

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL 453

By: Senators Hopkins, Moore, Jewell and Wilson

"AN ACT TO PROVIDE FOR A HEARING FOR NONCERTIFICATED SCHOOL EMPLOYEES WHEN BEING RECOMMENDED FOR DISMISSAL; AND FOR OTHER PURPOSES."

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

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

SECTION 2. For purposes of this Act, the term "employee" shall mean any person employed by a school district for twenty (20) hours or more per week who is not required to have a teaching certificate issued by the Arkansas Department of Education as a condition of employment.

SECTION 3. The superintendent of a school district may recommend termination of an employee provided that he gives notice in writing personally delivered or by letter posted by registered or certified mail to the employee's residence addressed as reflected in the employee's personnel file. Such written notice shall include a statement of the reasons for the proposed termination and shall state that a hearing before the school board is available to the employee upon request, provided such request is made in writing to the superintendent within ten (10) calendar days from receipt of said notice.

SECTION 4. (a) Nothing herein shall be construed or interpreted to preclude the superintendent from placing an employee on immediate suspension provided he gives written notice of such action to the employee within twenty-four hours of the suspension. The notice shall include a statement of reasons for the suspension, that the superintendent is recommending termination, and

that a hearing before the school board is available upon request, provided such request is made in writing to the superintendent within ten (10) calendar days from receipt of said notice.

(b) If a hearing is requested, the superintendent shall inform the president of the school board and a hearing shall be conducted at the next regularly scheduled meeting of the school board or within thirty (30) calendar days from receipt of said request for a hearing that is convenient for the employee and the school board members.

(c) Subsequent to the hearing, the school board may terminate the employee or continue the suspension for a definite period of time. The salary of a suspended employee shall cease as of the date of the suspension when the school board sustains the suspension. Otherwise, the employee shall be reinstated without loss of compensation.

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

(a) The hearing shall be public or private at the request of the employee.

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

(c) The decision of the school board shall be made within three (3) calendar days of the hearing.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 7. EMERGENCY. It is hereby found and determined by the General Assembly that noncertificated school employees do not presently enjoy the due process safeguards as certificated school employees when their jobs are in jeopardy of termination; that this Act is immediately necessary to eliminate this discrepancy. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

