

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1180 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/11/09

A Bill

HOUSE BILL 1940

5 By: Representative Cook
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF TITLE 6
10 RELATED TO SCHOOL DISTRICT BOARDS OF DIRECTORS;
11 AND FOR OTHER PURPOSES.
12

Subtitle

14 TO AMEND VARIOUS PROVISIONS OF TITLE 6
15 RELATED TO SCHOOL DISTRICT BOARDS OF
16 DIRECTORS.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-11-129 is amended to read as follows:

22 6-11-129. Data to be accessible on website.

23 (a)(1) Each school district shall make the following information and
24 data easily identified on its website or the website of the school district's
25 education service cooperative, if the education service cooperative maintains
26 the school district's website:

27 (A) Current comprehensive financial data reports for
28 school districts, including:

29 (i) Local and state revenue sources;

30 (ii) Administrator and teacher salary and benefit
31 expenditure data;

32 (iii) School district balances, including legal
33 balances and building fund balances;

34 (iv) ~~Any additional financial data~~ Minutes of
35 regular and special meetings of the school board of directors;



1 (v) ~~Administrative salary and benefit expenditures~~
 2 The school district budget for the ensuing year, which shall be posted on the
 3 website within thirty (30) days following the date required to be submitted
 4 to the Department of Education; and

5 (vi) ~~Teacher salary expenditures~~ A financial
 6 breakdown of monthly expenses of the school district;

7 (vii) Salary schedules for all employees, including
 8 extended contract and supplementary pay amounts;

9 (viii) Current contract information with all school
 10 district employees, except that social security numbers, telephone numbers,
 11 personal addresses, or signatures shall not be published;

12 (ix) The annual budget of the school district; and

13 (x) The annual school district statistical report;

14 and

15 (B) Each school district's personnel policies required
 16 under § 6-17-201 et seq.†.

17 ~~(C)(i) Information from the school district's contracts~~
 18 ~~with school district employees and school district salary schedules.~~

19 ~~(ii) Each school district or the school district's~~
 20 ~~education service cooperative, if the education service cooperative maintains~~
 21 ~~the school district's website, shall publish on the school district's~~
 22 ~~website.~~

23 ~~(a) The school district's current contract~~
 24 ~~information with all school district employees, except that no social~~
 25 ~~security numbers, phone numbers, personal addresses, or signatures shall be~~
 26 ~~published; and~~

27 ~~(b) The school district salary schedules,~~
 28 ~~including the salary schedules for regular licensed employees, supplemental~~
 29 ~~and extended contract schedules, and classified employee schedules; and~~

30 ~~(D) The annual budget of each school district.~~

31 (2) Information and data required to be made available and
 32 easily accessible on the school district's website under this section shall
 33 be the actual data for the two (2) previous school years and the projected
 34 budgeted information for the current school year.

35 (b) The ~~department~~ Department of Education shall make the information
 36 and data required by this section available and easily accessible on the

1 department's website by including direct links to the websites of all
2 Arkansas school districts ~~on the department's website.~~

3
4 SECTION 2. Arkansas Code § 6-13-620 is amended to read as follows:
5 6-13-620. Powers and duties.

6 The board of directors of each school district in the state ~~shall be~~ is
7 charged with the following powers and required to perform the following
8 duties in order to provide no less than a general, suitable, and efficient
9 system of free public schools:

10 ~~(1) Have the care and custody of the schoolhouse, grounds, and~~
11 ~~other property belonging to the school district and shall keep it in good~~
12 ~~repair and in sanitary and sightly condition;~~

13 ~~(2) Lease sixteenth section lands located in the school~~
14 ~~district, individually or in conjunction with the other boards of directors~~
15 ~~of other school districts interested in the sixteenth section, as the case~~
16 ~~may be;~~

17 ~~(3) Purchase buildings or rent schoolhouses and sites therefor~~
18 ~~and sell, rent, or exchange the sites or schoolhouses;~~

19 ~~(4)(A) Employ teachers and other employees necessary for the~~
20 ~~proper conduct of the public schools of the school district and make written~~
21 ~~contracts with teachers and all other employees in the form prescribed by the~~
22 ~~State Board of Education.~~

23 ~~(B) There shall be three (3) copies of each contract made:~~

24 ~~(i) One (1) copy to be retained by the school~~
25 ~~district board of directors;~~

26 ~~(ii) One (1) copy to be given to the employee; and~~

27 ~~(iii)(a) One (1) copy to be forwarded to the county~~
28 ~~treasurer if the county treasurer serves as treasurer for the school~~
29 ~~district.~~

30 ~~(b)(1) A county treasurer acting as treasurer~~
31 ~~for a public school district shall destroy teacher contracts that have been~~
32 ~~filed in his or her office for more than two (2) years.~~

33 ~~(2)(A) Within thirty (30) days of the~~
34 ~~date a school district replaces a county treasurer with its own school~~
35 ~~district treasurer, the county treasurer shall destroy all teacher contracts~~
36 ~~filed in his or her office.~~

