

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/30/23

A Bill

SENATE BILL 512

5 By: Senators Irvin, J. English
6 By: Representative G. Hodges
7

For An Act To Be Entitled

9 AN ACT CONCERNING SCHOOL DISTRICT PERSONNEL POLICIES;
10 TO REQUIRE PERSONNEL POLICIES TO INCLUDE RULES AND
11 PROCEDURES CONCERNING A COMMITTEE ON PERSONNEL
12 POLICIES; TO AMEND THE MEANS BY WHICH A CLASSROOM
13 TEACHER IS ELECTED TO SERVE ON A SCHOOL DISTRICT
14 COMMITTEE ON PERSONNEL POLICIES; TO AMEND THE DATE BY
15 WHICH CHANGES OR ADDITIONS TO PERSONNEL POLICIES MAY
16 TAKE EFFECT; TO REQUIRE MINUTES OF A COMMITTEE ON
17 PERSONNEL POLICIES AND AMENDMENTS TO SCHOOL DISTRICT
18 PERSONNEL POLICIES TO BE DIGITALLY AVAILABLE; AND FOR
19 OTHER PURPOSES.
20

Subtitle

21
22 CONCERNING SCHOOL DISTRICT PERSONNEL
23 POLICIES; AND CONCERNING A SCHOOL
24 DISTRICT COMMITTEE ON PERSONNEL POLICIES.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 6-13-620(5)(A), concerning the powers and
31 duties of a school district board of directors, is amended to read as
32 follows:

33 (5)(A) Employ staff, including:

34 (i)(a) A superintendent of schools to oversee the
35 day-to-day operations of the school district.

36 (b) A superintendent shall be evaluated



1 annually or no less often than before any extension of his or her employment
2 contract.

3 (c) Superintendents and assistant
4 superintendents may be employed under contract terms and conditions that
5 incorporate all elements prescribed by the State Board of Education; and

6 (ii)(a) School district employees under initial
7 written employment contracts in the form prescribed by the State Board of
8 Education, not including day-to-day substitutes.

9 (b) The employment contract shall:

10 (1) State the duration of employment,
11 specific duties of the employee and the annual salary or hourly wage of the
12 employee and projected annual earnings in the case of nonexempt employees
13 under applicable state and federal law; and

14 (2) *Incorporate all personnel policies*
15 *adopted by June 30 to be in effect on July 1 of the following employee*
16 *contract year, subject to the requirements and exceptions contained in §§ 6-*
17 *17-204 and 6-17-205.*

18
19 SECTION 2. Arkansas Code § 6-17-201(c), concerning the terms and
20 conditions included in school district personnel policies, is amended to read
21 as follows:

22 (c) The personnel policies shall include, but are not limited to, the
23 following terms and conditions of employment:

- 24 (1) Benefits;
- 25 (2) Compensation;
- 26 (3) Designation of workdays;
- 27 (4) Holidays and noninstructional days;
- 28 (5) The annual calendar;
- 29 (6) Methods of evaluations;
- 30 (7) Extra duties;
- 31 (8) Leave;
- 32 (9) Grievances;
- 33 (10) Dismissal or nonrenewal;
- 34 (11) Reduction in force; ~~and~~
- 35 (12) Assignment of teacher aides; and
- 36 (13) Bylaws, rules, and procedures concerning a committee on

1 personnel policies.

2
3 SECTION 3. Arkansas Code § 6-17-203 is amended to read as follows:

4 6-17-203. Committee for each school district.

5 (a) Each school district shall have a committee on personnel policies,
6 which shall consist of no fewer than five (5) classroom teachers and no more
7 than three (3) administrators, one (1) of which may be the superintendent.

8 (b)(1) The classroom teacher members of each school district's
9 committee on personnel policies shall be elected by a ~~majority of the vote of~~
10 classroom teachers voting by secret ballot following the rules and procedures
11 established in each school district's written personnel policies, as required
12 under § 6-17-201.

13 (2) ~~The election shall be solely and exclusively conducted by~~
14 ~~the classroom teachers, including the distribution of ballots to all~~
15 ~~classroom teachers~~ Election announcements and results shall be placed on the
16 website of a school district.

17 (c)(1) An election under this section shall be conducted annually no
18 later than October 15.

19 (2) If the classroom teacher members of a school district's
20 committee on personnel policies fail to conduct an election by October 15 as
21 required under subdivision (c)(1) of this section, the school district board
22 of directors may appoint a classroom teacher in order to fill any vacancy on
23 the school district's committee on personnel policies.

24 (d) The administrator members of each school district's committee on
25 personnel policies shall be appointed by the school district board of
26 directors or its designee.

27 (e) Each meeting of a committee on personnel policies shall be audio
28 recorded and made publicly available to ensure transparency.

29
30 SECTION 4. Arkansas Code § 6-17-204 is amended to read as follows:

31 6-17-204. Incorporation into teachers' contracts.

32 (a) The personnel policies of all school districts shall be
33 ~~considered;~~

34 (1) Considered to be incorporated as terms of ~~the~~ licensed
35 ~~personnel contracts;~~ and ~~shall be binding~~

36 (2) Binding on ~~the~~ licensed personnel and the school district.

