

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/26/03 H4/11/03

A Bill

HOUSE BILL 2400

5 By: Representatives Key, Martin, Matayo, Bright, Clemons, Cowling, Mack, Pace, S. Prater, Walters,
6 Wood, *Dobbins*
7
8

For An Act To Be Entitled

10 THE COMPREHENSIVE EDUCATIONAL EXCELLENCE REFORM
11 ACT OF 2003; AND FOR OTHER PURPOSES.
12

Subtitle

14 THE COMPREHENSIVE EDUCATIONAL EXCELLENCE
15 REFORM ACT OF 2003.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 6, Chapter 13, is amended to add an
21 additional subchapter to read as follows:

22 6-13-1601. Title.

23 This subchapter shall be known as and may be cited as the "The
24 Comprehensive Educational Excellence Reform Act of 2003".
25

26 6-13-1602. Findings.

27 (a) The people of the State of Arkansas have long held that providing a
28 general, suitable, and efficient system of public education is of paramount
29 importance.

30 (b) The Eighty-fourth General Assembly recognizes the mandate of the
31 Arkansas Supreme Court to ensure that the state provide an equal opportunity
32 for students to obtain an adequate education, regardless of the city or
33 region in where the student resides.

34 (c) The General Assembly further recognizes its responsibility to
35 maintain standards which shall result in an opportunity for an adequate and
36 equal education, not based on numerical goals or random economic formulas



1 alone.

2
3 6-13-1603. Standards for education.

4 (a)(1) There shall be no school district reorganization based solely
5 on the number of students attending the school.

6 (2) The current system of local school governance with local
7 control vesting in the local school board of directors and the employment of
8 school district superintendents and other administrators with the authority
9 of the local school board of directors, shall remain as in existence.

10 (3)(A) The standards set forth in this subchapter shall be
11 effective on January 1, 2004.

12 (4)(A) On or before July 1, 2004, each school district, except
13 those in a state of academic distress as of January 1, 2004, shall perform a
14 needs assessment and develop a plan to comply with the standards enumerated
15 in this subchapter, and submit this plan to the Department of Education.

16 (B) This plan may utilize measures that include, but are
17 not limited to:

18 (i) Voluntary consolidation, annexation, or
19 detachment;

20 (ii) Partnerships with other districts or post-
21 secondary educational institutions of higher education to provide distance
22 learning programs; or

23 (iii) Partnerships with other districts for employee
24 and class sharing programs.

25 (C) This plan shall be implemented at the beginning of the
26 2004-2005 school year.

27 (5)(A) Schools in a state of academic distress as of January 1,
28 2004 shall be reorganized by the State Board of Education.

29 (B) The state board shall have complete authority to
30 reorganize the school district in any manner that it feels is necessary.

31 (C) This can include consolidating, annexing, merging, or
32 detaching part of the school district with one (1) or more school districts
33 or the dissolution of the school district into multiple school districts.

34 (D) This reorganization shall be effective at the
35 beginning of the 2004-2005 school year.

36 (b)(1) After July 1, 2004, the Department of Education shall begin

1 conducting annual reviews of all schools and school districts to determine if
2 each school, and the district as a whole, is in compliance with, and
3 continues to be in compliance with, the standards of this subchapter with
4 respect to:

5 (A) Curricula;

6 (B) Teacher salaries;

7 (C) Facilities;

8 (D) Equipment;

9 (E) Efficiency; and

10 (F) Performance.

11 (2) Prior to the annual reviews conducted under subdivision
12 (b)(1) of this section, any school district may petition the State Board of
13 Education for an advisory opinion and advice with respect to the district's
14 or an individual's school compliance with any specific provision of this
15 subchapter, state law, or State Board of Education regulations.

16 (c) Following each annual review under subsection (b) of this section,
17 any school district that fails to meet the standards shall be subject to
18 action by the State Board of Education under provisions of § 16-13-1606.

19 (d)(1) School districts may voluntarily consolidate, annex, or detach
20 under §§ 6-13-1401 through 6-13-1501, and school districts that do
21 voluntarily consolidate, annex, or detach shall receive consolidation
22 incentive funding as may be determined by the General Assembly.

23 (2) School districts may enter into agreements with other
24 districts or post-secondary educational institutions to provide distance
25 learning programs, alternative learning schools, services for children with
26 disabilities, employee and class sharing programs to offer enhanced or
27 curriculum requirements, or any other program or service as may be necessary
28 to provide an adequate education.

29 (3)(A) During the regular school term or during summer months, a
30 school district may enter into an agreement with other districts or post-
31 secondary educational institutions to offer career and technical education
32 courses or may enter into agreement with technical institutes or other post-
33 secondary educational institutions to provide career and technical education
34 courses.

35 (B)(i) Any courses made available to students in a school
36 district through an agreement allowed under subdivision (d)(3)(A) of this

1 section shall qualify as being offered and taught by the school district for
2 purposes of complying with the Standards of Accreditation for Arkansas Public
3 Schools.

4 (ii) Any student taking classes in a school district
5 offered through an agreement allowed under subdivision (d)(3)(A) of this
6 section, shall receive credit for the course for graduation purposes under
7 the Standards of Accreditation for Arkansas Public Schools and the local
8 school board shall adopt a policy to determine the numeric grade to be
9 awarded for the grade received in the course.

10
11 6-13-1604. Efficiency.

12 (a) Before the annual school election each year, the local school
13 board of directors shall submit an annual budget for the school district and
14 an annual education plan to the Department of Education in accordance with
15 State Board of Education regulations.

16 (b)(1) The budget shall conform to a format approved by the Department
17 of Education and shall include the overall per pupil expenditure of the
18 district.

19 (2) The per pupil expenditures shall not exceed a maximum level
20 defined by the General Assembly to be necessary to provide the opportunity
21 for an adequate education as determined by the adequacy study as set forth in
22 Act 94 of 2003.

23 (3) Nothing in this subsection shall prevent or prohibit a majority of
24 persons within a school district in accordance with the law, from authorizing
25 additional local funding for enhanced educational opportunities in an amount
26 exceeding the level described in subdivision (b)(2) of this section.

27
28 16-13-1605. Uniform Accounting.

29 (a) The Department of Education shall develop a uniform accounting
30 system which shall be utilized in all school districts.

31 (b) The computer software required for the uniform accounting system
32 may be purchased with any combination of state and private funds.

33
34 16-13-1606. Schools falling below standards.

35 (a) The Department of Education shall review pertinent information
36 from every school district annually to ensure that the district and schools

1 are in compliance with current standards for accreditation and report their
2 findings to the State Board of Education.

