

# Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

## Amendment Form

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### Subtitle of House Bill No. 2227

"TO ALLOW THE CREATION OF A NEW PUBLIC SCHOOL DISTRICT BY WRITTEN  
AGREEMENT BETWEEN THE STATE BOARD OF EDUCATION AND AN EXISTING  
DISTRICT FROM WHICH TERRITORY WILL BE DETACHED."

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### Amendment No. 1 to House Bill No. 2227.

Amend House Bill No. 2227 as originally introduced:

Page 1, delete lines 10 through 14 and substitute:

"DISTRICT BY WRITTEN RESOLUTION OF THE BOARD OF DIRECTORS OF AN EXISTING  
SCHOOL DISTRICT FROM WHICH TERRITORY WILL BE DETACHED TO CREATE THE NEW  
SCHOOL DISTRICT SUBMITTED TO THE STATE BOARD OF EDUCATION IF NO PETITION IN  
OPPOSITION IS FILED WITH THE STATE BOARD OF EDUCATION; AND FOR OTHER  
PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO ALLOW THE CREATION OF A NEW PUBLIC  
SCHOOL DISTRICT BY AN UNOPPOSED WRITTEN  
RESOLUTION OF AN EXISTING DISTRICT FROM  
WHICH TERRITORY WILL BE DETACHED."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-13-1504 is amended to read as follows:  
6-13-1504. Petition – Election – Opposition to resolution.

(a)(1) Not later than the thirtieth day after the date the State Board  
of Education receives a petition or resolution under this subchapter, the  
state board shall hold a hearing on the validity of the petition or  
resolution.

(2) To be valid, a petition or resolution shall:

(A) State the purpose for which the petition or resolution  
is being submitted;

(B) Contain a plat or map of the proposed new school



district;

(C) Contain an independent feasibility study stating:

(i) Cost of operation of the new school district and the ability to operate the new school district taking into consideration the tax base, debt service, and division of assets to the new school district;

(ii) A list of the public school assets to be transferred from the existing school district to the new school district;

(iii) The size of the new school district; and

(iv) The effect of detachment on court-ordered

desegregation; and.

~~(D)(3)~~ Be A petition shall be signed by at least ten percent (10%) of the registered voters of qualified electors residing within the area proposed for detachment.

(b)(1) If Except as provided under subsection (g) of this section, if the state board determines that the petition or resolution is valid and the petition or resolution does not conflict with subdivision (b)(2) of this section, the state board may, after complying with subdivision (b)(2) of this section, order an election on the proposition of proposed detachment to be held at the next annual school election or general election.

(2)(A) The state board shall not order any creation of a new school district by detachment under this subchapter or any other act or combination of any acts that hampers, delays, or in any manner negatively affects desegregation efforts of a school district or districts in this state.

(B) Prior to the entry of any order for election on the question of detachment, the state board shall seek an advisory opinion from the Attorney General concerning the impact of the proposed detachment and creation of a new school district on the effort of the state to assist the affected school district or districts in the desegregation of the public schools of this state.

~~(3)(c)(1)~~ The An order for election on the proposition of detachment shall:

(A) Contain a plat or map of the proposed new school district; and

(B) Comply with all requirements and procedures set forth in § 6-14-101 et seq. that do not conflict with the provisions of this subchapter.

~~(e)(1)(A)~~ (2) The Not less than sixty (60) days before the date the commission sets for the election on the proposed detachment, the state board shall certify two (2) copies of the detachment order for election on the proposed detachment and convey one (1) copy to the county clerk and one (1) copy to the county election commission at least sixty (60) days prior to the date the commission sets for election on the question of detachment.

~~(B)(i)(d)(1)~~ No later than forty-five (45) days prior to before the election the county clerk of each county affected shall identify all persons who reside within the area proposed to be detached for detachment, and the county clerk shall determine the names and addresses of all qualified electors residing within that the area proposed for detachment.

