

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: S3/11/99

82nd General Assembly

# A Bill

Regular Session, 1999

SENATE BILL 448

By: Senator Mahony

## For An Act To Be Entitled

"AN ACT TO REDUCE THE NUMBER OF MEMBERS ON THE STATE BOARD OF EDUCATION FROM TWELVE TO NINE; AND FOR OTHER PURPOSES. "

## Subtitle

"AN ACT TO REDUCE THE NUMBER OF MEMBERS OF THE STATE BOARD OF EDUCATION FROM TWELVE TO NINE. "

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

Section 1. Arkansas Code 6-11-101 is amended to read as follows:

"6-11-101. Members.

(a) The State Board of Education ~~and the State Board of Vocational Education each~~ shall be composed of ~~the same~~ twelve (12) members, ~~two (2) to be selected from each congressional district of the state and the remainder to be appointed at large from within the state.~~ Beginning in 1999, the number of board members shall be reduced so that by the end of the year 2001 the board shall be composed of nine (9) members, two (2) to be selected from each congressional district of the state and the remainder to be appointed at large from within the state. The number of members shall be modified as follows:

(1) Upon the expiration of the terms of two (2) board members in the year 1999, there shall be an appointment of one (1) member.

(2) Upon the expiration of the terms of two (2) board members in the year 2000, there shall be an appointment of one (1) member.

(3) Upon the expiration of terms of two (2) boards members in the year 2001, there shall be an appointment of one (1) member.

1 (b) The term of office of a member of the State Board of Education ~~and~~  
2 ~~the State Board of Vocational Education~~ shall be six (6) years.

3 (c) The membership of the ~~boards~~ board shall be reflective of the  
4 diversity in general education ~~and vocational education~~.

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

8 (2) No candidate for public office, holder of a public office in  
9 the state, school teacher, the Director of ~~General~~ the Department of Education,  
10 ~~the Director of Vocational and Technical Education~~, county or city  
11 superintendent, employee of a state-supported college or university, or member  
12 of any board of trustees of any state institution of higher learning shall  
13 serve as a member of the State Board of Education ~~and the State Board of~~  
14 ~~Vocational Education~~.

15 (e) The members of the State Board of Education ~~and the State Board of~~  
16 ~~Vocational Education~~ shall be appointed by the Governor, subject to the  
17 confirmation of the Senate, and shall take the oath of office prescribed by  
18 the Constitution for officers.

19 (f)(1) When a vacancy occurs in the membership of the ~~boards~~ board, the  
20 Governor shall appoint a successor to the person who has vacated the  
21 membership, who will serve the unexpired term of the person succeeded, subject  
22 to all other provisions of this act.

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

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

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

1 (h) The members of the State Board of Education ~~and the State Board of~~  
2 ~~Vocational Education~~ shall serve without remuneration but may receive expense  
3 reimbursement and stipends in accordance with § 25-16-901 et seq.

4 (1) Their actual expenses while attending regular and special  
5 meetings of the ~~boards~~ board; and

6 (2) A per diem allowance when in attendance at regular or special  
7 meetings of the ~~boards~~ board.

8 ~~(i)(1) The members of the State Board of Education and the State Board~~  
9 ~~of Vocational Education shall be cognizant at all times of educational issues~~  
10 ~~that cross the lines of authority and responsibility of the General Education~~  
11 ~~Division and the Vocational and Technical Education Division.~~

12 ~~(2) Such issues shall be brought to the attention of the chairman~~  
13 ~~so that he may schedule the issue for action at a meeting of either board, but~~  
14 ~~with the Director of General Education and the Director of Vocational and~~  
15 ~~Technical Education both present at the meeting in their capacity as ex~~  
16 ~~officio secretary of their respective boards.~~

17 ~~(3) Action taken by the board regarding such issue shall be~~  
18 ~~binding on both the General Education Division and the Vocational and~~  
19 ~~Technical Education Division."~~

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21 SECTION 2. All provisions of this act of a general and permanent nature  
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
23 Revision Commission shall incorporate the same in the Code.

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25 SECTION 3. If any provision of this act or the application thereof to  
26 any person or circumstance is held invalid, such invalidity shall not affect  
27 other provisions or applications of the act which can be given effect without  
28 the invalid provision or application, and to this end the provisions of this  
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are  
32 hereby repealed.

33 /s/Mahoney  
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