

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 4

A Bill

HOUSE BILL 1002

5 By: Representative Dangeau
6
7

For An Act To Be Entitled

9 AN ACT TO ALLOW THE GENERAL ASSEMBLY TO BETTER
10 ENSURE THAT THE SYSTEM OF PUBLIC EDUCATION IN THE
11 STATE OPERATES AS CONSTITUTIONALLY MANDATED BY
12 REORGANIZING THE STATE BOARD OF EDUCATION; TO
13 REQUIRE THE DIRECTOR OF THE DEPARTMENT OF
14 EDUCATION TO SERVE AT THE PLEASURE OF THE BOARD;
15 AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT TO ALLOW THE GENERAL ASSEMBLY TO
18 BETTER ENSURE THAT THE SYSTEM OF PUBLIC
19 EDUCATION IN THE STATE OPERATES AS
20 CONSTITUTIONALLY MANDATED BY
21 REORGANIZING THE STATE BOARD OF
22 EDUCATION.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 6-11-101 is amended to read as follows:
29 6-11-101. Members.

30 (a)(1) ~~The State Board of Education shall be composed of twelve (12)~~
31 ~~members.~~ The terms of all members of the State Board of Education serving on
32 June 30, 2004 shall expire on July 1, 2004 and new members appointed under
33 subdivision (a)(2) of this section shall begin their terms on July 1, 2004.

34 (2) ~~Beginning in 1999, the number of board members shall be~~
35 ~~reduced so that by the end of the year 2001, the board~~ The State Board shall
36 be composed of nine (9) members, two (2) to be selected from each



1 congressional district of the state and the remainder to be appointed at
 2 large from within the state. ~~The number of members shall be modified as~~
 3 ~~follows:~~

4 ~~(A) Upon the expiration of the terms of two (2) board~~
 5 ~~members in the year 1999, there shall be an appointment of one (1) member;~~

6 ~~(B) Upon the expiration of the terms of two (2) board~~
 7 ~~members in the year 2000, there shall be an appointment of one (1) member;~~
 8 ~~and~~

9 ~~(C) Upon the expiration of the terms of two (2) board~~
 10 ~~members in the year 2001, there shall be an appointment of one (1) member.~~

11 (3) The members of the State Board shall be appointed as
 12 follows:

13 (A) Four (4) persons appointed by the Governor;

14 (B) One (1) person appointed by the Lieutenant Governor;

15 (C) Two (2) persons appointed by the President Pro Tempore
 16 of the Senate; and

17 (D) Two (2) persons appointed by the Speaker of the House
 18 of Representatives.

19 (4) The Governor, President Pro Tempore of the Senate, and the
 20 Speaker of the House of Representatives shall draw lots to determine from
 21 which congressional district each officer will make his or her appointments
 22 and the Lieutenant Governor shall make the appointment for the at-large
 23 position.

24 ~~(b)(1) The term of office of a member of the board shall be six (6)~~
 25 ~~years.~~ Upon taking office in 2004, the members shall draw lots to determine
 26 the length of their initial terms.

27 (2) The initial terms of office shall be staggered terms as
 28 follows:

29 (A) One (1) member appointed by the President Pro Tempore
 30 of the Senate, the Speaker of the House of Representatives, and the Governor
 31 shall have an initial term that expires on July 1, 2006;

32 (B) One (1) member appointed by the Lieutenant Governor,
 33 the Speaker of the House of Representatives, and the Governor shall have an
 34 initial term that expires on July 1, 2008; and

35 (C) One (1) member appointed by the President Pro Tempore
 36 of the Senate and two (2) persons appointed by the Governor shall have an

1 initial term that expires on July 1, 2010.

2 (3) Subsequent appointments shall be for a term of six (6)
3 years.

4 (c) The membership of the board shall reflect the diversity in general
5 education.

6 (d)(1) No person may serve as a member of the board unless he or she
7 is a qualified elector and is a person of high moral standards and recognized
8 ability.

9 (2) Neither the Director of the Department of Education nor any
10 candidate for public office, holder of a public office in the state,
11 schoolteacher, county or city superintendent, employee of a state-supported
12 college or university, or member of any board of trustees of any state
13 institution of higher learning shall serve as a member of the board.

