



STATE OF ARKANSAS
THE ATTORNEY GENERAL
DUSTIN McDANIEL

Opinion No. 2014-083

August 1, 2014

The Honorable Linda Pondexter Chesterfield
State Senator
12 Keo Drive
Little Rock, Arkansas 72206

Dear Senator Chesterfield:

You requested my opinion on the legality¹ of a school board's failure to hold within the time specified by law a hearing on a superintendent's recommendation to terminate a non-licensed employee, and on whether certain remedies are available as consequences of the board's failure.²

I understand your questions were prompted by an inquiry from a non-licensed school employee whose termination was recommended and who properly requested a hearing, which was not held within the time specified by law³ but is scheduled to be held in mid-August.

I respectfully decline to state an opinion because the remedies you suggest likely will be advanced at the hearing. It is this office's long-standing policy to decline to issue opinions on matters in litigation or pending before an administrative body.⁴

¹ See generally A.C.A. §§ 6-17-1701 to -1705 (Repl. 2013) (the Public School Employee Fair Hearing Act).

² I take as a given that the board did not hold the hearing within the time specified. The board may contend otherwise, and this letter should not be taken as comment on the merits of any such contention.

³ See A.C.A. § 6-17-1705(a)(1) (hearing to be held no fewer than five nor more than ten days after the employee's request).

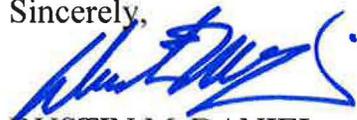
⁴ See, e.g., Op. Att'y Gen. 2010-128.

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Additionally, as Attorney General, I do not engage in the private practice of law.⁵ My comment on the remedies' availability could be seen as rendering advice to the employee.

Assistant Attorney General J. M. Barker prepared this opinion, which I approve.

Sincerely,



DUSTIN McDANIEL
Attorney General

DM/JMB:cyh

⁵ See A.C.A. § 25-16-701 (Repl. 2002).