3 (b) The State Board of Education shall take immediate action
4 concerning any school district that fails to meet curriculum, accreditation,
5 efficiency, or facilities standards or teacher salary requirements in any
6 given year.

7 (c) The State Board of Education shall have complete authority to
8 impose action against the school district. Any action taken by the board
9 must give consideration to the best educational interest of the student in
10 that district. This can include, in the following order of priority:

11 (1) Assignment of a task force to evaluate the deficiencies of
12 the district and assist the district in enacting corrective measures.

13 (A) The task force shall work under authority of the
14 director;

15 (B) The task force shall include representatives from the
16 Department of Education, teachers and administrators from other districts,
17 and other stakeholders such as community leaders and community leaders and
18 community business interests; or

19 (2) Removal of the superintendent;

20 (3) Removal of a member of members of the local school board;

21 (4) Consolidating, annexing, merging or detaching part of the
22 school district with one (1) or more school districts or the dissolution of
23 the school district into multiple districts.

24
25 6-13-1607. Consolidation requirements.

26 (a) For consolidations and annexations required as a result of § 6-13-
27 1603, the State Board of Education shall:

28 (1) Develop a plan for the reorganization of all public school
29 districts not in compliance with this subchapter;

30 (2) Hold no less than two (2) public hearings regarding its
31 proposed reorganization plan to address citizen concerns, comments, and
32 suggestions regarding the plan; and

33 (3)(A) Finalize the reorganization plan and effectuate the
34 reorganization on July 1 of the year in which the plan is finalized.

35 (b) The Department of Education and the State Board of Education may
36 take actions before effectuating the plan, as necessary for an orderly and

1 efficient transition of personnel, property, and the boards of directors.
2

3 SECTION 2. Arkansas Code Title 6, Chapter 13, Subchapter 14 is amended
4 to read as follows:

5 6-13-1401. Definitions.

6 As used in this subchapter, unless the context otherwise requires:

7 (1) "Affected district" means a school district that loses territory
8 or students as a result of annexation or consolidation;

9 (2) "Annexation" means the joining of an affected school district or
10 part thereof with a receiving district;

11 (3) "Consolidation" means the joining of two (2) or more school
12 districts or parts thereof to create a new single school district;

13 (4) "Receiving district" means a school district or districts that
14 receive territory or students, or both, from an affected district as a result
15 of annexation;

16 (5) "Resulting district" means the new school district created from an
17 affected district or districts as a result of consolidation; ~~and~~

18 (6) "State board" means the State Board of Education; and

19 (7) "Voluntary consolidation" means a consolidation that is caused by
20 a petition of the affected district and is not upon the action of the State
21 Board of Education required under § 6-13-1603.
22

23 6-13-1402. Consolidation and annexation authority.

24 ~~There~~ Except as required by § 6-13-1603, there shall not be any
25 consolidation or annexation of any public school district with any other
26 school district in the state without the prior consent and approval of the
27 State Board of Education.
28

29 6-13-1403. Conditions under which the State Board of Education may
30 annex school districts.

31 (a) The State Board of Education shall consider the annexation of an
32 affected school district or districts to a receiving district or districts
33 under the following conditions:

34 (1) The State Board of Education determines that it is in the
35 best interest of the affected district and the receiving district for a
36 school to be annexed rather than consolidated;

1 ~~(1)(A)~~(2)(A) The affected district or districts file a petition
2 with the state board requesting annexation to a particular receiving district
3 or districts, and a copy of the petition is filed with the county clerk's
4 office of each county where the affected district or districts are located~~+~~.

5 (B) The county clerk's office of each county where the
6 affected district or districts are located certifies in writing that the
7 petition has been signed by a majority of the qualified electors of the
8 district or districts; and

9 (C) The receiving district or districts provide to the
10 state board written proof of consent to receive the affected district or
11 districts by annexation as evidenced by either a vote to approve annexation
12 by resolution by a majority of the members of the local receiving board of
13 education or by vote to approve annexation by a majority of the qualified
14 electors of the receiving district as provided for in § 6-14-122;

15 ~~(2)(A)~~(3)(A) A majority of the qualified electors in the
16 affected district or districts vote to approve the annexation of an affected
17 school district or districts to a receiving district or districts as provided
18 for in § 6-14-122; and

19 (B) The receiving district or districts provide to the
20 state board written proof of consent to receive the affected district or
21 districts by annexation as evidenced by either a vote to approve annexation
22 by resolution by a majority of the members of the local receiving board of
23 education or by vote to approve annexation by a majority of the qualified
24 electors of the receiving district as provided for in § 6-14-122; or

25 ~~(3)(A)~~(4)(A) The local board of education of the affected
26 district or districts vote to approve by resolution the annexation of the
27 affected district or districts to a receiving district or districts by a
28 majority of the members of the local board of education of the affected
29 district or districts; and

30 (B) The receiving district or districts provide to the
31 state board written proof of consent to receive the affected district or
32 districts by annexation as evidenced by either a vote to approve annexation
33 by resolution by a majority of the members of the local receiving board of
34 education or by vote to approve annexation by a majority of the qualified
35 electors of the receiving districts as provided for in § 6-14-122.

36 (b) The state board may vote to approve, by a majority of a quorum

1 present of the members of the state board, the annexation of the affected
2 districts into a receiving district;

3 (1) As allowed under § 6-13-1603; or

4 (2) ~~upon~~ Upon receipt of a valid petition for annexation and
5 after receiving proof from the petitioning party of at least one (1) of the
6 required conditions set forth in subsection (a) of this section and upon
7 receipt of proof of the issuance of public notice of the intent to annex
8 affected districts into a receiving district or districts in the local
9 newspapers of general circulation in the affected districts for a time period
10 of no less than once a week for two (2) consecutive weeks immediately prior
11 to the time the petition is filed with the state board.

12 (c) In order for the petition for annexation to be valid, it shall be
13 filed with the state board at least thirty (30) days prior to the next
14 regularly scheduled state board meeting, at which time the petition will be
15 presented for hearing before the state board. However, no petition is
16 required for the State Board of Education to annex a school district under
17 § 6-13-1603.

18 (d)(1) Upon determination by the State Board of Education to annex
19 rather than consolidate a school district under § 6-13-1603 or approval of a
20 petition requesting annexation, the state board shall issue an order
21 dissolving the affected districts and establishing the receiving school
22 district or districts.

23 (2)(A) The state board shall issue an order establishing the
24 boundary lines of the receiving district or districts.

25 (B) It shall be the duty of the Department of Education to
26 make changes in the maps of the school districts to properly show the
27 boundary lines of the receiving district or districts.

