

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: H1/16/25
A Bill

HOUSE BILL 1025

Representatives *McGruder, A. Collins, D. Garner, Springer*

For An Act To Be Entitled

AN ACT TO CREATE THE TEACHER FAIR DISMISSAL ACT OF
2025; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TEACHER FAIR DISMISSAL ACT
OF 2025.

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

SECTION 1. Arkansas Code § 6-13-808, concerning the Arkansas Traveling Teacher Program, is amended to add an additional subsection to read as follows:

(i) An agreement for traveling teacher services under this section is not governed by or subject to the provisions of The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

SECTION 2. Arkansas Code § 6-15-2610 is amended to read as follows:

6-15-2610. Construction with other state law.

To the extent that the provisions of this subchapter or the terms of an approved Rewarding Excellence in Achievement Program plan directly conflict with any provision of § 6-17-201 et seq., The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq., or the provisions of any other state law relating to the compensation of public school teachers, the provisions of this subchapter and the approved Rewarding Excellence in Achievement Program plan shall control.

SECTION 3. Arkansas Code § 6-15-2804(a), concerning requirements for



schools that are designated as schools of innovation, is amended to add an additional subdivision to read as follows:

(12) Adhere to The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

SECTION 4. Arkansas Code § 6-17-204(c)(2)(B)(ii), concerning personnel policies incorporated into teachers' contracts, is amended to read as follows:

(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 2025, § 6-17-3001 et seq., the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-3006.

SECTION 5. Arkansas Code § 6-17-812(b)(3), concerning agreements entered into by teachers to receive compensation for teaching more than the maximum number of students permitted, is amended to add an additional subdivision to read as follows:

(C) The provisions of The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq., do not apply to an agreement entered into between a teacher and a school district under this section.

SECTION 6. Arkansas Code § 6-17-2807(g) and (h), concerning a teacher placed in intensive support status under the Teacher Excellence and Support System, are amended to read as follows:

(g)(1)(A) Upon review and approval of the documentation, the superintendent may recommend termination or nonrenewal of the teacher's contract.

(B) A recommendation for termination or nonrenewal of a teacher's contract under this section shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under

The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

(2)(A) When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under this section, the public school shall provide a written notice to the teacher.

(B) A notice shall meet the minimum requirements under The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq., but is exempt from the provisions of § 6-17-3004(b).

(3)(A) If ~~the~~ a public school has substantially complied with the requirements of this section, the public school is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard for termination or nonrenewal under The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

(B) The presumption may be rebutted by the teacher during an appeal under The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

(h) This section does not preclude a public school superintendent from:

(1) Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason under The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.; or

(2) Including in a recommendation for termination or nonrenewal of a teacher's contract under this section any other lawful reason for termination or nonrenewal under The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.

SECTION 7. Arkansas Code Title 6, Chapter 17, is amended to add an additional subchapter to read as follows:

Subchapter 30 – The Teacher Fair Dismissal Act of 2025

6-17-3001. Title.

This subchapter shall be known and may be cited as “The Teacher Fair Dismissal Act of 2025”.

6-17-3002. Definitions.

(a) As used in this subchapter:

(1)(A) “Probationary teacher” means a teacher who has not

completed three (3) successive years of employment in the public school district in which the teacher is currently employed.

(B)(i) A teacher employed in a public school district in this state for at least three (3) years shall be deemed to have completed the probationary period.

(ii) However, by a majority vote of its directors, an employing public school district may provide for one (1) additional year of probationary status; and

(2) "Teacher" means any person, exclusive of the public school district superintendent or assistant superintendent, employed in an Arkansas public school district who is required to hold a teaching license from the State Board of Education as a condition of employment.

(b) A teacher who has completed three (3) successive years of employment in the school district in which the teacher is employed on July 4, 2025, or a teacher who has been given credit for a prior service in another public school district as authorized by subdivision (a)(1)(B)(i) of this section, is deemed to have completed the required probationary period.

6-17-3003. Construction.

