

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1419

5 By: Representatives McNair, Hickerson, Lampkin, Ratliff  
6 By: Senator B. Pierce  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING THE PARTICIPATION OF A MEMBER OF A  
10 SCHOOL DISTRICT BOARD OF DIRECTORS WHEN THE MEMBER IS  
11 NOT PHYSICALLY PRESENT AT THE MEETING; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 CONCERNING THE PARTICIPATION OF A MEMBER  
16 OF A SCHOOL DISTRICT BOARD OF DIRECTORS  
17 WHEN THE MEMBER IS NOT PHYSICALLY PRESENT  
18 AT THE MEETING.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 6-13-619(c) and (d), concerning meetings of  
25 school district boards of directors, are amended to read as follows:

26 (c)(1)(A) A Except as provided under subsection (d) of this section, a  
27 board member shall be physically present at a meeting to be counted for  
28 purposes of a quorum or to vote.

29 (B) If a quorum is not established or maintained, a vote  
30 shall not be taken until a quorum is established or restored.

31 (C) A majority of a quorum voting affirmatively is required  
32 for the passage of any motion or resolution.

33 (D) Any member who abstains from voting shall be counted as  
34 having voted against the motion or resolution.

35 (E)(i) If a member announces a conflict of interest with  
36 regard to an issue, the member may leave the meeting until the voting on the



1 issue is concluded.

2 (ii) A member who leaves a meeting due to a conflict  
 3 of interest:

4 (a) Shall not be counted in the board's vote;  
 5 and

6 (b) Shall not be considered present for the  
 7 purpose of establishing a quorum until the member returns to the meeting  
 8 after the vote.

9 (2) Except as provided under subdivision (c)(1)(E)(ii) of this  
 10 section, for the purposes of this section, a quorum shall be a majority of  
 11 the membership of the board of directors.

12 ~~(d)(1) Any member of the board of directors who misses three (3)~~  
 13 ~~regular and consecutive board of directors meetings during a school year for~~  
 14 ~~any reason other than military service of the member or illness of the member~~  
 15 ~~verified by a written sworn statement of the member's attending physician may~~  
 16 ~~be removed from office by a majority vote of the remaining board members, but~~  
 17 ~~only after an opportunity for a hearing before the board of directors upon~~  
 18 ~~fifteen (15) days' notice received by personal delivery or by certified mail~~  
 19 ~~with the return receipt signed by the addressee only requested~~ The board may  
 20 adopt a policy permitting a member of the board of directors who is unable to  
 21 be physically present at a meeting to attend the meeting remotely.

22 ~~(2) If the board of directors takes action to remove the member~~  
 23 ~~from office, the remaining members shall then appoint another individual to~~  
 24 ~~serve until the next annual school election, when electors shall select in~~  
 25 ~~the usual manner a director to serve the unexpired term of the removed member~~  
 26 For a member of the board of directors that attends a meeting remotely to be  
 27 counted for a quorum and to vote, the method used to permit the member of the  
 28 board of directors to attend remotely shall:

29 (A) Provide a method for the president of the board of  
 30 directors or the secretary of the board of directors to verify the identity  
 31 of the member of the board of directors attending remotely;

32 (B) Allow members of the board of directors that are  
 33 present and members of the public to hear the member of the board of  
 34 directors attending remotely at all times; and

35 (C) Allow a member of the board of directors attending  
 36 remotely to hear the members of the board of directors present at the meeting

1 and any public comment at all times.

2 (3) A member of the board of directors attending remotely shall

3 not:

4 (A) Attend an executive session or closed hearing remotely;

5 or

6 (B) Vote on an issue that is the subject of an executive  
7 session or closed hearing.

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