28 (e) The state board shall issue an order establishing the changed
29 boundaries and shall file the order with the county clerk or clerks of the
30 county or counties where the receiving district or districts are located. The
31 county clerk shall make a permanent record of the order and, thereafter, the
32 boundaries so established shall be boundaries of the receiving district until
33 changes are made according to the provisions of law.

34 (f) The state board shall not annex affected districts that are not
35 geographically contiguous unless the following limited conditions are
36 determined to be valid reasons for annexation:

1 (1) The annexation will result in the overall improvement in the
2 educational benefit to students in all the school districts involved; or

3 (2) The annexation will provide a significant advantage in
4 transportation costs or service to all the school districts involved.

5
6 6-13-1404. Conditions under which the State Board of Education may
7 consolidate school districts.

8 (a) The State Board of Education shall consider the consolidation of
9 affected school districts into a new resulting school district or districts
10 under the following conditions:

11 (1) The State Board of Education determines it is in the best
12 interest of the affected district and the resulting district for a school to
13 be consolidated rather than annexed under § 6-13-1603; or

14 ~~(1)(A)~~(2)(A) The affected districts file a petition with the
15 state board requesting that the affected districts be consolidated into a
16 resulting district or districts;

17 (B) A copy of the petition has been filed with the county
18 clerk's office of each county where the affected districts are located; ~~and~~

19 (C) The county clerk's office certifies in writing to the
20 state board that the petition has been signed by a majority of the qualified
21 electors of the affected districts;

22 ~~(2)(D)~~ A majority of the qualified electors in the
23 affected districts votes to approve consolidation of the affected districts
24 into a resulting district or districts pursuant to a valid election as
25 provided for in § 6-14-122; and

26 ~~(3)(E)~~ The local board of directors votes to approve by
27 resolution of a majority of the members of each local board of education the
28 consolidation of the affected districts into a resulting district or
29 districts.

30 (b) The state board:

31 (1) Shall consolidate school districts as allowed under § 16-13-
32 1603; or

33 (2) May ~~may~~ vote to approve by a majority of a quorum present of
34 the members of the state board the consolidation of the affected districts
35 into a resulting district upon receipt of a valid petition for consolidation,
36 after receiving proof from the petitioning party of at least one (1) of the

1 required conditions set forth in subsection (a) of this section, and upon
2 receipt of proof of the issuance of public notice of the intent to
3 consolidate affected districts into a resulting district or districts in the
4 local newspapers of general circulation in the affected districts for a time
5 period of no less than once a week for two (2) consecutive weeks immediately
6 prior to the time the petition is filed with the state board.

7 (c) In order for the petition for consolidation to be valid, it shall
8 be filed with the state board at least thirty (30) days prior to the next
9 regularly scheduled state board meeting, at which time the petition will be
10 presented for hearing before the state board. However, no petition is
11 required for the State Board of Education to consolidate a school district
12 under § 6-13-1603.

13 (d)(1) Upon consolidation of a district under § 6-13-1603 or approval
14 of a petition requesting consolidation, the state board shall issue an order
15 dissolving the affected school districts and establishing the resulting
16 school district or districts.

17 (2)(A) The state board shall issue an order establishing the
18 boundary lines of the resulting district or districts.

19 (B) It shall be the duty of the Department of Education to
20 make changes in the maps of the school districts to properly show the
21 boundary lines of the resulting district or districts.

22 (e)(1) The state board shall issue an order establishing the changed
23 boundaries and shall file the order with the county clerk or clerks where the
24 resulting district or districts are located.

25 (2) The county clerk shall make a permanent record of the order
26 and, thereafter, the boundaries so established shall be boundaries of the
27 resulting district until changes are made according to the provisions of law.

28 (f) The state board shall not consolidate affected districts that are
29 not geographically contiguous unless the following limited conditions are
30 determined to be valid reasons for consolidation:

31 (1) The consolidation will result in the overall improvement in
32 the educational benefit to students in all the school districts involved; or

33 (2) The consolidation will provide a significant advantage in
34 transportation costs or service to all the school districts involved.

35
36 6-13-1405. Effective date of annexation or consolidation.

1 (a) Upon consolidation or annexation of a school district under § 6-
2 13-1603:

3 (1) The effective date of the annexation or consolidation shall
4 be as set forth by the State Board of Education;

5 (2) The State Board of Education shall prescribe the number of
6 members of the board of directors of the resulting district;

7 (3) The consolidation plan adopted by the State Board of
8 Education shall be filed with the county clerk of each county that contains
9 territory or a portion of the territory of each affected school district; and

10 (4) All terms and conditions of the consolidation shall be as
11 set forth in the State Board of Education reorganization plan.

12 ~~(a)~~(b) Upon a voluntary consolidation:

13 (1) Unless an agreement is reached in the consolidation or
14 annexation agreement to be different, the effective date of the annexation or
15 consolidation shall be the July 1 following the order of the state board
16 directing the annexation or the consolidation;

17 ~~(b)~~(2) Each board of directors of the affected districts by
18 majority approval of the members of the local board may enter into a written
19 agreement executed by the former president and secretary of each district.
20 The agreement shall prescribe the date of the annexation of the affected
21 district or districts to the receiving district or the formation of the
22 resulting district from consolidation of affected districts;

23 ~~(e)~~(3) The agreement shall also prescribe the number of members
24 of the board of directors of the resulting district as provided for in § 6-
25 13-1205 (repealed); and

26 ~~(d)~~(4) An executed copy of the agreement shall be filed with the
27 county clerk of each county that contains territory or a portion of the
28 territory of each affected school district.

29
30 6-13-1406. Board of directors - Term - Election.

31 ~~(a)(1) Unless the board of directors of the affected district or~~
32 ~~districts and the board of directors of the receiving district or districts~~
33 ~~agree otherwise, the~~ The board of directors of the receiving district or
34 districts after annexation shall be the same board of directors of the
35 receiving district prior to annexation until the next regular school
36 election.

1 ~~(2) The boards of directors of the affected districts may by~~
2 ~~agreement establish a new board of directors other than the current board of~~
3 ~~directors of the receiving district composed of not fewer than five (5) nor~~
4 ~~more than seven (7) directors except for those school districts allowed to do~~
5 ~~otherwise pursuant to § 6-13-604.~~

6 ~~(3)(2) The~~ At the next regular school election following the
7 annexation, the board of directors of the receiving district ~~created by~~
8 ~~agreement~~ shall be elected from single-member zones of substantially equal
9 population based upon the most recent census information and from which
10 racial minorities may be represented on the board in proportions reflected in
11 the district as a whole.

