



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

OPINION NO. 85-223

(501) 371-2007

December 27, 1985

The Honorable Geno Mazzanti, Jr.
Representative, District 100
Route 1, Box 225
Lake Village, Arkansas 71653

Dear Representative Mazzanti:

This is in response to your opinion request wherein you ask:

Whether a majority of the legal voters in the Ross Van Ness School District (Chicot County) could hold an election by petitioning the Governor, or any agency, to let the people decide by vote which school district (Lakeside or Eudora) they want to consolidate with.

In response to your question, it is the opinion of this Office that the answer to your question is no.

As you point out in your letter, the Circuit Court has assigned the Ross Van Ness School District to the Eudora District. This annexation occurred pursuant to Act 61 of 1983 (First Extraordinary Session). Thus, as I understand the situation in your District, your question is actually whether the patrons of a school district can overrule an annexation initiated by the school board and ordered by either the county board of education or the circuit court.

Enclosed for your consideration are two opinions previously issued by this Office to Senator Nick Wilson (Opinion 85-80) and Representative Balton (Opinion 85-179). These opinions make clear that Act 61 of 1983 (First Extraordinary Session) vests discretion in the board of directors of a school district to decide the appropriate school district to which to annex. There is no provision in the law which would allow the patrons to overrule the actions of their school board, the county board of education or the circuit court in this matter.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General C. Randy McNair, III.

Sincerely,


STEVE CLARK
Attorney General

JSC:CRM:jk

Encl.