

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Day

HOUSE BILL 1446

"AN ACT TO AMEND SECTIONS 44 AND 55 OF ACT 169 OF 1931, AS AMENDED [ARK. STAT. 80-404 AND 80-418] AND TO AMEND SECTION 1 OF ACT 125 OF 1961, AS AMENDED [ARK. STAT. 80-446] TO REQUIRE THAT SCHOOL DISTRICTS BE GEOGRAPHICALLY CONTIGUOUS IN ORDER TO BE MERGED, ANNEXED, OR CONSOLIDATED EXCEPT IN CERTAIN LIMITED CIRCUMSTANCES; TO REPEAL ACT 415 OF 1965 [ARK. STAT. 80-454]; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 44 of Act 169 of 1931, as amended, the same being Arkansas Statutes 80-404, is hereby amended to read as follows:

"Section 44. (a). The several county boards of education shall have full power and exclusive right within their respective counties to form new school districts, dissolve existing school districts, add territory to or take territory from one or more districts and add it to other districts, or form it into a new district, consolidate school districts into another and new district, change the boundary lines of school districts, and do any and all matters and things pertaining to the creation, formation, consolidation, dissolution, and changing boundary lines of the school districts of their counties on the consent of a majority of the electors in each school district affected as shown by petitions or elections as herein provided. No existing district shall be included in a new district under the provision of this section unless a majority of the qualified electors of the district to be included, sign the petition, or, in case of an election, a majority of the voters in the election in the district, on the question shall favor it; provided, that said courts may, in their discretion, take a portion of one [1] district and add it to another upon the petition of a majority of the qualified electors, residing in such district from which same is taken leaving

the remainder of such district intact as a school district; provided the county boards of education shall not merge, add, or annex any territory or district to or consolidate any territory or district with another school district or districts which are not geographically contiguous unless granted permission to do so by the State Board of Education under the limited circumstances as provided in this Act.

(b) The county boards of education may petition the State Board of Education for permission to merge, annex, or consolidate school districts which are non-contiguous geographically. The State Board of Education may grant permission for non-contiguous school districts to be merged, annexed, or consolidated if the county board seeking permission can provide evidence that the merger, annexation, or consolidation will: (1) result in the overall advancement of the level of the educational curriculum for all the school districts involved; or (2) provide a significant advantage in transportation costs or travel times to all the school districts involved."

SECTION 2. Section 55 of Act 169 of 1931, as amended, the same being Arkansas Statutes 80-418, is hereby amended to read as follows:

"Section 55. The County Board of Education may dissolve any school district and annex the territory thereof to any district within the county when petitioned to do so by a majority of the qualified electors of the district to be dissolved, or by an election held in the district to be dissolved where a majority of the votes cast are in favor of the dissolution and annexation, and upon the consent of the board of directors of the district to which the territory is to be annexed. Provided, however, the County Board of Education shall not dissolve any school district and annex the territory to another school district which is not geographically contiguous unless permission is granted to do so by the State Board of Education under the limited circumstances as provided in Section 44 of this Act."

SECTION 3. Section 1 of Act 125 of 1961, the same being Arkansas Statutes 80-446, is hereby amended to read as follows:

"Section 1. (a) Hereafter, any two [2] or more but not exceeding eight [8] school districts whether such districts be in the same or different counties may be consolidated into a new district under the provisions of this Act upon the approval of a majority of the qualified electors voting on the

question in each of such districts. The question of the consolidation of two [2] or more districts under this Act may be presented to the qualified electors of each district affected either at a regular school election or at a special election called for that purpose in the manner provided in this Act. Provided, however, no two [2] or more school districts shall be consolidated into a new district under this Act unless they are geographically contiguous or are granted permission to consolidate by the State Board of Education as provided in this Act.

(b) When two [2] or more school districts which are geographically non-contiguous are seeking to consolidate under this Act, the County Board of Education for each county involved shall petition the State Board of Education for permission to consolidate. The State Board of Education may grant permission for non-contiguous school districts to consolidate if the County Board(s) of Education can provide evidence that the consolidation will: (1) result in the overall advancement of the level of the educational curriculum for all the school districts involved; or (2) provide a significant advantage in transportation costs or travel times to all the school districts involved."

SECTION 4. Act 415 of 1965, the same being Arkansas Statutes 80-454, is hereby repealed. All other laws or parts of laws in conflict with this Act are hereby repealed.