12 (b)(1) ~~Unless the boards of directors of the affected districts agree~~
13 ~~otherwise, the~~ The board of directors of the resulting district after
14 consolidation shall be composed of seven (7) members until the next regular
15 school election.

16 ~~(2) The boards of directors of the affected districts may by~~
17 ~~agreement establish a board of directors of the resulting district composed~~
18 ~~of not fewer than five (5) nor more than seven (7) directors except for those~~
19 ~~school districts allowed to do otherwise pursuant to § 6-13-604.~~

20 ~~(3)(2) The~~ At the next regular school election following the
21 consolidation, the board of directors of the resulting district shall be
22 elected from single-member zones of substantially equal population based upon
23 the most recent census information and from which racial minorities may be
24 represented on the board in proportions reflected in the district as a whole.

25 (c) The length of the term of each member of the board of directors
26 after annexation or consolidation shall be for a time period as allowed by
27 law.

28 (d) At the first meeting of a new board after annexation or
29 consolidation, the members shall determine their terms by lot so that no more
30 than two (2) members' terms expire during any one (1) year.

31 (e) Any vacancy on the board shall be filled in the manner provided
32 for by law.

33 (f) The establishment of a board of directors with an even number of
34 members following annexation or consolidation is hereby prohibited.

35
36 6-13-1407. Creation of a district - When part of a district taken.

1 (a) Any receiving or resulting district created under this section or
2 as a result of § 6-13-1603, shall become the successor in interest to the
3 property of the district dissolved, shall become liable for the contracts and
4 debts of such a district, and may sue and be sued therefor.

5 (b) When territory less than the entire district is annexed or
6 consolidated to a district, the receiving or resulting district shall take
7 the property of the district from which the territory was taken, as the State
8 Board of Education shall deem proper, and shall be liable for that part of
9 all indebtedness of the district from which the territory was taken as shall
10 be assigned to it by the state board unless otherwise approved by a majority
11 vote of the affected school district's or districts' board or boards of
12 directors.

13
14 6-13-1408. Annexation or consolidation not to negatively impact state-
15 assisted desegregation.

16 (a) The State Board of Education shall not order any annexation or
17 consolidation under this subchapter or any other act or any combination of
18 acts which hampers, delays, or in any manner negatively affects the
19 desegregation efforts of a school district or districts in this state.

20 (b) Prior to the entry of any order under this subchapter or § 6-13-
21 1603, the state board shall seek an advisory opinion from the Attorney
22 General concerning the impact of the proposed annexation or consolidation on
23 the effort of the state to assist a district or districts in desegregation of
24 the public schools of this state.

25 (c) Any order of annexation or consolidation or combination thereof
26 that violates the provisions of this section shall be null and void.

27
28 6-13-1409. State Board of Education.

29 (a) The State Board of Education shall have the following duties
30 regarding consolidations and annexations:

31 (1) To form local school districts, change boundary lines of
32 school districts, dissolve school districts and annex the territory of such
33 districts to another district, create new school districts, and perform all
34 other functions regarding changes in school districts in accordance with the
35 law;

36 (2) To transfer funds and attach territory that is in no school

1 district to other school districts as may seem best for the educational
2 welfare of the children; and

3 (3) To enact rules and regulations regarding the consolidation
4 and annexation of school districts under this title.

5 (b)(1) Any ~~person~~ school district being a party to a proceeding before
6 the state board concerning consolidation or annexation who feels aggrieved or
7 that is affected by any final order or decision of the state board may file a
8 petition for appeal from such a final order or decision, provided, within
9 thirty (30) days from the date of the final order or decision complained of,
10 the ~~person shall~~ board of directors of the district approve the appeal by a
11 majority vote, and:

12 (A) Make an affidavit that the appeal taken from such a
13 final order or decision of the state board is not taken for purposes of
14 delay; and

15 (B) Enter into a bond with good and sufficient surety
16 thereon in such sum as shall be ordered by the state board, not to exceed
17 twice the amount of property tax revenues involved in the appeal.

18 (2) The appeal provided in this section shall be to the Circuit Court
19 of Pulaski County.

20
21 SECTION 3. Arkansas Code Title 6, Chapter 13, is amended to add an
22 additional subchapter to read as follows:

23 6-16-1101. The Department of Education shall amend the Arkansas
24 Standards of Accountability for Public Schools that establish the following:

25 (1)(A) For student in grades nine through twelve (9-12), the following
26 courses of fifty (50) units shall be taught every year by an accredited high
27 school:

28 (i) Seven (7) units of language arts, including:

29 (a) Four (4) units English;

30 (b) One (1) unit oral communications or one-half ($\frac{1}{2}$)
31 unit oral communications and one-half ($\frac{1}{2}$) unit drama;

32 (c) One (1) unit journalism;

33 (d) Advanced placement English or equivalent course
34 offered through concurrent enrollment with a post-secondary educational
35 institution; and

36 (e) Other options as approved by the Department of

1 Education;

2 (ii) Six (6) units of science, including:

3 (a) One (1) unit biology;

4 (b) One (1) unit chemistry;

5 (c) One (1) unit physics;

6 (d) Advanced placement science or equivalent course
7 offered through concurrent enrollment with a post-secondary educational
8 institution; and

9 (e) Other options as approved by the Department of

10 Education;

11 (iii) Seven (7) units of mathematics, including:

12 (a) One (1) unit of algebra I;

13 (b) One (1) unit of geometry;

14 (c) One (1) unit of algebra II;

15 (d) One (1) unit of pre-calculus mathematics to
16 include trigonometry;

17 (e) Advanced placement calculus or equivalent course
18 offered through concurrent enrollment with a post-secondary educational
19 institution; and

20 (f) Other options as approved by the Department of

21 Education;

22 (iv) Three (3) units of foreign languages, including level
23 III of the same foreign language;

24 (v) Three and one-half (3½) units of fine arts, including:

25 (a) One (1) unit of art;

26 (b) One (1) unit of instrumental music;

27 (c) One (1) unit of vocal music; and

28 (d) One-half (½) unit survey of fine arts or an
29 advanced art or music course;

30 (vi) Three (3) units of computer applications with
31 an emphasis on current applications, including:

32 (a) Word processing;

33 (b) Spreadsheets;

34 (c) Databases;

35 (d) Graphics; and

36 (e) Telecommunications;

1 (vii) Four (4) units of social studies, including:
 2 (a) One (1) unit American history;
 3 (b) One (1) unit world history;
 4 (c) One-half ($\frac{1}{2}$) civics or government;
 5 (d) One-half ($\frac{1}{2}$) of Arkansas history, if not taught
 6 in grades seven (7) or eight (8); and
 7 (e) Other options as approved by the Department of
 8 Education;

9 (vii) One and one-half units health and safety education
 10 and physical education, including:

11 (a) One (1) unit physical education; and
 12 (b) One-half (1/2) unit health and safety
 13 education;

14 (ix) Fifteen (15) units of career and technical education
 15 to consist of a minimum of three (3) programs of study selected from no less
 16 than five (5) different occupational and technical programs offered annually
 17 from the following list:

18 (a) Agriculture education;
 19 (b) Business technology;
 20 (c) Health occupations;
 21 (d) Home economics education;
 22 (e) Marketing technology;
 23 (f) Trade, industrial, and technical education; and
 24 (g) Work-based learning or apprenticeship;

25 (B) The Department of Education shall promulgate rules and
 26 regulations for the enforcement of this subchapter.

