

Stricken language would be deleted from and underlined language would be added to present law.
Act 781 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/30/23
A Bill

SENATE BILL 512

By: Senators Irvin, J. English
By: Representative G. Hodges

For An Act To Be Entitled

AN ACT CONCERNING SCHOOL DISTRICT PERSONNEL POLICIES;
TO REQUIRE PERSONNEL POLICIES TO INCLUDE RULES AND
PROCEDURES CONCERNING A COMMITTEE ON PERSONNEL
POLICIES; TO AMEND THE MEANS BY WHICH A CLASSROOM
TEACHER IS ELECTED TO SERVE ON A SCHOOL DISTRICT
COMMITTEE ON PERSONNEL POLICIES; TO AMEND THE DATE BY
WHICH CHANGES OR ADDITIONS TO PERSONNEL POLICIES MAY
TAKE EFFECT; TO REQUIRE MINUTES OF A COMMITTEE ON
PERSONNEL POLICIES AND AMENDMENTS TO SCHOOL DISTRICT
PERSONNEL POLICIES TO BE DIGITALLY AVAILABLE; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING SCHOOL DISTRICT PERSONNEL
POLICIES; AND CONCERNING A SCHOOL
DISTRICT COMMITTEE ON PERSONNEL POLICIES.

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

SECTION 1. Arkansas Code § 6-13-620(5)(A), concerning the powers and duties of a school district board of directors, is amended to read as follows:

(5)(A) Employ staff, including:

(i)(a) A superintendent of schools to oversee the day-to-day operations of the school district.

(b) A superintendent shall be evaluated



annually or no less often than before any extension of his or her employment contract.

(c) Superintendents and assistant superintendents may be employed under contract terms and conditions that incorporate all elements prescribed by the State Board of Education; and

(ii)(a) School district employees under initial written employment contracts in the form prescribed by the State Board of Education, not including day-to-day substitutes.

(b) The employment contract shall:

(1) State the duration of employment, specific duties of the employee and the annual salary or hourly wage of the employee and projected annual earnings in the case of nonexempt employees under applicable state and federal law; and

(2) *Incorporate all personnel policies adopted by June 30 to be in effect on July 1 of the following employee contract year, subject to the requirements and exceptions contained in §§ 6-17-204 and 6-17-205.*

SECTION 2. Arkansas Code § 6-17-201(c), concerning the terms and conditions included in school district personnel policies, is amended to read as follows:

(c) The personnel policies shall include, but are not limited to, the following terms and conditions of employment:

- (1) Benefits;
- (2) Compensation;
- (3) Designation of workdays;
- (4) Holidays and noninstructional days;
- (5) The annual calendar;
- (6) Methods of evaluations;
- (7) Extra duties;
- (8) Leave;
- (9) Grievances;
- (10) Dismissal or nonrenewal;
- (11) Reduction in force; ~~and~~
- (12) Assignment of teacher aides; and
- (13) Bylaws, rules, and procedures concerning a committee on

personnel policies.

SECTION 3. Arkansas Code § 6-17-203 is amended to read as follows:

6-17-203. Committee for each school district.

(a) Each school district shall have a committee on personnel policies, which shall consist of no fewer than five (5) classroom teachers and no more than three (3) administrators, one (1) of which may be the superintendent.

(b)(1) The classroom teacher members of each school district's committee on personnel policies shall be elected by a ~~majority of the vote of~~ classroom teachers voting by secret ballot following the rules and procedures established in each school district's written personnel policies, as required under § 6-17-201.

(2) ~~The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers~~ Election announcements and results shall be placed on the website of a school district.

(c)(1) An election under this section shall be conducted annually no later than October 15.

(2) If the classroom teacher members of a school district's committee on personnel policies fail to conduct an election by October 15 as required under subdivision (c)(1) of this section, the school district board of directors may appoint a classroom teacher in order to fill any vacancy on the school district's committee on personnel policies.

(d) The administrator members of each school district's committee on personnel policies shall be appointed by the school district board of directors or its designee.

(e) Each meeting of a committee on personnel policies shall be audio recorded and made publicly available to ensure transparency.

