

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 304

5 By: Senator Stone  
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)(B) of this section.~~

(2) A contract buyout agreement shall not use:

(A)(i) 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) 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.