1 (b)(1) Any changes or additions to ~~the~~ personnel policies ~~shall not be~~
2 ~~considered a part of licensed personnel contracts until~~ adopted by a school
3 district board of directors may take effect before the next fiscal year.

4 (2)~~(A)~~ Any changes or additions to the personnel policies may
5 take effect before the next fiscal year only if the changes or additions are
6 approved by a majority of ~~the licensed personnel employed by the school~~
7 ~~district voting by secret ballot~~ a school district committee on personnel
8 policies.

9 ~~(B) The voting and counting shall be conducted by the~~
10 ~~personnel policy committee.~~

11 ~~(3) All changes or additions to the personnel policies or new~~
12 ~~personnel policies shall be made in accordance with this subchapter.~~

13 (c)(1) Notwithstanding subsection (b) of this section, a change or
14 addition to the personnel policies that is necessary to ensure compliance
15 with a state rule or federal regulation, a state law enacted during a
16 legislative session, or a federal law that is adopted by the school district
17 board of directors each year by the later of June 30 or ninety (90) days
18 after the effective date of a change to a state rule or federal regulation, a
19 state law enacted during a legislative session, or a federal law giving rise
20 to the specific policy change or addition shall be considered a part of
21 licensed personnel contracts on July 1 of the same calendar year or upon the
22 date of adoption if adopted after June 30.

23 (2) *Any changes or additions to the personnel policies adopted*
24 *by the school district board of directors between May 1 and June 30 each year*
25 *that are not required to ensure compliance with state law or rule or federal*
26 *law or regulation shall be considered a part of licensed personnel contracts*
27 *on July 1 of the same calendar year if:*

28 (A) *A notice of the change is sent no later than five (5)*
29 *working days after final board action* ~~by first class letter~~ *to the* electronic
30 mail *address on record in the personnel file of each affected employee; and*

31 (B) *The notice of change includes:*

32 (i)(a) *The new or modified policy.*

33 (b) *A modified policy shall be provided in a*
34 *form that clearly shows additions underlined and deletions stricken; and*

35 (ii)~~(a)~~ *A provision that states that due to*
36 *the policy change, each continuing employee under contract shall have the*

1 power to unilaterally exercise the power of rescission within a period of
2 thirty (30) days after the school district board of directors takes final
3 action by providing to the school district board of directors a notice of
4 rescission in the form of a letter of resignation during the period of thirty
5 (30) days.

6 ~~(b) For continuing contract employees covered~~
7 ~~under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., the power~~
8 ~~of rescission in this section shall be in addition to the power of rescission~~
9 ~~provided under § 6-17-1506.~~

10 (d)(1) A school district shall adopt, in accordance with this
11 subchapter, a supplement to the salary schedule for those licensed staff
12 employed longer than the period covered by the salary schedule and for duties
13 in addition to licensed employees' regular teaching assignments.

14 (2) Compensation policies approved by the personnel policy
15 committee shall not apply to the chief administrator who is charged with
16 administration of salary policy for all employees.

17 (3) A licensed employee may not waive payment according to the
18 salary schedule.

19 (e) Under § 6-5-307(a) and § 6-20-412 a school district is not
20 prohibited from paying a licensed employee additional salary increases as a
21 supplement to the salary schedule even though the licensed employee is not
22 employed an additional time period longer than the period covered by the
23 salary schedule or required to perform duties in addition to the licensed
24 employee's regular teaching assignments.

25
26 SECTION 5. Arkansas Code § 6-17-205(a)(3), concerning the recording
27 and distribution of minutes of a meeting held by a school district committee
28 on personnel policies, is amended to read as follows:

29 (3) Minutes of ~~the~~ a school district committee on personnel
30 policies meetings shall be promptly ~~reported and distributed to members of~~
31 ~~the board of directors and posted in the buildings of the school district,~~
32 ~~including the administrative offices~~ placed on the website of a school
33 district.

34
35 SECTION 6. Arkansas Code § 6-17-206 is amended to read as follows:
36 6-17-206. Copies furnished teachers and administrators.

1 (a)~~(1)~~ Each teacher or administrator ~~being~~ employed by a school
2 district for the first time shall be given a digital copy of the school
3 district's personnel policies in effect at the time of his or her employment.

4 ~~(2) A digital copy provided to an employee or an online copy~~
5 ~~that is accessible by internet or intranet will meet the requirements of~~
6 ~~subdivision (a)(1) of this section.~~

7 ~~(3) A hard copy of all policies shall be available to review at~~
8 ~~each location.~~

9 ~~(4) A hard copy shall be given to the individual employee upon~~
10 ~~request of the employee.~~

11 (b)~~(1)~~ Each teacher or administrator shall be furnished a digital copy
12 of any amendments to the personnel policies of the school district in which
13 they are employed within thirty (30) days after approval of the amendments by
14 the board of directors of the school district.

15 ~~(2) A digital copy provided to an employee or an online copy~~
16 ~~that is accessible by internet or intranet will meet the requirements of~~
17 ~~subdivision (b)(1) of this section.~~

18 ~~(3) A hard copy of all amendments shall be available for review~~
19 ~~at each location.~~

20 ~~(4) A hard copy shall be given to the individual employee upon~~
21 ~~request of the employee.~~

22
23 /s/ Irvin

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26 **APPROVED: 4/12/23**
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