

A Bill

By: Representatives Weaver, Seawel, Adams, Bennett, Bolin, Fite, Hickinbotham, House, Milligan, Oglesby, L. Prater, J. Taylor, Walters, Dees

By: Senators Miller, Critcher, Glover, G. Jeffress, J. Jeffress, Laverty, Womack, Gullett, Horn

For An Act To Be Entitled

AN ACT PERTAINING TO STATE SCHOOL STANDARDS AND TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE EDUCATION IN ARKANSAS SCHOOLS AND TO ADDRESS THE DISPARITY IN TEACHERS' SALARIES; AND FOR OTHER PURPOSES.

Subtitle

AN ACT PERTAINING TO STATE SCHOOL STANDARDS AND TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE AND EFFICIENT EDUCATION IN ARKANSAS SCHOOLS AND ADDRESS THE DISPARITY IN TEACHERS' SALARIES.

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

SECTION 1. Arkansas Code Title 6, Chapter 17, is amended to add the following subchapter:

6-17-2401. Title.

This subchapter shall be known and may be cited as the "Minimum Teacher Compensation Act of 2003".

6-17-2402. Legislative intent.

The intent of this subchapter is for the State of Arkansas to create a teacher compensation system that:



1 (1) Drives improvements in student academic achievement;

2 (2) Attracts and retains the best teachers possible;

3 (3) Provides teachers with meaningful and rewarding

4 opportunities for advancement in the profession based on the acquisition of
5 skills that enhance instructional excellence and student learning, taking on
6 leadership roles, and making exceptional professional contributions;

7 (4) Motivates and provides financial incentives for teacher
8 efforts and performance that leads directly to improved student achievement;

9 (5) Encourages and rewards teachers individually for increasing
10 their knowledge, skills, and competencies, and rewards teachers collectively
11 for improving student performance;

12 (6) Promotes a sense of ownership for student results and a
13 commitment to perform in a manner that promotes student achievement;

14 (7) Promotes professional collegial cooperation;

15 (8) Causes teachers to have a keen understanding of what is
16 expected of them and the priorities of the state; and

17 (9) Will be affordable, somewhat predictable, and in keeping
18 with the state's educational and fiscal objectives.

19
20 6-17-2403. Definitions.

21 As used in this subchapter:

22 (1) "Basic contract" means a teacher employment contract for a
23 number of days that does not exceed the number of days in the school year
24 required by the State Board of Education for accreditation for the school
25 year in which the contract is effective; and

26 (2) "Teacher" means any full-time employee of a public school
27 district who is compelled by law to secure a license from the state board as
28 a condition precedent to employment in a position in or related to grades
29 pre-kindergarten through twelve (preK-12) of the public schools of this
30 state.

31
32 6-17-2404. Minimum teacher compensation schedule for 2004-2005.

33 (a) In school year 2004-2005 and each year thereafter, the board of
34 directors in each school district in the state shall pay their teachers upon
35 a salary schedule that:

36 (1) Has annual increments for education and experience;

1 (2) Provides for a base salary; and

2 (3) Provides for a minimum salary for a teacher with a master's
3 degree and at least fifteen (15) years of experience.

4 (b)(1) In school year 2004-2005, each school district shall have in
5 place a salary schedule with at least the following levels of compensation
6 for the basic contract:

<u>Years Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
<u>0</u>	<u>\$28,000</u>	<u>\$31,080</u>
<u>1</u>	<u>28,444</u>	<u>31,590</u>
<u>2</u>	<u>28,888</u>	<u>32,100</u>
<u>3</u>	<u>29,332</u>	<u>32,610</u>
<u>4</u>	<u>29,776</u>	<u>33,120</u>
<u>5</u>	<u>30,220</u>	<u>33,630</u>
<u>6</u>	<u>30,664</u>	<u>34,140</u>
<u>7</u>	<u>31,108</u>	<u>34,650</u>
<u>8</u>	<u>31,552</u>	<u>35,160</u>
<u>9</u>	<u>31,996</u>	<u>35,670</u>
<u>10</u>	<u>32,440</u>	<u>36,180</u>
<u>11</u>	<u>32,884</u>	<u>36,690</u>
<u>12</u>	<u>33,328</u>	<u>37,200</u>
<u>13</u>	<u>33,772</u>	<u>37,710</u>
<u>14</u>	<u>34,216</u>	<u>38,220</u>
<u>15 years or more</u>	<u>34,660</u>	<u>38,730</u>

24 (2) For purposes of the salary schedule defined in this
25 subsection (b), the teacher's experience shall be his or her total years in
26 any public school district in the state, and shall not be based only upon the
27 years in the school district in which he or she is currently employed.

