

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/25/09

# A Bill

HOUSE BILL 2227

5 By: Representative Perry  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ALLOW THE CREATION OF A NEW SCHOOL  
10 DISTRICT BY WRITTEN RESOLUTION OF THE BOARD OF  
11 DIRECTORS OF AN EXISTING SCHOOL DISTRICT FROM  
12 WHICH TERRITORY WILL BE DETACHED TO CREATE THE  
13 NEW SCHOOL DISTRICT SUBMITTED TO THE STATE BOARD  
14 OF EDUCATION IF NO PETITION IN OPPOSITION IS  
15 FILED WITH THE STATE BOARD OF EDUCATION; AND FOR  
16 OTHER PURPOSES.

## Subtitle

17  
18 TO ALLOW THE CREATION OF A NEW PUBLIC  
19 SCHOOL DISTRICT BY AN UNOPPOSED WRITTEN  
20 RESOLUTION OF AN EXISTING DISTRICT FROM  
21 WHICH TERRITORY WILL BE DETACHED.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 6-13-1504 is amended to read as follows:

28 6-13-1504. Petition – Election – Opposition to resolution.

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

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

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

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



1 district;

2 (C) Contain an independent feasibility study stating:

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

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

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

9 (iv) The effect of detachment on court-ordered  
10 desegregation; ~~and.~~

11 ~~(D)(3) Be~~ A petition shall be signed by at least ten percent  
12 (10%) of the ~~registered voters of~~ qualified electors residing within the area  
13 proposed for detachment.

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

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

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

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

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

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

1 subchapter.

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

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

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

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

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

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

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

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

35 ~~(d)(1)(f)(1)~~ The ballot shall be printed to permit voting for or  
36 against the proposition for creation of a new school district by detachment

1 in a manner similar to the following:

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

5 \_\_\_\_\_ School District:  
6 \_\_\_\_\_.

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

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

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

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

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

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

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

32 (4)(A) Within thirty (30) calendar days of the date of the first  
33 publication of the notice under this subsection (g), the qualified electors  
34 residing within the area proposed for detachment may submit to the state  
35 board and to the existing school district board of directors a petition in  
36 opposition to the resolution.

