

- 9.03.7 Reconstitute the leadership of a public school district by removing permanently or suspending on a temporary basis the superintendent of the public school district or any particular board members of a public school district. The State Board of Education shall have the authority to appoint an administrator or to call for the election of new school board members to administer the affairs and provide governance of the public school district, or both;
- 9.03.8 Accept a corrective action plan to address the violations of the Standards for Accreditation and designate the public school or public school district as being Accredited –Corrective Action; or
- 9.03.9 Take any other appropriate action allowed by law which is determined by the State Board of Education to assist and address a public school or public school district failing to meet the Standards for Accreditation.

## **10.00 RIGHT OF APPEAL**

In the event a public school or public school district believes the Division has improperly determined that any public school or public school district has failed to meet the Standards for Accreditation, the public school district shall have a right to file its written appeal with the office of the Commissioner of Elementary and Secondary Education.

- 10.01 Any appeal shall be held at an open hearing, and the decision of the State Board of Education shall be in open session. The appeal must be filed by the school district no later than fifteen (15) calendar days after the district receives notification of the Division's determination.
- 10.02 The following procedures shall apply to State Board of Education hearings in which the public school district believes the Division improperly determined that the public school or public school district failed to meet the Standards for Accreditation:
  - 10.02.1 All persons wishing to testify before the State Board shall first be placed under oath by the Chairperson of the State Board.
  - 10.02.2 The Division shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.
  - 10.02.3 The appealing public school district shall have up to twenty (20) minutes to present its case to the State Board. The Chairperson of the State Board may allow additional time if necessary.

- 10.02.4 The State Board may pose questions to any party at any time during the hearing.
- 10.02.5 The State Board shall then discuss, deliberate, and vote upon the matter.
- 10.02.6 If deemed necessary, the State Board may take the matter under advisement and announce its decision at a later date, provided that all discussions, deliberations, and votes upon the matter take place at a public hearing.
- 10.02.7 The State Board shall issue a written order concerning the matter.
- 10.03 The State Board of Education may approve the classification of the public school or public school district accreditation status, as determined by the Division, or it may sustain the appeal of the district.
- 10.04 Pursuant to Ark. Code Ann. § 6-15-203, an appeal from the ruling of the State Board of Education may be made by a public school district to the Pulaski County Circuit Court provided such appeal is made pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq.

## **11.00 WAIVER AUTHORITY AND PROCESS**

- 11.01 Except as provided by Ark. Code Ann. § 6-15-202(b)(2), the State Board of Education on its own motion, or on petition from the Division or from a district, may, upon a showing of just cause in a public hearing of the State Board of Education, grant a waiver of any Standard for Accreditation for no longer than one (1) school year. However, no curricula, student performance, school performance, or any standard required by law may be waived for any time period.
  - 11.01.1 Unless the timeline is waived by the Commissioner of Elementary and Secondary Education based on emergency circumstances, a petition for waiver of any Standard for Accreditation by a public school district shall be filed with the Assistant Commissioner for the Division of Public School Accountability a least thirty (30) calendar days prior to the meeting of the State Board of Education where the waiver petition will be heard.
  - 11.01.2 A hearing of the State Board of Education concerning a waiver of any Standard for Accreditation shall be conducted in a public hearing of a properly announced regular or special meeting of the State Board of Education in accordance with Arkansas law, and following procedures in 10.02 of these rules, no later than May 20.