28
29 6-17-2405. Additional pay for certain teacher qualities.

30 (a)(1) For the school year 2004-2005 and every school year thereafter,
31 school districts shall pay a teacher an additional four and six tenths
32 percent (4.6%) of the teacher's salary if the teacher teaches in an academic
33 field in which there is a shortage of teachers.

34 (2) The State Board of Education shall determine for each school
35 year the academic areas in which there is a shortage of teachers.

36 (b)(1) For the school year 2004-2005 and every school year thereafter,

1 school districts shall pay a teacher an additional ten percent (10%) of the
2 teacher's salary if the teacher teaches in a geographic area in which there
3 is difficulty in recruiting and retaining teachers.

4 (2) The state board shall determine for each school year the
5 geographic areas in which there is a difficulty in recruiting and retaining
6 teachers.

7
8 6-17-2406. Salary amount.

9 (a) The Arkansas Teachers' Salaries Study Commission created under
10 § 6-17-806 shall annually review the minimum base salary of certified
11 teachers for grades kindergarten through twelve (K-12) and make
12 recommendations to the Department of Education, the Governor, and the General
13 Assembly for modifications as the commission shall deem appropriate.

14 (b) The State Board of Education may authorize the department to
15 permit a school district to pay a teacher or teachers an amount exceeding,
16 but not less than, the amount set forth in the teacher salary schedule, if:

17 (1) The department has determined that the school district has a
18 critical shortage of teachers;

19 (2) The teacher or teachers have a certification in a subject-
20 matter area that the department has determined to have a critical shortage of
21 teachers;

22 (3) The teacher's particular skills, performance, training, or
23 experience would warrant a salary increase; or

24 (4) The school district or a particular school is experiencing a
25 hardship in recruiting or retaining teachers because the teacher salary
26 schedule is significantly disproportionate to the average salaries paid in
27 other available job markets in the county.

28 (c) The requirements in subsection (b) of this section do not place a
29 cap or maximum on the amount that school districts may pay their teachers.

30 (d) The salary schedule implemented by this subchapter shall only be
31 valid if completely funded by appropriations from the General Assembly. If a
32 lesser amount than is required to fully fund the salary schedule in each
33 district is funded by the General Assembly, the school district's requirement
34 will be proportionately reduced and the minimum salary schedule required
35 shall be reduced proportionately to the reduction in funding made available.

36

1 6-17-2407. Incentives.

2 (a) The Department of Education shall establish and fund financial
3 incentives for:

4 (1) Geographic and subject-matter areas in which a critical
5 shortage of teachers exists; and

6 (2) Schools determined by the State Board of Education to need
7 assistance in recruiting and retaining good certified teachers because those
8 schools have:

9 (A) Seventy-five percent (75%) or more of their students
10 performing below basic on the state benchmark tests;

11 (B) A three-year history of low student performance based
12 on the definitions of the Arkansas Comprehensive Testing, Assessment, and
13 Accountability Program; or

14 (C) Been unsuccessful in recruiting and maintaining
15 teachers based on the salary schedule of the district.

16 (b) The incentives are as follows:

17 (1)(A) A loan forgiveness or scholarship program to recruit high
18 quality people to teach in the areas identified under subsection (a) of this
19 section.

20 (B) The amount of scholarship or loan amount forgiven is
21 limited to two thousand five hundred dollars (\$2,500) per calendar year for
22 up to four (4) years if the teacher teaches in an area identified under
23 subsection (a) of this section.

