

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/20/01

A Bill

Act 1225 of 2001
SENATE BILL 896

5 By: Senator Mahony
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE STATE SCHOOL DISTRICT
10 ANNEXATION AND CONSOLIDATION LAWS; TO REPEAL
11 ARKANSAS CODE TITLE 6, CHAPTER 13, SUBCHAPTER 12;
12 AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND THE STATE SCHOOL
15 DISTRICT ANNEXATION AND CONSOLIDATION
16 LAWS; TO REPEAL ARKANSAS CODE TITLE 6,
17 CHAPTER 13, SUBCHAPTER 12.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 6, Chapter 13 is amended to add an
24 additional subchapter to read as follows:

25 6-13-1401. Definitions.

26 As used in this subchapter, unless the context otherwise requires:

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

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

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

33 (4) "State Board of Education" means the Arkansas State Board of
34 Education;

35 (5) "Receiving district" means a school district or districts which
36 receive territory or students, or both, from an affected district as a result

1 of annexation; and

2 (6) "Resulting district" means the new school district created from an
3 affected district or districts as a result of consolidation.

4
5 6-13-1402. Consolidation and Annexation authority.

6 There shall not be any consolidation or annexation of any public school
7 district with any other school district in the state without the prior
8 consent and approval of the State Board of Education.

9
10 6-13-1403. Conditions under which the State Board of Education may
11 annex school districts.

12 (a)(1) The State Board of Education shall consider the annexation of
13 an affected school district or districts to a receiving district or districts
14 under the following conditions:

15 (A) The affected district or districts file a petition
16 with the State Board of Education requesting annexation to a particular
17 receiving district or districts and a copy of the petition is filed with the
18 county clerk's office of each county where the affected district or districts
19 are located. The county clerk's office of each county where the affected
20 district or districts are located certifies in writing that the petition has
21 been signed by a majority of the qualified electors of the district or
22 districts. The receiving district or districts provide to the State Board of
23 Education written proof of consent to receive the affected districts or
24 districts by annexation as evidenced by either a vote to approve annexation
25 by resolution by a majority of the members of the local receiving board of
26 education or by vote to approve annexation by a majority of the qualified
27 electors of the receiving district as provided for in § 6-14-122;

28 (B) A majority of the qualified electors in the affected
29 district or districts vote to approve the annexation of an affected school
30 district or districts to a receiving district or districts as provided for in
31 § 6-14-122. The receiving district or districts provide to the State Board
32 of Education written proof of consent to receive the affected district or
33 districts by annexation as evidenced by either a vote to approve annexation
34 by resolution by a majority of the members of the local receiving board of
35 education or by vote to approve annexation by a majority of the qualified
36 electors of the receiving district as provided for in § 6-14-122;

1 (C) The local board of education of the affected district
2 or districts vote to approve by resolution the annexation of the affected
3 district or districts to a receiving district or districts by a majority of
4 the members of the local board of education of the affected district or
5 districts. The receiving district or districts provide to the State Board of
6 Education written proof of consent to receive the affected district or
7 districts by annexation as evidenced by either a vote to approve annexation
8 by resolution by a majority of the members of the local receiving board of
9 education or by vote to approve annexation by a majority of the qualified
10 electors of the receiving districts as provided for in § 6-14-122.

11 (b) The State Board of Education may vote to approve, by a majority of
12 a quorum present of the members of the State Board, the annexation of the
13 affected districts into a receiving district upon receipt of a valid petition
14 for annexation and after receiving proof from the petitioning party of at
15 least one of the required conditions set forth in subsection (a)(1)(A), (B)
16 or (C) of this section, and upon receipt of proof of the issuance of public
17 notice of the intent to annex affected districts into a receiving district or
18 districts in the local newspapers of general circulation in the affected
19 districts for a time period of no less than once a week for two (2)
20 consecutive weeks immediately prior to the time the petition is filed with
21 the State Board.

22 (c) In order for the petition for annexation to be valid, it shall be
23 filed with the State Board of Education at least thirty (30) days prior to
24 the next regularly scheduled State Board of Education meeting, at which time
25 the petition will be presented for hearing before the State Board.

