

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 1385

5 By: Representative Pickett  
6  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR STUDENT REPRESENTATION ON  
10 THE STATE BOARD OF EDUCATION AND SCHOOL DISTRICT  
11 BOARDS OF DIRECTORS; AND FOR OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO PROVIDE FOR STUDENT  
14 REPRESENTATION ON THE STATE BOARD OF  
15 EDUCATION AND SCHOOL DISTRICT BOARDS OF  
16 DIRECTORS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 6-11-101 is amended to read as follows:  
23 6-11-101. Members.

24 (a)(1) The State Board of Education shall be composed of twelve (12)  
25 members.

26 (2) Beginning in 1999, the number of board members shall be  
27 reduced so that by the end of the year 2001, the board shall be composed of  
28 nine (9) members, two (2) to be selected from each congressional district of  
29 the state and the remainder to be appointed at large from within the state.  
30 The number of members shall be modified as follows:

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

33 (B) Upon the expiration of the terms of two (2) board  
34 members in the year 2000, there shall be an appointment of one (1) member;  
35 and

36 (C) Upon the expiration of the terms of two (2) board



1 members in the year 2001, there shall be an appointment of one (1) member.

2 (b)(1) The term of office of a member of the state board appointed  
3 prior to June 3, 2004, shall be six (6) years.

4 (2)(A) The term of office of the first member appointed after  
5 June 3, 2004, shall be a single term of six (6) years, and all other  
6 appointments after June 3, 2004, shall be for a single term of seven (7)  
7 years.

8 (B)(i) Any member appointed to the state board to fill a  
9 vacancy for an uncompleted term with less than three (3) years remaining on  
10 the original term may be reappointed to an additional term of seven (7)  
11 years.

12 (ii) No member serving three (3) or more years on  
13 the state board may be reappointed.

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

16 (4) Nothing in this section shall be construed to change the  
17 terms of any member of the state board who was appointed prior to June 3,  
18 2004.

19 (c) The membership of the board shall reflect the diversity in general  
20 education.

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

24 (2) Neither the Commissioner of Education nor any candidate for  
25 public office, holder of a public office in the state, schoolteacher, county  
26 or city superintendent, employee of a state-supported college or university,  
27 or member of any board of trustees of any state institution of higher  
28 learning shall serve as a member of the board.

29 (e) The members of the board shall be appointed by the Governor,  
30 subject to the confirmation of the Senate, and shall take the oath of office  
31 for officers prescribed by the Constitution.

32 (f)(1) When a vacancy occurs in the membership of the board, the  
33 Governor shall appoint a successor to the person who has vacated the  
34 membership, who will serve the unexpired term of the person succeeded,  
35 subject to all other provisions of this section.

36 (2) Resignation, removal from the district from which he or she

1 is appointed, disqualification, incapacitation from mental or physical  
 2 disability or otherwise, or change in status from the eligibility  
 3 requirements for membership on the board shall automatically create a vacancy  
 4 in the membership of the board, and no such member shall thereafter exercise  
 5 any of the functions of membership on the board even though his or her  
 6 successor has not been appointed.

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

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

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

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

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

21 (i)(1)(A) In addition to the membership prescribed by subsection (a)  
 22 of this section, the membership of the board shall include one (1) nonvoting  
 23 student member.

24 (B) The nonvoting student member shall be a student  
 25 enrolled in a public school district in grade twelve (12) during his or her  
 26 term of office.

27 (2)(A)(i) The nonvoting student member shall be selected  
 28 pursuant to the provisions of this subdivision.

29 (ii) The Department of Education shall notify every  
 30 school district board of directors, district superintendent, high school  
 31 principal, and student body president by February 1 of each year that  
 32 applications are being accepted for the student member position.

33 (iii) Applications shall be submitted to the board  
 34 by March 1 of each year.

35 (iv) By April 1 of each year, the department shall  
 36 recommend three (3) students for the position to the Governor.

1 (v) By May 1 of each year, the Governor shall select  
2 the student member from the three (3) students recommended by the department.

3 (3) The student member:

4 (A) Shall serve a one-year term which shall begin on  
5 August 1 and end on July 30 of the following year;

6 (B) Shall be entitled to receive:

7 (i) His or her actual expenses while attending  
8 regular and special meetings of the board; and

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

11 (C) May attend executive sessions of the board; and

12 (D) Shall be immune from liability for any actions of the  
13 board.

14 (4) If the nonvoting student member resigns or is unable to  
15 fulfill his or her term of office by reason of incapacitation or  
16 disqualification, or otherwise, the Governor shall appoint a successor  
17 nonvoting student member from among the three (3) students recommended by the  
18 department to serve the remainder of the term.

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20 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 6 is amended  
21 to add an additional section to read as follows:

22 6-13-635. Student representation.

23 (a)(1) In addition to the membership authorized by § 6-13-634, each  
24 school district board of directors shall include one (1) nonvoting student  
25 member.

26 (b) The nonvoting student member shall:

27 (1) Be enrolled in the public school district in grade twelve  
28 (12) during his or her term of office; and

29 (2) Serve a one-year term.

30 (c) The nonvoting student member:

31 (1) May attend executive sessions of the board; and

32 (2) Shall be immune from liability for any actions of the board.

33 (d) Each district shall select its nonvoting student member by the  
34 following procedure:

35 (1) The superintendent of the public school district shall  
36 appoint a committee of persons teaching in the district's high school to

1 select a student enrolled in grade twelve (12) to serve as a student member  
2 on the local school board;

3 (2) By April 1 of each year, the committee shall collect  
4 applications from students interested in serving as the student member; and

5 (3) By May 1 of each year, the committee shall select a student  
6 from the applicants for the student member position.

7 (e) The student member shall serve a one-year term which shall begin  
8 on August 1 and end on July 30 of the following year.

9 (f) If the nonvoting student member resigns or is unable to fulfill  
10 his or her term of office by reason of incapacitation or disqualification, or  
11 otherwise, the committee shall select a successor nonvoting student member  
12 from among the applicants for the position to serve the remainder of the  
13 term.

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