

INTERIM STUDY PROPOSAL 2013-086

1
2 State of Arkansas
3 89th General Assembly
4 Regular Session, 2013

As Engrossed: H3/20/13 H4/6/13

A Bill

HOUSE BILL 2290

5
6 By: Representatives Dotson, Biviano, Alexander, Ballinger, Bell, J. Burris, Cozart, Deffenbaugh,
7 Eubanks, Farrer, Fite, Hammer, Harris, Hopper, Kerr, Lea, Lowery, D. Meeks, Miller, Neal, Payton, Rice,
8 Scott, Westerman, Womack

9 By: Senators Hester, J. Woods

10 Filed with: Interim House Committee on Education
11 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

12
13 AN ACT TO AMEND THE MEMBERSHIP OF THE STATE BOARD OF
14 EDUCATION; TO REQUIRE THE ELECTION OF STATE BOARD OF
15 EDUCATION MEMBERS; AND FOR OTHER PURPOSES.

Subtitle

16
17
18
19 TO AMEND THE MEMBERSHIP OF THE STATE
20 BOARD OF EDUCATION AND REQUIRE THE
21 ELECTION OF STATE BOARD OF EDUCATION
22 MEMBERS.

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code § 6-1-101 is amended to read as follows:

28 6-11-101. Members.

29 (a)(1) The State Board of Education shall be composed of nine (9) members, each of whom is
30 elected in the manner required under the general election laws of this state as follows:

31 ~~(4)(A)~~ Two (2) members to be selected elected from each of the congressional
32 districts of the state as they exist on the July 31, 2007; and

33 ~~(2)(B)~~ One (1) member to be appointed elected as a member at large from within
34 the state.

35 (2) A candidate shall file for office with the Secretary of State in the manner required
36 under the general election laws of this state.

1 (b)(4) ~~The term of office of a member of the state board shall be for a single term of seven (7)~~
2 ~~years;~~

3 (1)(A) Shall be four (4) years.

4 (B) The terms shall be staggered as follows:

5 (i) One (1) member from each congressional district shall serve an initial
6 term of two (2) years;

7 (ii) One (1) member from each congressional district shall serve an initial
8 term of four (4) years; and

9 (iii) The member-at-large shall serve an initial term of four (4) years;

10 (2) Shall be limited to two (2) four-year terms; and

11 (3) Shall begin on January 1 and end on December 31.

12 ~~(2)(A) Any member appointed to the state board to fill a vacancy for an uncompleted~~
13 ~~term with less than three (3) years remaining on the original term may be reappointed to an additional~~
14 ~~term of seven (7) years.~~

15 ~~(B) No member serving three (3) or more years on the state board may be~~
16 ~~reappointed.~~

17 ~~(3) No current or new member shall be allowed to resign in order to be appointed to a~~
18 ~~new term on the state board.~~

19 ~~(4) Nothing in this section shall be construed to change the terms of any member of the~~
20 ~~state board who was appointed prior to June 3, 2004.~~

21 ~~(c) The membership of the state board shall reflect the diversity in general education.~~

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

24 (2)(c) A member of the state board:

25 (1) Shall be a qualified elector who is twenty-five (25) years of age or older;

26 (2) For a position representing a congressional district, shall be a resident of the
27 congressional district from which he or she is seeking election for one (1) year preceding the election; and

28 (3) Shall not be:

29 (A) ~~Neither the~~ The Commissioner of Education nor any;

30 (B) A candidate for any other public office;

31 (C) The holder of a public office in the state;

32 (D) ~~schoolteacher~~ An employee of a public school or school district in this state;

33 (E) A county or city superintendent;

34 (F) An employee of a state-supported college or university, institution of higher
35 education; or

1 (G) A member of any board of trustees of any state a state-supported institution
 2 of higher learning shall serve as a member of the state board education in this state.

3 ~~(e)(d)~~ The members of the state board shall be appointed by the Governor, subject to the
 4 confirmation of the Senate and shall take the oath of office for officers prescribed by the Arkansas
 5 Constitution.

6 ~~(f)(4)(e)(1)~~ Whenever a vacancy occurs in the membership of the state board by death,
 7 resignation, or removal from office, the Governor shall appoint a successor who shall serve the remainder
 8 of the unexpired term of the member that whom he or she succeeded, subject to all other provisions of
 9 this section.

10 ~~(2) Resignation, removal from the district from which he or she is appointed,~~
 11 ~~disqualification, incapacitation from mental or physical disability or otherwise, or change in status from the~~
 12 ~~eligibility requirements for membership on the state board shall automatically create a vacancy in the~~
 13 ~~membership of the state board, and no such member shall thereafter exercise any of the functions of~~
 14 ~~membership on the state board even though his or her successor has not been appointed~~ The Governor
 15 shall fill a vacancy with a person who meets the qualifications for the position vacated.

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

18 ~~(2) However, before a member may be removed for cause, this cause must have been~~
 19 ~~accepted as true, good, and sufficient by a majority written vote of all members of the state board after a~~
 20 ~~formal hearing at a regular or special session of the state board.~~

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

23 (1) Actual expenses while attending regular and special meetings of the state board; and

24 (2) A per diem allowance when in attendance at regular or special meetings of the state
 25 board.

26
 27 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY.

28 (a) The first election of members of the State Board of Education under this act shall be the 2014
 29 general election.

30 (b)(1) The term of a person who is a member of the state board on the effective date of this act
 31 or who is appointed to the state board after the effective date of this act and before the 2014 general
 32 election shall expire on December 31, 2014.

33 (2) A person who is a member of the state board before the 2014 general election and
 34 who meets all other qualifications for members under this act is eligible to be a candidate for a position on
 35 the state board in the 2014 general election.

1 (c) At the first regular meeting of the state board following the election, the members
2 representing each of the four (4) congressional districts shall draw for staggered terms as provided under
3 this act.

4
5
6
7
8
9
10
11
12
13
14
15
16
17

/s/Dotson

Referred by the Arkansas House of Representatives

Prepared by: CLR/VJF