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2 88th General Assembly
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4

As Engrossed: S3/15/11 S3/28/11

A Bill

SENATE BILL 884

5 By: Senators J. Jeffress, G. Jeffress, *Elliott, J. Key, Salmon*
6 By: Representatives Cheatham, Stewart, *T. Steele*
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE GRIEVANCE PROCEDURES FOR PUBLIC SCHOOL
11 TEACHERS; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING THE GRIEVANCE PROCEDURES FOR
17 PUBLIC SCHOOL TEACHERS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code § 6-17-208 is amended to read as follows:*
23 *6-17-208. Grievance procedure.*

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

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

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

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

33 *(2)(A) As used in this section:*

34 *(A) "Grievance" means any concern related to personnel*
35 *policy, salary, federal or state laws and regulations, ~~or~~ terms or conditions*
36 *of employment, reprimands, write-ups, disciplinary actions, directives,*



1 performance reviews, or evaluations raised by an employee whether or not any
2 other law or policy provides for another form or avenue for addressing the
3 concern-; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) Nothing in this section shall be construed as requiring a school
20 district to enter into an agreement recognizing an organization for the
21 purpose of negotiating personnel policies, salaries, and educational matters
22 of mutual concern.

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24 /s/J. Jeffress
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