

Dale WILSON, et al. v. ARKANSAS COUNTY BOARD  
OF EDUCATION, et al.

85-275

707 S.W.2d 768

Supreme Court of Arkansas  
Opinion delivered April 21, 1986

SCHOOLS & SCHOOL DISTRICTS — RIGHT TO VOLUNTARILY PETITION  
COUNTY BOARD TO MERGE WITH ADJOINING DISTRICT — COUNTY  
BOARD IS WITHOUT DISCRETION TO DENY PETITION. — The Quality  
Education Act makes provision for school districts to voluntarily  
petition to merge with an adjoining district between June 1, 1984  
and June 1, 1987; this provision is mandatory, and once a proper  
petition is filed pursuant to Ark. Stat. Ann. § 80-4609(c) (Supp.  
1985), the county board is without discretion to deny it.

Appeal from Arkansas Circuit Court; *Russell Rogers*,  
Judge; affirmed.

*Gibson Law Office*, by: *Charles S. Gibson*, for appellants.

*Norman M. Smith*, for appellees.

*Friday, Eldredge & Clark*, by: *Christopher Heller*, *amicus  
curiae* for DeWitt School District.

DARRELL HICKMAN, Justice. This is another case of volun-  
tary school consolidation under Act 445 of 1983.

The St. Charles School District Board of Education unani-  
mously resolved to petition the Arkansas County Board of  
Education to annex the district to the Dewitt School District. The  
county board correctly read the pertinent section of Act 445 as  
being mandatory and granted the petition.

The appellants, patrons of the St. Charles District, opposed  
the annexation at the county board hearing and raise the sole  
issue that before allowing annexation, a finding must be made by  
the county board that the district proposing voluntary annexation  
was not in compliance with the minimum standards for accredita-  
tion of the Quality Education Act, Act 445. The circuit court  
found no such requirement and we agree.

[1] The Quality Education Act makes provision for school  
districts to voluntarily petition to merge with an adjoining district

between June 1, 1984 and June 1, 1987. Ark. Stat. Ann. § 80-4609 (Supp. 1985). Those districts that recognize that they cannot comply with the new standards are thereby given a choice to decide with which adjoining district they want to merge. We recently decided that Ark. Stat. Ann. § 80-4609 (c) is mandatory; that once a proper petition is filed pursuant to that section, the county board is without discretion to deny it. *Loyd v. Knight*, 288 Ark. 474, 706 S.W.2d 393 (1986).

Having no reason to deny the petition, the Arkansas County Board of Education properly granted the petition.

Affirmed.

PURTLE, J., not participating.

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