

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

EDUCATION ACCOUNTABILITY
CHAPTER 290-4-1

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(1) The State Superintendent of Education is authorized to carry out the review, examination and supervisory responsibilities as prescribed in the Code of Ala. 1975, and to require reasonable and appropriate reports and to conduct hearings for the purpose of ensuring that due process requirements are met.

(2) Academic Assistance Program. Detailed policies and procedures for the Academic Assistance Program are found in the *Alabama Consolidated Application Accountability Workbook* for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110) and *Rewards and Sanctions Plan, Alabama Accountability System.*

(3) Financial Assistance Program. Local superintendents of education are required to prepare for the local boards of education annual budgets and financial statements, monthly financial reports, and other related documents for review and approval, as required by the State Department of Education and state laws.

(a) The State Superintendent of Education shall oversee the financial integrity of local boards of education and shall appoint a Chief Education Financial Officer.

1. The Chief Education Financial Officer shall be responsible for the collection and analysis of financial reports and other related documents required to assess the financial integrity of local boards of education.

2. The Chief Education Financial Officer shall prepare reports on the financial integrity of local boards of education.

3. The Chief Education Financial Officer shall assist local boards of education whose financial position is deteriorating.

4. The Chief Education Financial Officer shall be bonded in the amount of \$100,000.

(b) Unsound Financial Condition - Alert and Assistance. The State Department of Education shall provide assistance and advice if an analysis of the financial integrity of a local board of education determines the financial reports are fiscally unsound.

(c) Unsound Financial Condition - Continuous Assistance. If during the assistance the State Superintendent determines the local board of education is in an unsound financial

condition, the State Superintendent will appoint a person to provide on-site continuous advice on the day-to-day financial operations of the local board.

(d) Unsound Financial Condition - Intervention. If after a reasonable period of on-site continuous assistance, a local board remains in an unsound financial condition, the State Superintendent shall request approval by the State Board of Education to have direct control of the fiscal operation of the local board. If the request is approved, the State Superintendent shall present to the State Board of Education a proposal for the implementation of management controls necessary to restore the local board to a sound financial condition. Upon the approval of the State Board of Education, the State Superintendent shall appoint a chief financial officer to manage the financial operations of the local board, until the fiscal condition of the local board is restored.

1. The chief financial officer will have the right of approval of every action affecting the expenditure of funds.

2. The chief financial officer shall be bonded and shall not be required to have approval of the local superintendent in the control of the local board's funds.

3. The State Superintendent shall have the authority to review decisions of the chief financial officer and the local board.

4. The chief financial officer shall assume the duties established for local superintendents of education relating to fiscal operations of local boards of education pursuant to applicable Alabama statutory requirements, rules and regulations of the State Board of Education, and other requirements such as federal regulations, opinions of the Attorney General of Alabama, opinions of the Examiners of Public Accounts, and the interpretations of the State Superintendent of Education.

5. The State Superintendent may direct and approve actions:

(i) To prevent further deterioration in the financial condition of the local board.

(ii) To restore the local board to financial stability.

(iii) To enforce compliance with statutory, regulatory, and other financial standards and requirements.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of

education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

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Statutory Authority: Ala. Const. amend. 284, Code of Ala. 1975, §§16-4-8, 16-6B-3, 16-6B-4, 16-6B-6.

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