

## **1.2—BOARD ORGANIZATION and VACANCIES**

### **Election of Officers**

The Board shall elect the following officer positions:

- President;
- Vice President;
- Secretary<sup>1</sup>; and
- Legislative Liaison.

Officers shall be elected at the first regular meeting following the later of the certification of the results of:

- o The annual school election; or
- o The results of a run-off election when there is a run-off election.

Officers shall serve until the Board's reorganization following the district's next annual school election and perform those duties as prescribed by policy of the Board.

In addition to the election of officers, the Board shall elect, through a resolution passed by a majority vote, one of its members to be the primary board disbursing officer and may designate one or more additional board members as alternate board disbursing officers.<sup>3</sup> A copy of the resolution will be sent to the county treasurer and to the director of the Department of Finance and Administration.

When the position of an officer of the board becomes vacant, the officer's position shall be filled for the remainder of the year in the same manner as for the annual election of officers after the annual school election. Election of Board officers shall not occur except on a once per year basis or to fill an officer vacancy.<sup>4</sup>

### **Vacancies**

A vacancy shall exist on the Board if a board member:

1. Moves his or her bona fide permanent residence outside the boundaries of the school district;
2. Fails to physically attend three (3) consecutive regular meetings of the school district board of directors;
3. Fails to physically attend six (6) regularly scheduled board meetings of the school board of directors in a calendar year;
4. Fails to receive the mandatory hours of training within the statutory time period;
5. Is convicted of a:
  - A. Felony; or
  - B. Violation of the ethical guidelines and prohibitions under § 6-24-101 et seq.;
6. Is called to active military duty;
7. Has been removed from office following a recall election;
8. Has served a full-length term as a holdover and has not subsequently been elected to another term;<sup>5</sup>
9. Resigned from the school board of directors; or
10. Dies.

If credible evidence of a vacancy existing due to numbers 1 through 4 is presented to the president, vice president, or secretary of a school district board of directors, a majority of the members of the school district board of directors shall:

- Vote on whether to appoint an independent investigator to investigate the credible evidence presented; and
- Hold a hearing on the existence of a vacancy.<sup>6</sup>

A vacancy does not exist for numbers 2, 3, and 4 if the reason for the member's absences or failure to receive training is either:

- A. Military service of the board member; or
- B. Illness of the board member that is verified by a written sworn statement of the board member's attending physician.

When a vacancy occurs on the board of directors, the Board shall publish:

1. A notice of the existence of a vacancy on the Board;
2. The date of the meeting when the appointment of an individual to fill the vacancy shall be held;
3. The requirements for an individual to be considered for appointment to fill the vacancy;
4. The position on the board that is vacant, including zone if applicable<sup>7</sup>; and
5. Blank copies of any required forms.

The publication shall be:

- A. Made at least thirty (30) days before the meeting is held to appoint an individual to fill a vacancy;
- B. In a local newspaper covering the District, or District zone if applicable<sup>7</sup>;
- C. On the homepage of the District's website; and
- D. Made utilizing existing communication systems, including without limitation text messages, phone messages, and email, that the District uses to contact parents, legal guardians, persons having lawful control of a student, and persons standing in loco parentis .

Copies of the notice of the existence of a vacancy and the publication of the vacancy shall be provided to the county clerk of the county where the District is administratively domiciled.

An individual who wishes to be considered for appointment to fill a vacancy shall:

- Be a qualified elector who resides in the District or District zone, if applicable<sup>7</sup>; and
- Submit a petition to the District that:
  - States the individual's intention to be considered for the appointment to fill the vacancy;
  - Is signed by at least twenty (20) qualified electors who reside within the District or the District zone where the vacancy exists, if applicable<sup>7</sup>; and
  - Submitted at least ten (10) days before the date the meeting to fill the vacancy is held.

Upon the receipt of a petition, the District shall, in writing:

1. Acknowledge the receipt of the petition;
2. Inform a candidate if the candidate's petition is insufficient or invalid;
3. If the candidate's petition is insufficient or invalid, what the candidate is required to do to cure the petition before the deadline; and
4. Request written answers to questions regarding the candidate that shall be submitted prior to the meeting when the vacancy will be filled.

At the meeting to fill the vacancy:

- A. All matters regarding the filling of the vacancy shall be discussed and acted upon in open session;
- B. Each candidate who submitted a sufficient and valid petition shall be provided at least five (5) minutes to present before the Board;
- C. Only candidates who have submitted a timely, valid, and sufficient petition shall be considered for appointment to fill the vacancy; and
- D. An individual shall not be the individual appointed to fill a vacancy if the individual was removed from the board:
  - Due to the individual's failure to receive the required training within the statutory time period; or
  - Following a recall election.

Except for a temporary vacancy due to military service, an individual appointed to fill a vacancy shall serve the remainder of the unexpired term until the individual's successor takes the oath of office. An individual appointed to fill a temporary vacancy due to military service shall serve until either the Board member who has been called to active military service returns and notifies the Board secretary of the individual's desire to resume service on the Board or the Board member's term expires. If a Board member's term expires while the board member is on active military duty, the Board member may run for re-election; if re-elected, the re-elected Board member's temporary vacancy shall be filled again in the manner prescribed in this policy.

The secretary of the school district board of directors shall notify the county clerk of an appointment to the school district board of directors within five (5) days of the appointment being made. The notice shall include the name of the appointed board member and the expiration date of the individual's term.

The county quorum court of the county in which a majority of the residents are represented by the vacant position shall be responsible for appointing an individual to fill the vacancy if:

- As a result of several vacancies on the school district board of directors, only a minority of board members remains;
- The District Board fails to fill the vacancy within ninety (90) days; or
- The District Board of Directors declines to fill the vacancy.

An individual appointed to fill a vacancy must submit proof of having received the oath of office to the county clerk before the individual may assume any duties.

<https://www.arsba.org/page/policy-resources>

Cross References:    1.3—DUTIES OF THE PRESIDENT  
                             1.4—DUTIES OF THE VICE-PRESIDENT  
                             1.5—DUTIES OF THE SECRETARY  
                             1.11—BOARD MEMBER TRAINING  
                             1.16 —DUTIES OF BOARD DISBURSING OFFICER  
                             1.19—BOARD MEMBER LENGTH OF TERM and HOLDOVERS  
                             1.20—DUTIES OF THE LEGISLATIVE LIAISON

Legal References:    A.C.A. § 6-13-611  
                             A.C.A. § 6-13-612  
                             A.C.A. § 6-13-613  
                             A.C.A. § 6-13-616  
                             A.C.A. § 6-13-618  
                             A.C.A. § 6-13-629  
                             A.C.A. § 6-13-637

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