

**ARKANSAS SENATE**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**Subtitle of Senate Bill No. 884**

TO AMEND PROVISIONS OF THE ARKANSAS CODE CONCERNING THE GRIEVANCE  
PROCEDURES FOR PUBLIC SCHOOL TEACHERS.

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**Amendment No. 1 to Senate Bill No. 884**

Amend Senate Bill No. 884 as originally introduced:

Add Senators Elliott, J. Key, Salmon as cosponsors of the bill

AND

Add Representative T. Steele as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-17-208 is amended to read as follows:  
6-17-208. Grievance procedure.

(a)(1) It is the public policy of the State of Arkansas that:

(A) Each school district shall have a written grievance procedure that provides for an orderly method of resolving concerns raised by an employee at the lowest possible administrative level and in a clear and timely manner for both parties; and

(B)(i) All school employees shall have the right to file grievances and have those grievances heard.

(ii) A group of employees who have the same grievance may file a group grievance.

(2)~~(A)~~ As used in this section:

(A) "Grievance" means any concern related to personnel policy, salary, federal or state laws and regulations, ~~or~~ terms or conditions of employment, reprimands, write-ups, disciplinary actions, directives, performance reviews, or evaluations raised by an employee whether or not any other law or policy provides for another form or avenue for addressing the concern; and

(B) "Employee" means a person employed by a school district under a written contract.



(b)(1) The grievance policy shall include at least the following provisions:

(A) A procedure for resolving the matter informally with the employee's immediate supervisor;

(B) A procedure to appeal in writing an unsatisfactorily resolved grievance from the immediate supervisor to the superintendent of schools or his or her designee;

(C)(i) A procedure to appeal in writing an unsatisfactorily resolved grievance from the superintendent or his or her designee to the school board of directors at the next regularly scheduled school board of directors meeting unless both parties have agreed to a different date.

(ii) The hearing shall be open or closed at the discretion of the employee.

(iii) If the hearing is open, the parent or guardian of any student under the age of eighteen (18) who gives testimony may elect to have the student's testimony given in a closed session; ~~and~~

(D) The right of a party to be represented by a person of his or her own choosing, but not by a member of a party's immediate family at any level of the procedure;

(E) A reasonable time for filing appeals and for administrators to respond to a grievance of not more than ten (10) days;

(F) The right of the employee to proceed to the next step of the grievance process if an administrator does not respond to the grievance within the time provided; and

(G) A time of not less than thirty (30) days from the day the employee first becomes aware of the concern within which to file the initial grievance.

~~(2)(A)~~ The determination by the principal, superintendent, or their designees that the concern expressed by the employee is not a grievance may be appealed to the school board of directors for a final decision.

~~(B)~~(3) At the hearing on the appeal under subdivision (b)(2) of this section:

~~(i)(a)~~(A)(i) The employee shall have an adequate opportunity to present the grievance.

~~(b)~~(ii) The employee shall be provided no less than ninety (90) minutes to present the grievance, unless a shorter period is agreed to by the employee; ~~and~~

~~(ii)~~(B) Both parties shall have the opportunity to present and question witnesses;

(C) The board may hear a grievance even if the timelines or procedures for filing and appealing the grievance have not been met or followed; and

(D) The board shall render a decision by taking action on the grievance at the conclusion of the grievance hearing.

(c) The grievance policy shall be adopted in accordance with this subchapter and other applicable policies of the school district.

(d) There shall be no reprisals of any kind against any individual who exercises his or her rights under this section.

(e) Nothing in this section shall be construed as requiring a school district to enter into an agreement recognizing an organization for the

purpose of negotiating personnel policies, salaries, and educational matters of mutual concern."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Jeffress

CLR/CLR - 03/14/11 10:53

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Secretary