

Fort Smith Public Schools
Personnel & Policy Committee Transition FAQs
as of December 18, 2018

On December 13, 2018, the Arkansas State Board of Education (SBE) approved, with an 8-0 vote, the District's request for a two-year waiver from parts of two statutes, Ark. Code Ann. § 6-17-203 and § 6-17-205. This action by the SBE enables FSPS to organize and schedule elections for a Personnel and Policy Committee (PPC) as requested by the FSPS Board of Education. View these proceeding at [this link at the 3:54 point](#) in the video. A letter from the SBE acknowledging the approval of this waiver is included at the end of this document.

Superintendent Dr. Doug Brubaker noted in correspondence to the staff, "It is crucial that the nomination and election procedures for this first PPC election be conducted with adherence to the highest standards of accuracy and transparency. As a result, we plan to utilize a professional accounting and/or election services firm to conduct them. The election services firms under consideration all have extensive experience running hundreds of elections of similar size and scope across the United States. It takes some time to set up an election process that meets professional standards; we believe that it can be completed within the next sixty (60) days. Once PPC members are elected for their initial two-year terms, they will elect a president and secretary, adopt a meeting schedule, and perform the other PPC functions described in the law.

As previously described, at least one PPC member will be elected by the teachers in each school building. There will be one representative from each elementary school, two from each junior high school, three from each high school, and one each from Belle Point and the Adult Education Center for a total of 35 elected teacher representatives. This ratio roughly corresponds to the number of teachers who serve in each type of school. **It is important to note that a teacher does not have to belong to any organization to either serve as a representative or vote in the election used to select those representatives.** Consistent with the law, there will also be three (3) appointed administrative representatives.

This PPC model provides a starting point to utilize during the two years covered by the waiver. During those two years, the PPC will have the opportunity to study how PPCs operate in the other 267 Arkansas districts that have them, identify features that they believe are a good fit for the FSPS PPC, and develop a PPC framework based on that research for use in our district beyond the timeframe of the two-year waiver."

Questions Received from Staff Since December 9, 2018:

How will this committee be formed? Will there be building elections or are you planning on appointing representatives?

This committee will be formed through the election of teacher representatives from each campus. The administration will not appoint teacher representatives.

Will the new PPC be able to discuss and propose changes to teacher salary along with personnel policy?

The elected representatives from each building who will make up the PPC will receive the same financial information that the negotiating team has received in the past, and the PPC will have the opportunity to discuss compensation, policy and other topics as well.

Will the election services/accounting firm conduct elections building-wide?

Yes, and from building to building. The opportunity to elect a representative from building to building was one of the points on which the District had to request a waiver. The law directs that all representatives have to be elected "at-large" and didn't allow for the specificity of building representation.

Has the district considered providing representation based on student population or staff members?

Dr. Brubaker describes the initial PPC like a constitutional convention. Because of the waiver, the administration can help to set up the first elections which will be conducted by an election services and/or accounting firm. Once the PPC representatives are elected and the PPC established, it will be up to that group to decide what the representation model will best suit the Fort Smith Public School teaching corps.

Will the candidates be required to share their relevant experience that qualifies them for running for the building position PPC?

The district is working toward seating an election services and/or accounting firm to run the election. So, the absolute answer will come from that group. But, at very least, people interested in running for a seat on the PPC will be able to post their profiles/qualifications on individual school websites.

Do you know when they will start taking names for the PPC?

The election services and/or accounting firm selected to run the PPC elections will be responsible for the details on the application/nomination period, but it is likely that this information will be available the holiday break.

FACTS AND QUESTIONS PRIOR TO WAIVER APPROVAL:

Why has Fort Smith Public Schools changed the way it collaborates with District educators?

The Fort Smith Public School District (FSPS) is committed to being a premier workplace as it becomes the premier school district envisioned in the Vision2023 Strategic Plan. Teachers and the employees who support the educational process deserve the best that the district can provide including excellent salaries and benefits as well as an inclusive culture that promotes open dialogue and provides for broad representation for all constituency groups.

