

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senators Hopkins, Jewell, Hardin, and Everett**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-17-1509 TO
9 PROVIDE ADDITIONAL TIME FOR SCHEDULING SCHOOL DISTRICT
10 BOARD HEARINGS AND ADDITIONAL PROCEDURES TO BE FOLLOWED AT
11 THE HEARINGS; AND FOR OTHER PURPOSES."

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Subtitle

14 "TO PROVIDE ADDITIONAL TIME FOR SCHEDULING SCHOOL DISTRICT
15 BOARD HEARINGS AND ADDITIONAL PROCEDURES FOR THE
16 HEARINGS."

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

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20 SECTION 1. Arkansas Code § 6-17-1509(c) is hereby amended to read as
21 follows:

22 "(c) Upon receipt of a request for a hearing, the board shall grant a
23 hearing in accordance with the following provisions:

24 (1) The hearing shall take place not less than ten (10) nor more
25 than fifteen (15) days after the written request has been served on the board,
26 except that the teacher and board or the teacher_s and board_s representative
27 may, in writing, agree to a postponement of the hearing to a later date;

28 (2) The hearing shall be private unless the teacher or the board
29 shall request that the hearing be public;

30 (3) The teacher and the board may be represented by
31 representatives of their choosing;

32 (4) It shall not be necessary that a full record of the
33 proceedings at the hearing be made and preserved unless:

34 (A) The board shall elect to make and preserve a record of
35 the hearing at its own expense, in which event a copy shall be furnished the

1 teacher, upon request, without cost to the teacher;

2 (B) A written request is filed with the board by the
3 teacher at least twenty-four (24) hours prior to the time set for the hearing,
4 in which event the board shall make and preserve, at its own expense, a record
5 of the hearing, and shall furnish a transcript to the teacher without cost;

6 (5) At the beginning of the hearing, the superintendent shall
7 introduce as evidence the notice of suspension or recommended termination or
8 nonrenewal that was sent to the teacher;

9 (6) The superintendent may then call witness and introduce
10 documents in support of the suspension or recommended termination or
11 nonrenewal;

12 (7) The teacher or the teacher_s representative shall be entitled
13 to ask questions of the witness called by the superintendent;

14 (8) The board members who will vote on the superintendent_s
15 recommendation may ask questions of the superintendent and any witness;

16 (9) The teacher may then call witnesses and introduce documents;

17 (10) The superintendent or his representative shall be entitled
18 to ask questions of the teacher_s witnesses;

19 (11) The board members who will vote on the teacher_s
20 recommendation may ask questions of the teacher and any witnesses;

21 (12) All testimony at the hearing shall be taken under oath and
22 the oath shall be administered by the court reporter or, if no record is being
23 made, by anyone authorized by law to administer an oath;

24 (13) The teacher or the teacher_s representative and the
25 superintendent or the superintendent_s representative may make opening and
26 closing statements;

27 (14) The superintendent shall have the burden of proving each
28 reason given in the notice by substantial evidence;

29 (15) The board shall be impartial in its deliberations and:

30 (A) The administration, the teacher and the teacher_s
31 representative shall not communicate with the board members, either directly
32 or indirectly, about the recommendation except at the hearing;

33 (B) The administration may, however, inform the board
34 members that a recommendation has been made and may communicate with the board
35 to schedule a hearing;

1 (16) The same representative or attorney may not advise the board
2 and prosecute or assist in the prosecution of the superintendent_s case."

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4 SECTION 2. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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