24 (C) The state board shall promulgate regulations to
25 implement this program; and

26 (2) A salary of up to one hundred ten percent (110%) of the
27 certified salary of the district in which the teacher is hired if:

28 (A) Either:

29 (i) The teacher participates in an initial rigorous
30 twenty-day training session focused on improving student achievement; or

31 (ii) The school employing the teacher demonstrates
32 improved student performance by reaching adequate yearly progress minimum
33 levels for students as outlined in the Arkansas plan for meeting the federal
34 No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., and the Arkansas
35 Comprehensive Testing, Assessment, and Accountability Program.

36 (B) For every school year that a teacher fails to meet the

1 requirements of either subdivision (b)(2)(A)(i) or subdivision (b)(2)(A)(ii)
2 of this section, the teacher shall participate annually in the regular
3 twenty-day training session for teachers on improving student achievement
4 until one (1) of those provisions is met or sustained, or both.

5 (c)(1) Each school district desiring to participate in the financial
6 incentive programs available under this section must file a request with the
7 state board by January 1 of the school year prior to the school year for
8 which the incentives may be available.

9 (2) Based upon the school district's request and any additional
10 information required by the department or the state board, the state board
11 shall determine whether the requirements of subsection (a) of this section
12 have been met and notify the district of the decision.

13
14 SECTION 2. (a)(1) On March 1, 2005, the Department of Education shall
15 determine whether each school district meets the Standards of Accreditation
16 for Arkansas Public Schools, as the standards exist by rule on January 1,
17 2004, and meets the teacher salary requirements provided by law. If on March
18 1, 2005, a school district fails to meet the standards of accreditation or
19 the teacher salary requirements, the school district shall be subject to
20 sanctions under The Quality Education Act of 2003, § 6-15-201 et seq.

21 (2)(A) If, as a result of not meeting the Standards of
22 Accreditation for Arkansas Public Schools or the teacher salary requirements
23 as required on March 1, 2005, a school district is ordered to consolidate or
24 to be annexed:

25 (i) The resulting school district must have at least
26 five hundred (500) students per the district's average daily membership;

27 (ii) The consolidation or annexation shall be
28 administrative and shall not be construed to require the closing of any
29 school; and

30 (iii) Any school qualifying as an isolated school
31 under Arkansas Code § 6-20-601 that is in school district subject to
32 consolidation or annexation under this section shall remain open under the
33 resulting district.

34 (B) Nothing in this section shall prohibit voluntary
35 consolidation or annexation of a school district.

36 (b)(1) A school district in which at least seventy-five percent (75%)

1 of the students are eligible for the free or reduced-price lunch program
2 under the National School Lunch Act or any other act of Congress and that
3 does not meet the standards of accreditation during the 2003-2004 school year
4 shall be assigned a school improvement team from the Department of Education
5 by July 1, 2004.

6 (2) On March 1, 2005, any school district under subdivision
7 (b)(1) that continues to fail to meet the Standards of Accreditation for
8 Arkansas Public Schools or the teacher salary requirements shall be granted
9 one (1) year of probationary status and shall continue to receive assistance
10 from the Department of Education school improvement team if, based on the
11 exams administered in the 2004-2005 school year, the school district shows at
12 least six percent (6%) progress or meets annual yearly progress in three (3)
13 of the following six (6) exams:

14 (A) The benchmark exams for the forth grade, sixth grade,
15 and eighth grade; and

16 (B) The end of course exams for algebra I, geometry, and
17 literature.

18
19 SECTION 3. Consolidation or annexation assistance funds.

20 (a) Immediately upon the effective date of this act, the Chief Fiscal
21 Officer of the State shall transfer on his books and those of the State
22 Treasurer and the Auditor of the State the sum of fifteen million dollars
23 (\$15,000,000) from funds received from the Jobs and Growth Tax Relief
24 Reconciliation Act of 2003, Public Law 108-27 to the Department of Education
25 Public School Fund Account there to be used for the consolidation or
26 annexation incentive provided in this section.

27 (b)(1) The state shall pay consolidation or annexation assistance
28 funds to each school district having an average daily membership of less than
29 five hundred (500) for each of the two (2) school years preceding the school
30 year in which the consolidation or annexation petition is filed, if the
31 school district voluntarily consolidates with another school district or
32 school districts or voluntarily is annexed to another school district or
33 districts and the resulting district has an average daily membership of at
34 least five hundred (500).