26 (d) Upon approval of a petition requesting annexation, the State
27 Board shall issue an order dissolving the affected districts and establishing
28 the receiving school district or districts. The State Board of Education
29 shall issue an order establishing the boundary lines of the receiving
30 district or districts. It shall be the duty of the Department of Education
31 to make changes in the maps of the school districts to properly show the
32 boundary lines of the receiving district or districts.

33 (e) The State Board of Education shall issue an order establishing the
34 changed boundaries and shall file the order with the county clerk or clerks
35 of the county or counties where the receiving district or districts are
36 located. The county clerk shall make a permanent record of the order and,

1 thereafter, the boundaries so established shall be boundaries of the
 2 receiving district until changes are made according to the provisions of law.

3 (f) The State Board of Education shall not annex affected districts
 4 which are not geographically contiguous unless the following limited
 5 conditions are determined to be valid reasons for annexation:

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

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

10
 11 6-13-1404. Conditions under which the State Board of Education may
 12 consolidate school districts.

13 (a) The State Board of Education shall consider the consolidation of
 14 affected school districts into the existence of a new resulting school
 15 district or districts under the following conditions:

16 (A) The affected districts file a petition with the State
 17 Board of Education requesting the affected districts be consolidated into a
 18 resulting district or districts. A copy of the petition has been filed with
 19 the county clerk's office of each county where the affected districts are
 20 located. The county clerk's office certifies in writing to the State Board
 21 of Education that the petition has been signed by a majority of the qualified
 22 electors of the affected districts;

23 (B) A majority of the qualified electors in the affected
 24 districts vote to approve consolidation of the affected districts into a
 25 resulting district or districts pursuant to a valid election as provided for
 26 in § 6-14-122;

27 (C) The local board of directors vote to approve by
 28 resolution of a majority of the members of each local board of education the
 29 consolidation of the affected districts into a resulting district or
 30 districts.

31 (b) The State Board of Education may vote to approve, by a majority of
 32 a quorum present of the members of the State Board, the consolidation of the
 33 affected districts into a resulting district upon receipt of a valid petition
 34 for consolidation and after receiving proof from the petitioning party of at
 35 least one (1) of the required conditions set forth in subsection (a)(1)(A),
 36 (B) or (C) of this section, and upon receipt of proof of the issuance of

1 public notice of the intent to consolidate affected districts into a
2 resulting district or districts in the local newspapers of general
3 circulation in the affected districts for a time period of no less than once
4 a week for two (2) consecutive weeks immediately prior to the time the
5 petition is filed with the State Board.

6 (c) In order for the petition for consolidation to be valid, it shall
7 be filed with the State Board of Education at least thirty (30) days prior to
8 the next regularly scheduled State Board of Education meeting, at which time
9 the petition will be presented for hearing before the State Board.

10 (d) Upon approval of a petition requesting consolidation, the State
11 Board shall issue an order dissolving the affected school districts and
12 establishing the resulting school district or districts. The State Board of
13 Education shall issue an order establishing the boundary lines of the
14 resulting district or districts. It shall be the duty of the Department of
15 Education to make changes in the maps of the school districts to properly
16 show the boundary lines of the resulting district or districts.

17 (e) The State Board of Education shall issue an order establishing the
18 changed boundaries and shall file the order with the county clerk or clerks
19 where the resulting district or districts are located. The county clerk
20 shall make a permanent record of the order and, thereafter, the boundaries so
21 established shall be boundaries of the resulting district until changes are
22 made according to the provisions of law.

23 (f) The State Board of Education shall not consolidate affected
24 districts which are not geographically contiguous unless the following
25 limited conditions are determined to be valid reasons for consolidation:

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

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

30
31 6-13-1405. Effective date of annexation or consolidation.

32 (a) Unless an agreement is reached in the *consolidation or annexation*
33 *agreement* to be different, the effective date of the annexation or
34 consolidation shall be the July 1 following the order of the State Board of
35 Education directing the annexation or the consolidation.