27
 28 6-16-1102. Graduation requirements.

29 (a) At least a total of twenty-four (24) units earned in grades nine
 30 through twelve (9-12) shall be required for high school graduation. Only one
 31 (1) of these units may be in physical education.

32 (b) A unit of credit shall be defined as the credit given for a
 33 course that meets for a minimum of one hundred twenty (120) clock hours. A
 34 minimum average six-hour day or minimum average thirty (30) hour week is
 35 required.

36 (c)(1) Beginning with the graduating class of 2007-2008, twenty-four

1 units of credit will be required for graduation;

2 (2) These requirements shall include the following:

3 (A) The common core of sixteen (16) units which shall

4 include:

5 (i) Four (4) units of English;

6 (ii) One-half ($\frac{1}{2}$) unit of oral communications;

7 (iii) Three (3) units of social studies, including:

8 (a) One (1) unit of world history;

9 (b) One (1) unit of U. S. history; and

10 (c) One-half ($\frac{1}{2}$) unit of civics or government;

11 (iv) Three (3) units of mathematics which must build

12 on the base of algebra and geometry knowledge and skills, including:

13 (a) One (1) unit of algebra or its equivalent;

14 and

15 (b) One (1) unit of geometry or its

16 equivalent; or

17 (c) A two-year algebra equivalent or a two-

18 year geometry equivalent may be counted as two units of the three-unit

19 requirement;

20 (v) Three (3) units of science, including:

21 (a) At least one (1) unit of biology or its

22 equivalent; and

23 (b) One (1) unit of a physical science;

24 (vi) One-half ($\frac{1}{2}$) unit of physical education;

25 (viii) One-half ($\frac{1}{2}$) unit of health and safety; and

26 (viii) One-half ($\frac{1}{2}$) unit of fine arts; and

27 (ix) One (1) unit computer application.

28 (B)(i) Career focus units.

29 (ii) All units in the career focus requirement shall
30 be established through guidance and counseling at the local school district
31 based on the students contemplated work aspirations.

32 (iii) Career focus courses shall conform to local
33 district policy and reflect state frameworks through course sequencing and
34 career course concentrations where appropriate.

35 (d)(1) Local school districts may require additional units for
36 graduation beyond the sixteen (16) common core and the career focus units.

1 (2) These may be in academic or technical areas, or both.

2 (e) All the common core, career focus, and elective units must total
3 at least twenty-four (24) units to graduate.

4

5 6-16-1103. Facilities and equipment.

6 (a) School facilities shall be planned and constructed in accordance
7 with the laws of the State of Arkansas and the regulations of the Arkansas
8 Department of Health, the office of the State Fire Marshall, and the
9 Department of Education.

10 (b) Each room shall be furnished with equipment and instructional
11 materials necessary to provide the environment and working conditions
12 appropriate for subjects or activities assigned.

13 (c) Each school district must meet all facility and equipment
14 standards as defined by the General Assembly based on the adequacy study as
15 set forth in Act 94 of 2003.

16 (d) Facility and equipment improvements may be achieved through
17 agreements or partnerships with public or private entities, or both.

18

19 SECTION 4. Arkansas Code § 6-15-202 is amended to read as follows:

20 6-15-202. Accreditation - Development of regulations and standards.

21 (a) The State Board of Education is authorized and directed to develop
22 comprehensive regulations, criteria, and minimum standards, except as set
23 forth in § 6-16-1101, et seq. to be used by the board and the Department of
24 Education in the accreditation of school programs in elementary and secondary
25 public schools in this state.

26 (b) After the regulations are adopted and implemented by the board,
27 standards shall regularly be reviewed by the House and Senate Interim
28 Committees on Education at least once every two (2) years, and
29 recommendations and advice in regard thereto may be filed by the committees
30 with the board for its consideration.

31

32 SECTION 5. Arkansas Code § 6-15-402 through 6-15-404 are amended to
33 read as follows:

34 6-15-402. Purpose.

35 (a)(1) The purpose of this subchapter is to provide the statutory
36 framework necessary to ensure that all students in the public schools of this

1 state demonstrate grade-level academic proficiency through the application of
 2 knowledge and skills in the core academic subjects consistent with state
 3 curriculum frameworks, performance standards, and assessments. The State of
 4 Arkansas recognizes and declares that students who are not performing at
 5 grade-level standards of academic proficiency are especially harmed by social
 6 promotion because they are not equipped with the necessary academic skills to
 7 be successful and productive members of society. The Department of Education
 8 is committed to having all students perform at grade level and beyond. For
 9 this reason, the Arkansas Comprehensive Testing, Assessment, and
 10 Accountability Program will emphasize point-in-time intervention and
 11 remediation upon the discovery that any student is not performing at grade
 12 level.

13 (2) This subchapter is constructed around a system that includes
 14 statewide indicators, individual school improvement indicators, and a locally
 15 generated school accountability narrative. The total program shall be applied
 16 to each school in the state public school system.

17 (3) This subchapter is designed to be a multiyear commitment to
 18 assess the academic progress and performance of Arkansas' public school
 19 students.

20 (b) The purposes of the assessment and accountability program
 21 developed pursuant to the provisions of this subchapter shall be to:

22 (1) Improve student learning and classroom instruction;

23 (2) Provide public accountability by exemplifying expected
 24 achievement levels and reporting on school and school district performance;
 25 and

26 (3) Provide evaluation data of school and school district
 27 performance in order to assist policymakers at all levels in decision making.

28 (c) To determine the performance of a school and district for purposes
 29 of the 2003 Comprehensive Educational Excellence Reform Act.

30

31 6-15-403. Authority of State Board of Education.

