

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

A Bill ACT 631 OF 1991
HOUSE BILL 1741

4 **By: Representatives Townsend, Wilkins, Brown, Walker, Hunton, Arnold, McCoy, Flanagan,**
5 **Goodwin, Tullis, J. Wilson, Henry, Brownlee, Horn, Smith, Wagner, Turner**

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For An Act To Be Entitled

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

12

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

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

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18 SECTION 2. (a) For purposes of this act, the term "employee" shall
19 mean any person employed by a school district under a written annual contract,
20 who is not required to have a teaching certificate issued by the Arkansas
21 Department of Education as a condition of employment.

22 (b) "Probationary employee" means an employee who has not completed one
23 (1) year of employment in the school district in which he is employed.
24 *Provided that at least thirty (30) days prior to the completion of an*
25 *employee's probationary period, the superintendent of schools may recommend*
26 *and the board of directors may vote that one (1) additional year of probation*
27 *is necessary for an employee.*

28 (c) "Full-time" employee means any employee who is contracted to work at
29 least twenty (20) hours per week.

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31 SECTION 3. (a) The superintendent of a school district may recommend
32 termination of an employee during the term of any contract, or the nonrenewal
33 of a *full-time* non-probationary employee's contract provided that he gives
34 notice in writing, personally delivered, or by letter posted by registered or
35 certified mail to the employee's residence address as reflected in the
36 employee's personnel file. The recommendation of nonrenewal of a *full-time*

1 non-probationary employee's contract shall be made no later than thirty (30)
2 calendar days prior to the beginning of the employee's next contract period.
3 Such written notice shall include a statement of the reasons for the proposed
4 termination or nonrenewal. The notice shall further state that an employee
5 being recommended for termination, or a *full-time* non-probationary employee
6 being recommended for nonrenewal is entitled to a hearing before the school
7 board upon request, provided such request is made in writing to the
8 superintendent within thirty (30) calendar days from receipt of said notice.

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10 SECTION 4. (a) Nothing herein shall be construed or interpreted to
11 preclude the superintendent from placing an employee on immediate suspension,
12 provided he gives written notice of such action to the employee within *two (2)*
13 *school days* of the suspension. The notice shall include a statement of
14 reasons for the suspension, whether the superintendent is recommending
15 termination, and that a hearing before the school board is available upon
16 request; provided such request is made in writing to the superintendent within
17 thirty (30) calendar days from receipt of said notice.

18 (b) After the hearing, the school board may terminate the employee or
19 continue the suspension for a definite period of time. The salary of a
20 suspended employee shall cease when the school board sustains the suspension.
21 Otherwise, the employee shall be reinstated without loss of compensation.

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

25 (a) The hearing shall be conducted at the next regularly scheduled
26 meeting of the school district board of directors, unless the employee and the
27 superintendent agree to a hearing on another mutually convenient date.

28 (b) The hearing shall be public or private at the request of the
29 employee.

30 (c) The employee may be represented by persons of his or her own
31 choosing.

32 (d) *In hearings held concerning a recommendation for the termination of*
33 *an employee's contract, either the board or the employee may elect to have a*
34 *record of the hearing made at the board's expense. In hearings held*
35 *concerning a recommendation for the non-renewal of a full-time non-*
36 *probationary employee, either the board or the employee may elect to have a*

1 record of the hearing made and the expense for the record shall be shared
2 equally between the board and the employee.

3 (e) The decision of the school board shall be made within ten (10)
4 calendar days of the hearing.

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

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10 SECTION 7. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 8. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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19 SECTION 9. EMERGENCY. It is hereby found and determined by the General
20 Assembly that public school employees who are employed in positions not
21 requiring a teaching license should be provided a reasonable procedure for
22 obtaining a hearing when the superintendent recommends the person's
23 termination or nonrenewal as an employee; and that this act is immediately
24 necessary to protect noncertified public school employees. Therefore, an
25 emergency is hereby declared to exist and this act being necessary for the
26 immediate preservation of the public peace, health and safety shall be in full
27 force and effect from and after its passage and approval.

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32 /s/ William Townsend et al

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34 APPROVED: 3-19-91