36 (b) The board of directors of the affected districts by majority

1 approval of the members of the local boards may enter into a written
2 agreement, executed by the former president and secretary of each district.
3 The agreement shall prescribe the date of the annexation of the affected
4 district or districts to the receiving district or the formation of the
5 resulting district from consolidation of affected districts.

6 (c) The agreement shall also contain the number of members of the
7 board of directors of the resulting district and prescribe the number of
8 directors of the resulting district as provided for in § 6-13-1206.

9 (d) An executed copy of the agreement shall be filed with the county
10 clerk of each county which contains territory or a portion of the territory
11 of each affected school district.

12
13 6-13-1406. Board of directors – Term – Election.

14 (a)(1) Unless the boards of directors of the affected district or
15 districts and the board of directors of the receiving district or districts
16 agree otherwise, the board of directors of the receiving district or
17 districts after annexation shall be the same board of directors of the
18 receiving district prior to annexation until the next regular school
19 election.

20 (2) The boards of directors of the affected districts may by
21 agreement establish a new board of directors other than the current board of
22 directors of the receiving district composed of not less than five (5) nor
23 more than seven (7) directors except for those school districts allowed to do
24 otherwise pursuant to § 6-13-604.

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

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

34 (2) The boards of directors of the affected districts may by
35 agreement establish a board of directors of the resulting district composed
36 of not less than five (5) nor more than seven (7) directors except for those

1 school districts allowed to do otherwise pursuant to § 6-13-604.

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

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

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

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

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

16
17 6-13-1407. Creation of a district – When part of a district taken.

18 (a) Any receiving or resulting district created under this section
19 shall become the
20 successor in interest to the property of the district dissolved, shall become
21 liable for the contract and debts of such district, and may sue and be sued
22 therefore.

23 (b) When territory less than the entire district is annexed or
24 consolidated to a district, the receiving or resulting district shall take
25 the property of the district from which the territory was taken, as the State
26 Board of Education shall deem proper, and shall be liable for that part of
27 all indebtedness of the district from which the territory was taken as shall
28 be assigned to them by the State Board of Education unless otherwise approved
29 by majority vote of the affected school district or districts boards of
30 directors.

31
32 6-13-1408. Annexation or consolidation not to negatively impact state-
33 assisted desegregation.

34 (a) The State Board of Education shall not order any annexation or
35 consolidation under this subchapter or any other act or combination under any
36 act which hampers, delays, or in any manner negatively affects the

1 desegregation efforts of a school district or districts in this state.

2 (b) Prior to the entry of any order under this subchapter, the State
3 Board of Education shall seek an advisory opinion from the Attorney General
4 concerning the impact of the proposed annexation or consolidation on the
5 effort of the state to assist a district or districts in desegregation of the
6 public schools of this state.

7 (c) Any order of annexation or consolidation or combination thereof
8 which violates the provisions of this section shall be null and void.

9
10 6-13-1409. State Board of Education.

11 (a) The State Board of Education shall have the following duties
12 regarding consolidations and annexations:

13 (1) To form local school districts, change boundary lines of
14 school districts, dissolve school districts and annex the territory of such
15 districts to another district, create new school districts, and perform all
16 other functions regarding changes in school districts in accordance with the
17 law;

18 (2) To transfer funds and attach territory which is in no school
19 district to other school districts as may seem best for the educational
20 welfare of the children; and

21 (3) To enact rules and regulations regarding the consolidation
22 and annexation of school districts under this title.

23 (b)(1) Any person being a party to a proceeding in front of the State
24 Board of Education concerning consolidation or annexation who feels aggrieved
25 by any final order or decision of the State Board of Education may file a
26 petition for appeal from such final order or decision, provided, within
27 thirty (30) days from the date of the final order or decision complained of,
28 the person shall:

29 (A) Make an affidavit that the appeal taken from such
30 final order or decision of the State Board of Education is not taken for
31 purposes of delay; and

32 (B) Enter into a bond with good and sufficient surety
33 thereon in such sum as shall be ordered by the State Board, not to exceed
34 twice the amount of property tax revenues involved in the appeal.

35 (2) The appeal provided in this section shall be to the Circuit
36 Court of Pulaski County.

