

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 874

5 By: Senator J. Jeffress
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For An Act To Be Entitled

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

Subtitle

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19 AN ACT ALLOWING THE STATE BOARD OF
20 EDUCATION TO SUSPEND A SUPERINTENDENT'S
21 LICENSE FOR CERTAIN AUDIT ISSUES AND FOR
22 FAILING TO USE THE COMPETITIVE BIDDING
23 PROCESS, AND TO PROVIDE FOR APPEAL AND
24 HEARING ON THE SUSPENSION.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 6-17-406 is amended to read as follows:

30 6-17-406. License revocation ~~generally~~ and suspension - Superintendents
31 and supervisors.

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



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

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

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

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

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

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

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

22 (A) In person to the superintendent; or

23 (B) By registered or certified mail to the superintendent at the
24 superintendent's residence address as reflected in the superintendent's
25 personnel file.

26 (2) The notice shall include:

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

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

31 (d)(1) A superintendent who receives a notice of license revocation or
32 suspension may file a written request with the board for a hearing.

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

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

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

7 (2) The hearing shall be private unless the superintendent
8 requests that the hearing be public;

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

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

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

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

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

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

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

30 (3) If sufficient grounds for license revocation or suspension
31 are not found, the superintendent shall be reinstated without loss of
32 compensation or benefits.

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