

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 549

5 By: Senator Hendren
6

For An Act To Be Entitled

8 AN ACT TO AMEND A TEACHER'S RIGHT TO APPEAL A SCHOOL
9 BOARD RULING ON THE TEACHER'S TERMINATION OR
10 NONRENEWAL OF THE TEACHER'S CONTRACT; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND A TEACHER'S RIGHT TO APPEAL A
15 SCHOOL BOARD RULING ON THE TEACHER'S
16 TERMINATION OR NONRENEWAL OF THE
17 TEACHER'S CONTRACT.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 6-17-1510(a), concerning a hearing on the
24 termination or nonrenewal of a contract of a probationary teacher, is amended
25 to read as follows:

26 (a)(1) Upon conclusion of its hearing with respect to the termination
27 or nonrenewal of a contract of a teacher who has been employed as a full-time
28 teacher by the school district for less than three (3) continuous years, the
29 board of directors shall take action on the recommendations by the
30 superintendent with respect to the termination or nonrenewal of such
31 contract.

32 (2) The board of director's decision with regard to the
33 termination or nonrenewal of a contract of a probationary teacher shall be
34 final.
35
36



1 SECTION 2. Arkansas Code § 6-17-1510(d), concerning the appeal of a
2 school board decision on the termination or nonrenewal of a contract of a
3 nonprobationary teacher, is amended to read as follows:

4 (d)(1) The General Assembly finds that public school resources, both
5 human and capital, should be preserved for the intended education of students
6 in this state and not spent on prolonged disputes between school districts
7 and teachers.

8 (2) Therefore, the length of time for arbitration under this
9 section, whether conducted under this section or under an existing
10 arbitration agreement between the parties, shall not exceed one hundred
11 twenty (120) days from the date the board of directors delivers its written
12 decision to the teacher under subsection (b) of this section to the date of
13 the final decision of the arbitrator.

14 (3) The exclusive remedy for any nonprobationary teacher
15 aggrieved by the decision made by the board of directors shall be an appeal
16 therefrom to the circuit court of the county in which the school district is
17 located, within seventy five (75) days of the date of written notice of the
18 action of the board of directors. Additional testimony and evidence may be
19 introduced on appeal to show facts and circumstances showing that the
20 termination or nonrenewal was lawful or unlawful is to refer the decision of
21 the board of directors to binding arbitration.

22 (4) In the absence of an existing arbitration agreement between
23 the parties:

24 (A) Within fifteen (15) days of the date the teacher
25 receives the written notice of the decision of the board of directors, the
26 aggrieved teacher shall submit a written demand for arbitration to the board
27 of directors in the same manner as a request for a hearing under § 6-17-1509;

28 (C) Within fifteen (15) days of the date the board of
29 directors receives the written demand:

30 (i)(a) The board of directors and the aggrieved
31 teacher shall select one (1) or more nationally certified arbitrators from a
32 list created by the State Board of Education.

33 (b) The state board may consider any
34 recommendations of labor organizations in the state representing Arkansas
35 teachers and administrators; and

36 (ii) The board of directors shall provide a

1 transcript of all testimony and copies of all evidence produced during the
2 hearing to the arbitrator;

3 (D) If the parties cannot agree on an arbitrator, each
4 party shall submit to the Commissioner of Education the names of two (2)
5 arbitrators from the list, and the commissioner shall select the arbitrator.

6 (5) Arbitration under this subsection (d) is binding upon the
7 parties and shall:

8 (A) Commence and the decision shall be rendered within
9 ninety (90) days of the date of the arbitrator is selected;

10 (B) Take precedence over all other arbitration matters before
11 the arbitrator; and

12 (C) Be conducted under the rules of arbitration of the
13 American Arbitration Association in effect on January 1, 2011.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36