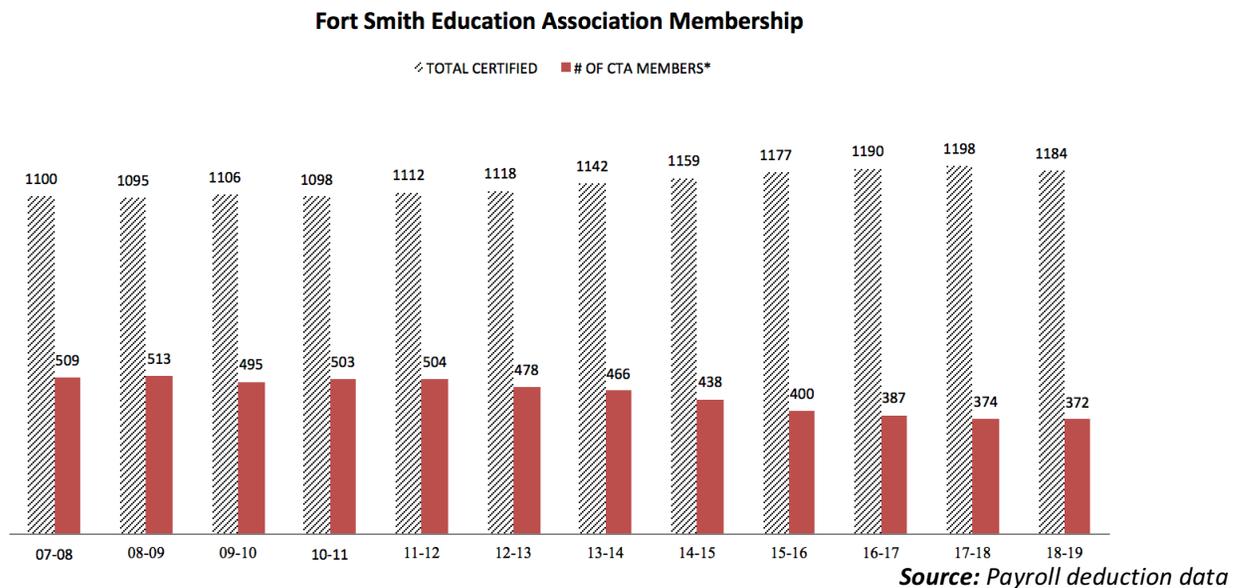
According to membership information compiled by the district and supplemented by the Fort Smith Education Association (FSEA), formerly known as the Fort Smith Classroom Teachers

Association (FSCTA), [FSEA membership did not include a majority](#) of FSPS teachers as required by law for the district to maintain an exclusive collective bargaining agreement with that group. [FSEA has acknowledged this](#). Because the old agreement lapsed, a new and more inclusive model of representation is needed.

What are the important historical details?

FSPS had maintained an exclusive negotiating agreement with the FSEA for approximately 50 years. The most recent update to this agreement occurred in 1987.

The FSEA experienced a steady decline in membership over the past 10 years, falling to just over 30 percent in the 2018-2019 school year. FSEA reports a membership of 379 members, which is within two percent of district membership figures.



A growing number of educators are unaffiliated. Approximately two-thirds of teachers had not been represented because they did not pay dues to FSEA. They did not serve on the panel that met with administration to discuss important issues such as salary and policy or vote for representatives on this panel. Instead, panel members were appointed by FSEA.

A new model will ensure that those who choose not to pay dues to any one specific group also have an opportunity to contribute to recommendations made by the administration and decisions made by the Board of Education relating to policy and other issues of concern.

What was the process?

The FSPS administration negotiated exclusively with FSEA on matters of policy, compensation and benefits, workplace culture/environment, and grievances for many years. The policy amended in 1987 may be found under [Policy GCQF](#), titled “A PROFESSIONAL CONSULTATION AGREEMENT BETWEEN THE FORT SMITH BOARD OF EDUCATION AND THE FORT SMITH

CLASSROOM TEACHERS ASSOCIATION” beginning on page 87 of the Certified Personnel Policies document on the District website.

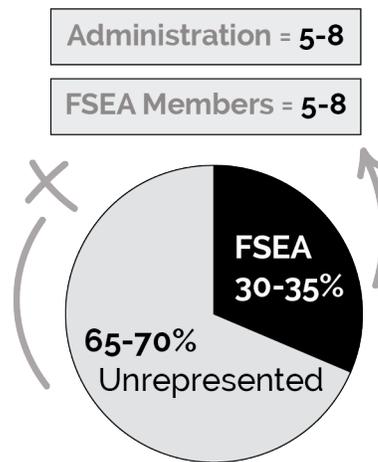
What will replace the current process?

