

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of Senate Bill No. 758**  
"THE PUBLIC EDUCATION REORGANIZATION ACT."  
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**Amendment No. 1 to Senate Bill No. 758.**

Amend Senate Bill No. 758 as originally introduced:

Page 7, line 17, delete "teacher's" and substitute "teachers'"

AND

Page 11, delete lines 15 through 25, and substitute the following:

"(B) The prosecuting attorney who successfully prosecutes a school district board member for a felony shall immediately notify the remaining members of that board of the fact of the conviction and of the existence of a vacancy on the board of directors of the school district.

(2) When the State Board of Education determines a member of the board of directors of any school district in this state has committed an act or violation that jeopardizes the fiscal or academic integrity of a school or school district under the Administrative Accountability Law, § 6-15-1601, et seq., a vacancy shall immediately exist on that board of directors from the date of the final determination of the State Board of Education."

AND

Page 13, line 21, delete "(3) Subdivision (b)(3)" and substitute "(4) Subdivision (b)(3)"

AND

Page 16, line 8, delete "has" and substitute "having"

AND

Page 16, line 18, delete "standards of accreditation" and substitute "Standards of Accreditation of Arkansas Public Schools"

AND

Page 17, delete lines 11 through 13, and substitute the following:

"(1)(A) Employ teachers and other employees necessary for the proper conduct of the public schools of the district and make written contracts with teachers and all other employees in the form prescribed by the State Board of Education.



(B) There shall be four (4) copies of each contract made:  
(i) One (1) copy to be retained by the board;  
(ii) One (1) copy to be given to the employee;  
(iii) One (1) copy to be forwarded to the county  
treasurer if the county treasurer serves as treasurer for the school  
district; and  
(iv) One (1) copy to be filed with the county clerk  
of the county in which the school district is domiciled.

(C) The issuing of annual contracts to personnel, other  
than substitute teachers, employed on a daily basis and teachers shall be in  
writing and shall recite the duration of employment, specific duties, and  
annual salary;

(2) Shall have the care and custody of the educational  
facilities,”

AND

Page 23, delete line 28, and substitute the following:

“property and territory from the \_\_\_\_\_ (Unified / Regional / Special)  
School District~~+~~ of”

AND

Page 27, delete lines 30 through 33, and substitute the following:

“(d)(1)(A) Each Professional Development Center shall develop a  
professional development plan.

(B) The plan shall be based on the requirements within the  
Professional Development Rules and Regulations, State Board of Education  
priorities, student achievement data, and the school improvement plans of the  
member school districts.

(2) Improvement of student achievement shall be the prerequisite  
goal of all professional development.

(3) The plan shall include the purposes and descriptions of  
services the center shall provide to schools in school improvement and the  
other schools or entities served by the center.

(4)(A) Teachers, administrators, and classified school employees  
shall be involved in the design, implementation, and evaluation of the  
professional development offerings.

(B) The evaluation results shall be given to each group of  
employees and used for continuing improvement.”

AND

Page 35, line 27, delete “6-13-642” and substitute “6-13-637”

AND

Page 36, line 19, delete "county board election commission" and substitute "county board of election commissioners"

AND

Page 36, delete line 20, and substitute the following:

"otherwise required by law.

SECTION 23. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended to add an additional section to read as follows:

6-17-209. Interim Personnel Policy Committees.

(a) For purposes of this section the following definitions shall apply:

(1) "Consolidation" means any reorganization of a school district effective on or before July 1, 2004, either voluntarily under Arkansas Code Title 6, Chapter 13, Subchapter 14, or involuntary under this act of 2003;

(2) "Interim school board" means:

(A) The temporary school board governing a regional school district under this act; or

(B) In the event of a voluntary consolidation under Arkansas Code Title 6, Chapter 13, Subchapter 14, a board consisting of the presidents of the school district boards of directors of the school districts to be consolidated, which shall be formed for the purpose of reviewing and adopting a uniform set of policies under this section; and

(3) "New school district" means the resulting school district after consolidation.

(b) As soon as possible after the school boards or the qualified electors of the school districts agree to be consolidated, or as soon as possible after the State Board of Education publishes it's preliminary list of school districts to be consolidated, the personnel policy committee of each of the school districts involved in the consolidation shall meet individually and elect members to form an interim personnel policy committee for the new school district.

(1) The personnel policy committees of the existing school districts shall elect:

(A) If three (3) or fewer school districts are consolidating, three (3) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; or

(B) If four (4) or more school districts are

consolidating, two (2) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; and

(C) One (1) administrator from each of the school districts to serve on the interim personnel policy committee.

