

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S2/23/99 S2/25/99 S3/2/99 S3/4/99 S3/8/99*

2 82nd General Assembly

# A Bill

3 Regular Session, 1999

SENATE BILL 517

4

5 By: Senators Mahony, *Bisbee*

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## For An Act To Be Entitled

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"AN ACT TO AMEND VARIOUS PROVISIONS OF THE TEACHER  
10 FAIR DISMISSAL ACT; AND FOR OTHER PURPOSES."

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## Subtitle

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"AN ACT TO AMEND VARIOUS PROVISIONS OF  
14 THE TEACHER FAIR DISMISSAL ACT."

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

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SECTION 1. Arkansas Code Annotated 6-17-1506 (a) and (b) pertaining to  
20 teacher contract renewal is amended to read as follows:

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"(a) Every contract of employment made between a teacher and the board  
23 of directors of a school district shall be renewed in writing on the same  
24 terms and for the same salary, unless increased or decreased by law, for the  
25 next school year succeeding the date of termination fixed therein, which  
26 renewal may be made by an endorsement on the existing contract instrument,  
27 unless by May 1 of the contract year, the teacher is notified by the school  
28 superintendent that the superintendent is recommending that the teacher's  
29 contract not be renewed or, unless during the period of the contract or within  
30 ten (10) calendar days after the end of the school year, the teacher shall  
31 send by deliver or mail by certified or registered mail to the president,  
32 vice-president or secretary of the board of directors of the school district,  
33 with a copy to the superintendent, or may deliver in person to the president,  
34 vice-president or secretary of the board of directors of the school district,  
35 with a copy to the superintendent, his or her resignation as a teacher, or  
36 unless such contract is superseded by another contract between the parties.

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(b) Termination, nonrenewal, or suspension shall be only upon the

1 recommendation of the superintendent. A notice of nonrenewal shall be  
2 delivered in person to the teacher or mailed by registered or certified mail  
3 to the teacher at the teacher's residence address as reflected in the  
4 teacher's personnel file. The notice of recommended nonrenewal of a teacher  
5 shall include a ~~simple but complete~~ statement of the reasons for such  
6 recommendation setting forth the reasons in separately numbered paragraphs so  
7 that a reasonable teacher can prepare a defense."

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9 SECTION 2. Arkansas Code Annotated 6-17-1507(c) is amended to read as  
10 follows:

11 "(c) The notice shall include a ~~simple but complete~~ statement of the  
12 grounds for the recommendation of termination setting forth the grounds in  
13 separately numbered paragraphs so that a reasonable teacher can prepare a  
14 defense. and The notice shall be delivered in person to the teacher or sent by  
15 registered or certified mail to the teacher at the teacher's residence address  
16 as reflected in the teacher's personnel file."

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18 SECTION 3. Arkansas Code Annotated 6-17-1508(c) and (d) pertaining to  
19 termination of certified school employees is amended to read as follows:

20 "(c) The written notice shall include a ~~simple but complete~~ statement  
21 of the grounds for suspension or recommended termination setting forth the  
22 grounds in separately numbered paragraphs so that a reasonable teacher can  
23 prepare a defense. and The written notice shall be delivered in person to the  
24 teacher or sent by registered or certified mail to the teacher at the  
25 teacher's residence address as reflected in the teacher's personnel file and  
26 shall state that a hearing before the board of directors is available to the  
27 teacher upon request, provided the request is made in writing within the time  
28 provided in § 6-17-1509.

29 (d) The hearing shall be scheduled by the president, vice-president or  
30 secretary of the board of directors of a school district and the teacher and  
31 shall be held within the time and manner provided in § 6-17-1509 after a  
32 request for the hearing is received by the board unless the teacher and the  
33 board agree to a later time."

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35 SECTION 4. Arkansas Code Annotated 6-17-1509 (b) and (c) pertaining to  
36 termination or nonrenewal of teacher contracts is amended to read as follows:.

1           "(b) Written request for a hearing shall be sent by certified or  
2 registered mail to the president, vice-president or secretary of the board of  
3 directors of the school district, with a copy to the superintendent, or may be  
4 ~~delivered in person to each of them by the teacher,~~ to the president, vice-  
5 president, or secretary of the board of directors of the school district, with  
6 a copy to the superintendent, within thirty (30) calendar days after the  
7 written notice of proposed termination or nonrenewal is received by the  
8 teacher.

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

11                 (1) The hearing shall take place at a time agreed upon in writing  
12 by the parties, but if no time can be agreed upon, then the hearing shall be  
13 held not less than five (5) calendar days nor more than ~~ten (10)~~ twenty (20)  
14 calendar days after the written request has been ~~served on~~ received by the  
15 board, except that the teacher and board may, in writing, agree to a  
16 postponement of the hearing to a later date;

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

19                 (3) The teacher and the board may be represented by  
20 representatives of their choosing; ~~and~~

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

23                         (A) The board shall elect to make and preserve a record of  
24 the hearing at its own expense, in which event a copy shall be furnished the  
25 teacher, upon request, without cost to the teacher;

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

31                 (5) The board shall not consider at the hearing any new reasons  
32 which were not specified in the notices provided pursuant to this  
33 subchapter."

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35           SECTION 5. All provisions of this act of a general and permanent nature  
36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 6. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 7. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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*/s/ Mahony*

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