Arkansas statutes governing employee negotiations direct school districts toward an elected Personnel Policy Committee (PPC) model that gives all in particular job classifications a voice in decision-making processes. The development of a PPC for Certified Staff members provides the representation compelled by Arkansas law.

How will a Certified Personnel Policy Committee (PPC) work?

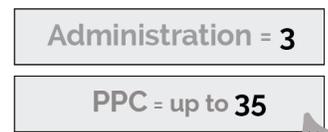
AR Code § 6-17-203 provides this guidance, “(a) Each school district shall have a committee on personnel policies which shall

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 classroom teachers voting by secret ballot. (2) The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers.” This outline provides a good starting point for FSPS.



Most teachers can't serve on this team because they don't pay dues to FSEA.

**1. Representation
2. Compliance**



Representatives from:
 each High School
 each Junior High School
 each Elementary School
 Belle Point
 Adult Education

How is the district planning for a fair and orderly transition to the PPC process?

The district is seeking authorization from the Arkansas State Board of Education to form a PPC in the Spring of 2019 that will include elected representatives from each campus.

Do teachers have to pay dues to a professional association to be represented by a PPC?

No. Teachers do not have to pay dues to any professional association to vote for a PPC representative or be elected as one.

Do many other districts have PPCs?

Yes. At the beginning of the 2018-2019 school year, 267 of 269 Arkansas school districts (99.2%) report that they use a PPC model. With the action by the Fort Smith Board of Education at their regular meeting on November 26, 2018, Fort Smith will begin the process of transitioning to a PPC, leaving Little Rock School District as the only remaining Arkansas school district that negotiates exclusively with one professional association.

Has FSEA been given the opportunity to share information and concerns?

Yes. The school district attorney asked the FSEA to provide information needed to settle the question on November 12. A few days later, he received a response from the FSEA president acknowledging that the organization did not have adequate membership to satisfy the mandate of the law. These comments are consistent with statements made by the FSEA president to a news outlet that were [published on November 13](#).

The school board president and superintendent also reached out to FSEA leaders to schedule meetings in order to listen to concerns.

The FSEA president did not agree to meet with the board president and superintendent.



Arkansas Department of Education

Transforming Arkansas to lead the nation in student-focused education

December 17, 2018

Johnny Key
Commissioner

**State Board
of Education**

Dr. Jay Barth
Little Rock
Chair

Charisse Dean
Little Rock
Vice Chair

Susan Chambers
Bella Vista

Dr. Fitz Hill
Little Rock

Kathy McFetridge
Springdale

Dr. Sarah Moore
Stuttgart

Ouida Newton
Poyen

R. Brett Williamson
El Dorado

Diane Zook
Melbourne

Dr. Doug Brubaker
Fort Smith School District
P.O. Box 1948
Fort Smith, AR 72902

RE: Notice of State Board of Education Decision – December 13, 2018

Dear Superintendent Brubaker:

On Thursday, December 13, 2018, the State Board of Education approved the following Act 1240 waiver request for the Fort Smith School District:

Pertaining to Personnel –

- Ark. Code Ann. § 6-17-203(b)(1 & 2), Committee for each school district (with the exception of secret ballot)
- Ark. Code Ann. § 6-17-205(a)(1), Organization and duties of committee, forming in the first quarter of the school year.

The district must comply with the Arkansas Department of Education Rules Governing Arkansas Qualified Teacher requirements and special education licensure requirements. The applicant must be in compliance upon hiring.

The waivers are in effect for two years, ending on December 14, 2020. The State Board would like to hear how the waivers have impacted the district. Please consider submitting a report that will be posted on the consent agenda of a regularly scheduled State Board meeting after the district's first year of utilizing this waiver.

Please let me know if you have any questions. I can be reached by phone at (501) 682-2130 or by email at Kelly.McLaughlin@arkansas.gov.

Sincerely,

Four Capitol Mall
Little Rock, AR
72201-1019
(501) 682-4475
ArkansasEd.gov

*An Equal
Opportunity
Employer*

Kelly McLaughlin, Program Advisor
Office of Charter Schools