1 ~~the supplies or services set out in this subdivision (10) until the supplies~~
2 ~~or services shall have been delivered to the school.~~

3 ~~(B) If any school board of directors or any part of the~~
4 ~~directors of any school board of directors in the State of Arkansas shall~~
5 ~~issue warrants in payment of supplies or services prior to the delivery of~~
6 ~~the supplies or services to the school and if the school district suffers any~~
7 ~~loss because of the failure of the seller to deliver the supplies or services~~
8 ~~or because of the defective quality of the supplies or services or for any~~
9 ~~other reason, then the directors shall be personally liable to the school~~
10 ~~district for the total amount of loss suffered by the school district;~~

11 ~~(11)(A) If in any school district it should be apparent that the~~
12 ~~schools cannot be operated for the remainder of the school year without~~
13 ~~incurring more indebtedness than that represented by outstanding bonds and~~
14 ~~those that may be issued for buildings, equipment for the school buildings,~~
15 ~~purchasing sites, and repairing school buildings or the improvement of sites,~~
16 ~~it shall be the duty of the school board of directors to close the school and~~
17 ~~cease paying the teachers for the remainder of that fiscal year. Each~~
18 ~~contract made with the teachers shall be subject to that contingency, and the~~
19 ~~school district shall not be liable for teachers' salaries for the time the~~
20 ~~school is so closed.~~

21 ~~(B) Should any director participate in keeping a school~~
22 ~~open and incurring additional expenses which would cause increased~~
23 ~~indebtedness of the school district prohibited in this subdivision (11), he~~
24 ~~or she shall be liable personally for the amount of the additional~~
25 ~~indebtedness.~~

26 ~~(C) However, in cases of emergency, the state board may~~
27 ~~grant special permission to a school district to create temporary current~~
28 ~~indebtedness.~~

29 ~~(D) Nothing herein shall prevent any school board of~~
30 ~~directors from borrowing money from banks, from individuals, or from next~~
31 ~~year's revenue in order to provide funds in such amount that the maximum~~
32 ~~nonbonded indebtedness of its school district so incurred shall not be~~
33 ~~greater than the maximum nonbonded indebtedness of the school district was at~~
34 ~~any time during the preceding fiscal year.~~

35 ~~(E) If any nonbonded debt is funded by the issuance of~~
36 ~~bonds, the amount so funded shall not be considered in determining the~~

1 ~~maximum amount of nonbonded indebtedness during the preceding fiscal year;~~

2 ~~(12) Do all other things necessary and lawful for the conduct of~~
3 ~~efficient free public schools in the school district;~~

4 ~~(13) Publish on the school district's website if the school~~
5 ~~district has a website;~~

6 ~~(A) Minutes of regular and special meetings of the school~~
7 ~~board of directors;~~

8 ~~(B) The budget for the ensuing year;~~

9 ~~(C) Financial breakdown of monthly expenses of the school~~
10 ~~district;~~

11 ~~(D) Salary schedule for all employees;~~

12 ~~(E) The school district's yearly audit; and~~

13 ~~(F) The annual statistical report; and~~

14 ~~(14) If a school district does not have a website, then:~~

15 ~~(A) On or before July 1, 2003, the school district's~~
16 ~~education service cooperative shall develop a website for the school~~
17 ~~district; or~~

18 ~~(B) The education service cooperative shall enter into an~~
19 ~~agreement with a local city, county, or other local governmental agency to~~
20 ~~have the school district's information as required in subdivision (13) of~~
21 ~~this section published on an existing local city, county, or other local~~
22 ~~governmental agency's website.~~

23 (1) Attend meetings of the school board;

24 (2) Determine the mission and direction of the school district;

25 (3) Adhere to state and federal laws governing public schools;

26 (4) Enact, enforce, and obey school district policies;

27 (5)(A) Employ staff, including:

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

30 (b) A superintendent shall be evaluated
31 annually or no less often than prior to any extension of his or her
32 employment contract.

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

36 (ii)(a) School district employees under initial

1 written employment contracts in the form prescribed by the State Board of
2 Education, not including day- to-day substitutes.

3 (b) The employment contract shall:

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

8 (2) Incorporate all personnel policies
9 adopted by June 30 to be in effect on July 1 of the following employee
10 contract year, subject to the requirements and exceptions contained in §§ 6-
11 17-204 and 6-17-205.

