,
 25 leased, or donated, the school district board of directors shall make the
 26 real property available to an open-enrollment public charter school, a
 27 publicly supported institution of higher education, a technical institute, a
 28 community college, a not-for-profit organization, a county, a city, an
 29 incorporated town, or any entity thereof, by donation or low-cost long-term
 30 lease, for the following limited purposes:

31 (A) Having the real property preserved, improved,
 32 upgraded, rehabilitated, or enlarged by the donee;

33 (B) Providing an open-enrollment public charter school, a
 34 publicly supported institution of higher education, a technical institute, or
 35 a community college with the donated property in which to hold classes; or

36 (C)(i) Providing community programs and beneficial

1 educational services, social enrichment programs, or after-school programs.

2 (ii) Real property donated to an open-enrollment
 3 public charter school, a publicly supported institution of higher education,
 4 a technical institute, or a community college under this subdivision
 5 (b)(3)(C) shall be used exclusively and entirely only for community programs
 6 and beneficial educational services, social enrichment programs, or after-
 7 school programs.

8 (iii) The provision of housing or another similar
 9 program or benefit shall not qualify as a community program or beneficial
 10 educational service, social enrichment program, or after-school program under
 11 this subdivision (b)(3)(C).

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 13 SECTION 2. Arkansas Code § 6-21-803(13), concerning the definition of
 14 "public school facility" under the Arkansas Public School Academic Facilities
 15 Program Act, is amended to read as follows:

16 (13) "Public school facility" means any public school building
 17 or space, including related areas such as improved or unimproved real
 18 property or the physical plant and grounds, that is used for any purpose,
 19 including, without limitation:

- 20 (A) An extracurricular activity;
 21 (B) An organized physical activity course as defined in §
 22 6-16-137;
 23 (C) Prekindergarten education;
 24 (D) District administration; or
 25 (E) Delivery of instruction to public school students that
 26 is an integral part of an adequate education as described in § 6-20-2302;

27
 28 SECTION 3. Arkansas Code § 6-21-803(17), concerning the definition of
 29 "unused or underutilized public school facility" under the Arkansas Public
 30 School Academic Facilities Program Act, is amended to read as follows:

31 (17) "Unused or underutilized public school facility" means a
 32 public school facility, academic facility, or other improved or unimproved
 33 real property that:

- 34 (A) As a whole or in a significant portion, is not being
 35 used for a public educational, academic, extracurricular, or administrative
 36 purpose ~~and the nonuse or underutilization threatens the integrity or purpose~~

1 ~~of the public school facility or other real property as a public education~~
 2 ~~facility; and~~

3 (B) ~~As of August 1, 2017, is~~ Is not subject to:

4 (i) A lease to a third party for fair market value;

5 or

6 (ii) An executed offer to purchase by a third party
 7 for fair market value.

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9 SECTION 4. Arkansas Code § 6-21-806(a)(7)(A), concerning the required
 10 report from a school district to the Division of Public School Academic
 11 Facilities and Transportation regarding unused or underutilized public school
 12 facilities in each public school district under the Academic Facilities
 13 Master Plan Program, is amended to read as follows:

14 (7)(A) Submit a report to the division by ~~February 1~~ January 31
 15 of each year that identifies:

16 (i) All unused or underutilized public school
 17 facilities in the school district; and

18 (ii) The unused or underutilized public school
 19 facilities, if any, that are designated in the district's facilities master
 20 plan to be reused, renovated, or demolished as part of a specific committed
 21 project or planned new construction project.

22

23 SECTION 5. Arkansas Code § 6-21-815(c)(1), concerning the lease or
 24 purchase of a school district's unused or underutilized public school
 25 facilities, is amended to read as follows:

26 (c)(1) Except as otherwise provided in this section, a school district
 27 shall make unused or underutilized public school facilities available for
 28 lease or purchase for no more than fair market value to any open-enrollment
 29 public charter school located within the geographical boundaries of the
 30 school district before the school district may donate unused or underutilized
 31 public school facilities as authorized under § 6-21-108.

32

33 SECTION 6. Arkansas Code § 6-21-816(a)(1), concerning requirements to
 34 sell or lease unused or underutilized public school facilities, is amended to
 35 read as follows:

36 (a)(1)(A) Except as otherwise provided in this section, if a school

1 district determines that any public school facility, academic facility, or
 2 other real property is no longer needed for school purposes or is unused or
 3 underutilized, the school district may sell, donate, or lease the public
 4 school facility, academic facility, or other real property in accordance with
 5 §§ 6-13-103 and 6-13-620 and this subchapter.

6 (B) A school district shall notify the division regarding
 7 the unused or underutilized public school facility under subdivision
 8 (a)(1)(A) of this section before it may sell, donate, or lease the public
 9 school facility, academic facility, or other real property under subdivision
 10 (a)(1)(A) of this section.

11
 12 SECTION 7. Arkansas Code § 6-21-816(b)(1)(A), concerning an open-
 13 enrollment public charter school's right of first refusal to purchase or
 14 lease an unused or underutilized public school facility, is amended to read
 15 as follows:

16 (b)(1)(A) If a school district decides to sell, lease, or otherwise
 17 transfer ownership of an academic facility, a public school facility, an
 18 unused or underutilized public school facility, or other real property
 19 belonging to the school district, an open-enrollment public charter school
 20 located within the school district's boundaries shall have a right of first
 21 refusal to purchase or lease the academic facility, public school facility,
 22 unused or underutilized public school facility, or other real property
 23 belonging to the school district for fair market value.

24
 25 SECTION 8. Arkansas Code § 6-21-816(b)(3), concerning a school
 26 district's authority to sell, lease, or otherwise transfer a public school
 27 facility, is amended to read as follows:

28 (3) Subject to the priority list under subdivision (b)(1)(C) of
 29 this section, nothing in this subchapter shall be construed to delay or limit
 30 the authority of a school district to sell, lease, or otherwise transfer a
 31 public school facility, an academic facility, an unused or underutilized
 32 public school facility, or other real property to a an open-enrollment public
 33 charter school on terms agreed to by the school district and open-enrollment
 34 public charter school.

35
 36 SECTION 9. Arkansas Code § 6-21-816(h), concerning a school district

1 or public charter school that fails to comply with requirement related to the
2 sale or lease of public school facilities, is amended to read as follows:

3 (h)(1) The rules promulgated under this section and the Code of Ethics
4 for Arkansas Educators shall include a provision that requires a school
5 district to list immediately school district property as unused or
6 underutilized upon the school district's determination that a public school
7 facility or other real property belonging to the school district is no longer
8 necessary for school district purposes or is unused or underutilized.

9 (2) The division may classify:

10 (A) Classify a school district that fails to comply with
11 this section as being in academic facilities distress under § 6-21-811; and

12 (B) Recommend to the State Board of Education whether a
13 school district that fails to comply with this section should be placed on
14 Accredited – Cited Status.

15 (3) A school district superintendent may be subject to sanctions
16 under the Code of Ethics for Arkansas Educators if the school district
17 superintendent fails to comply with this section.

18 ~~(2)~~(4) The authorizer may take action under § 6-23-105 on the
19 charter of a public charter school that fails to comply with this section.
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