

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

A Bill

SENATE BILL 828

4
5 By: Senator J. Jeffress
6
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For An Act To Be Entitled

8
9 AN ACT TO AMEND THE TEACHER FAIR DISMISSAL ACT;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE TEACHER FAIR DISMISSAL ACT.
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15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. In the recent case of Russell v. Watson Chapel, 08-1234
19 (Ark. Feb. 19,2009), the Arkansas Supreme Court held that when the General
20 Assembly changed the language in the Teacher Fair Dismissal Act it abandoned
21 the Court's holding in Hamilton v. Pulaski County Special School District,
22 321 Ark. 261 (1995). In Hamilton, the Supreme Court held that the reasons
23 given in a notice for recommended nonrenewal can not be "broad and general"
24 but must "pinpoint" the allegations so that the teacher "can prepare to
25 mount a defense, free of guesswork and speculation" and that without a
26 complete notice "preparation for a hearing is well nigh impossible". The
27 General Assembly did not intend to overturn this language in Hamilton and
28 seeks to correct that misperception by reinserting the "simple but complete"
29 language into the Teacher Fair Dismissal Act and incorporating into the law
30 specific language from the Hamilton decision.
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32 SECTION 2. Arkansas Code § 6-17-1506(b)(2)(B) concerning nonrenewal
33 notice requirements under the Fair Teacher Dismissal Act is amended to read
34 as follows:

35 (B)(i) The notice of recommended nonrenewal of a teacher
36 shall include a simple but complete statement of ~~the reasons~~ each reason for



1 the recommendation, setting forth the reasons in separately numbered
 2 paragraphs so that a reasonable teacher ~~can prepare a defense~~ would be able
 3 to mount a defense free of guesswork and speculation.

4 (ii) An objective standard based on the content of
 5 the notice itself shall be used to determine whether the notice complies with
 6 subdivision (b)(2)(B)(i) of this section.

7
 8 SECTION 3. Arkansas Code § 6-17-1507(c)(1) concerning termination
 9 notice requirements under the Fair Teacher Dismissal Act is amended to read
 10 as follows:

11 (c)(1) The notice shall include a simple but complete statement of ~~the~~
 12 ~~grounds~~ each reason for the recommendation of termination, setting forth ~~the~~
 13 ~~grounds~~ each reason in separately numbered paragraphs so that a reasonable
 14 teacher ~~can prepare a defense~~ would be able to mount a defense free of
 15 guesswork and speculation.

16 (2) An objective standard based on the content of the notice
 17 itself shall be used to determine whether the notice complies with
 18 subdivision (c)(1) of this section.