

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

Call Item 4

# A Bill

HOUSE BILL 1134

5 By: Representative Mathis  
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7

## For An Act To Be Entitled

9 AN ACT TO ABOLISH COUNTY EDUCATION  
10 SUPERINTENDENTS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT TO ABOLISH COUNTY EDUCATION  
13 SUPERINTENDENTS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 6, Chapter 12, Subchapter 3 is  
21 repealed.

~~22 6-12-301. Creation—Members generally.~~

~~23 (a) If a county has a county school supervisor or county board of  
24 education designee as set forth in § 6-12-201 (repealed), the county shall  
25 also have a county board of education composed of five (5) members.~~

~~26 (b) The members of county boards of education shall be qualified  
27 electors who are known for their good moral character, honesty, industry,  
28 public spirit, and interest in education and who do not hold any salaried or  
29 fee office of the state or any political subdivision thereof.~~

~~30 (c) The term of office for a member of the county board shall be five  
31 (5) years, provided that any member of the county board shall hold office  
32 until a successor has been elected or appointed and qualified.~~

~~33 (d) A member may succeed himself or herself.~~

~~34 (e) The county board of election commissioners shall notify each  
35 person elected or appointed as a member of the county board in accordance  
36 with the provisions of this chapter.~~



1           ~~(f)—A change of residence from the county zone shall automatically~~  
 2 ~~disqualify the member from serving out the term for which the member was~~  
 3 ~~elected.~~

4           ~~(g)(1)(A)—If a vacancy occurs on the county board, the vacancy shall~~  
 5 ~~be filled by a vote of a majority of the remaining members.~~

6                     ~~(B)—If the remaining members fail to fill a vacancy within~~  
 7 ~~sixty (60) days after the date of vacancy, the vacancy shall be filled by~~  
 8 ~~appointment by the county judge.~~

9                     ~~(C)—If, as a result of several vacancies, only a minority~~  
 10 ~~of the county board remains, then the county judge shall fill all the~~  
 11 ~~vacancies by appointment.~~

12           ~~(2)—Appointed members shall have the same qualifications as~~  
 13 ~~elected members, and each shall serve a full five year term.~~

14           ~~(h)—The members of the county board shall serve without compensation~~  
 15 ~~but shall be allowed actual expenses incurred in traveling to official~~  
 16 ~~meetings of the county board and in the performance of the official business~~  
 17 ~~of the county board. The amount of one hundred dollars (\$100), or so much~~  
 18 ~~thereof as is needed, shall be allowed annually from the county general~~  
 19 ~~school fund for this purpose. If, in the judgment of the county judge and the~~  
 20 ~~unanimous opinion of the members of the county board, additional funds are~~  
 21 ~~necessary, an additional one hundred dollars (\$100) may be allowed annually.~~

22           ~~(i)—Any person elected or appointed to serve as a member of the county~~  
 23 ~~board on or before July 1, 2000, may complete the term for which the person~~  
 24 ~~was elected and shall hold office until a successor has been appointed and~~  
 25 ~~qualified.~~

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 27           ~~6-12-302. Members—Counties with only one school district.~~

28           ~~(a)—In counties having only one (1) school district, the board of~~  
 29 ~~directors of that district shall act as the county board of education.~~

30           ~~(b)(1)—Each county board of education may hire the staff it deems~~  
 31 ~~necessary and establish the salaries for that staff.~~

32                     ~~(2)—The county board shall not hire a county school supervisor~~  
 33 ~~or county board designee after the termination of employment of the county~~  
 34 ~~school supervisor or county board designee employed after December 31, 1998.~~

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 36           ~~6-12-303. Oath.~~

1           ~~(a) Within fifteen (15) days after the election or appointment, each~~  
 2 ~~electd or appointed member of the county board of education shall subscribe~~  
 3 ~~in writing to the following oath:~~

4  
 5           ~~"I \_\_\_\_\_, do hereby solemnly swear or affirm that I will support~~  
 6 ~~the Constitution of the United States and the Constitution of the State of~~  
 7 ~~Arkansas, and that I will not be financially interested, directly or~~  
 8 ~~indirectly, in any contract made by the county board of which I am a member,~~  
 9 ~~or by any board of school directors of the county, except for contracts for~~  
 10 ~~materials bought on open competitive bid and let to the lowest bidder~~  
 11 ~~conforming to specifications; and that I will faithfully discharge the duties~~  
 12 ~~of a member of the county board of education, upon which I am about to~~  
 13 ~~enter."~~

14           ~~(b) The county clerk, upon receipt of the oaths for the county board~~  
 15 ~~members, shall immediately commission these persons, and they shall enter at~~  
 16 ~~once upon their duties as members of the county board.~~

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 18           ~~6-12-304. Meetings.~~

19           ~~(a) The county board of education shall meet on the fourth Tuesday of~~  
 20 ~~March, June, September, and December of each year and at other times as~~  
 21 ~~meetings may be adjourned to or on call of the chairman, the county school~~  
 22 ~~supervisor or county board designee, or any three (3) members of the county~~  
 23 ~~board.~~