(2) The interim personnel policy committee shall elect a chairperson and a secretary, both of whom shall be classroom teachers, and schedule a calendar of meetings to review all the written uniform policies of the respective districts that affect the terms and conditions of the teachers' employment. From those written policies the interim personnel policy committee shall put together a proposed set of policies for the new school district.

(c)(1) After drafting a proposed set of policies for the new school district, the interim personnel policy committee shall meet with the interim school board of the new school district to present and explain to the interim school board the proposed set of policies for the new school district;

(2) Upon request of the interim personnel policy committee, the interim school board shall be entitled to meet with the interim personnel policy committee at least twice before June 1, 2004, for the purpose of reviewing, receiving, and discussing with the interim personnel policy committee the proposed policies for the new school district.

(d) The interim personnel policy committee shall serve as the new school district's personnel policy committee until a new personnel policy committee is formed and successor personnel policy committee members are elected under this subchapter, or until the new school district chooses to officially recognize in its policies an organization representing a majority of the teachers in the district for purposes of negotiating as provided for under this subchapter.

(e) The interim school board shall adopt a uniform set of policies before July 1, 2004, which shall be the personnel policies for the new school district for the 2004-2005 school year.

(1) If the interim school board decides to adopt any policy or policies different from those proposed by the interim personnel policy committee, the interim school board shall submit the proposals to the interim personnel policy committee at least seven (7) calendar days prior to being considered for adoption by the board;

(2) The chair of the interim personnel policy committee, or a committee member designated by the chair, will have the opportunity to orally comment on any of the interim school board's proposals prior to their adoption;

(3) Any written policy of a new school district that affects the terms and conditions of a teacher's employment shall be considered a personnel policy;

(4) The new personnel policies shall not impair or diminish the existing contract rights of any teacher.

(f) If a school district with a personnel policy committee consolidates with another school that recognizes in its policies an

organization representing the majority of the teachers of the district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern pursuant to Arkansas Code § 6-17-202, the teachers in the district with the personnel policy committee shall have the right, in their first year of employment with the new district, to elect to have their contract governed by the negotiated personnel policies of the new district or to continue with the terms of their existing contract under the personnel policies of the district they were employed by the year prior to the consolidation.

(g) The provisions of this section shall expire on July 1, 2005.

SECTION 24. Arkansas Code Title 6, Chapter 17, Subchapter 2, is amended to add an additional section to read as follows:

6-17-210. Reduction in Force – Lay-Offs.

(a) For purposes of this section the following definitions shall apply:

(1) “Certification area” means grade levels or subject area for which the state provides a license to teach;

(2) “Classified Employee” means a non-supervisory employee holding a position that is not required by law to hold a license issued by the State Board of Education and whose salary are on a support or classified salary schedule;

(3) “Consolidation” means any reorganization of a school district effective on or before July 1, 2004, either voluntarily under Arkansas Code Title 6, Chapter 13, Subchapter 14 or involuntary under this act of 2003;

(4) “Grade Level” means:

(A) Pre-kindergarten;

(B) Elementary, which consists of grades kindergarten through grades five (5) or six (6);

(C) Middle or Junior High, which consists of grades six (6) or grade seven (7) through grades eight (8) or nine (9); or

(D) Senior High, which consists of grades nine (9) through twelve (12);

(5) “New school district” means the resulting school district after consolidation;

(6) “Seniority” means the total number of years of employment as a teacher or as a classified employee in Arkansas public elementary and secondary schools. For purposes of this section:

(A) Teachers may not count service as classified employees towards seniority; and

(B) A semester under contract shall be counted as a year. Less than a semester shall not be recognized for seniority;

(7) "Supervisory Employee" means any individual employed by the school district having authority, in the interest of the employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees, the responsibility to evaluate them, or to adjust their grievances or effectively to recommend such action; and

(8) "Teacher" means a non-supervisory employee holding a position that requires a license from the State Board of Education whose salary is determined by the teacher salary schedule as required under Arkansas Code § 6-17-1001.

(b)(1) In the event of a consolidation effective on or before July 1, 2004, including the creation of regional school districts, the school districts to be consolidated shall not implement a reduction in force and shall not nonrenew or terminate any teacher's or classified employee's contract based upon the upcoming consolidation;

(2) The new school district shall become liable for all teacher and classified employee contracts of the school districts being consolidated.

(c)(1) If during the first two (2) years following a consolidation, effective on or before July 1, 2004, the new school district determines that it is necessary to reduce its staff of teachers or classified employees, or both and that the reduction cannot be accomplished through attrition, then the new school district shall follow the provisions of this section.

