

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/2/87

HOUSE BILL 1410

By: Representative Schexnayder AS ENGROSSED 3/12/87

"AN ACT TO AMEND SUBSECTION (c) OF SECTION 9 OF ACT 445 OF 1983, AS AMENDED BY ACT 61 OF THE FIRST EXTRAORDINARY SESSION OF 1983 [ARK. STAT. 80-4609(c)], TO PROVIDE THAT WHENEVER A SCHOOL DISTRICT DESIRES TO BE ANNEXED UNDER SAID ACT TO AN ADJOINING SCHOOL DISTRICT OR DISTRICTS, THE COUNTY BOARD OF EDUCATION OF THE COUNTY IN WHICH THE DISTRICT IS ADMINISTERED SHALL ANNEX SUCH DISTRICT TO ONE OR MORE QUALIFIED SCHOOL DISTRICTS; TO PROVIDE THE RECEIVING DISTRICT OR DISTRICTS THE RIGHT TO APPEAL AN ANNEXATION ORDER; AND FOR OTHER PURPOSES."

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

SECTION 1. That subsection (c) of Section 9 of Act 445 of 1983, as amended by Act 61 of the First Extraordinary Session of 1983, the same being subsection 80-4609 of the Arkansas Statutes, is hereby amended to read as follows:

"(c) Between June 1, 1984, and June 1, 1987, any school district may be annexed to one or more adjoining school districts by petitioning the county board of education of the county in which such district is administered to order the annexation. The annexation request may be by resolution of the board of directors of the district or by a petition signed by majority of the qualified electors in the district. Upon receipt of a request for annexation the county board of education shall hold a hearing on the request and shall then order the annexation of the district to one or more adjoining school districts. If the county board of education fails to act within sixty (60) days of receipt of a request for annexation, the petitioning district may request the circuit court to issue a writ of mandamus to said county board.

Provided, if the receiving school district or districts are aggrieved by the annexation order of the county board of education, the aggrieved district

or districts may, within thirty (30) days from the date of the issuance of said order, appeal in writing to the State Board of Education for review thereof. Upon receipt of said appeal, the State Board of Education shall schedule a hearing thereon at its next regular Board meeting, or if no Board meeting is scheduled within forty-five (45) days from the date of receipt of such appeal, the State Board of Education shall hold a special hearing thereon within not more than forty-five (45) days from the date of receipt thereof.

The State Board of Education shall issue an order either affirming or rejecting the action taken by the county board of education, or may modify the order of the county board of education to such extent as the State Board of Education deems in the best interest of the affected school districts.

Any person aggrieved by the order of the State Board of Education may appeal therefrom, within thirty (30) days of the date of such order, to the circuit court of the county in which the affected school district is located, and may appeal from the ruling of the circuit court to the Supreme Court in the manner provided by law."

SECTION 2. EMERGENCY. It is hereby found and determined by the General Assembly that clarification of the provisions of subsection (c) of Section 9 of Act 445 of 1983, as amended, is necessary to assure that county boards of education who receive petitions for annexation of a school district to an adjoining school district give first consideration to annexing the territory of such school district to one or more school districts located within the county in which such school district is administered, but to enable the county board of education of such county to annex a territory of the district to one or more school districts located in an adjoining county if there is no qualified adjoining school district located within the county; and that the immediate passage of this Act is necessary to clarify said Act before the minimum standards of the Quality Education Act of 1983 become operative on June 1, 1987. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Charlotte Schexnayder