24           ~~(b) Notice of called meetings must be given in writing to each member~~  
 25 ~~of the county board.~~

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 27           ~~6-12-305. Organization.~~

28           ~~During the meeting on the fourth Tuesday of September, the members of~~  
 29 ~~the county board of education shall elect one (1) of its members as chair,~~  
 30 ~~and the county board shall designate an ex-officio secretary of the board.~~

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 32           ~~6-12-306. Powers and duties.~~

33           ~~(a) It shall be the duty of the county board of education to supervise~~  
 34 ~~and direct all of its employees in the performance of their duties.~~

35           ~~(b) The county board's duties shall also include, but shall not be~~  
 36 ~~limited to, the following:~~

1           ~~(1) To cause to be set aside from funds in the county general  
2 school fund amounts necessary for the expenses of the county board and of any  
3 designee;~~

4           ~~(2) To appoint new members when a vacancy occurs on the county  
5 board;~~

6           ~~(3) To terminate the position of the county supervisor or county  
7 board designee;~~

8           ~~(4) To abolish the county board upon the termination of the  
9 county supervisor or county board designee; and~~

10          ~~(5) To transfer to the respective county clerk, the respective  
11 county quorum court, the State Board of Workforce Education and Career  
12 Opportunities, the Department of Workforce Education, the State Board of  
13 Education, or the Department of Education, whichever may be appropriate, all  
14 records of the county board upon abolishment.~~

15          ~~(c) In any county in which a county board is still in existence, the  
16 county board may enter into a written agreement with other county officials  
17 that would allow the county board or its employees to undertake any or all  
18 duties of county officials as they pertain to education or school districts  
19 administered in the county.~~

20

21          ~~6-12-307. Appeal — Bond.~~

22          ~~(a) Any person being a party to the record or proceeding in a matter  
23 brought before any county board of education who feels aggrieved by any final  
24 order or decision of the county board may prosecute an appeal from any final  
25 order or decision, provided the person shall within thirty (30) days from the  
26 date of the final order or decision complained of:~~

27                  ~~(1) Make an affidavit that the appeal taken from the final order  
28 or decision of the county board is not taken for the purpose of delay; and~~

29                  ~~(2) Enter into a bond with good and sufficient surety thereon in  
30 the sum as shall be ordered by the county board, not to exceed twice the  
31 amount involved in the appeal. Where no money or property is involved in the  
32 proceeding from which the appeal is prosecuted, the appeal bond should be  
33 given by the appellant in a sum that will protect the appellee and the county  
34 board from payment of cost, which amount shall be endorsed by the secretary  
35 of the county board on the affidavit of the appellant in a sum to be fixed by  
36 the county board.~~

1           ~~(b) The appeal herein provided shall be to the circuit court of the~~  
2 ~~district or division in which the county board shall be sitting at the time~~  
3 ~~of the final decision or order complained of.~~

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5           ~~6-12-308. Credentials.~~

6           ~~(a)(1) If a county had a full-time county school supervisor or county~~  
7 ~~board of education designee on January 1, 1999, who was not employed more~~  
8 ~~than fifty percent (50%) of the time in other employment or duties other than~~  
9 ~~as county school supervisor or county board of education designee, the county~~  
10 ~~board may continue to employ that person to be county school supervisor or~~  
11 ~~county board designee; and~~

12           ~~(2)(A) The county board may contract with that person for~~  
13 ~~service for a term of one (1) or two (2) years, subject to reemployment,~~  
14 ~~provided that no spouse of a member of the county board nor any person~~  
15 ~~related within the fourth degree of consanguinity or affinity to any member~~  
16 ~~of the county board shall be eligible for employment.~~

17           ~~(B) Any employment contract between the county and a~~  
18 ~~county school supervisor or county board designee shall contain a provision~~  
19 ~~to allow termination of the contract without penalty if the position is~~  
20 ~~terminated because the county board is abolished.~~

21           ~~(b) The county boards of education shall have the power and authority~~  
22 ~~to abolish the office of the county school supervisor or county board~~  
23 ~~designee in their respective counties.~~

24           ~~(c) Upon the termination of employment of the county school supervisor~~  
25 ~~or county board designee whose employment was continued pursuant to the~~  
26 ~~conditions set forth in subsection (a) of this section or upon the~~  
27 ~~abolishment of the office of the county school supervisor or county board~~  
28 ~~designee in their respective counties, the county board shall not replace the~~  
29 ~~county school supervisor or county board designee, and the county board of~~  
30 ~~education shall be abolished.~~

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32           ~~6-12-309. Duties of county school supervisor or county board of~~  
33 ~~education designee.~~

34           ~~The county school supervisor or county board of education designee~~  
35 ~~shall devote his or her entire time to the position of county school~~  
36 ~~supervisor or county board designee, which position includes the faithful~~

1 performance of the following duties and other duties as may be properly  
 2 delegated to the supervisor or designee;

3 (1) ~~The county school supervisor or county board designee shall be the~~  
 4 ~~executive officer of the county board and shall, if possible, attend all~~  
 5 ~~meetings of the county board but shall not have the right to vote;~~

