

Opinion No. 2012-075

June 29, 2012

The Honorable Johnny Key
State Senator
Post Office Box 350
Mountain Home, Arkansas 72054

Dear Senator Key:

You have asked for my opinion on behalf of a constituent regarding several questions about A.C.A. § 6-13-619,¹ which, as you say, authorizes “electors of an Arkansas school district” to “petition their respective local school district’s board of education to meet” to allow the electors “to voice their concerns about specific issues.” You ask the following questions, all of which assume the local school board has received a valid petition pursuant to 6-13-619:

1. Must the school district’s board of education honor such a petition to meet?
2. Must the petition state the specific issue(s) to be discussed with the school district’s board of education?
3. To what person(s) does the petition have to be submitted?
Specifically, must the petition be submitted to the following:
 - a. the board of education president,
 - b. the school district’s superintendent,
 - c. members of the school district’s board of education?

¹ You actually cite “A.C.A. § 6-13-629,” which pertains to the training and instruction of school board members. Given your narrative summary of the law you are asking about, I will assume you intended to cite A.C.A. § 6-13-619(a).

4. Must a school district's board of education allow petitioners to discuss the issue(s) stated in the petition when the board of education convenes at the petitioners' request?
5. May petitioners or the board of education discuss another issue or other issues not stated in the petition when the board of education convenes at the petitioners' request?
6. When petitioned to meet, may a school district's board of education limit comments to a certain number of petitioners or to a certain amount of time for each commenter?

RESPONSE

Section 6-13-619 describes the general rules for the frequency and conduct of certain school-board meetings. Section 6-13-619(a) simply notes that the board of directors "shall meet...when petitioned to do so by a petition in writing signed by fifty (50) electors in the school district." This means the answer to your first question is "yes."

The statute is silent on your remaining questions. Accordingly, I cannot address whether the statute permits or prohibits the scenarios described in your questions.

Assistant Attorney General Ryan Owsley prepared this opinion, which I hereby approve.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM/RO:cyh