35 (2) The State Board of Education shall promulgate rules
36 concerning the distribution of consolidation or annexation assistance funds.

1
2 SECTION 4. Definitions.

3 (a) As used in section 2 and 3 of this act, "average daily membership"
4 means the total number of days attended plus the total number of days absent
5 by students in grades kindergarten through twelve (K-12) during the first
6 three (3) quarters of each school year divided by the number of school days
7 actually taught in the district during that period of time rounded up to the
8 nearest hundredth.

9 (b) Students who may be counted for average daily membership are:

10 (1) Students who reside within the boundaries of the school
11 district and who are enrolled in a public school operated by the district or
12 a private school for special education students, with their attendance
13 resulting from a written tuition agreement approved by the Department of
14 Education;

15 (2) Legally transferred students living outside the district but
16 attending a public school in the district; and

17 (3) Students who reside within the boundaries of the school
18 district and who are enrolled in the Arkansas National Guard Youth Challenge
19 Program, so long as the students are participants in the program.

20
21 SECTION 5. Arkansas Code §§ 6-17-1001 through 6-17-1004 are repealed.

22 ~~6-17-1001. Minimum base salary—Master's degree.~~

23 ~~(a)(1) The board of directors in each school district in the state~~
24 ~~shall pay its teachers upon a salary schedule which has annual increments for~~
25 ~~education and experience and which provides for a base salary, a minimum~~
26 ~~salary for a teacher with a master's degree, and at least fifteen (15) years~~
27 ~~of experience as described in this section.~~

28 ~~(2) Beginning with the 2003-2004 school year, the teacher's~~
29 ~~experience for purposes of salary and benefits shall be his or her total~~
30 ~~years in any school district in the state and shall not be based on only the~~
31 ~~years in the district in which he or she is currently employed.~~

32 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~
33 ~~school district shall pay its teachers with a bachelor's degree and no~~
34 ~~experience less than twenty-one thousand eight hundred sixty dollars~~
35 ~~(\$21,860).~~

36 ~~(c) In school year 2000-2001 and in each school year thereafter,~~

~~school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

~~(d) In school year 2001-2002 and in each school year thereafter, school districts shall pay a teacher with a master's degree and at least fifteen (15) years of experience one hundred fifty percent (150%) of the state minimum base salary.~~

~~(e)(1) In school year 1995-1996 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fourteen (14) annual increments for experience.~~

~~(2) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

~~(3) In school year 2001-2002 and in each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation:~~

Years Experience	BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139
1	22,304	25,649
2	22,748	26,159
3	23,192	26,669
4	23,636	27,179
5	24,080	27,689
6	24,524	28,199
7	24,968	28,709
8	25,412	29,219
9	25,856	29,729
10	26,300	30,239
11	26,744	30,749
12	27,188	31,259
13	27,632	31,769
14	28,076	32,279
15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

1 ~~(g) For the 1998-1999 school year and for each year thereafter, each~~
2 ~~school district shall provide no less than four hundred-dollar increments for~~
3 ~~experience for teachers with three (3) and four (4) years of experience.~~

4 ~~(h) For the 1999-2000 school year and for each year thereafter, each~~
5 ~~school district shall provide no less than four hundred-dollar increments for~~
6 ~~experience for teachers with five (5) and six (6) years of experience.~~

7 ~~(i) For the 2000-2001 school year and for each year thereafter, each~~
8 ~~school district shall provide no less than four hundred-dollar increments for~~
9 ~~experience for teachers with seven (7) and eight (8) years of experience.~~

10 ~~(j) For the 2001-2002 school year and for each year thereafter, each~~
11 ~~school district shall provide no less than four hundred-dollar increments for~~
12 ~~experience for teachers with nine (9) and ten (10) years of experience.~~

13 ~~(k) For the 2002-2003 school year and for each year thereafter, each~~
14 ~~school district shall provide no less than four hundred-dollar increments for~~
15 ~~experience for teachers with eleven (11) and twelve (12) years of experience.~~

16 ~~(l)(1) For the 2003-2004 school year and for each year thereafter,~~
17 ~~each school district shall provide no less than four hundred-dollar~~
18 ~~increments for experience for teachers with thirteen (13) years of~~
19 ~~experience.~~