32 The State Board of Education through the Department of Education ~~is~~
 33 ~~hereby authorized to~~ shall:

34 (1) Develop a comprehensive testing, assessment, and
 35 accountability program which utilizes the most current and effective testing,
 36 evaluation, and assessment research information designed to achieve the

1 following purposes set forth in this subchapter:

- 2 (A) Set clear academic standards;
- 3 (B) Establish professional development;
- 4 (C) Establish expected achievement levels;
- 5 (D) Report on student achievement;
- 6 (E) Provide evaluation data;
- 7 (F) Recognize excellence; and
- 8 (G) Apply sanctions;

9 (2) Promulgate such rules and regulations as may be necessary to
10 develop and implement the comprehensive testing, assessment and
11 accountability program; ~~and~~

12 (3) Employ staff and enter into contracts as may be necessary to
13 carry out the provisions of this subchapter.

14
15 6-15-404. Program implementation.

16 (a)(1) The Department of Education shall develop and implement testing
17 for public school students at the primary and middle-level grades, as well as
18 end-of-course testing, which is criterion-referenced and which measures
19 application of knowledge and skills in reading and writing literacy,
20 mathematics and, ~~as funds are available~~, in science and social studies.

21 (2) The department shall test public school students with a
22 nationally norm-referenced test to be selected by the State Board of
23 Education at the middle-level and high school grades.

24 (3) The board shall establish expected levels of achievement on
25 the criterion-referenced examinations.

26 (4) The State of Arkansas shall participate in the
27 administration of the National Assessment of Educational Progress
28 examinations.

29 (b) Any student failing to achieve the established standard on the
30 criterion-referenced examinations shall be evaluated by school personnel, who
31 shall jointly develop an academic improvement plan to assist the student in
32 achieving the expected standard in subject areas where performance is
33 deficient.

34 (c)(1) Each school shall develop one (1) comprehensive, long-range
35 school improvement plan focused on student achievement.

36 (2)(A) Any school that fails to achieve expected levels of

1 student performance on criterion-referenced tests, norm-referenced tests, and
2 related indicators, as defined in this subchapter, shall participate in a
3 school improvement plan accepted by the department. This improvement plan
4 shall assist those students performing below grade level in achieving the
5 expected standard.

6 (B) This plan shall be part of each school's long-range
7 comprehensive school improvement plan and shall be reported to the public.

8 (C) Progress on improved achievement shall be included as
9 part of the school's and school district's annual report to the public.

10 (d) The department and the local school districts shall annually
11 compile and disseminate to the public results of administering all required
12 examinations. The results of the end-of-course testing shall become a part of
13 each student's transcript or permanent record and shall be recorded on these
14 documents in a manner prescribed by the state board.

15 (e) The Department of Education shall rank the school districts based
16 upon the aggregate of all student performance indicators.

17
18 SECTION 6. Arkansas Code § 6-16-103 is amended to read as follows:
19 6-16-103. Course of study generally.

20 (a) There shall be taught in all of the public or elementary schools
21 of this state such subjects as may be designated by the State Board of
22 Education or required by law.

23 (b) Nothing in this section shall be construed to prohibit the
24 inclusion of additional subjects in the state course of study or in any
25 course formulated for a school district and approved by the board.

26 (c)(1) Each year no later than twenty (20) days prior to the date that
27 students are required to register for classes to be taken in grades nine
28 through twelve (9-12), the school district shall mail to every parent a
29 letter notifying the parent of the school district's obligation to offer
30 certain classes, and a list of classes that are required to be taught by the
31 school district under the State Board of Education standards for
32 accreditation.

33 (2) The school district shall indicate any classes that are
34 required to be taught each year, and classes that may be taught every other
35 year.

36 (3) If the district offers classes on alternating years, the

1 notice shall indicate in which school year or years the classes will be
 2 offered.

3
 4 SECTION 7. Arkansas Code Title 6, Chapter 17, is amended to read as
 5 follows:

6 6-17-1001. ~~Minimum base salary—Master's degree.~~ Salary for teachers.

7 ~~(a) The board of directors in each school district in the state shall~~
 8 ~~pay their teachers upon a salary schedule which has annual increments for~~
 9 ~~education and experience and which provides for a base salary, a minimum~~
 10 ~~salary for a teacher with a master's degree, and at least fifteen (15) years~~
 11 ~~of experience as described in this section.~~

12 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~
 13 ~~school district shall pay its teachers with a bachelor's degree and no~~
 14 ~~experience less than twenty one thousand eight hundred sixty dollars~~
 15 ~~(\$21,860).~~

16 ~~(c) In school year 2000-2001 and in each school year thereafter,~~
 17 ~~school districts shall pay teachers with a master's degree and no experience~~
 18 ~~at least one hundred fifteen percent (115%) of the minimum base salary~~
 19 ~~prescribed in subsection (b) of this section.~~

20 ~~(d) In school year 2001-2002 and in each school year thereafter,~~
 21 ~~school districts shall pay a teacher with a master's degree and at least~~
 22 ~~fifteen (15) years of experience one hundred fifty percent (150%) of the~~
 23 ~~state minimum base salary.~~

24 ~~(e)(1) In school year 1995-1996 and in each school year thereafter,~~
 25 ~~each school district in the state shall have in place a salary schedule which~~
 26 ~~provides at least fourteen (14) annual increments for experience.~~

27 ~~(2) In school year 2001-2002 and in each school year thereafter,~~
 28 ~~each school district in the state shall have in place a salary schedule which~~
 29 ~~provides at least fifteen (15) annual increments for experience.~~

30 ~~(3)(a)~~ In school year 2001-2002 and in each school year
 31 thereafter, each school district in the state shall have in place a salary
 32 schedule with at least the following minimum levels of compensation:

33 Years Experience	BA Degree Salary	MA Degree Salary
34 0	\$21,860	\$25,139
35 1	22,304	25,649
36 2	22,748	26,159

1	3	23,192	26,669
2	4	23,636	27,179
3	5	24,080	27,689
4	6	24,524	28,199
5	7	24,968	28,709
6	8	25,412	29,219
7	9	25,856	29,729
8	10	26,300	30,239
9	11	26,744	30,749
10	12	27,188	31,259
11	13	27,632	31,769
12	14	28,076	32,279
13	15 or more	28,520	32,789

14 (b)(1) The salary schedule set forth in subdivision (b)(3) of this
 15 section shall be phased-in over a three-year period with no less than one-
 16 third (1/3) of the stated increased to be implemented each year.

17 (2) The salary schedule set forth in subdivision (b)(3) of this
 18 section may be adjusted by the General Assembly as necessary to comply with
 19 the results of the adequacy study to be conducted under Act 94 of 2003.

