



STATE OF ARKANSAS
ATTORNEY GENERAL
LESLIE RUTLEDGE

Opinion No. 2021-051

December 20, 2021

The Honorable Bob Ballinger
State Senator
1047 CR 5099
Ozark, AR 72949

Dear Senator Ballinger:

This is in response to your request for an opinion concerning the Eureka Springs Public School District. You state that the District has been asked to donate vacated school property to the Eureka Springs Community Foundation, and you request the following:

Could your office please provide an update on the Attorney General's opinions released on this topic? They are Opinions No. 2017-105 and 2015-105. Those involved in this matter want to make sure our laws remain consistent with these opinions.

RESPONSE

As I understand your inquiry, you wish to know whether the relevant law has changed since the issuance of these opinions. According to my review, the state of the law at issue in these opinions has not changed. The legal principles discussed therein are still valid and controlling.

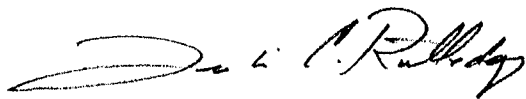
DISCUSSION

Attorney General Opinions 2017-105 and 2015-105 address the general framework under state law for evaluating a donation of school property. As explained in these opinions, the Arkansas Constitution and the Arkansas Code establish certain criterion for the donation of school property.

Arkansas Code Annotated § 6-21-108(b) (Repl. 2018) provides that a school district may donate its surplus real property to a limited pool of recipients for certain purposes. This statute has not been amended since the issuance of the above Attorney General opinions. Nor has my research yielded any other more recent, relevant statute. I will not restate the complete governing statutory framework, but instead refer you to Opinions 2017-105 and 2015-105 for a more detailed analysis.

The Arkansas Constitution adds the criterion that the donation must benefit the school district's students. This follows from the Arkansas Supreme Court case law cited in Opinion 2015-105.¹ There appear to be no more recent Arkansas cases relevant to the analysis.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Rutledge", written in a cursive style.

LESLIE RUTLEDGE
Attorney General

¹ See Op. Att'y Gen. 2015-105 at n.4.