(2) However, nothing in this section shall exempt a new school district from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-17-1501, et seq., as may be amended, or the Public School Employee Fair Hearing Act, §§ 6-17-1707, et seq., as may be amended, when implementing the reduction in force.

(d) For both teachers and classified employees, the reduction in force shall be accomplished through attrition as much as possible.

(e) When a new school district determines that a reduction in force is necessary, it shall approve a list of position reductions by school, grade level, certification areas, and classified job positions. All employees shall receive a copy of the necessary reductions.

(f)(1) If the reduction in force cannot be accomplished through attrition, then points will be assigned to each teacher based upon data as of July 1 of the year prior to the time in which the reduction in force is to take place as follows:

(A) One (1) point shall be given for each year of seniority;

(B) Additional points for graduate degrees, but only one (1) applies:

(i) Two (2) points shall be given for an earned Master's Degree, maximum two (2) points;

(ii) Three (3) points shall be given for a Master's Degree plus thirty (30) additional graduate level hours, maximum three (3) points;

(iii) Four (4) points shall be given for an

Educational Specialist Degree, maximum four (4) points; and

(iv) Five (5) points shall be given for a Doctorate Degree, maximum five (5) points; and

(C) Six (6) points shall be given for certification by the National Board of Professional Teaching Standards.

(D) One (1) point shall be given for a trained mentor teacher;

(E) One (1) point shall be given for a certified Praxis assessor;

(F) One (1) point shall be given for two (2) or more academic content areas of endorsement as identified by the State Board of Education;

(G) One (1) point shall be given for certification or teaching in a State Board of Education approved shortage area; and

(H) One (1) point shall be given for multiple areas and levels of licensure as identified by the State Board of Education.

(2) All points assigned shall be verified by documents on file with the new school district. Each teacher's points shall be added, and teachers shall be ranked by the total points from high to low in their certification areas. All teachers in the new school district shall receive the listing of personnel and point totals.

(3) In each certification area, those with fewest points will be laid-off first with the following provisos:

(A) Full certification in a position shall prevail over greater points.

(B) If points are equal, earliest date of employment in an Arkansas public school shall prevail.

(4) If teachers are laid-off from employment under this section, they shall be offered an opportunity to fill a vacancy for which they are qualified, for a period of up to two (2) years. The laid-off teacher shall be recalled for a period of two (2) years in reverse order of the lay-off to any position for which they are qualified. A teacher's refusal of a position shall end the district's obligation to place the laid-off teacher.

(g) In the event of a necessary reduction in force under this section of classified employees, the school district shall supply all classified employees a list of employees by length of service. The school district shall first lay-off probationary classified employees, then the classified employees with the least seniority in the identified job classification. For two (2) years following the reduction, classified employees whose positions have been eliminated due to a reduction under this section shall have the right to assume a position for which they are qualified that is held by the least senior classified employee with the same job classification and length of contract. Laid-off classified employees shall be recalled for a period of two (2) years in reverse order of the lay-off to any position for which they are qualified. Any classified employee's refusal of a job shall end the district's obligation to place that classified employee.

(h) Laid-off teachers or classified employees with skills in the area of a vacant position shall be given first consideration. If more than one (1) teacher or classified employee is qualified for the vacant position, the teacher with the greatest seniority shall be employed first.

(i) The provisions of this section shall expire on July 1, 2006, with the exception of the recall provisions in subsections (f)(4), (g), and (h) of this section.

AND

Appropriately renumber the remaining sections of the bill

AND

Page 37, delete lines 19 through 20, and substitute the following:

“or employed by an education service cooperative by the Department of Education and the teacher does not teach in a classroom with students, the”

AND

Page 39, line 3, delete “~~§§ 6-13-620 and 6-17-919~~” and substitute “~~§§ 6-13-620~~ 6-13-643 and 6-17-919”

AND

Page 45, line 4, delete “under this section” and substitute “for alternative learning environments”

AND

Page 48, line 33, delete "However, the ~~course~~" and substitute "However, ~~the course~~"

AND

Page 55, delete lines 3 through 7, and substitute the following:

“(3) On July 1, 2004, the Department of Education shall become the successor in interest to the property of the education service cooperatives dissolved under this act of 2003. The Department of Education shall not assume any debts of the dissolved education service cooperatives. The Department of Education may assume any contracts issued by the education service cooperatives.”



The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Argue  
KAS/VJF - 031220030923  
VJF694

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Secretary