(a) The General Assembly finds that the:

(1) Current standard, which requires cause that is not arbitrary, capricious, or discriminatory for the nonrenewal, termination, or suspension of a teacher, should be raised to a standard of just and reasonable cause; and

(2) Current standard for compliance with this subchapter and a public school district's personnel policies of strict compliance should be lowered to substantial compliance.

(b) This subchapter is not a teacher tenure law in that it does not confer lifetime appointment of teachers.

(c) A nonrenewal, termination, suspension, or other disciplinary action by a public school district shall be void unless the public school district substantially complies with all provisions of this subchapter and the public school district's applicable personnel policies.

6-17-3004. Evaluation – Effect.

(a) Each teacher employed by a board of directors of a public school

district shall be evaluated in writing under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(b) At a time other than an evaluation conducted under the Teacher Excellence and Support System, § 6-17-2801 et seq., if a public school district superintendent or other public school administrator charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the public school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the public school district superintendent or other public school administrator shall:

(1) In writing, bring the problems and difficulties to the attention of the teacher involved; and

(2) Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.

6-17-3005. Teacher personnel file.

(a) A public school district shall maintain a personnel file for each teacher that shall be available to the teacher for inspection and copying at the teacher's expense during normal office hours.

(b) A teacher may submit for inclusion in his or her personnel file written information in response to any of the material contained in the personnel file.

6-17-3006. Contract renewal – Notice of nonrenewal – Rescission.

(a) Each contract of employment made between a teacher and a public school district board of directors shall be renewed in writing on the same terms and for the same salary, unless increased or decreased by law, for the next school year succeeding the date of termination fixed therein.

(b) A renewal of a contract of employment made between a teacher and a public school district board of directors may be made by an endorsement on the existing contract instrument unless:

(1) By May 1 of the contract year, the teacher is notified by the public school district superintendent that the public school district superintendent is recommending that the teacher's contract not be renewed;

(2) During the period of the contract or within ten (10) calendar days after the end of the school year, a teacher sends by certified or registered mail to the president, vice president, or secretary of the public school district board of directors, with a copy provided to the public school district superintendent, or delivers in person to the president, vice president, or secretary of the public school district board of directors, with a copy provided to the public school district superintendent, his or her resignation as a teacher; or

(3) The contract is superseded by another contract between the parties.

(c)(1) Termination, nonrenewal, or suspension shall be only upon the recommendation of the public school district superintendent.

(2)(A) A notice of nonrenewal shall be delivered in person to a teacher or mailed by registered or certified mail to a teacher at the teacher's resident address as reflected in the teacher's personnel file.

(B) The notice of recommended nonrenewal of a teacher shall include a statement of the reasons for the recommendation, setting forth the reasons in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(d)(1) A teacher shall not be required to sign and return a contract for the next school year any sooner than thirty (30) days after the contract is issued to the teacher.

(2) A teacher may unilaterally rescind any signed contract no later than ten (10) days after the end of the school year.

6-17-3007. Notice of termination recommendation.

(a) A teacher may be terminated only during the term of a contract:

(1) When there is a reduction in force created by districtwide reduction in licensed staff;

(2) For incompetent performance;

(3) For conduct that materially interferes with the continued performance of the teacher's duties;

(4) For repeated or material neglect of duty; or

(5) For other just and reasonable cause.

(b) A public school district superintendent:

(1) Shall notify a teacher of a recommendation for termination

of the teacher; and

(2)(A) May notify a public school resource officer assigned to the public school campus on which the teacher is employed of the recommendation for termination of the teacher.

(B)(i) A public school district superintendent shall not disclose any additional details regarding a recommendation for termination of a teacher to a public school resource officer assigned to the public school campus on which the teacher is employed unless the public school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:

(a) Campus security; and

(b) Student safety.

(ii) Additional details regarding a recommendation for termination of the teacher include without limitation:

(a) The underlying reasons for a recommendation for termination of the teacher;

(b) The identity of other individuals involved in a recommendation for termination of the teacher, including without limitation other teachers, students, administrators employed at or attending the public school campus where the teacher is employed, and parents or legal guardians of students attending the public school campus where the teacher is employed; and

(c) Further disciplinary actions taken against the teacher in addition to the recommendation for termination of the teacher.

