

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1738

5 By: Representative C. Douglas  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING ETHICS OF MEMBERS OF A BOARD OF  
9 DIRECTORS OF A PUBLIC SCHOOL DISTRICT; TO CREATE THE  
10 BOARD OF DIRECTORS ETHICS REVIEW BOARD; AND FOR OTHER  
11 PURPOSE.  
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## Subtitle

14 CONCERNING ETHICS OF MEMBERS OF A BOARD  
15 OF DIRECTORS OF A PUBLIC SCHOOL DISTRICT;  
16 AND TO CREATE THE BOARD OF DIRECTORS  
17 ETHICS REVIEW BOARD.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 6-13-611(a)(6) and (7), concerning  
24 vacancies on a school district board of directors, is amended to read as  
25 follows:

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

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

29 ~~(7)~~(8) Dies.  
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31 SECTION 2. Arkansas Code § 6-13-616, concerning qualifications of  
32 members of a school district board of directors, is amended to add an  
33 additional subsection to read as follows:

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



1 by the Board of Directors Ethics Review Board has expired.

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

5 6-13-636. Board of Directors Ethics Review Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26                   (A) A written warning;

27                   (B) A letter of reprimand;

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

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

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

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

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

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

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