

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S4/9/01
A Bill

HOUSE BILL 2393

5 By: Representative Seawel
6 By: Senator J. Jeffress
7

8
9 **For An Act To Be Entitled**

10 AN ACT AMENDING ARKANSAS CODE 6-17-1503, 6-17-
11 1507, AND 6-17-1510 TO PROHIBIT SCHOOL DISTRICTS
12 FROM TERMINATING, SUSPENDING, OR NOT RENEWING THE
13 CONTRACTS OF NONPROBATIONARY STATUS TEACHERS
14 WITHOUT JUST AND REASONABLE CAUSE; AND FOR OTHER
15 PURPOSES.

16
17 **Subtitle**

18 AN ACT AMENDING ARKANSAS CODE 6-17-1503,
19 6-17-1507 AND 6-17-1510 TO PROHIBIT
20 SCHOOL DISTRICTS FROM TERMINATING,
21 SUSPENDING, OR NOT RENEWING THE
22 CONTRACTS OF NONPROBATIONARY STATUS
23 TEACHERS WITHOUT JUST CAUSE.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code 6-17-1503 is amended to read as follows:
29 6-17-1503. Construction.

30 (a) The General Assembly finds:

31 (1) That the current standard, which requires cause that is not
32 arbitrary, capricious, or discriminatory, for the nonrenewal, termination or
33 suspension of a teacher should be raised to a standard of just and reasonable
34 cause; and

35 (2) That the current standard for compliance with this
36 subchapter and a district's personnel policies of strict compliance should be

1 lowered to substantial compliance.

2 (b) This subchapter is not a teacher tenure law in that it does not
3 confer lifetime appointment ~~nor prevent discharge of teachers for any cause~~
4 ~~which is not arbitrary, capricious, or discriminatory.~~

5 (c) A nonrenewal, termination, suspension, or other disciplinary
6 action by a school district shall be void unless the school district ~~strictly~~
7 substantially complies with all provisions of this subchapter and the school
8 district's applicable personnel policies.

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10 SECTION 2. Arkansas Code 6-17-1507(a), pertaining to notice of
11 termination recommendation, is amended to read as follows:

12 (a) A teacher may only be terminated during the term of any contract
13 when there is a reduction in force created by district wide-reduction in
14 certified staff or ~~for any cause which is not arbitrary, capricious, or~~
15 ~~discriminatory~~ incompetent performance, conduct which materially interferes
16 with the continued performance of the teacher's duties, repeated or material
17 neglect of duty, or other just and reasonable cause.

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19 SECTION 3. Arkansas Code 6-17-1510(b), pertaining to board action on
20 teacher termination or nonrenewal, is amended to read as follows:

21 (b) Any certified teacher who has been employed continuously by the
22 school district three (3) or more years or who may have achieved
23 nonprobationary status pursuant to § 6-17-1502 may only be terminated or the
24 board may refuse to renew the contract of the teacher when there is a
25 reduction in force created by district wide-reduction in certified staff or
26 for any cause which is not arbitrary, capricious, or discriminatory or for
27 violating the reasonable rules and regulations promulgated by the board
28 incompetent performance, conduct which materially interferes with the
29 continued performance of the teacher's duties, repeated or material neglect
30 of duty, or other just and reasonable cause. Upon completion of such hearing,
31 the board, within ten (10) days after the holding of the hearing, shall:

32 (1) Uphold the recommendation of the superintendent to terminate
33 or not renew the teacher contract;

34 (2) Reject or modify the superintendent's recommendation to
35 terminate or not renew the contract of the teacher; or

36 (3) Vote to continue the contract of such teacher under such

1 restrictions, limitations, or assurances as the board may deem to be in the
2 best interest of the school district. The decision shall be reached by the
3 board within ten (10) days from the date of the hearing, and a copy shall be
4 furnished in writing to the teacher involved, either by personally delivering
5 it to the teacher or by addressing it to the teacher's last known address by
6 registered or certified mail.

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8 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly that the current standard for teacher contract nonrenewal,
10 termination, or suspension is causing undue hardship on public school
11 districts; and that there is a pressing and urgent need to have corrections
12 prior to the beginning of the 2001-2002 school year to ensure that the
13 state's children are taught by only the most qualified and competent teachers
14 in the state. Therefore, an emergency is declared to exist and this act
15 being immediately necessary for the preservation of the public peace, health
16 and safety shall become effective on July 1, 2001.

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19 /s/ Seawel
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