(C) If a public school district superintendent determines that disclosure of additional details regarding a recommendation for termination of teacher is necessary under subdivision (b)(2)(B) of this section, the public school district superintendent shall limit the disclosure of the additional details to the minimum amount of information that he or she believes is necessary for the public school resource officer assigned to the public school campus on which the teacher is employed to ensure campus security and student safety.

(c)(1) A notice for termination shall include a statement of the reasons for the recommendation of termination, setting forth the reasons in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) A notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's resident address as reflected in the teacher's personnel file.

6-17-3008. Suspension.

(a) If a public school district superintendent has reason to believe that cause exists for the termination of a teacher and that immediate suspension of the teacher is necessary, the public school district superintendent may suspend the teacher without notice or a hearing.

(b) A public school district superintendent:

(1) Shall notify a teacher of the suspension in writing within two (2) school days of the suspension; and

(2)(A) May notify a public school resource officer assigned to the public school campus on which the teacher is employed of the teacher's suspension.

(B)(i) A public school district superintendent shall not disclose any additional details regarding a suspension of the teacher to a public school resource officer assigned to the public school campus on which the teacher is employed unless the public school district superintendent, in his or her discretion and based on relevant information, believes there are risks to:

(a) Campus security; and

(b) Student safety.

(ii) Additional details regarding the suspension of the teacher include without limitation:

(a) The underlying reasons for the suspension of the teacher;

(b) The identity of other individuals involved in the suspension of the teacher, including without limitation other teachers, students, administrators employed at or attending the public school campus where the teacher is employed, and parents or legal guardians of students attending the public school campus where the teacher is employed; and

(c) Further disciplinary actions taken against a teacher in addition to the suspension, unless the further disciplinary actions include a recommendation for the termination of the teacher.

(C) If a public school district superintendent determines that disclosure of additional details regarding the suspension of a teacher is necessary under subdivision (b)(2)(B) of this section, the public school district superintendent shall limit the disclosure of the additional details to the minimum amount of information that he or she believes is necessary for the public school resource officer assigned to the public school campus on which the teacher is employed to ensure campus security and student safety.

(c)(1) A written notice shall include a statement of the reasons for suspension or recommended termination, setting forth the reasons in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) The written notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file and shall state that a hearing before the public school district board of directors is available to the teacher upon request provided that the request is made in writing within the time provided in § 6-17-3009.

(d) A hearing shall be scheduled by the president, vice president, or secretary of the public school district board of directors and the teacher and shall be held within the time and manner provided in § 6-17-3009 after a request for the hearing is received by the public school district board of directors.

(e) If sufficient grounds for termination or suspension are found, a public school district board of directors may terminate a teacher or continue the suspension for a definite period of time.

(f) The salary of a suspended teacher shall cease as of the date the public school district board of directors sustains the suspension.

(g) If sufficient grounds for termination or suspension are not found, a teacher shall be reinstated without loss of compensation.

6-17-3009. Hearing.

(a) A teacher who receives a notice of recommended termination or nonrenewal may file a written request with the public school district board of directors for a hearing.

(b) A written request for a hearing shall be sent by certified or registered mail to the president, vice president, or secretary of the public

school district board of directors, with a copy provided to the public school district superintendent, or may be delivered in person by the teacher to the president, vice president, or secretary of the public school district board of directors, with a copy provided to the public school district superintendent, within thirty (30) calendar days after the written notice of proposed termination or nonrenewal is received by the teacher.

(c) Upon receipt of a request for a hearing, a public school district board of directors shall grant a hearing in accordance with the following provisions:

(1) The hearing shall take place at a time agreed upon in writing by the parties, but if no time can be agreed upon, then the hearing shall be held no fewer than five (5) calendar days nor more than twenty (20) calendar days after the written request has been received by the public school district board of directors;

(2)(A) The hearing shall be private unless the teacher or the public school district board of directors request that the hearing be public.

