

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: H4/10/03

# A Bill

HOUSE BILL 2843

5 By: Representative White  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER  
10 17, SUBCHAPTER 2 TO PROVIDE FOR A UNIFORM  
11 REDUCTION IN FORCE POLICY; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

15 AN ACT TO AMEND ARKANSAS CODE TITLE 6,  
16 CHAPTER 17, SUBCHAPTER 2 TO PROVIDE FOR  
17 A UNIFORM REDUCTION IN FORCE POLICY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 *SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended*  
23 *to add the following section:*

24 6-17-210. Reduction in force – Lay-offs.

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

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

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

33 (3) “Consolidation” means any reorganization, merger, collapse,  
34 or annexation of any school districts or portions thereof either voluntarily  
35 or involuntarily.

36 (4) “Grade level” means:



1                   (A) Pre-kindergarten;

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

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

6                   (D) Senior high, which consists of grades nine (9) through  
7 twelve (12);

8                   (5) "New school district" means the resulting school district  
9 after consolidation.

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

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

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

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

22                   (8) "Teacher" means a non-supervisory employee holding a  
23 position that requires a license from the State Board of Education whose  
24 salary is determined by the teacher salary schedule as required under § 6-17-  
25 1001.

26                   (b)(1) In the event of a consolidation, the school districts to be  
27 consolidated shall not implement a reduction in force and shall not nonrenew  
28 or terminate any teacher's or classified employee's contract based upon the  
29 upcoming consolidation;

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

32                   (c)(1) If during the first two (2) years following a consolidation,  
33 the new school district determines that it is necessary to reduce its staff  
34 of teachers or classified employees, or both, and that the reduction cannot  
35 be accomplished through attrition, then the new school district shall follow  
36 the provisions of this section; but

1 (2) Nothing in this section shall exempt a new school district  
2 from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-17-1501, et  
3 seq., as may be amended, or the Public School Employee Fair Hearing Act, §§  
4 6-17-1707, et seq., as may be amended, when implementing the reduction in  
5 force.

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

8 (e)(1) When a new school district determines that a reduction in force  
9 is necessary, it shall approve a list of position reductions by school, grade  
10 level, certification areas, and classified job position(s).

11 (2) All employees shall receive a copy of the necessary  
12 reductions.

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

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

19 (B) Additional points for graduate degree(s) but only one  
20 (1) applies:

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

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

26 (iii) Four (4) points shall be given for an  
27 Educational Specialist Degree, maximum four (4) points; and

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

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

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

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

36 (F) One (1) point shall be given for two (2) or more

1 academic content areas of endorsement as identified by the State Board of  
2 Education;

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

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

7 (2)(A) All points assigned shall be verified by documents on  
8 file with the new school district.

9 (B) Each teacher's points shall be added, and teachers  
10 shall be ranked by total points from high to low in their certification  
11 area(s).

12 (C) All teachers in the new school district shall receive  
13 the listing of personnel and point totals.

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

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

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

20 (4)(A) If teachers are laid-off from employment pursuant to this  
21 act, they shall be offered an opportunity to fill a vacancy for which they  
22 are qualified, for a period of up to two (2) years.

23 (B) The laid-off teacher shall be recalled for a period of  
24 two (2) years in reverse order of the lay-off to any position for which they  
25 are qualified.

26 (C) A teacher's refusal of a position shall end the school  
27 district's obligation to place the laid-off teacher.

28 (g)(1) In the event of a necessary reduction in force under this  
29 section of classified employees, the school district shall supply all  
30 classified employees a list of employees by length of service.

31 (2) The school district shall first lay-off probationary  
32 classified employees, then the classified employees with the least seniority  
33 in the identified job classification.

34 (3) For two (2) years following the reduction, classified  
35 employees whose positions have been eliminated due to a reduction under this  
36 act shall have the right to assume a position for which they are qualified

1 that is held by the least senior classified employee with the same job  
2 classification and length of contract.

3 (4) Laid-off classified employees shall be recalled for a period  
4 of two (2) years in reverse order of the lay-off to any position for which  
5 they are qualified.

6 (5) Any classified employee's refusal of a job shall end the  
7 district's obligation to place that classified employee.

8 (h)(1) Laid-off teachers or classified employees with skills in the  
9 area of a vacant position shall be given first consideration.

10 (2) If more than one teacher or classified employee is qualified  
11 for the vacant position, the one with the greatest seniority shall be  
12 employed first.

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14 /s/ White  
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