6 (2) ~~As ex officio secretary of the county board, the county~~  
 7 ~~school supervisor or county board designee shall;~~

8 (A) ~~Keep a record of all meetings and of all business~~  
 9 ~~transactions of the county board and shall, together with the chair of the~~  
 10 ~~board, sign the record at the close of each business meeting;~~

11 (B)(i) ~~Keep a permanent copy of the record of the county~~  
 12 ~~board meetings and prepare a copy to be filed with the county clerk and kept~~  
 13 ~~by the county clerk in the same manner in which the county school supervisor~~  
 14 ~~or county board designee is required to keep the permanent records of the~~  
 15 ~~county.~~

16 (ii) ~~The clerk shall be entitled to no fee for the~~  
 17 ~~filing or keeping of the record; and~~

18 (C) ~~Keep a permanent file of all necessary papers and~~  
 19 ~~legal transactions of the county board and, when called upon to do so, shall~~  
 20 ~~furnish anyone entitled thereto a certified copy of the file;~~

21 (3) ~~The county school supervisor or county board designee shall~~  
 22 ~~record the certificates of teachers as required by law;~~

23 (4) ~~The county school supervisor or county board designee shall~~  
 24 ~~be a representative of the State Board of Education and shall perform duties~~  
 25 ~~as may be required by the state board;~~

26 (5) ~~The county school supervisor or county board designee shall~~  
 27 ~~keep a record of the contracts made with teachers;~~

28 (6) ~~The county school supervisor or county board designee shall~~  
 29 ~~cooperate with the Department of Education in carrying out the budgetary~~  
 30 ~~regulations and procedures pertaining to county boards of education as are~~  
 31 ~~now, or may hereafter be, prescribed by the state board or by law; and~~

32 (7) ~~The county school supervisor or county board designee may~~  
 33 ~~keep in the county school supervisor's or county board designee's office and~~  
 34 ~~file with the Board of Trustees of the Arkansas Teacher Retirement System and~~  
 35 ~~the State Board of Education not later than October 15 of each year a list of~~  
 36 ~~all teachers employed in the county for the ensuing year, setting forth the~~

1 ~~type of certificate held by each teacher, the teacher's monthly contract~~  
 2 ~~salary, whether the teacher is a member of the system, and other information~~  
 3 ~~as the state board may deem necessary.~~

4  
 5 ~~6-12-310. Failure to perform duties.~~

6 ~~The failure of the county school supervisor or county board of~~  
 7 ~~education designee to perform any duties provided by law or any which may be~~  
 8 ~~imposed upon the county school supervisor or county board designee by the~~  
 9 ~~county board shall be sufficient cause for the county school supervisor's or~~  
 10 ~~county board designee's discharge and the termination of the county school~~  
 11 ~~supervisor's or county board designee's contract.~~

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 13 ~~6-12-311. Salary.~~

14 ~~(a) Each county board of education is authorized to determine, at its~~  
 15 ~~discretion, the salary of the county school supervisor or county board of~~  
 16 ~~education designee and allowances for travel, clerical, office, and other~~  
 17 ~~expenses.~~

18 ~~(b) For this purpose, the chair shall call a meeting in June each year~~  
 19 ~~for the consideration of these matters.~~

20 ~~(c) All allowances for office expense, travel, and clerical help shall~~  
 21 ~~be based upon detailed budgets submitted by the county school supervisor or~~  
 22 ~~county board designee and approved by the county board.~~

23 ~~(d) With the approval of the county board, the county school~~  
 24 ~~supervisor or county board designee is authorized to select clerical and~~  
 25 ~~other assistants as are necessary.~~

26 ~~(e) The allowances to the county school supervisor or county board~~  
 27 ~~designee and members of the county board for travel expense, meals, and~~  
 28 ~~hotels shall not be in excess of the allowance for state employees.~~

29 ~~(f) All funds provided in this section shall be set aside from the~~  
 30 ~~unapportioned county general school fund to a special fund by the county~~  
 31 ~~treasurer. Payments from this special fund shall be made only upon~~  
 32 ~~presentation of invoice statements, itemized expense accounts, and payrolls~~  
 33 ~~upon vouchers signed by the county school supervisor or county board designee~~  
 34 ~~and the chairman of the county board when vouchers properly executed are~~  
 35 ~~presented to the county clerk and approved by the county school supervisor or~~  
 36 ~~county board designee and the chairman of the county board.~~

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~~6-12-312. Spouse as employee.~~

~~No spouse of any member of the county board of education or of the county school supervisor or county board designee nor any person related within the fourth degree of consanguinity or affinity to any member of the county board or to the county school supervisor or county board designee shall be eligible for employment as clerical help in the office of the county school supervisor or county board designee.~~

~~6-12-313. Candidacy for public office.~~

~~The county school supervisor or county board of education designee shall not be a candidate for public office during the term of the county school supervisor's or county board designee's contract and shall not be granted leave of absence for that purpose.~~

~~6-12-314. Office at county seat.~~

~~The quorum court shall supply the county school supervisor or county board of education designee with a suitably equipped office at the county seat.~~