

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1616

5 By: Representative J. Roebuck  
6 By: Senator J. Key  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE PROCEDURES FOLLOWED BY THE  
10 COMMISSIONER OF EDUCATION RELATED TO CERTAIN  
11 CONTRACTS AND EMPLOYMENT DECISIONS OF SCHOOL  
12 DISTRICTS; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE PROCEDURES FOLLOWED BY THE  
16 COMMISSIONER OF EDUCATION RELATED TO  
17 CERTAIN CONTRACTS AND EMPLOYMENT  
18 DECISIONS OF SCHOOL DISTRICTS.  
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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 § 6-24-105(c)(2)(A)-(C), concerning ethical  
25 guidelines for school boards, is amended to read as follows:

26 (A)(i) If it appears the total transactions or contracts  
27 with the board member or a family member for a fiscal year total, or will  
28 total, five thousand dollars (\$5,000) or more, the superintendent or other  
29 chief administrator of the public educational entity shall forward the  
30 written resolution along with all relevant data to the commissioner for  
31 independent review and approval.

32 (ii) The written resolution and other relevant data  
33 shall be ~~furnished~~ sent by certified mail, ~~with~~ return receipt requested, or  
34 other method approved by the state board to assure that adequate notice ~~of~~  
35 ~~receipt~~ has been received by the Department of Education and to provide a  
36 record for the school district board of directors sending the ~~approval~~



1 request for approval.

2 (B)(i) Upon review of the submitted data for any contract,  
3 including an employment contract as provided in subsection (b) of this  
4 section, the commissioner, within ~~ten (10)~~ twenty (20) days of receipt of the  
5 resolution and other relevant data, shall approve or disapprove in writing  
6 the board's request.

7 (ii) The commissioner may request additional  
8 information or testimony before ruling on a request. If additional data are  
9 needed for a proper determination, the commissioner shall approve or  
10 disapprove the contract within ~~ten (10)~~ twenty (20) days of receipt of the  
11 additional requested data.

12 (iii) If the commissioner does not respond to the  
13 public educational entity within the ~~ten-day~~ twenty-day period or request  
14 additional time or data for a proper review of the contract, the contract  
15 shall be deemed to be approved by the commissioner.

16 (C) If approved, the commissioner shall issue an approval  
17 letter stating all relevant facts and circumstances considered and any  
18 restrictions or limitations pertaining to the approval. The commissioner may  
19 grant the approval for a particular transaction or contract, a series of  
20 related transactions or contracts, or employment contracts. However, ~~no~~  
21 approval shall not be granted for a period greater than two (2) complete and  
22 consecutive fiscal years, excluding employment contracts.

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24 SECTION 2. Arkansas Code § 6-24-106(c)(3)-(5), concerning ethical  
25 guidelines for administrators, is amended to read as follows:

26 (3)(A) An administrator seeking to contract with other public  
27 educational entities, or an administrator's family member seeking to contract  
28 with the public educational entity employing the administrator, shall first  
29 present the request, with all relevant facts and circumstances justifying  
30 approval, to the board currently employing the administrator at an open  
31 meeting.

32 (B)(i) After reviewing the request in an open meeting, the  
33 board may, by written resolution, approve the contract subject to approval by  
34 the commissioner.

35 (ii) A copy of the approval resolution and all  
36 relevant data shall be forwarded by the board president to the commissioner.

1                    (iii) The written resolution and other relevant data  
 2 shall be sent by certified mail, return receipt requested, or other method  
 3 approved by the State Board of Education to assure that adequate notice has  
 4 been received by the Department of Education and to provide a record for the  
 5 school district board of directors sending the request for approval.

6                    (4)(A) Upon review of the submitted data, the commissioner  
 7 shall, within ~~ten (10)~~ twenty (20) days of receipt of the resolution and  
 8 other relevant data, approve or disapprove in writing the board's request.

9                    (B) The commissioner may request additional information or  
 10 testimony before ruling on a request. If additional data is needed for a  
 11 proper determination, the commissioner shall approve or disapprove the  
 12 contract within ~~ten (10)~~ twenty (20) days of receipt of the additional  
 13 requested data.

14                    (C) If the commissioner does not respond to the public  
 15 educational entity within the ~~ten-day~~ twenty-day period or request additional  
 16 time or data for a proper review of the contract, the contract shall be  
 17 deemed to be approved by the commissioner.

18                    (5) If approved, the approval letter shall state all relevant  
 19 facts and circumstances considered in the approval and shall state any  
 20 restrictions or limitations of the approval. The commissioner may grant an  
 21 approval for a particular transaction or a series of related transactions. No  
 22 approval shall be granted for a period greater than two (2) complete and  
 23 consecutive fiscal years.

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 25                    SECTION 3. Arkansas Code § 6-24-107(b)(2)(A)-(C), concerning ethical  
 26 guidelines for employees, is amended to read as follows:

27                    (A)(i) If it appears that the total transactions with an  
 28 employee for a fiscal year total, or will total, five thousand dollars  
 29 (\$5,000) or more, the superintendent or other chief administrator of the  
 30 public educational entity shall forward the written resolution along with all  
 31 relevant data to the Commissioner of Education for independent review and  
 32 approval.

33                    (ii) The written resolution and other relevant data  
 34 shall be ~~furnished~~ sent by certified mail, ~~with~~ return receipt requested, or  
 35 other method approved by the State Board of Education to assure that adequate  
 36 notice ~~of receipt~~ has been received by the Department of Education and to

1 provide a record for the school district board of directors sending the  
2 ~~approval~~ request for approval.

3 (B)(i) Upon review of the submitted data, the commissioner  
4 shall, within ~~ten (10)~~ twenty (20) days of receipt of the resolution and  
5 other relevant data, approve or disapprove in writing the board's request.

6 (ii) The commissioner may request additional  
7 information or testimony before ruling on a request. If additional data is  
8 needed for a proper determination, the commissioner shall approve or  
9 disapprove the contract within ~~ten (10)~~ twenty (20) days of receipt of the  
10 additional requested data.

11 (iii) If the commissioner does not respond to the  
12 public educational entity within the ~~ten-day~~ twenty-day period or request  
13 additional time or data for a proper review of the contract, the contract  
14 shall be deemed to be approved by the commissioner.

15 (C) If approved, the commissioner shall issue an approval  
16 letter stating all relevant facts and circumstances considered and any  
17 restrictions or limitations pertaining to the approval. The commissioner may  
18 grant the approval for a particular transaction or a series of related  
19 transactions. However, ~~no~~ approval shall not be granted for a period greater  
20 than two (2) complete and consecutive fiscal years.

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