

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 4

A Bill

HOUSE BILL 1003

5 By: Representative Dangeau
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For An Act To Be Entitled

9 AN ACT TO EXEMPT SCHOOL DISTRICTS IN ACADEMIC
10 DISTRESS FROM THE TEACHER RETENTION REQUIREMENTS
11 OF THE TEACHER FAIR DISMISSAL ACT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO EXEMPT SCHOOL DISTRICTS IN
16 ACADEMIC DISTRESS FROM THE TEACHER
17 RETENTION REQUIREMENTS OF THE TEACHER
18 FAIR DISMISSAL ACT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-17-1506(a), concerning contract renewal
24 and notice of nonrenewal, is amended to read as follows:

25 (a) Every contract of employment made between a teacher and the board
26 of directors of a school district shall be renewed in writing on the same
27 terms and for the same salary, unless increased or decreased by law, for the
28 next school year succeeding the date of termination fixed therein, which
29 renewal may be made by an endorsement on the existing contract instrument
30 unless:

31 (1) By May 1 of the contract year, the teacher is notified by
32 the school superintendent that the superintendent is recommending that the
33 teacher's contract not be renewed;

34 (2) During the period of the contract or within ten (10)
35 calendar days after the end of the school year, the teacher shall send by
36 certified or registered mail to the president, vicepresident, or secretary of



1 the board of directors of the school district, with a copy to the
 2 superintendent, or may deliver in person to the president, vicepresident, or
 3 secretary of the board of directors of the school district, with a copy to
 4 the superintendent, his or her resignation as a teacher; ~~or~~

5 (3) The contract is superseded by another contract between the
 6 parties;

7 (4) The school district is classified as a school district in
 8 academic distress or an individual school is classified as a school in
 9 improvement upon final determination by the State Board of Education under §
 10 6-15-428(d); or

11 (5) A new school administrator has taken office within the
 12 previous ninety (90) days.

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 14 SECTION 2. Arkansas Code § 6-17-1507(a), concerning recommendations of
 15 teacher termination during a school term, is amended to read as follows:

16 (a) A teacher may be terminated only during the term of any contract;

17 (1) ~~when~~ When there is a reduction in force created by
 18 districtwide reduction in certified staff or for incompetent performance,
 19 conduct which materially interferes with the continued performance of the
 20 teacher's duties, repeated or material neglect of duty, or other just and
 21 reasonable cause;

22 (2) The school district is classified as a school district in
 23 academic distress or an individual school is classified as a school in
 24 improvement upon final determination by the State Board of Education under §
 25 6-15-428(d); or

26 (3) A new school administrator has taken office within the
 27 previous ninety (90) days.

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 30 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 31 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 32 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 33 present system of education to be unconstitutional because it is both
 34 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
 35 for a constitutional system to be one in which the state has an "absolute
 36 duty" to provide an "equal opportunity to an adequate education"; and the

1 Arkansas Supreme Court instructed the General Assembly to define and provide
2 what is necessary to provide an adequate and equitable education for the
3 children of Arkansas. Therefore, an emergency is declared to exist and this
4 act being immediately necessary for the preservation of the public peace,
5 health, and safety shall become effective on:

- 6 (1) The date of its approval by the Governor;
- 7 (2) If the bill is neither approved nor vetoed by the Governor,
8 the expiration of the period of time during which the Governor may veto the
9 bill; or
- 10 (3) If the bill is vetoed by the Governor and the veto is
11 overridden, the date the last house overrides the veto.

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