20 ~~(2) For the 2004-2005 school year and for each year thereafter,~~
21 ~~each school district shall provide no less than four hundred-dollar~~
22 ~~increments for experience for teachers with fourteen (14) years of~~
23 ~~experience.~~

24 ~~(3) For the 2005-2006 school year and for each year thereafter,~~
25 ~~each school district shall provide no less than four hundred-dollar~~
26 ~~increments for experience for teachers with fifteen (15) years of experience.~~

27 ~~(m) Subsections (f)-(l) of this section shall not apply to any local~~
28 ~~school district whose minimum salary for teachers exceeds twenty-one thousand~~
29 ~~eight hundred sixty dollars (\$21,860) and whose average salary exceeds the~~
30 ~~state average salary for teachers for the previous year.~~

31 ~~(n) As used in this section, "teacher" shall include any full-time~~
32 ~~employee of a local public school district:~~

33 ~~(1) Who is compelled by law to secure a license from the State~~
34 ~~Board of Education as a condition precedent to employment in a position in or~~
35 ~~related to grades prekindergarten through twelve (preK-12) of the public~~
36 ~~schools of this state; and~~

1 ~~(2) Who is:~~

2 ~~(A) Engaged directly in instruction with students in a~~
3 ~~classroom setting for more than seventy percent (70%) of the individual's~~
4 ~~contracted time;~~

5 ~~(B) A guidance counselor; or~~

6 ~~(C) A librarian.~~

7 ~~(o) All minimum salaries set forth in this section shall be for a~~
8 ~~contract number of days that is not more than the number of days in the~~
9 ~~school year required by the State Board of Education's regulations for~~
10 ~~accreditation for the school year in which the contract is effective.~~

11 ~~(p)(1) A district that determines that it cannot meet the minimum~~
12 ~~salary requirements of this section from funds available may petition the~~
13 ~~Department of Education for a waiver of the requirements of this section for~~
14 ~~up to three (3) school years based on regulations promulgated by the State~~
15 ~~Board of Education.~~

16 ~~(2) The department shall not grant a waiver to any district that~~
17 ~~is not in compliance with the uniform rate of tax requirements under Arkansas~~
18 ~~Constitution, Amendment 74.~~

19
20 ~~6-17-1002. Salary amount—Annual review.~~

21 ~~(a) The salaries fixed herein shall be regarded as minimum salaries~~
22 ~~only, and each district may supplement such salaries. No teacher shall~~
23 ~~receive a reduced salary as a result of this subchapter's requirements.~~

24 ~~(b) Base salary shall not be raised until all teachers within a~~
25 ~~district are paid equal to or greater than the minimum requirements~~
26 ~~established herein. Each school district shall develop its own salary~~
27 ~~schedule with salaries equal to or greater than the required minimums set~~
28 ~~forth herein.~~

29 ~~(c) The Arkansas Teachers' Salaries Study Commission shall annually~~
30 ~~review the minimum base salary and make recommendations to the Department of~~
31 ~~Education, the Governor, and the General Assembly for such modifications as~~
32 ~~the commission shall deem appropriate.~~

33
34 ~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

35 ~~(a) The State Board of Education is empowered to enforce the~~
36 ~~provisions of this subchapter and is specifically authorized to order the~~

~~dissolution and merger of any school district which fails to comply with the minimum salary requirements established by this subchapter. Any appeal from a decision of the board ordering the dissolution and merger of a school district for failure to comply with the provisions of this subchapter shall be filed in the Circuit Court of Pulaski County and must be filed within thirty (30) days of the decision of the board.~~

~~(b) The board shall issue rules and regulations to implement this subchapter.~~

~~6-17-1004. Salary goals.~~

~~(a) The personnel policies committees and negotiating teams established and maintained in Arkansas public schools are encouraged to set and meet five year goals to substantially increase teacher salaries. In setting realistic yet meaningful salary goals, the committees and teams shall consider exceeding the state, regional Southern Regional Education Board states, border states, or national average salaries for teachers.~~

~~(b) Within two (2), four (4), and five (5) years following the adoption of this section, school districts shall report to the Arkansas Teachers' Salaries Study Commission and the Department of Education the goals developed, adopted, and met."~~