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SECTION 2. Arkansas Code 6-14-122 is amended to read as follows:

6-14-122. Consolidation, annexation, or merger of districts.

(a) The consideration of the question of the consolidation, or annexation, ~~or merger~~ of two (2) or more school districts, or parts thereof, in their entireties (kindergarten through twelfth grade), may be made at the annual school election with the issue of combining the districts and the levying of a specified tax millage to support the new district placed on the ballot as a single issue, in order to assure that when the two (2) or more districts, or parts thereof, are combined into one district, a single millage will be levied for support of the new district.

(b) ~~Furthermore, the~~ The board of directors of the districts may, by resolution duly adopted and with the approval of the Director of the Department of Education, set a date for the annual school election in that year for the districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the State Board of Education may call a special election to be held to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.

(d) The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.

~~(e)~~(e) If an election is not held in the newly-formed district, the vote on the millage for the newly-formed district will be held at the next annual school election.

SECTION 3. Arkansas Code Title 6, Chapter 13, Subchapter 12 is repealed.

~~6-13-1201. Definitions. [Effective July 1, 2000.]~~

~~As used in this subchapter, unless the context otherwise requires:-~~

~~(1) "Affected district" means a school district which gains or loses territory or pupils as a result of annexation or consolidation;-~~

~~(2) "Annexation" means the joining of a school district or territory of a school district with a receiving district;-~~

~~(3) "Consolidation" means the joining of two (2) or more school districts or territories from two (2) or more school districts to create a new single school district;-~~

~~(4) "Receiving district" means the school district or districts which receive territory or pupils, or both, under an annexation; and~~

~~(5) "Resulting district" means the school district created under the annexation or consolidation.-~~

~~6-13-1202. Conditions under which annexation may begin. [Effective July 1, 2000.]~~

~~(a)(1) Annexation of a school district may begin under the following conditions:-~~

~~(A) Upon a petition signed by a majority of the qualified electors of the district;-~~

~~(B) Upon a vote in an election on the question by a majority of those voting in the election; or~~

~~(C) Upon a resolution adopted by the district board of directors that the district no longer meets or cannot continue to meet the minimum standards for accreditation, or its successor.-~~

~~(2) Consent to annexation of a school district by the receiving district shall be evidenced by:-~~

~~(A) A resolution adopted by the receiving district's board of directors;-~~

~~(B) A petition signed by a majority of the qualified electors of the receiving district; or~~

~~(C) A vote in an election on the question by a majority of those voting in the election.-~~

~~(3)(A) Except as provided in subdivision (a)(3)(B) of this section, the State Board of Education shall order an annexation upon consent of the receiving district.-~~

1 ~~(B)(i) If annexation begins under subdivision (a)(1)(C) of~~
 2 ~~this section, the board of directors of the affected district shall publish~~
 3 ~~notice of a public hearing on the petition.~~

4 ~~(ii) The public hearing shall occur no sooner than~~
 5 ~~twenty (20) days and no later than thirty (30) days following receipt of the~~
 6 ~~petition.~~

7 ~~(iii) The date, time, place, and purpose of the~~
 8 ~~public hearing shall be clearly stated in a newspaper of general circulation~~
 9 ~~in the affected districts once a week for two (2) consecutive weeks.~~

10 ~~(iv) Following the public hearing, upon a finding~~
 11 ~~that the annexation would be in the best interests of the students in the~~
 12 ~~district, the state board may order the annexation of the district with the~~
 13 ~~receiving district.~~

14 ~~(b) Consolidation of a school district may begin under the following~~
 15 ~~conditions:~~

16 ~~(1) Upon a petition signed by a majority of the qualified~~
 17 ~~electors of the resulting district;~~

18 ~~(2) Upon a vote in an election on the question by a majority of~~
 19 ~~those voting in each district; or~~

20 ~~(3) Upon a resolution adopted by the board of directors of each~~
 21 ~~school district to the state board to seek an election on consolidation.~~