SECTION 4. Arkansas Code § 6-17-204 is amended to read as follows:

6-17-204. Incorporation into teachers' contracts.

(a) The personnel policies of all school districts shall be ~~considered:~~

(1) Considered to be incorporated as terms of the licensed personnel contracts; and shall be binding

(2) Binding on the licensed personnel and the school district.

(b)(1) Any changes or additions to ~~the~~ personnel policies ~~shall not be considered a part of licensed personnel contracts until~~ adopted by a school district board of directors may take effect before the next fiscal year.

(2)~~(A)~~ Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of ~~the licensed personnel employed by the school district voting by secret ballot~~ a school district committee on personnel policies.

~~(B) The voting and counting shall be conducted by the personnel policy committee.~~

~~(3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.~~

(c)(1) Notwithstanding subsection (b) of this section, a change or addition to the personnel policies that is necessary to ensure compliance with a state rule or federal regulation, a state law enacted during a legislative session, or a federal law that is adopted by the school district board of directors each year by the later of June 30 or ninety (90) days after the effective date of a change to a state rule or federal regulation, a state law enacted during a legislative session, or a federal law giving rise to the specific policy change or addition shall be considered a part of licensed personnel contracts on July 1 of the same calendar year or upon the date of adoption if adopted after June 30.

(2) *Any changes or additions to the personnel policies adopted by the school district board of directors between May 1 and June 30 each year that are not required to ensure compliance with state law or rule or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year if:*

(A) *A notice of the change is sent no later than five (5) working days after final board action ~~by first class letter~~ to the electronic mail address on record in the personnel file of each affected employee; and*

(B) *The notice of change includes:*

(i)(a) *The new or modified policy.*

(b) *A modified policy shall be provided in a form that clearly shows additions underlined and deletions stricken; and*

(ii)~~(a)~~ *A provision that states that due to the policy change, each continuing employee under contract shall have the*

power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school district board of directors takes final action by providing to the school district board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

~~(b) For continuing contract employees covered under The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.~~

(d)(1) A school district shall adopt, in accordance with this subchapter, a supplement to the salary schedule for those licensed staff employed longer than the period covered by the salary schedule and for duties in addition to licensed employees' regular teaching assignments.

(2) Compensation policies approved by the personnel policy committee shall not apply to the chief administrator who is charged with administration of salary policy for all employees.

(3) A licensed employee may not waive payment according to the salary schedule.

(e) Under § 6-5-307(a) and § 6-20-412 a school district is not prohibited from paying a licensed employee additional salary increases as a supplement to the salary schedule even though the licensed employee is not employed an additional time period longer than the period covered by the salary schedule or required to perform duties in addition to the licensed employee's regular teaching assignments.

SECTION 5. Arkansas Code § 6-17-205(a)(3), concerning the recording and distribution of minutes of a meeting held by a school district committee on personnel policies, is amended to read as follows:

(3) Minutes of ~~the~~ a school district committee on personnel policies meetings shall be promptly ~~reported and distributed to members of the board of directors and posted in the buildings of the school district, including the administrative offices~~ placed on the website of a school district.

SECTION 6. Arkansas Code § 6-17-206 is amended to read as follows:
6-17-206. Copies furnished teachers and administrators.

(a)~~(1)~~ Each teacher or administrator ~~being~~ employed by a school district for the first time shall be given a digital copy of the school district's personnel policies in effect at the time of his or her employment.

~~(2) A digital copy provided to an employee or an online copy that is accessible by internet or intranet will meet the requirements of subdivision (a)(1) of this section.~~

~~(3) A hard copy of all policies shall be available to review at each location.~~

~~(4) A hard copy shall be given to the individual employee upon request of the employee.~~

(b)~~(1)~~ Each teacher or administrator shall be furnished a digital copy of any amendments to the personnel policies of the school district in which they are employed within thirty (30) days after approval of the amendments by the board of directors of the school district.

~~(2) A digital copy provided to an employee or an online copy that is accessible by internet or intranet will meet the requirements of subdivision (b)(1) of this section.~~

~~(3) A hard copy of all amendments shall be available for review at each location.~~

~~(4) A hard copy shall be given to the individual employee upon request of the employee.~~

/s/ Irvin

APPROVED: 4/12/23