

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006
4

Call Item 20

A Bill

HOUSE BILL 1017

5 By: Representative Elliott
6 By: Senators Argue, J. Jeffress
7
8

For An Act To Be Entitled

10 AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO
11 DEVELOP A UNIFORM SUPERINTENDENT CONTRACT; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO REQUIRE THE DEPARTMENT OF
15 EDUCATION TO DEVELOP A UNIFORM
16 SUPERINTENDENT CONTRACT.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 3 is amended
23 to add a section to read as follows:

24 6-17-311. Superintendent contracts.

25 (a) All superintendent contracts shall include:

26 (1)(A) A clause allowing for the termination of the
27 superintendent for cause.

28 (B) Grounds for the termination of a superintendent for
29 cause shall include, but are not limited to:

30 (i) Neglect of duty;

31 (ii) Breach of contract;

32 (iii) Knowingly providing false or misleading
33 information in any statement of assurance required by law or department rule;

34 (iv) Knowingly providing false or misleading
35 information on any report required to be filed with the State Board of
36 Education; and



1 (v) Knowingly violating the ethical standards and
2 guidelines as provided in § 6-24-101 et seq; and

3 (2)(A) A clause providing that a superintendent contract shall
4 be voidable by the public school district’s board of directors upon the
5 occurrence of the State Board of Education or the Arkansas Department of
6 Education assuming administrative control of the school district as a result
7 of any of the following conditions:

8 (i) The placement of the public school district in
9 academic distress status pursuant to the Arkansas Comprehensive Testing,
10 Assessment, and Accountability Program Act, § 6-15-401 et seq.;

11 (ii) The placement of the public school district in
12 fiscal distress status pursuant to the Arkansas Fiscal Assessment and
13 Accountability Program, § 6-20-1901 et seq.;

14 (iii) The placement of the public school district in
15 facilities distress status pursuant to the Arkansas Public School Academic
16 Facilities Program Act, § 6-21-801 et seq.; or

17 (iv) A finding by the State Board of Education that
18 the district has failed to meet all standards of accreditation and has been
19 identified as being in probationary status as provided in The Quality
20 Education Act of 2003, § 6-15-201 et seq.

21 (B) The State Board of Education shall address whether the
22 superintendent contract should be voided at the first meeting following the
23 assumption of administrative control by the State Board of Education or the
24 Department of Education.

25 (b)(1)(A) A superintendent terminated pursuant to subdivisions
26 (a)(1)(B)(i) – (a)(1)(B)(v) of this section shall be entitled to a hearing
27 upon the grounds for termination.

28 (B)(i) A superintendent may request a hearing by filing a
29 written request with the president of the school board within ten (10) days
30 of notice of termination.

31 (ii) A superintendent requesting a hearing under
32 subdivision (b)(1)(B)(i) of this section shall continue to receive
33 compensation and benefits as provided in his or her contract until the final
34 decision by the school board.

35 (2) The hearing shall occur before a hearing master selected by
36 the public school district.

1 (3) The hearing shall be held at least thirty (30) days from the
 2 receipt of a written request for a hearing.

3 (4) A superintendent shall be entitled to due process at a
 4 hearing, including, but not limited to, the right to:

5 (A) Elect whether a hearing occurs in public or in
 6 private;

7 (B) Representation, including, but not limited to, legal
 8 counsel;

9 (C) Present and question witnesses;

10 (D) Have all testimony presented under oath;

11 (E) Receive without cost an accurate written transcript of
 12 the proceedings; and

13 (F) Receive written findings of fact, conclusions of law,
 14 and formal recommendations from the hearing master within thirty (30) days of
 15 the hearing.

16 (5) The public school district shall be entitled to
 17 representation at the hearing, including, but not limited to, legal counsel.

18 (6)(A) The hearing master shall present written findings of
 19 fact, conclusions of law, and formal recommendations to the school board and
 20 the superintendent within thirty (30) days of the hearing.

21 (B) Within ten (10) business days of the receipt of the
 22 written findings of fact, conclusions of law, and formal recommendations, the
 23 school board shall decide whether to sustain the charges against the
 24 superintendent.

25 (7) If the charges against the superintendent are not sustained
 26 by the hearing officer, the public school district shall:

27 (A) Reinstate the superintendent; and

28 (B) Reimburse the superintendent for the reasonable and
 29 necessary attorney's fees and disbursements incurred by the superintendent in
 30 his or her defense.

31 (8) If the charges are sustained, the superintendent shall be
 32 terminated and all compensation and benefits shall cease.

33 (c)(1) On or before July 1, 2006, the Department of Education shall
 34 develop a uniform superintendent contract which shall incorporate the
 35 requirements of this section.

36 (2) The uniform contract shall contain the following language

1 regarding termination for cause:

2 “Conduct which is seriously prejudicial to the public school district
 3 shall constitute cause for discharge; including, but not limited to, neglect
 4 of duty, breach of contract, knowingly providing false or misleading
 5 information in any statement of assurance required by law or department rule,
 6 knowingly providing false or misleading information on any report required to
 7 be filed with the Department of Education, and knowingly violating the
 8 ethical standards and guidelines as provided in Arkansas Code § 6-24-101 et
 9 seq.”

10 (3) The uniform contract developed pursuant to subsection (b) of
 11 this section shall be used by all public school districts in the state.

12 (d)(1) This section shall not be construed to affect or modify any
 13 superintendent contract properly executed on or before the effective date of
 14 this section.

15 (2) However, if a public school district opts to renew an
 16 existing superintendent contract pursuant to § 6-17-301(b), the terms of the
 17 uniform contract developed pursuant to this section shall be incorporated
 18 into the renewed contract.

19 (e) Public school districts shall implement the contract developed
 20 pursuant to this section upon the expiration of any current superintendent
 21 contract.

22
 23 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 24 General Assembly of the State of Arkansas that the Arkansas Supreme Court
 25 declared the public school funding system to be inadequate and that the
 26 public schools are operating under a constitutional infirmity which must be
 27 corrected immediately; that current superintendent contracts differ from
 28 school district to school district; and that this act will result in a
 29 unified approach for superintendent contracts that will promote the delivery
 30 of an efficient educational system throughout the state. Therefore, an
 31 emergency is declared to exist and this act being necessary for the
 32 preservation of the public peace, health, and safety shall become effective
 33 on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,
 36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overridden, the date the last house overrides the veto.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36