~~SECTION 6. Arkansas Code Title 6, Chapter 17, Subchapter 21 is repealed.~~

~~6-17-2101. Title.~~

~~This subchapter, § 6-5-307(a), and § 6-20-412 shall be known as "The Educator Compensation Act of 2001".~~

~~6-17-2102. Legislative findings and intent.~~

~~(a) The General Assembly determines that:~~

~~(1) Salaries of Arkansas educators have traditionally lagged behind the salaries of educators in the nation and in the states that surround Arkansas;~~

~~(2) Even though educators have achieved annual increases of approximately three and two tenths percent (3.2%) in recent years, Arkansas is still far behind its neighboring states;~~

~~(3)(A) Nationally and within Arkansas, there has developed a~~

1 ~~shortage of qualified educators in certain fields of teaching.~~

2 ~~(B) One of the reasons for this shortage is that Arkansas~~
 3 ~~educators lag behind other professionals in salary amount;~~

4 ~~(4) The most important part of a student's educational~~
 5 ~~experience is the people who actually educate them; and~~

6 ~~(5) It is necessary to attract qualified educators to the public~~
 7 ~~education system in order to increase the achievement of all Arkansas public~~
 8 ~~school students.~~

9 ~~(b) It is the intent of the General Assembly that:~~

10 ~~(1) This subchapter shall not supplant, but shall supplement,~~
 11 ~~traditional pay increases that have occurred at the local level in recent~~
 12 ~~years;~~

13 ~~(2) School districts should not stop or alter any intentions to~~
 14 ~~give educators a salary increase in the current school year because of the~~
 15 ~~enactment of this subchapter; and~~

16 ~~(3) This subchapter is the first of many steps that must be and~~
 17 ~~shall be taken by the General Assembly to increase the quality of the working~~
 18 ~~force in education over the upcoming years.~~

19
 20 ~~6-17-2103. Definitions.~~

21 ~~As used in this subchapter, unless the context otherwise requires:~~

22 ~~(1) "Required salary increase" means:~~

23 ~~(A) For fiscal year 2002, an amount no less than one~~
 24 ~~thousand dollars (\$1,000), excluding benefits and employer contributions to~~
 25 ~~teacher retirement and social security, over a targeted educator's salary for~~
 26 ~~fiscal year 2001; and~~

27 ~~(B) For fiscal year 2003 an amount no less than three~~
 28 ~~thousand dollars (\$3,000), excluding benefits and employer contributions to~~
 29 ~~teacher retirement and social security, over a targeted educator's salary for~~
 30 ~~fiscal year 2001;~~

31 ~~(2) "Targeted educator" means an individual employed by a school~~
 32 ~~district, and:~~

33 ~~(A) Who must hold a certificate issued by the State Board~~
 34 ~~of Education in order to be employed in the individual's present position;~~
 35 ~~and~~

36 ~~(B) Whose primary job responsibilities are for the~~

1 ~~education of public school students in grades prekindergarten through twelve~~
2 ~~(PK-12) and do not include districtwide administrative duties.~~

3
4 ~~6-17-2104. Method for implementation.~~

5 ~~(a) On or before June 30 of each fiscal year, each local school~~
6 ~~district shall have implemented the required salary increase or have received~~
7 ~~a waiver from the Department of Education under § 6-17-2105.~~

8 ~~(b) A school district shall implement the required salary increase in~~
9 ~~a variety of methods, including:~~

10 ~~(1) Increasing the base salaries of the targeted educators by~~
11 ~~the required salary increase;~~

12 ~~(2) Paying a supplement to the salaries of the targeted~~
13 ~~educators at each step and each lane of the salary schedule equal to the~~
14 ~~required salary increase and making the supplement an addendum to the~~
15 ~~targeted educator's contract. The supplement, added to the targeted~~
16 ~~educator's regular salary, shall equal the targeted educator's total salary~~
17 ~~which shall be a continuing obligation; or~~

18 ~~(3) A combination of subdivisions (b)(1) and (b)(2) of this~~
19 ~~section.~~

