

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Mahony**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO PROHIBIT RELATIVES OF A SCHOOL PRINCIPAL FROM
9 BEING EMPLOYED IN THE SAME SCHOOL BUILDING TO WHICH THE
10 PRINCIPAL IS ASSIGNED; TO PROHIBIT RELATIVES OF A SCHOOL
11 DISTRICT'S SUPERINTENDENT OF SCHOOLS OR MEMBER OF THE
12 BOARD OF DIRECTORS FROM BEING EMPLOYED IN THE SAME SCHOOL
13 DISTRICT; TO PROHIBIT RELATIVES OF SCHOOL DISTRICT
14 EMPLOYEES FROM SEEKING ELECTION TO THE SCHOOL DISTRICT'S
15 BOARD OF DIRECTORS; AND FOR OTHER PURPOSES."

Subtitle

17
18 "TO PROHIBIT NEPOTISM IN CERTAIN EMPLOYMENT SITUATIONS IN
19 PUBLIC SCHOOLS AND SCHOOL DISTRICT ELECTIONS."

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

22
23 SECTION 1. As used in this act, "relative" means father, mother,
24 brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or
25 daughter-in-law.

26
27 SECTION 2. (a) Beginning July 1, 1994, no person shall be eligible for
28 employment in a public school building in which a relative is the principal.

29 (b) The State Board of Education may grant a waiver when there are no
30 other qualified applicants or when a principal's spouse is unable to obtain a
31 similar position within thirty-five (35) air miles. The waiver for a
32 principal's spouse shall expire when a similar position in another school
33 becomes available.

34
35 SECTION 3. (a) Beginning July 1, 1994, no person shall be eligible for

1 employment in a public school district in which a relative is the
2 superintendent of schools.

3 (1) This section shall not apply to a relative who is a certified
4 employee of the school district prior to January 1, 1993.

5 (2) This section shall not apply to a superintendent's spouse who
6 has at least ten (10) years of service in any elementary or secondary school
7 in any school district. A superintendent's spouse who is excepted under the
8 provisions of this section shall not hold a position in which the spouse
9 supervises certified employees of the school district.

10 (3) A superintendent shall not promote a relative who is employed
11 in a district under the exception in this section.

12 (b) Beginning July 1, 1994, no person shall be eligible for employment
13 in a public school district in which a relative is a member of the board of
14 directors.

15 (1) This section shall not apply to a board member's relative who
16 is an employee of the school district prior to January 1, 1993, if the
17 relative was not initially hired by the district during the tenure of the
18 board member.

19 (2) A superintendent shall not promote any relative of a board
20 member who continues employment under the exception in this section.

21

22 SECTION 4. Beginning July 1, 1993, no person shall be eligible to seek
23 election to the board of directors of a school district in which a relative is
24 a certified employee.

25

26 SECTION 5. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 6. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

35

1 SECTION 7. All laws and parts of laws in conflict with this act are
2 hereby repealed.