

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/18/09

A Bill

SENATE BILL 345

5 By: Senator Hendren
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For An Act To Be Entitled

9 AN ACT TO ALLOW A SUPERINTENDENT'S EMPLOYMENT
10 CONTRACT WITH A SCHOOL DISTRICT TO BE TERMINATED
11 FOR CAUSE AND WITHOUT THE SCHOOL DISTRICT HAVING
12 ANY FURTHER FINANCIAL OBLIGATION TO THE
13 SUPERINTENDENT UNDER CERTAIN CIRCUMSTANCES; AND
14 FOR OTHER PURPOSES.

Subtitle

15
16 TO ALLOW A SUPERINTENDENT'S EMPLOYMENT
17 CONTRACT WITH A SCHOOL DISTRICT TO BE
18 TERMINATED FOR CAUSE AND WITHOUT THE
19 SCHOOL DISTRICT HAVING ANY FURTHER
20 FINANCIAL OBLIGATION TO THE
21 SUPERINTENDENT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 6-17-301 is amended to read as follows:
28 6-17-301. Employment of certified personnel.

29 (a) (1) ~~Except as prohibited under subsections (c) and (d) of this~~
30 ~~section, school boards of directors~~ A school board of directors may employ
31 superintendents, deputy superintendents, assistant superintendents, and high
32 school principals, as well as department heads, coaches, teachers, and other
33 certified personnel, by written contract for a period of time not more than
34 three (3) years.

35 ~~(b)(2) The contracts~~ A contract may be renewed annually.

36 ~~(c) Beginning on July 16, 2003, through July 1, 2004, notwithstanding~~



~~any other provision of law except for currently binding contractual obligations or enforceable court-ordered mandates, no public school board of directors or the governing board of an education service cooperative or charter school may employ or extend the employment contract of any superintendent, assistant superintendent, school principal, department head, coach, teacher, or other certified or noncertified personnel for a period of time more than one (1) fiscal year without the prior written approval of the State Board of Education or the Commissioner of Education as allowed in emergency situations.~~

~~(d) No employment contract or extension to an employment contract entered on or after July 16, 2003, through July 1, 2004, may have a combined total increase in salaries, income, and benefits of greater than seven and one-half percent (7.5%) of the immediate previous existing contract for the same or substantially similar personnel position without the prior written approval of the state board, except for salary or benefit increases legislatively approved and mandated by the General Assembly, specifically including, but not limited to, pay increases under The Educator Compensation Act of 2001, §§ 6-17-2101 et seq. [Repealed], 6-5-307(a), and 6-20-412 or any salary increase based on an increment for experience or training published in a currently approved school district salary schedule.~~

(b) A superintendent's contract of employment with a school district may be terminated for cause and without the school district having any further financial obligation to the superintendent if:

(1) The school district has:

(A) Been placed on fiscal distress by the Department of Education because of:

(i) Commitments made by the superintendent of which the school board of directors had no notice or knowledge; or

(ii) A material misrepresentation made by the superintendent concerning the school district's finances that the school board of directors relied upon to the detriment of the school district;

(B) Exhausted all appeals of the department's decision regarding the fiscal distress *determination*; and

(2) The superintendent was provided:

(A) Notice of the reason for termination;

(B) A hearing to allow the superintendent to explain or

1 rebut the reasons stated in the notice; and
2 (C) A record of the hearing provided at the expense of the
3 school district; and
4 (3) The superintendent's contract was terminated by a majority
5 vote of the full school board of directors after the hearing described in
6 subdivision (b)(2) of this section.

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/s/ Hendren