22 ~~(c)(1) The state board shall not merge, add, or annex any territory or~~
 23 ~~district to or consolidate any territory or district with another school~~
 24 ~~district or districts which are not geographically contiguous unless the~~
 25 ~~following limited circumstances provided in this subsection (c) are met.~~

26 ~~(2) The state board may grant permission for noncontiguous~~
 27 ~~school districts to be merged, annexed, or consolidated if the affected~~
 28 ~~district and the receiving district seeking permission can provide evidence~~
 29 ~~that the merger, annexation, or consolidation will:~~

30 ~~(A) Result in the overall advancement of the level of the~~
 31 ~~educational curriculum for all the school districts involved; or~~

32 ~~(B) Provide a significant advantage in transportation~~
 33 ~~costs or travel to all the school districts involved.~~

34
 35 ~~6-13-1203. Special election. [Effective July 1, 2000.]~~

36 ~~(a)(1) An election on the question of annexation or consolidation~~

1 shall be held at a special election called by the State Board of Education.

2 (2) The board of directors of the receiving school district
3 shall prepare the form of the ballot for any election on the formation of
4 school districts and the dissolution thereof or the annexation of territory
5 as herein provided.

6 (b) Upon receipt of a resolution by the district board of directors
7 for annexation or consolidation of the school district or upon the petition
8 of at least ten percent (10%) of the qualified electors of the district, the
9 state board shall call a special election on the question of annexation or
10 consolidation.

11 (c)(1) All petitions shall be filed with the county clerk of the
12 county in which the largest portion of the resulting district shall lie, who
13 within fourteen (14) days of receipt shall certify the signatures on the
14 petition and notify the state board.

15 (2) Any elector signing the petition may have his name stricken
16 from the petition upon written demand at any time prior to the final action
17 of the state board upon the petition.

18 (d)(1) Upon receipt of the certified petition, the state board shall
19 consider whether the petition is signed by the requisite number of electors.
20 For the purpose of determining whether the petition contains a majority of
21 the qualified electors of each district, a majority shall be determined as of
22 the date the petition is considered by the state board.

23 (2) Upon receipt of the certified petition, the state board
24 shall set a date for the election. The receiving district shall file notice
25 of such election with the county clerk and shall publish notice of same,
26 clearly stating the date and purpose, once a week for three (3) weeks, the
27 last date not more than five (5) days prior to the election, in a newspaper
28 having general circulation in the resulting district.

29 (e) Any action for the formation of a new school district or a change
30 of the boundaries of existing school districts shall be accompanied by a map
31 showing the proposed changes.

32
33 6-13-1204. Effective date. [Effective July 1, 2000.]

34 (a) Unless an agreement is reached to the contrary, the effective date
35 of the annexation or consolidation shall be the July 1 following the order of
36 the State Board of Education directing the annexation or the consolidation.

1 ~~(b)(1) The boards of directors of the affected districts may enter~~
2 ~~into an agreement, executed by the president and secretary of each district,~~
3 ~~prescribing the date of the annexation to the receiving district or the~~
4 ~~formation of the new district.~~

5 ~~(2) Such agreement may contain the number of members of the~~
6 ~~board of directors of the resulting district and prescribe the number of~~
7 ~~directors of the district who shall reside in territory contained in the~~
8 ~~affected districts.~~

9 ~~(3) An executed copy of the agreement shall be filed with the~~
10 ~~county clerk of each county which contains territory or a portion of the~~
11 ~~territory of each affected school district.~~

12
13 ~~6-13-1205. Board of directors—Composition—Term—Election.~~

14 ~~(a) Unless the boards of directors agree otherwise, the members of the~~
15 ~~board of directors of the affected districts shall continue to serve as and~~
16 ~~constitute the board of directors of the resulting district until the next~~
17 ~~regular school election.~~

18 ~~(b)(1) Unless the boards of directors agree otherwise, the board of~~
19 ~~directors of the resulting district shall be composed of nine (9) members~~
20 ~~following annexation or consolidation, and the term of a member of the board~~
21 ~~of directors shall not exceed five (5) years.~~

22 ~~(2) The boards by agreement may establish a board of directors~~
23 ~~composed of five (5) or seven (7) members.~~