20 (3) Beginning with the 2006-2007 school year, all teachers in a
 21 public school in a Arkansas shall be paid a set forth on the following
 22 teacher salary schedule:

24	<u>Years Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
25	<u>0</u>	<u>\$33,020</u>	<u>\$35,120</u>
26	<u>1</u>	<u>33,520</u>	<u>35,670</u>
27	<u>2</u>	<u>34,020</u>	<u>36,220</u>
28	<u>3</u>	<u>34,520</u>	<u>36,770</u>
29	<u>4</u>	<u>35,020</u>	<u>37,320</u>
30	<u>5</u>	<u>35,520</u>	<u>37,870</u>
31	<u>6</u>	<u>36,020</u>	<u>38,420</u>
32	<u>7</u>	<u>36,520</u>	<u>38,970</u>
33	<u>8</u>	<u>37,202</u>	<u>39,520</u>
34	<u>9</u>	<u>37,520</u>	<u>40,070</u>
35	<u>10</u>	<u>38,020</u>	<u>40,620</u>
36	<u>11</u>	<u>38,520</u>	<u>41,170</u>

1	<u>12</u>	<u>39,020</u>	<u>41,720</u>
2	<u>13</u>	<u>39,520</u>	<u>42,270</u>
3	<u>14</u>	<u>40,020</u>	<u>42,820</u>
4	<u>15</u>	<u>40,520</u>	<u>43,370</u>
5	<u>16</u>	<u>41,020</u>	<u>43,920</u>
6	<u>17</u>	<u>41,520</u>	<u>44,470</u>
7	<u>18</u>	<u>42,020</u>	<u>45,020</u>
8	<u>19</u>	<u>42,520</u>	<u>45,570</u>
9	<u>20 or more</u>	<u>43,020</u>	<u>46,120</u>

10 ~~(f) For the 1997-98 school year and for each year thereafter, each~~
 11 ~~school district shall provide no less than four hundred dollar increments for~~
 12 ~~experience for teachers with one (1) and two (2) years of experience.~~

13 ~~(g) For the 1998-1999 school year and for each year thereafter, each~~
 14 ~~school district shall provide no less than four hundred dollar increments for~~
 15 ~~experience for teachers with three (3) and four (4) years of experience.~~

16 ~~(h) For the 1999-2000 school year and for each year thereafter, each~~
 17 ~~school district shall provide no less than four hundred dollar increments for~~
 18 ~~experience for teachers with five (5) and six (6) years of experience.~~

19 ~~(i) For the 2000-2001 school year and for each year thereafter, each~~
 20 ~~school district shall provide no less than four hundred dollar increments for~~
 21 ~~experience for teachers with seven (7) and eight (8) years of experience.~~

22 ~~(j) For the 2001-2002 school year and for each year thereafter, each~~
 23 ~~school district shall provide no less than four hundred dollar increments for~~
 24 ~~experience for teachers with nine (9) and ten (10) years of experience.~~

25 ~~(k) For the 2002-2003 school year and for each year thereafter, each~~
 26 ~~school district shall provide no less than four hundred dollar increments for~~
 27 ~~experience for teachers with eleven (11) and twelve (12) years of experience.~~

28 ~~(l)(1) For the 2003-2004 school year and for each year thereafter,~~
 29 ~~each school district shall provide no less than four hundred dollar~~
 30 ~~increments for experience for teachers with thirteen (13) years of~~
 31 ~~experience.~~

32 ~~(2) For the 2004-2005 school year and for each year thereafter,~~
 33 ~~each school district shall provide no less than four hundred dollar~~
 34 ~~increments for experience for teachers with fourteen (14) years of~~
 35 ~~experience.~~

36 ~~(3) For the 2005-2006 school year and for each year thereafter,~~

1 each school district shall provide no less than four hundred dollar
2 increments for experience for teachers with fifteen (15) years of experience.

3 ~~(m)~~ Subsections (f) (1) of this section shall not apply to any local
4 school district whose minimum salary for teachers exceeds twenty one thousand
5 eight hundred sixty dollars (\$21,860), and whose average salary exceeds the
6 state average salary for teachers for the previous year.

7 ~~(n)~~(b) The term "teacher", as used in this section, shall include any
8 full-time employee of a local public school district who is compelled by law
9 to secure a license from the State Board of Education as a condition
10 precedent to employment in a position ~~in or related to~~ whose primary
11 responsibilities are for the education of public school students in grades
12 prekindergarten through twelve (preK-12) of the public schools of this state
13 and do not include district-wide administrative duties.

14 ~~(o)~~(c) All ~~minimum~~ The salaries set forth in this section shall be for
15 a contract number of days that is not more or less than the number of days in
16 the school year required by the state board's regulations for accreditation
17 for the school year in which the contract is effective.

18 ~~(p)~~(1) ~~A district that determines that it cannot meet the minimum~~
19 ~~salary requirements of this section from funds available may petition the~~
20 ~~Department of Education for a waiver of the requirements of this section for~~
21 ~~up to three (3) school years, based on regulations promulgated by the state~~
22 ~~board.~~

23 ~~(2)~~ The department shall not grant a waiver to any district that
24 is not in compliance with the uniform rate of tax requirements under Arkansas
25 Constitution, Amendment 74.

26 ~~(q)~~ [Repealed.]

27
28 6-17-1002. Salary amount - Annual review.

29 (a) ~~The salaries fixed herein shall be regarded as minimum salaries~~
30 ~~only, and each district may supplement such salaries.~~ No teacher shall
31 receive a reduced salary as a result of this subchapter's requirements, if a
32 teacher is was paid more than the amount set forth in the teacher salary
33 schedule in this section in the previous school year. The teacher may
34 continue to receive a salary equal to the previous year's salary.

35 ~~(b)~~ Base salary shall not be raised until all teachers within a
36 district are paid equal to or greater than the minimum requirements

1 ~~established herein. Each school district shall develop its own salary~~
 2 ~~schedule with salaries equal to or greater than the required minimums set~~
 3 ~~forth herein.~~

4 ~~(e)(b)~~ The Arkansas Teachers' Salaries Study Commission shall annually
 5 review the minimum base salary and make recommendations to the Department of
 6 Education, the Governor, and the General Assembly for such modifications as
 7 the commission shall deem appropriate.

