

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Townsend, Wilkins, Brown and Walker**

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR A HEARING FOR NONCERTIFICATED
9 SCHOOL EMPLOYEES WHEN BEING RECOMMENDED FOR DISMISSAL; AND
10 FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. This act shall be known and may be cited as the "Public
15 School Employee Fair Hearing Act."

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17 SECTION 2. For purposes of this act, the term "employee" shall mean any
18 person employed by a school district for twenty (20) hours or more per week
19 who is not required to have a teaching certificate issued by the Arkansas
20 Department of Education as a condition of employment.

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22 SECTION 3. The superintendent of a school district may recommend
23 termination of an employee provided that he gives notice in writing,
24 personally delivered, or by letter posted by registered or certified mail to
25 the employee's residence address as reflected in the employee's personnel
26 file. Such written notice shall include a statement of the reasons for the
27 proposed termination and shall state that a hearing before the school board is
28 available to the employee upon request, provided such request is made in
29 writing to the superintendent within ten (10) calendar days from receipt of
30 said notice.

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32 SECTION 4. (a) Nothing herein shall be construed or interpreted to
33 preclude the superintendent from placing an employee on immediate suspension,
34 provided he gives written notice of such action to the employee within twenty-
35 four (24) hours of the suspension. The notice shall include a statement of

1 reasons for the suspension, that the superintendent is recommending
2 termination, and that a hearing before the school board is available upon
3 request; provided such request is made in writing to the superintendent within
4 ten (10) calendar days from receipt of said notice.

5 (b) If a hearing is requested, the superintendent shall inform the
6 president of the school board and a hearing shall be conducted at the next
7 regularly scheduled meeting of the school board or within thirty (30) calendar
8 days from receipt of said request for a hearing that is convenient for the
9 employee and the school board members.

10 (c) Subsequent to the hearing, the school board may terminate the
11 employee or continue the suspension for a definite period of time. The salary
12 of a suspended employee shall cease as of the date of the suspension when the
13 school board sustains the suspension. Otherwise, the employee shall be
14 reinstated without loss of compensation.

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16 SECTION 5. The hearing before the school board shall be conducted in
17 accordance with the following provisions:

18 (a) The hearing shall be public or private at the request of the
19 employee.

20 (b) The employee may be represented by persons of his or her own
21 choosing.

22 (c) The decision of the school board shall be made within three (3)
23 calendar days of the hearing.

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25 SECTION 6. All provisions of this act of a general and permanent
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 7. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 8. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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3 SECTION 9. EMERGENCY. It is hereby found and determined by the General
4 Assembly of the State of Arkansas that public school employees who are
5 employed in positions not requiring a teaching license should be provided a
6 reasonable procedure for obtaining a hearing when the superintendent
7 recommends the person's termination as an employee; and that this act is
8 immediately necessary to protect noncertified public school employees.
9 Therefore, an emergency is hereby declared to exist and this act being
10 necessary for the preservation of the public peace, health and safety shall be
11 in full force and effect from and after its passage and approval.

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