

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1738

By: Representative C. Douglas

For An Act To Be Entitled

AN ACT CONCERNING ETHICS OF MEMBERS OF A BOARD OF DIRECTORS OF A PUBLIC SCHOOL DISTRICT; TO CREATE THE BOARD OF DIRECTORS ETHICS REVIEW BOARD; AND FOR OTHER PURPOSE.

Subtitle

CONCERNING ETHICS OF MEMBERS OF A BOARD OF DIRECTORS OF A PUBLIC SCHOOL DISTRICT; AND TO CREATE THE BOARD OF DIRECTORS ETHICS REVIEW BOARD.

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

SECTION 1. Arkansas Code § 6-13-611(a)(6) and (7), concerning vacancies on a school district board of directors, is amended to read as follows:

(6) Is removed from the board of directors by the Board of Directors Ethics Review Board;

(7) Resigns from the school board of directors; or

~~(7)~~(8) Dies.

SECTION 2. Arkansas Code § 6-13-616, concerning qualifications of members of a school district board of directors, is amended to add an additional subsection to read as follows:

(c) A person is not eligible to serve on a school district board of directors if the person was removed from a school district board of directors by the Board of Directors Ethics Review Board until the time set for removal



by the Board of Directors Ethics Review Board has expired.

SECTION 3. Arkansas Code Title 6, Chapter 13, Subchapter 6, is amended to add an additional section to read as follows:

6-13-636. Board of Directors Ethics Review Board.

(a) There is established the Board of Directors Ethics Review Board.

(b)(1) The Board of Directors Ethics Review Board shall consist of sixteen (16) members as follows:

(A) The following members who serve on the Professional Licensure Standards Board:

(i) The Commissioner of Education or his or her designee, who shall serve as a nonvoting member;

(ii) Four (4) public school classroom teachers;

(iii) Four (4) persons with valid Arkansas teaching and administrator's licenses; and

(iv) One (1) nonvoting representative designated by the Department of Education from its Human Resources, Educator Effectiveness and Licensure Division recommended by the commissioner;

(B) The Chair of the House Committee on Education or his or her designee;

(C) The Chair of the Senate Committee on Education or his or her designee; and

(D) Four (4) members of school district boards of directors who are recommended by the Arkansas School Boards Association and appointed by the State Board of Education.

(2)(A) The voting members of the Board of Directors Ethics Review Board shall elect annually one (1) of the voting members to serve as chair for one (1) year.

(B)(i) The chair shall serve as a nonvoting member during his or her term as chair.

(ii) However, the chair may vote in the case of a tie.

(c)(1) The state board shall consider all recommendations under subdivision (b)(1)(D) of this section submitted to the state board by June 30 of each year in which the term of a Board of Directors Ethics Review Board member expires.

(2) If a recommendation for a person qualified to fill a position on the Board of Directors Ethics Review Board is not received by the deadline, the state board may appoint any person to fill the position.

(d)(1)(A) The term of members of the Board of Directors Ethics Review Board under subdivision (b)(1)(A) of this section who are members of the Professional Licensure Standards Board shall run concurrently with the members' terms on the Professional Licensure Standards Board.

(B)(i) Members of the Board of Directors Ethics Review Board who are appointed under subdivision (b)(1)(D) of this section shall serve a term of three (3) years.

(ii) The initial members shall draw lots for staggered terms.

(2) The State Board of Education shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.

(e) The appointed members of the Board of Directors Ethics Review Board shall be residents of this state at the time of appointment and throughout their terms.

(f)(1) The Board of Directors Ethics Review Board shall meet at times and places the chair deems necessary, but no meetings shall be held outside of this state.

(2) A majority of the members of the Board of Directors Ethics Review Board shall constitute a quorum for the purpose of transacting business.

(3) All action of the Board of Directors Ethics Review Board shall be by a majority vote of the full membership of the Board of Directors Ethics Review Board.

(g)(1) Members of the Board of Directors Ethics Review Board shall serve without pay.

(2) Members of the Board of Directors Ethics Review Board may receive expense reimbursement in accordance with § 25-16-902, to be paid by the Department of Education to the extent funds are available for that purpose.

(h)(1) The Board of Directors Ethics Review Board shall establish a code of ethics, procedures, and recommendations for enforcement for members of the boards of directors of public schools.

(2) The code of ethics for members of the boards of directors of public school districts shall include at a minimum:

(A) The Arkansas School Boards Association School Board Member's Code of Ethics;

(B) The ethical guidelines for members of the boards of directors of public school districts under § 6-24-101 et seq.;

(C) Provisions concerning violations of the Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq.;

(D) A process to conduct a hearing for an investigated member of a board of directors of a public school district before the Board of Directors Ethics Review Board issues a final decision under this section; and

(E) Procedures for a member of a board of directors of a public school district to appeal a decision of the Board of Directors Ethics Review Board.

(3) Upon the approval of the code of ethics, procedures, and recommendations for enforcement required by subdivision (h)(1), any member's position on a board of directors of a public school district shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement.

(4) The Board of Directors Ethics Review Board may rely on investigators from the Professional Licensure Standards Board to investigate violations of the code of ethics.

(5) The code of ethics shall include the following disciplinary options for the Board of Directors Ethics Review Board:

(A) A written warning;

(B) A letter of reprimand;

(C) Temporary suspension from the board of directors not to exceed two (2) consecutive months; and

(D) Removal from the board of directors for the remainder of the individual's term.

(6)(A) In addition to the disciplinary options under subdivision (h)(5) of this section, the Board of Directors Ethics Review Board may recommend to the state board and the state board may approve monetary fines to be paid by a person for the violation of the code of ethics.

(B) Under no circumstances shall any one (1) specific fee

or fine exceed one hundred dollars (\$100).

(C) Revenue collected by the state board from the fines under this subdivision (h)(6) shall be used for the operation of the Board of Directors Ethics Review Board, which may include the payment of salaries for investigators of the Professional Licensure Standards Board.