

1 INTERIM STUDY PROPOSAL 2013-086

2 State of Arkansas

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

3 89th General Assembly

# A Bill

4 Regular Session, 2013

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

### Subtitle

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18 TO AMEND THE MEMBERSHIP OF THE STATE  
19 BOARD OF EDUCATION AND REQUIRE THE  
20 ELECTION OF STATE BOARD OF EDUCATION  
21 MEMBERS.  
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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)  
30 members, each of whom is elected in the manner required under the general  
31 election laws of this state as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22           ~~(4) Nothing in this section shall be construed to change the~~  
23 ~~terms of any member of the state board who was appointed prior to June 3,~~  
24 ~~2004.~~

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

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

30           ~~(2)(c) A member of the state board:~~

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

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

36                   (3) Shall not be:

- 1                    ~~(A) Neither the~~ The ~~Commissioner of Education nor any;~~  
 2                    ~~(B) A candidate for any other public office;~~  
 3                    ~~(C) The holder of a public office in the state;~~  
 4                    ~~(D) schoolteacher~~ An employee of a public school or school  
 5 district in this state;  
 6                    ~~(E) A county or city superintendent;~~  
 7                    ~~(F) An employee of a state-supported college or~~  
 8 university, institution of higher education; or  
 9                    ~~(G) A member of any board of trustees of any state a~~  
 10 state-supported institution of higher learning shall serve as a member of the  
 11 state board education in this state.

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

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

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

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

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

