

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Townsend, Wilkins, Brown and Walker**

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For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR A HEARING FOR NONCERTIFICATED
9 SCHOOL EMPLOYEES WHEN BEING RECOMMENDED FOR DISMISSAL; AND
10 FOR OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. This act shall be known and may be cited as the "Public
15 School Employee Fair Hearing Act."

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17 SECTION 2. For purposes of this act, the term "employee" shall mean any
18 person employed by a school district under a written annual contract, who is
19 not required to have a teaching certificate issued by the Arkansas Department
20 of Education as a condition of employment.

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22 SECTION 3. The superintendent of a school district may recommend
23 termination of an employee during the term of any contract, or the nonrenewal
24 of an employee contract provided that he gives notice in writing, personally
25 delivered, or by letter posted by registered or certified mail to the
26 employee's residence address as reflected in the employee's personnel file.
27 Such written notice shall include a statement of the reasons for the proposed
28 termination or nonrenewal and shall state that a hearing before the school
29 board is available to the employee upon request, provided such request is made
30 in writing to the superintendent within thirty (30) calendar days from receipt
31 of said notice.

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33 SECTION 4. (a) Nothing herein shall be construed or interpreted to
34 preclude the superintendent from placing an employee on immediate suspension,
35 provided he gives written notice of such action to the employee within twenty-

1 four (24) hours of the suspension. The notice shall include a statement of
2 reasons for the suspension, whether the superintendent is recommending
3 termination, and that a hearing before the school board is available upon
4 request; provided such request is made in writing to the superintendent within
5 thirty (30) calendar days from receipt of said notice.

6 (b) After the hearing, the school board may terminate the employee or
7 continue the suspension for a definite period of time. The salary of a
8 suspended employee shall cease as of the date of the suspension when the
9 school board sustains the suspension. Otherwise, the employee shall be
10 reinstated without loss of compensation.

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12 SECTION 5. The hearing before the school board shall be conducted in
13 accordance with the following provisions:

14 (a) The hearing shall be conducted not less than five (5) nor more than
15 ten (10) days after the superintendent's receipt of the request for a hearing,
16 except that an employee and the superintendent may, in writing, agree to a
17 postponement of the hearing to a later date.

18 (b) The hearing shall be public or private at the request of the
19 employee.

20 (c) The employee may be represented by persons of his or her own
21 choosing.

22 (d) The decision of the school board shall be made within three (3)
23 calendar days of the hearing, except that the employee and the board may, in
24 writing, agree to a postponement of the hearing to a later date.

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26 SECTION 6. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

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30 SECTION 7. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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1 SECTION 8. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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4 SECTION 9. EMERGENCY. It is hereby found and determined by the General
5 Assembly of the State of Arkansas that public school employees who are
6 employed in positions not requiring a teaching license should be provided a
7 reasonable procedure for obtaining a hearing when the superintendent
8 recommends the person's termination as an employee; and that this act is
9 immediately necessary to protect noncertified public school employees.
10 Therefore, an emergency is hereby declared to exist and this act being
11 necessary for the preservation of the public peace, health and safety shall be
12 in full force and effect from and after its passage and approval.

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