(B) If the hearing is public, the parent or legal guardian of any student under eighteen (18) years of age who offers testimony may elect to have the student's testimony offered in private;

(3) The teacher and the public school district board of directors may be represented by representatives of their choosing;

(4) A full record of the proceedings at the hearing shall be made and preserved only if:

(A) The public school district board of directors elect to make and preserve a record of the hearing at its own expense, in which event a copy shall be furnished the teacher, upon request, without cost to the teacher; or

(B) A written request is filed with the public school district board of directors by the teacher at least twenty-four (24) hours before the time set for the hearing, in which event the board of directors shall make and preserve at its own expense a record of the hearing and shall furnish a transcript to the teacher without cost; and

(5) The public school district board of directors shall not consider at the hearing any new reasons which were not specified in the notices required by this subchapter.

(d) Nothing in this section shall preclude a public school district

that officially recognizes in its policies an organization representing the majority of the teachers of the public school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement from conducting a single nonrenewal hearing when all the public school district's teachers are recommended for nonrenewal provided that each teacher at such hearing shall be given an opportunity to make comments to be included in the hearing record.

6-17-3010. Board action on termination or nonrenewal – Appeal.

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

(2) A public school district board of directors' decision on the nonrenewal of a probationary teacher shall be final.

(b)(1) A licensed teacher who has been employed continuously by the public school district three (3) or more years or who may have achieved nonprobationary status pursuant to § 6-17-3002 may be terminated or the public school district board of directors may refuse to renew the contract of the teacher only:

(A) When there is a reduction in force created by districtwide reduction in licensed personnel;

(B) For incompetent performance;

(C) For conduct that materially interferes with the continued performance of the teacher's duties;

(D) For repeated or material neglect of duty; or

(E) For other just and reasonable cause.

(2)(A) Upon completion of a hearing, a public school district board of directors, within ten (10) days after the hearing, shall:

(i) Uphold the recommendation of the public school district superintendent to terminate or not renew the teacher's contract;

(ii) Reject or modify the public school district superintendent's recommendation to terminate or not renew the teacher's contract; or

(iii) Vote to continue the contract of the teacher under such restrictions, limitations, or assurances as the public school district board of directors may deem to be in the best interest of the public school district.

(B) A decision shall be reached by a public school district board of directors within ten (10) days from the date of the hearing, and a copy of the decision shall be furnished in writing to the teacher involved, either by personally delivering it to the teacher or by mailing it by registered or certified mail to the teacher's resident address as reflected in the teacher's personnel file.

(c) Following a hearing granted to a teacher, a public school district board of directors, by majority vote, shall make specific written conclusions with regard to the truth of each reason provided to the teacher in support of the recommended termination or nonrenewal.

(d)(1) The exclusive remedy for any nonprobationary teacher aggrieved by a decision made by a public school district board of directors shall be an appeal to the circuit court of the county in which the public school district is located, within seventy-five (75) days of the date of written notice of the action of the board of directors.

(2) Additional testimony and evidence may be introduced on appeal to show facts and circumstances showing that the termination or nonrenewal was lawful or unlawful.

SECTION 8. Arkansas Code § 6-20-1909(a)(5), concerning powers of the Commissioner of Elementary and Secondary Education with respect to public school districts in fiscal distress, is amended to read as follows:

(5) Waive the application of Arkansas law or the corresponding State Board of Education rules, with the exception of:

(A) Special education programs as provided in this title;
(B) Criminal background checks for employees as provided in this title; ~~and~~

(C) Health and safety codes as established by the State Board of Education and local governmental entities; and

(D) The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.;

SECTION 9. Arkansas Code § 6-21-811(g)(6), concerning steps the Division of Public School Academic Facilities and Transportation may take when a public school district is classified as being in facilities distress under the Academic Facilities Distress Program, is amended to read as follows:

(6) Waive the application of Arkansas law or the corresponding State Board of Education or commission rules, with the exception of:

(A) Special education programs as provided in this title;
(B) Conducting criminal background checks for employees as provided in this title; ~~and~~

(C) Health and safety codes as established by the state board, the commission, and local governmental entities; and

(D) The Teacher Fair Dismissal Act of 2025, § 6-17-3001 et seq.;

/s/McGruder