

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/28/19

# A Bill

SENATE BILL 392

5 By: Senator B. Ballinger  
6 By: Representative Dotson  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING SCHOOL DISTRICTS THAT ENGAGE IN  
10 COLLECTIVE BARGAINING; TO REPEAL THE EXEMPTION TO  
11 CERTAIN LAWS RELATED TO PERSONNEL POLICIES FOR SCHOOL  
12 DISTRICTS THAT OFFICIALLY RECOGNIZE IN THEIR POLICIES  
13 ORGANIZATIONS THAT REPRESENT THE MAJORITY OF TEACHERS  
14 IN THE SCHOOL DISTRICT FOR THE PURPOSE OF NEGOTIATING  
15 PERSONNEL POLICIES, SALARIES, AND EDUCATIONAL  
16 MATTERS; AND FOR OTHER PURPOSES.  
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## Subtitle

19 TO REPEAL THE EXEMPTION TO CERTAIN LAWS  
20 FOR SCHOOL DISTRICTS THAT RECOGNIZE IN  
21 THEIR POLICIES ORGANIZATIONS THAT  
22 REPRESENT TEACHERS IN THE SCHOOL DISTRICT  
23 FOR THE PURPOSE OF NEGOTIATING  
24 EDUCATIONAL MATTERS.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 6-17-111(a)(3), concerning exemptions for  
31 school districts that have engaged in collective bargaining to a duty-free  
32 lunch period, is repealed.

33 ~~(3) A school district shall be exempt from the provisions of~~  
34 ~~this subsection if:~~

35 ~~(A) It has collectively negotiated a contract through a~~  
36 ~~local teachers' association; and~~



1                   ~~(B) The collectively negotiated contract expressly~~  
2 ~~addresses a duty free lunch period.~~

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4           SECTION 2. Arkansas Code § 6-17-114(a)(2)(C), concerning exemptions  
5 for schools that have engaged in collective bargaining to the amount of daily  
6 planning period required, is repealed.

7                   ~~(C) A school district shall be exempt from the provisions~~  
8 ~~of this subdivision (a)(2) if it has collectively negotiated a contract~~  
9 ~~through a local teachers' association and the collectively negotiated~~  
10 ~~contract expressly provides for a teacher's daily planning period.~~

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12           SECTION 3. Arkansas Code § 6-17-202 is amended to read as follows:.

13           6-17-202. Applicability Right to join a professional organization.

14           ~~(a) The provisions of this subchapter shall not apply in any school~~  
15 ~~district which chooses to officially recognize in its policies an~~  
16 ~~organization representing the majority of the teachers of the school district~~  
17 ~~for the purpose of negotiating personnel policies, salaries, and educational~~  
18 ~~matters of mutual concern under a written policy agreement.~~

19           ~~(b) School district boards of directors or their representatives shall~~  
20 ~~not take or threaten actions which that interfere with, restrain, or coerce a~~  
21 ~~teacher in the exercise of the teacher's right to have an join a professional~~  
22 ~~organization represent a majority of the teachers as set forth in this~~  
23 ~~section.~~

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25           SECTION 4. Arkansas Code § 6-17-209(f), concerning the status of an  
26 interim personnel policy committee when a school district consolidates with a  
27 school district that has engaged in collective bargaining, is repealed.

28           ~~(f) In the event a school district with a personnel policy committee~~  
29 ~~consolidates with another school that recognizes in its policies an~~  
30 ~~organization representing the majority of the teachers of the school district~~  
31 ~~for the purpose of negotiating personnel policies, salaries, and educational~~  
32 ~~matters of mutual concern pursuant to § 6-17-202, each teacher in the school~~  
33 ~~district with the personnel policy committee shall have the right in his or~~  
34 ~~her first year of employment with the new school district to elect to have~~  
35 ~~his or her contract governed by the negotiated personnel policies of the new~~  
36 ~~school district or to continue with the terms of his or her existing contract~~

1 ~~under the personnel policies of the school district by which he or she was~~  
2 ~~employed the year before the consolidation.~~

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*/s/B. Ballinger*