~~(ii)(2)~~ The failure to identify all persons residing within the area proposed to be detached for detachment or the failure to determine the names and addresses of all qualified electors residing within that area shall not invalidate or otherwise affect the results of the election.

~~(C)~~(3) All of the qualified electors residing within the ~~territory to be detached~~ area proposed for detachment shall be entitled to vote in the election.

~~(D)~~(4) The petitioners shall give notice of the election by publication of at least one (1) insertion in a newspaper having general circulation in each school district from which territory is being detached.

~~(2)~~~~(A)~~(e)(1) The county clerk shall prepare a list by precinct of all those qualified electors residing within the ~~area to be detached~~ proposed for detachment who are qualified to vote in that precinct and furnish that list to the election officials at the time the ballot boxes and voting machines are delivered.

~~(B)~~(2) If the county clerk or the county election commission shall fail to perform any duties required, then any interested party may apply for a writ of mandamus to require the performance of the duties.

~~(C)~~(3) The failure of the county clerk or the county election commission to perform the duties shall not void the detachment election unless a court finds that the failure to perform the duties substantially prejudiced an interested party.

~~(d)~~~~(1)~~(f)(1) The ballot shall be printed to permit voting for or against the proposition for creation of a new school district by detachment in a manner similar to the following:

Creation of a new school district by detachment  
of property and territory that includes the following  
property and territory from the

\_\_\_\_\_ School District:

(2) The ballot description of the property and territory ~~to be detached~~ for detachment shall be sufficient to give general notice of the territory affected.

(g)(1) If the creation of a new school district by detachment is proposed by an existing school district that contains all of the territory proposed for detachment, only a resolution of the board of directors of the existing school district is required to initiate the detachment.

(2) Within ten (10) calendar days of the date the state board determines that a resolution filed under this subsection (g) is valid and that the resolution does not conflict with subdivision (b)(2) of this section, the state board shall provide a written notice of its approval of the resolution to the board of directors of the existing school district.

(3)(A) Within ten (10) calendar days of receiving notice from the state board under subdivision (g)(2) of this section, the board of directors of the existing school district shall give notice of the resolution for creation of a new school district by detachment of territory from the existing school district.

(B) The notice shall be given by publication of at least one (1) insertion in a newspaper having general circulation in the school district and shall include:

(i) The location where a copy of the resolution and all supporting documents required under this section may be obtained; and

(ii) A notice of the right to oppose by petition the creation of a new school district by detachment under subdivision (g)(4) of this section.

(4)(A) Within thirty (30) calendar days of the date of the first

publication of the notice under this subsection (g), the qualified electors residing within the area proposed for detachment may submit to the state board and to the existing school district board of directors a petition in opposition to the resolution.

(B) The petition shall contain the signatures of not less than ten percent (10%) of the qualified electors residing in the area proposed for detachment.

(C) If the state board determines that the petition is valid, the state board shall order an election for the creation of the new school district from the proposed detached territory under subsections (b)-(f) of this section.

(5) If the state board does not receive a petition in opposition under this subsection (g) and enters an order for creation of the new school district under § 6-13-1505, within thirty (30) days after the date the state board enters the order for creation the state board shall provide one (1) certified copy of the order to the county clerk.

SECTION 2. Arkansas Code § 6-13-1505(a), concerning the creation of a school district from the detached territory of an existing school district, is amended to read as follows:

~~(a) If all the requirements of this subchapter are met and a majority of the votes are cast for the proposition, the~~ The State Board of Education shall order the creation of the new school district if all the requirements of this subchapter are met and either:

(1) A majority of the votes cast at the election on the petition or resolution under § 6-13-1504 voted for the proposition for detachment; or

(2) The state board did not receive a valid petition in opposition to a resolution of the existing school district under § 6-13-1504(g)."

The Amendment was read \_\_\_\_\_  
By: Representative Perry  
CLR/CLR - 03-23-2009 16:31  
CLR246

\_\_\_\_\_  
Chief Clerk