14 (e) The members of the board shall ~~be appointed by the Governor,~~
15 ~~subject to the confirmation of the Senate, and shall~~ take the oath of office
16 for officers prescribed by the Constitution.

17 (f)(1)(A) When a vacancy occurs in the membership of the board, ~~the~~
18 ~~Governor shall appoint a successor to the person who has vacated the~~
19 ~~membership, who will~~ the vacancy shall be filled in the same manner and from
20 the same congressional district as the original appointment.

21 (B) If the original appointment was for an at-large
22 position, the vacancy shall be filled in the same manner as the original
23 appointment and shall continue to be an at-large position.

24 (C) The person appointed shall serve the unexpired term of
25 the person succeeded, subject to all other provisions of this section.

26 (2) Resignation, removal from the district from which he or she
27 is appointed, disqualification, incapacitation from mental or physical
28 disability or otherwise, or change in status from the eligibility
29 requirements for membership on the board shall automatically create a vacancy
30 in the membership of the board, and no such member shall thereafter exercise
31 any of the functions of membership on the board even though his or her
32 successor has not been appointed.

33 ~~(g)(1) Members of the board shall be subject to removal from office by~~
34 ~~the Governor when the actions or condition of a member shall be considered as~~
35 ~~sufficient cause for removal.~~

36 ~~(2) However, before a member may be removed for cause, this~~

1 ~~cause must have been accepted as true, good, and sufficient by a majority~~
 2 ~~written vote of all members of the board after a formal hearing at a regular~~
 3 ~~or special session of the board.~~

4 ~~(h)(g)~~ The members of the board shall serve without remuneration but
 5 may receive expense reimbursement and stipends in accordance with § 25-16-901
 6 et seq., as follows:

7 (1) Their actual expenses while attending regular and special
 8 meetings of the board; and

9 (2) A per diem allowance when in attendance at regular or
 10 special meetings of the board.

11
 12 SECTION 2. Arkansas Code § 6-11-102(a), concerning the employment of
 13 the Director of the Department of Education, is amended to read as follows:

14 (a) ~~Subject to confirmation by the Governor, Effective July 1, 2004,~~
 15 the State Board of Education ~~is empowered to~~ shall employ a person to act as
 16 the Director of the Department of Education, who shall serve at the pleasure
 17 of the ~~Governor~~ board.

18
 19 SECTION 3. Arkansas Code § 6-11-103 is amended to read as follows:
 20 6-11-103. Officers.

21 (a) The State Board of Education shall have an organizational meeting
 22 on the second Monday in July 2004 and shall elect one (1) of its number
 23 ~~chairman~~ chairperson, one (1) vice ~~chairman~~ chairperson, and such other
 24 officers as the board deems necessary to perfect its organization.

25 (b) The Director of the Department of Education shall act as ex
 26 officio secretary of the board without vote.

27
 28 SECTION 4. Arkansas Code § 6-11-104 is amended to read as follows:
 29 6-11-104. Meetings.

30 (a) Effective July 1, 2004, the State Board of Education shall meet a
 31 ~~minimum of six (6) times annually~~ no less than once per month.

32 (b) ~~The board will~~ During the organizational meeting in July 2004, the
 33 board shall determine the meeting dates for the year and thereafter the board
 34 shall meet each December to determine the meeting dates for the following
 35 year.

36 (c)(1) Special meetings may be called by the ~~chairman~~ chairperson of

1 the board with not less than twenty-four (24) hours notice to the members and
2 the Director of the Department of Education and with timely responses from
3 enough board members that they will attend the meeting so as to indicate that
4 a quorum will be present.

5 (2) In the absence of the ~~chairman~~ chairperson, the director
6 shall call a meeting on the request of three (3) members of the board with
7 the same notice and response requirements.

8 (3) If both the ~~chairman~~ chairperson and the director shall be
9 absent or refuse to call a meeting, any three (3) members of the board may
10 call a meeting by utilizing the same notice and response requirements in
11 notifying the members and the office of the director.

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