

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 540

5 By: Senator B. Davis
6 By: Representative Gonzales
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For An Act To Be Entitled

9 AN ACT CONCERNING A CONTRACT OF EMPLOYMENT FOR A
10 PUBLIC SCHOOL DISTRICT SUPERINTENDENT; TO SPECIFY
11 TERMS REGARDING TERMINATION AND BUYOUT AGREEMENTS
12 THAT A CONTRACT OF EMPLOYMENT FOR A PUBLIC SCHOOL
13 DISTRICT SUPERINTENDENT SHALL INCLUDE; AND FOR OTHER
14 PURPOSES.
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Subtitle

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18 TO SPECIFY TERMS REGARDING TERMINATION
19 AND BUYOUT AGREEMENTS THAT A CONTRACT OF
20 EMPLOYMENT FOR A PUBLIC SCHOOL DISTRICT
21 SUPERINTENDENT SHALL INCLUDE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 6-17-301(b), concerning the contract of
27 employment for a superintendent, is amended to read as follows:

28 (b)(1) A superintendent's contract of employment or an amendment to a
29 superintendent's contract of employment with a school district ~~may~~ shall
30 include standards for which a superintendent may be terminated for cause and
31 without the school district's having any further financial obligation to the
32 superintendent ~~if:~~

33 ~~(1) The school district has:~~

34 ~~(A) Been placed on fiscal distress by the Division of~~
35 ~~Elementary and Secondary Education because of:~~

36 ~~(i) Commitments made by the superintendent of which~~



~~the school district 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
district board of directors relied upon to the detriment of the school
district;~~

~~(B) Exhausted all appeals of the division's decision
regarding the fiscal distress determination;~~

~~(2) The superintendent was provided:~~

~~(A) Notice of the reason for termination;~~

~~(B) A hearing to allow the superintendent to explain or
rebut the reasons stated in the notice; and~~

~~(C) A record of the hearing provided at the expense of the
school district; and~~

~~(3) The superintendent's contract was terminated by a majority
vote of the full school district board of directors after the hearing
described in subdivision (b)(2) of this section.~~

(2) A contract buyout agreement shall not:

(A)(i) Use more than twelve (12) months' worth of state
funds to compensate an outgoing superintendent.

(ii) However, the use of state funds for a contract
buyout agreement shall not exceed the amount of money owed to the
superintendent under the remainder of his or her contract of employment with
a school district; or

(B) Use state funds to compensate an outgoing
superintendent for any term exceeding the remainder of the current fiscal
year.

(3) Subdivision (b)(1) of this section does not prohibit a
public school district from authorizing an outgoing superintendent to obtain
employment as either a teacher or other agreed-upon employment position other
than the position of superintendent within the public school district.

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