12 (B) Copies of initial written employment contracts and
13 renewed written employment contracts issued in accordance with §§ 6-17-1506
14 and 6-17-1703 shall be distributed as follows:

15 (i) One (1) copy to be given to the employee;

16 (ii) One (1) copy to be retained by the school board
17 of directors; and

18 (iii) One (1) copy to be retained by the school
19 district's treasurer or bookkeeper;

20 (6) Understand and oversee school district finances required by
21 law to ensure alignment with the school district's academic and facility
22 needs and goals, including without limitation:

23 (A) Reviewing, adopting, and publishing the school
24 district's budget;

25 (B) Overseeing and monitoring the school district
26 finances, including:

27 (i) Revenues;

28 (ii) Expenditures;

29 (iii) Investments;

30 (iv) Debts;

31 (v) Obligations;

32 (vi) Inventory; and

33 (vii) Real property;

34 (C) Borrowing money as necessary, but in no case shall the
35 school board of directors permit the school district to end the fiscal year
36 with a negative legal balance;

1 (D) Entering into contracts for goods and services
2 necessary to operate the school district;

3 (E) Buying, selling, renting, and leasing real property
4 and personal property on behalf of the school district;

5 (F) Receiving, reviewing, and approving each annual
6 financial audit report and presenting it to the public;

7 (7) Ensure that:

8 (A) Necessary and sufficient facilities are built or
9 obtained, furnished, and maintained;

10 (B) All properties belonging to the district are managed
11 and maintained for the benefit of the school district;

12 (8) Approve the selection of curriculum and ensuring students
13 are offered and taught the courses of study and educational content required
14 by the State Board of Education;

15 (9) Visit district schools and classrooms when students are
16 present no less than annually and attend some events and functions.

17 (10) Obtain the training and professional development necessary
18 to serve as active and informed members of the school board of directors; and

19 (11) Do all other things necessary and lawful for the conduct of
20 efficient free public schools in the school district.

21
22 SECTION 3. Arkansas Code § 6-17-204 is amended to read as follows:

23 6-17-204. Incorporation into teachers' contracts.

24 (a) The personnel policies of all school districts shall be considered
25 to be incorporated as terms of the certified personnel contracts and shall be
26 binding upon the certified personnel and the school district.

27 (b)(1) Any changes or additions to the personnel policies shall not be
28 considered a part of certified personnel contracts until the next fiscal
29 year.

30 (2)(A) Any changes or additions to the personnel policies may
31 take effect before the next fiscal year only if the changes or additions are
32 approved by a majority of the certified personnel employed by the school
33 district voting by secret ballot.

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

36 (3) All changes or additions to the personnel policies or new

1 personnel policies shall be made in accordance with this subchapter.

2 ~~(c)(1)(A) A school district may adopt a uniform policy, in accordance~~
3 ~~with this subchapter, limiting the number of past years' experience for which~~
4 ~~all newly employed certified personnel will receive credit on the salary~~
5 ~~schedule.~~

6 ~~(B) The policy shall be written so that a prospective~~
7 ~~certified employee can determine his or her placement on the salary schedule.~~
8 Notwithstanding the provisions listed in subsection (b) of this section, any
9 change or addition to the personnel policies adopted by the school board of
10 directors on or before June 30 each year to ensure compliance with state or
11 federal law or regulation shall be considered a part of certified personnel
12 contracts on July 1 of the same calendar year.

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

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

21 (B) The notice of change includes:

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

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

25 (ii)(a) A provision that states that due to the
26 policy change, each continuing employee under contract shall have the power
27 to unilaterally exercise the power of rescission within a period of thirty
28 (30) days after the school board of directors takes final action, by
29 providing to the school board of directors a notice of rescission, in the
30 form of a letter of resignation, during the period of thirty (30) days.

31 (b) For continuing contract employees covered
32 under the Teacher Fair Dismissal Act of 1983, the power of rescission in this
33 section shall be in addition to the power of rescission provided under § 6-
34 17-1506.

35 ~~(2)(d)(1)~~ A school district shall adopt, in accordance with this
36 subchapter, a supplement to the salary schedule for those ~~certified~~ licensed

1 staff employed longer than the period covered by the salary schedule and for
2 duties in addition to ~~certified~~ licensed employees' regular teaching
3 assignments.

4 ~~(3)~~(2) Compensation policies approved by the personnel policy
5 committee shall not apply to the chief administrator who is charged with
6 administration of salary policy for all employees.

7 ~~(4)~~(3) ~~No certified person~~ A licensed employee may not waive
8 payment according to the salary schedule.

9 ~~(d)~~(e) Under the provisions of The Educator's Compensation Act of
10 2001, ~~§ 6-17-2101 et seq. [Repealed], §§ 6-5-307(a), and § 6-20-412,~~ no a
11 school district ~~shall be~~ is prohibited from paying ~~certified staff~~ a licensed
12 employee additional salary increases as a supplement to the salary schedule
13 even though the ~~certified staff~~ licensed employee is not employed an
14 additional time period longer than the period covered by the salary schedule
15 or required to perform duties in addition to the ~~certified employees'~~
16 licensed employee's regular teaching assignments.

17
18 SECTION 4. NOT TO BE CODIFIED. The document attached hereto titled
19 "Prologue" contains the findings concerning the history of school board
20 functions. The document, "Prologue", shall be filed in the journals of the
21 House and Senate.

22
23 /s/ Cook

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25 **APPROVED: 4/7/2009**