

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

*As Engrossed: H3/20/13*

# A Bill

HOUSE BILL 2290

5 By: Representatives Dotson, Biviano, Alexander, Ballinger, Bell, J. Burris, Cozart, Deffenbaugh,  
6 Eubanks, Farrer, Fite, Hammer, Harris, Hopper, Kerr, Lea, Lowery, D. Meeks, Miller, Neal, Payton, Rice,  
7 Scott, Westerman, Womack  
8 By: Senators Hester, J. Woods  
9

## For An Act To Be Entitled

11 AN ACT TO AMEND THE MEMBERSHIP OF THE STATE BOARD OF  
12 EDUCATION; AND FOR OTHER PURPOSES.  
13  
14

### Subtitle

15 TO AMEND THE MEMBERSHIP OF THE STATE  
16 BOARD OF EDUCATION.  
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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(a) and (b), concerning the  
23 membership of the State Board of Education, are amended to read as follows:

24 (a) The State Board of Education shall be composed of nine (9)  
25 members:

26 (1) Two (2) members to be selected from each of the  
27 congressional districts of the state as they exist on ~~the July 31, 2007~~  
28 January 1, 2013; and

29 (2) One (1) member to be appointed at large from within the  
30 state.

31 (b)(1) ~~The term of office of a member of the state board shall be for~~  
32 ~~a single term of seven (7) years.~~ Members of the state board shall serve staggered  
33 terms of five (5) years.

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



1           ~~(B) No member serving three (3) or more years on the state board~~  
2 ~~may be reappointed~~

3           (2) A member may be reappointed until the member has served a  
4 maximum of thirteen (13) years.

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

7           ~~(4) Nothing in this section shall be construed to change the~~  
8 ~~terms of any member of the state board who was appointed prior to June 3,~~  
9 ~~2004.~~

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11           SECTION 2. Arkansas Code § 6-11-101(e)-(g), concerning the membership  
12 of the State Board of Education, are amended to read as follows:

13           (e) The members of the state board ~~shall be appointed by the Governor,~~  
14 ~~subject to the confirmation of the Senate and:~~

15                   (1) Shall be appointed as follows:

16                           (A) Three (3) members shall be appointed by the  
17 Governor;

18                           (B) Three (3) members shall be appointed by the  
19 President Pro Tempore of the Senate; and

20                           (C) Three (3) members shall be appointed by the  
21 Speaker of the House.

22           (2) shall Shall take the oath of office for officers prescribed  
23 by the Arkansas Constitution.

24           (f)(1) Whenever a vacancy occurs in the membership of the state board,  
25 the ~~Governor~~ officer who made the original appointment shall appoint a  
26 successor who shall serve the remainder of the unexpired term of the member  
27 that he or she succeeded, subject to all other provisions of this section.

28           (2) Resignation, removal from the district from which he or she  
29 is appointed, disqualification, incapacitation from mental or physical  
30 disability or otherwise, or change in status from the eligibility  
31 requirements for membership on the state board shall automatically create a  
32 vacancy in the membership of the state board, and no such member shall  
33 thereafter exercise any of the functions of membership on the state board  
34 even though his or her successor has not been appointed.

35           (g)(1) Members of the state board shall be subject to removal from  
36 office by the ~~Governor~~ officer who made the original appointment when the

1 actions or condition of a member shall be considered as sufficient cause for  
2 removal.

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

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8 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. The process for  
9 initial appointments to the State Board of Education under this act is as  
10 follows:

11 (1) The Governor, the Speaker of the House of Representatives,  
12 and the President Pro Tempore of the Senate shall make the appointments  
13 required under this act within thirty (30) days of the effective date of this  
14 act;

15 (2) The term of each state board member currently serving shall  
16 expire:

17 (A)(i) Immediately upon the taking of the oath by his or  
18 her successor appointed under this act.

19 (ii) A current state board member:

20 (a) May be reappointed as provided in § 6-11-  
21 101 as amended by this act; and

22 (b) Shall serve for the new term provided in  
23 this act; and

24 (B) In the order of length of service on the state board  
25 beginning with the member who has been serving for the least amount of time;  
26 and

27 (3) At the first regular meeting of the newly appointed state  
28 board members, each of the three members appointed by the same officer shall  
29 draw for staggered terms as follows:

30 (A) One (1) member serve an initial term of one (1) year;

31 (B) One (1) member shall serve an initial term of three  
32 (3) years; and

33 (C) One (1) member shall serve an initial term of five (5)  
34 years.

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36 /s/Dotson