

W 6-19-85
OPINION NO. 85-138

June 18, 1985

The Honorable Bobby Hogue
Arkansas House of Representatives
State Capitol
Little Rock, AR 72201

Dear Representative Hogue:

This official Attorney General's opinion is written in response to the following question:

When three (3) school districts consolidate what is the makeup of the school board of the newly formed district?

Pursuant to Ark. Stat. Ann. §80-450(e) the Board of Directors of the former districts are authorized to enter into an agreement defining the composition of the Board of Directors of the new district.

However, assuming the three (3) districts have consolidated pursuant to Act 165 of 1961 as amended and did not make an agreement the composition of the board is governed by Ark. Stat. Ann. §80-450(b), which is:

(b) If the new district was created by the consolidation of three (3) former districts the Board shall be composed of six (6) members, two (2) of whom shall be residents of each of the former districts. At the first meeting of the Board the two (2) members who reside in each of the former districts shall determine by lot the term to be served by each. One (1) of the two (2) members from each of the three (3) former districts shall serve for a term of two (2) years and one (1) shall serve for a term of four (4) years. Every two (2) years thereafter at the annual school election, the qualified electors of the new district shall elect one (1) successor member from each of the three (3) former districts for a term of four (4) years.

The foregoing opinion, which I hereby approve, was prepared by Chief Deputy Attorney General Rodney Parham.

Sincerely,

STEVE CLARK
Attorney General