

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-143

1
2 State of Arkansas
3 86th General Assembly
4 Regular Session, 2007

A Bill

SENATE BILL 874

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6 By: Senator J. Jeffress

7 Referred to
8 Education Committee - Senate
9 by the Arkansas Senate
10 on 03/28/2007

For An Act To Be Entitled

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12
13 AN ACT ALLOWING THE STATE BOARD OF EDUCATION TO
14 SUSPEND A SCHOOL SUPERINTENDENT' S LICENSE FOR
15 THREE (3) CONSECUTIVE AUDIT REPORTS IDENTIFYING
16 THE SAME ISSUE; TO ALLOW THE SUSPENSION OF A
17 SUPERINTENDENT' S LICENSE FOR FAILURE TO USE THE
18 COMPETITIVE BID PROCESS; TO PROVIDE FOR AN APPEAL
19 AND HEARING ON A REVOCATION OR SUSPENSION; AND
20 FOR OTHER PURPOSES.
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Subtitle

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23 AN ACT ALLOWING THE STATE BOARD OF
24 EDUCATION TO SUSPEND A SUPERINTENDENT' S
25 LICENSE FOR CERTAIN AUDIT ISSUES AND FOR
26 FAILING TO USE THE COMPETITIVE BIDDING
27 PROCESS, AND TO PROVIDE FOR APPEAL AND
28 HEARING ON THE SUSPENSION.
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32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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34 SECTION 1. Arkansas Code § 6-17-406 is amended to read as follows:
35 6-17-406. License revocation ~~generally~~ and suspension - Superintendents
36 and supervisors.

1 (a)(1) The State Board of Education may revoke the license of any
 2 superintendent or supervisor in any and every instance where the ~~Director of~~
 3 ~~the Department of Finance and Administration~~ Legislative Auditor has found it
 4 necessary to proceed upon the bond of the superintendent or supervisor to
 5 recover funds wrongfully used.

6 (2) Revocation shall be mandatory in any and every instance
 7 where there is recovery on the bond.

8 (b)(1) The board may suspend the license of a superintendent if:

9 (A)(i) The audit report of the annual audit of the school
 10 district where the superintendent is employed identifies an issue of
 11 noncompliance with state or federal financial reporting requirements or other
 12 state or federal law or regulation; and

13 (ii) The same issue is identified in three (3)
 14 consecutive audit reports; or

15 (B) The superintendent has worked as a superintendent of
 16 schools in Arkansas for five (5) years and the audit report discloses that he
 17 or she did not follow the competitive bid process set forth in § 6-21-301
 18 through § 6-21-306.

19 (2) The board may determine the appropriate period of time of
 20 the suspension, not to exceed one (1) year, after taking into consideration
 21 the seriousness or materiality of the circumstances, issues, allegations of
 22 fraud, or findings contained in the reports and any other factors the board
 23 deems relevant to the suspension decision.

24 (c)(1) If the board revokes or suspends a superintendent's license
 25 pursuant to subsection (a) or subsection (b) of this section, the board shall
 26 deliver a notice of the license revocation or suspension:

27 (A) In person to the superintendent; or

28 (B) By registered or certified mail to the superintendent at the
 29 superintendent's residence address as reflected in the superintendent's
 30 personnel file.

31 (2) The notice shall include:

32 (A) A statement of the reasons for the license revocation
 33 or suspension, setting forth the reasons in separately numbered paragraphs so
 34 that a reasonable superintendent can prepare a defense; and

35 (B) The period of time the license is suspended.

36 (d)(1) A superintendent who receives a notice of license revocation or

1 suspension may file a written request with the board for a hearing.

2 (2) The written request for a hearing shall be sent by
3 registered or certified mail to Commissioner of Education within thirty (30)
4 calendar days after the written notice of license revocation or suspension is
5 received by the superintendent.

6 (e) Upon receipt of a written request for a hearing, the board shall
7 grant a hearing in accordance with the following provisions:

8 (1) The hearing shall take place at a time agreed upon in
9 writing by the parties, but if no time can be agreed upon, then the hearing
10 shall be held no less than five (5) calendar days nor more than twenty (20)
11 calendar days after the written request has been received by the board;

12 (2) The hearing shall be private unless the superintendent
13 requests that the hearing be public;

14 (3) The superintendent and the board may be represented by
15 representatives of their choosing;

16 (4) It shall not be necessary that a full record of the
17 proceedings at the hearing be made and preserved unless:

18 (A) The board shall elect to make and preserve a record of
19 the hearing at its own expense, in which event a copy shall be furnished the
20 superintendent, upon request, without cost to the superintendent; or

21 (B) A written request is filed with the board by the
22 superintendent at least twenty-four (24) hours prior to the time set for the
23 hearing, in which event the board shall make and preserve at its own expense
24 a record of the hearing and shall furnish a transcript to the superintendent
25 without cost; and

26 (5) The board shall not consider at the hearing any new reasons
27 for the license revocation or suspension that were not specified in the
28 notice provided pursuant to this section.

29 (f)(1) If following a hearing conducted pursuant to subsection (e) of
30 this section sufficient grounds for license revocation or suspension are
31 found, the board may revoke the superintendent's license or suspend the
32 superintendent's license for a period of not more than one (1) year.

33 (2) The salary of a suspended superintendent shall cease as of
34 the date the board sustains the suspension.

35 (3) If sufficient grounds for license revocation or suspension
36 are not found, the superintendent shall be reinstated without loss of

1 compensation or benefits.

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