8 (c) The State Board of Education may grant waivers to school districts
 9 to pay a teacher or teachers an amount exceeding, but not less than, the
 10 amount set forth in the teacher salary schedule, if:

11 (1) The school district is located in an area of the state the
 12 Department of Education has determined to have a critical shortage of
 13 teachers;

14 (2) The teachers or teacher's have a certification in a subject
 15 matter area that the Department of Education has determined to have a
 16 critical shortage of teachers;

17 (3) The teacher's particular skills, performance, training, or
 18 experience would warrant a salary increase; or

19 (4) The school district or a particular school is experiencing a
 20 hardship in recruiting or retaining teachers because the teacher salary
 21 schedule is significantly disproportionate to the average salaries paid in
 22 other available job markets in the county.

23
 24 6-17-1003. Enforcement - Appeal - Rules and regulations.

25 (a) The State Board of Education is empowered to enforce the
 26 provisions of this subchapter and is specifically authorized to order the
 27 dissolution and merger of any school district which fails to comply with the
 28 ~~minimum~~ salary requirements established by this subchapter. Any appeal from a
 29 decision of the board ordering the dissolution and merger of a school
 30 district for failure to comply with the provisions of this subchapter shall
 31 be filed in the Circuit Court of Pulaski County and must be filed within
 32 thirty (30) days of the decision of the board.

33 (b) The board shall issue rules and regulations to implement this
 34 subchapter.

35
 36 ~~6-17-1004. Salary goals.~~

1 ~~(a) The personnel policies committees and negotiating teams~~
 2 ~~established and maintained in Arkansas public schools are encouraged to set~~
 3 ~~and meet five year goals to substantially increase teacher salaries. In~~
 4 ~~setting realistic yet meaningful salary goals, the committees and teams shall~~
 5 ~~consider exceeding the state, regional Southern Regional Education Board~~
 6 ~~states, border states, or national average salaries for teachers.~~

7 ~~(b) Within two (2), four (4), and five (5) years following the~~
 8 ~~adoption of this section, school districts shall report to the Arkansas~~
 9 ~~Teachers' Salaries Study Commission and the Department of Education the goals~~
 10 ~~developed, adopted, and met.~~

11
 12 SECTION 8. Arkansas Code Title 6, Chapter 17, Subchapter 10 is amended
 13 to add additional sections to read as follows:

14 6-17-1005. Funds restricted.

15 (a) The requirements of salary schedule set forth in this subchapter
 16 shall be contingent on availability of state funding necessary to provide the
 17 salary increases.

18 (b) The Department of Education shall pay school districts in a manner
 19 that restricts the used of funds provided from the state to the district for
 20 teacher salaries to be use solely by the school district for teacher
 21 salaries.

22 (c) Any supplemental pay to the salary schedule for those teachers
 23 employed for a period of time longer than the period covered by the salary
 24 schedule and for duties in addition to certified employees' regular teaching
 25 assignments, shall not be paid from the funds provided by the state for
 26 teachers' salaries restricted under subsection (a) and shall only be paid
 27 from local funds.

28
 29 SECTION 9. Arkansas Code Title 6, Chapter 15, is amended to add the
 30 following new subchapter:

31 6-13-1701. Title.

32 This subchapter shall be known and may be cited as the "Administrative
 33 Accountability Law".

34
 35 6-13-1702. Purpose.

36 The purpose of this subchapter shall be to assist the State Board of

1 Education and the Department of Education to provide substantially equal
2 educational opportunities to all students.

3
4 6-13-1703. Rules and regulations-State Board of Education.

5 (a)(1) By July 1, 2004, the State Board of Education shall promulgate
6 rules and regulations to establish and implement a program for identifying,
7 evaluating, and addressing actions or violations by a school superintendent
8 that jeopardize the fiscal or academic integrity of a school or school
9 district under § 6-17-410.

10 (2) Actions or violations by a school superintendent that
11 jeopardize the fiscal or academic integrity of a school or school district
12 may include, but are not limited to, violations of Arkansas or federal law,
13 rules and regulations, and reporting requirements.

14 (b)(1) By July 1, 2004, the State Board of Education shall promulgate
15 rules and regulations to establish and implement a program for identifying,
16 evaluating, and addressing actions or violations by a school board director
17 that jeopardize the fiscal or academic integrity of a school or school
18 district.

19 (2) Actions or violations by a school board director that
20 jeopardize the fiscal or academic integrity of a school or school district
21 may include, but are not limited to, violations of Arkansas or federal law,
22 rules and regulations and reporting requirements.

23 (c) If the Department of Education determines that any school
24 superintendent or school board director has committed an action or violation
25 that may jeopardize the fiscal or academic integrity of a school or school
26 district, a written notice of the board's finding shall be submitted in
27 writing via certified mail to that individual and the school district board
28 of directors.

29 (d)(1) The school superintendent under § 6-17-410 or school board
30 director under this subchapter may appeal to the State Board of Education
31 concerning any determination or any ruling by the department as allowed for
32 under subsection (c) of this section.

33 (2) Any appeal under this subchapter must be made within fifteen
34 (15) days of the department's ruling, and the State Board of Education shall
35 act on the appeal within sixty (60) days of receipt of the appeal.

36 (3) The State Board of Education's decision on appeal shall be

1 final with no further right of appeal by the school superintendent or school
2 board director.

3
4 6-13-1704. Enforcement.

5 (a) The State Board of Education, using the same procedure as required
6 under § 6-17-410 for cause, may revoke, suspend, or place on probation the
7 professional license of the superintendent based on the action or violation
8 that jeopardizes the fiscal or academic integrity of the school or school
9 district.

10 (b) In the case of a school board director, the State Board may, at a
11 public hearing using procedures required in this subchapter, determine
12 whether a school board director is unqualified to hold the school board
13 position to which the director was elected under § 6-13-637.

14
15 6-13-1705. Superintendent contract.

16 (a) Every school superintendent contract with a public school district
17 shall require that the terms and conditions of the contract shall become void
18 upon the revocation or suspension of the school superintendent's license and
19 that the terms and conditions of the contract shall become voidable at the
20 option of the district if the school superintendent's license is placed on
21 probationary status under § 6-17-410.

22 (b) A superintendent contract with a public school district shall not
23 be for a term greater than three (3) years.

24 (c) No contract between a superintendent and a public school district
25 shall provide any greater right or claim of employment or compensation beyond
26 those rights allowed by this subchapter.

27
28 6-13-1706. School board director qualifications.

29 (a) No person shall have any qualification or right to hold an elected
30 school board position beyond the terms and conditions of this subchapter.

31 (b) The Director of the Department of Education may request the
32 Attorney General begin usurpation of office action under § 16-118-105 against
33 any school board director identified by the State Board of Education as
34 unqualified for office, but who refuses to vacate the office.

35
36 6-13-1707. Establishment of new school board.