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

26 ~~(c)(1) Unless an agreement is reached between the boards of directors~~
27 ~~of the affected districts, the board of directors of the resulting district~~
28 ~~shall be elected from single member zones of substantially equal population~~
29 ~~based upon the most recent census information and from which racial~~
30 ~~minorities may be represented on the board in proportions reflected in the~~
31 ~~district as a whole.~~

32 ~~(2) Any agreement between the boards of directors of the~~
33 ~~affected districts, regarding the board of directors of the resulting~~
34 ~~districts must provide for the eventual election of board members by zones~~
35 ~~within a reasonable time.~~

36 ~~(d) At the first meeting of the board, the members shall determine~~

1 ~~their terms by lot so that no more than two (2) members' terms expire during~~
2 ~~any one (1) year.~~

3 ~~(e) Any vacancy on the board shall be filled in the manner provided by~~
4 ~~law.~~

5
6 ~~6-13-1206. Creation of a district—Where part of a district taken.~~
7 ~~[Effective July 1, 2000.]~~

8 ~~(a) Any resulting district created under this section shall succeed to~~
9 ~~the property of the district dissolved, shall become liable for the contract~~
10 ~~and debts of such district, and may sue and be sued therefor.~~

11 ~~(b) Where territory less than the entire district is annexed or~~
12 ~~consolidated to a district, the receiving district shall take the property of~~
13 ~~the district from which the territory was taken, as the State Board of~~
14 ~~Education shall deem proper, and shall be liable for that part of all~~
15 ~~indebtedness of the district from which the territory was taken as shall be~~
16 ~~assigned to them by the state board unless otherwise approved by majority~~
17 ~~vote of the affected school district boards of directors.~~

18
19 ~~6-13-1207. Annexation or consolidation not to negatively impact state-~~
20 ~~assisted desegregation. [Effective July 1, 2000.]~~

21 ~~(a) The State Board of Education shall not order any annexation or~~
22 ~~consolidation under this subchapter or any other act or combination under any~~
23 ~~act which hampers, delays, or in any manner negatively affects the efforts of~~
24 ~~the State of Arkansas to assist a district or districts in this state in the~~
25 ~~desegregation of the public schools of this state.~~

26 ~~(b) Prior to the entry of any order under this subchapter, the state~~
27 ~~board shall seek an advisory opinion from the Attorney General concerning the~~
28 ~~impact of the proposed annexation or consolidation on the effort of the state~~
29 ~~to assist a district or districts in desegregation of the public schools of~~
30 ~~this state.~~

31 ~~(c) Any order of annexation or consolidation or combination which~~
32 ~~violates the provisions of this section shall be null and void.~~

33 ~~(d) Notwithstanding other provisions of state law granting immunity~~
34 ~~from suit or liability, members of the state board which fail to comply with~~
35 ~~the requirements of this section shall be subject to personal liability for~~
36 ~~such action.~~

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~~6-13-1208. Notice of boundary changes. [Effective July 1, 2000.]~~

~~(a) On the change of any boundaries of school districts, notice shall immediately be given to the State Board of Education and mailed to the president of the board of directors in each district affected.~~

~~(b) It shall be the duty of the Department of Education to immediately make such changes in the maps of the school districts of the county to properly show the changes of boundaries.~~

~~6-13-1209. State Board of Education. [Effective July 1, 2000.]~~

~~(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 such districts to another 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 which 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)(1) Any person being a party to a proceeding in front of the board concerning consolidation or annexation who feels aggrieved by any final order or decision of the board may prosecute an appeal from such final order or decision, provided, within thirty (30) days from the date of the final order or decision complained of, the person shall:~~

~~(A) Make an affidavit that the appeal taken from such final order or decision of the board is not taken for purposes of delay; and~~

~~(B) Enter into a bond with good and sufficient surety thereon in such sum as shall be ordered by the board, not to exceed twice the amount of property tax revenues involved in the appeal.~~

~~(2) The appeal provided in this section shall be to the circuit court of the county where the seat of government is located.~~

/s/ Mahony

APPROVED: 4/2/2001