20 ~~(c) Any school district utilizing the method stated in subsection~~
21 ~~(b)(2) of this section shall clearly mark those supplements under the title~~
22 ~~"Targeted Educator Compensation Act Supplement" in order to make the method~~
23 ~~easily identifiable. The "Targeted Educator Compensation Act Supplement"~~
24 ~~shall be incorporated into the salary schedule in the same way as other~~
25 ~~salary supplements under §§ 6-17-201—6-17-208.~~

26 ~~(d) Notwithstanding the method used under subsection (b) of this~~
27 ~~section, the required salary increase shall be a continuing salary obligation~~
28 ~~of the school districts.~~

29 ~~(e) Targeted educators who work on a part-time basis or individuals~~
30 ~~who qualify as targeted educators on a part-time basis shall receive a pro~~
31 ~~rata share of the required salary increase equal to the proportion of time~~
32 ~~that they are employed.~~

33 ~~(f)(1) Nothing in this section shall be construed to prohibit a school~~
34 ~~district from implementing the required salary increase for fiscal year 2003~~
35 ~~by exceeding the required salary increase for fiscal year 2002 and paying the~~
36 ~~difference between the required salary increase for fiscal year 2003 and the~~

1 ~~actual amount applied to the required salary increase for fiscal year 2002.~~

2 ~~(2) The legislative intent of this subchapter is that all~~
3 ~~targeted educators will receive a required salary increase of three thousand~~
4 ~~dollars (\$3,000) by fiscal year 2003.~~

5 ~~(g)(1) Nothing in this subchapter shall be construed to allow the step~~
6 ~~increases for education and experience, required under § 6-17-1001, as~~
7 ~~currently established in the individual school district, to be applied to the~~
8 ~~required salary increase as meeting the requirements under the provisions of~~
9 ~~this subchapter.~~

10 ~~(2) Nothing in this subchapter shall be construed as to allow~~
11 ~~any other method than increases in the base salary to fulfill the existing~~
12 ~~requirements of § 6-17-1001 pertaining to the minimum salaries of teachers.~~

13 ~~(3) Nothing in this subchapter shall be construed to prohibit a~~
14 ~~school district from raising its salaries in excess of the required salary~~
15 ~~increase.~~

16 ~~(h) Nothing in this subchapter shall be interpreted to preclude school~~
17 ~~district employees other than targeted educators from receiving a similar~~
18 ~~increase in salary.~~

19 ~~(i) School districts are prohibited from instituting quid pro quo~~
20 ~~situations in which school districts extend the length of or add additional~~
21 ~~duties to the targeted educator's contract in return for the required salary~~
22 ~~increase.~~

23 ~~(j) The required salary increase for targeted educators who are~~
24 ~~prekindergarten teachers shall only be required to be implemented if the~~
25 ~~local school district has sufficient funds available to completely implement~~
26 ~~the required salary increase for the given fiscal year.~~

27
28 ~~6-17-2105. Exemptions.~~

29 ~~(a) Any local school district engaged in agreed to collective~~
30 ~~bargaining with its certified staff shall be exempt from the provisions of~~
31 ~~this subchapter to the extent that school districts in collective bargaining~~
32 ~~shall negotiate on salaries and other terms and conditions of employment.~~
33 ~~This section in no way is to be interpreted as altering or replacing any~~
34 ~~collective bargaining agreement in place at the time of the enactment of this~~
35 ~~subchapter.~~

36 ~~(b)(1) Any local school district may petition the Department of~~

1 ~~Education for a waiver from the provisions of this subchapter.~~

2 ~~(2) The waiver shall not be for a time greater than three (3)~~
3 ~~years.~~

4 ~~(3) The process for the waiver shall be the same as the process~~
5 ~~for a local school district to receive a waiver under § 6-17-1001.~~

6 ~~(4) Any local school district that petitions for and is granted~~
7 ~~a waiver from this subchapter shall be placed in Phase I of fiscal distress~~
8 ~~as defined under §§ 6-20-1601—6-20-1610.~~

9
10 ~~6-17-2106. Regulatory authority and enforcement.~~

11 ~~(a) The State Board of Education shall have the authority, acting~~
12 ~~pursuant to its rule-making power, to promulgate appropriate rules and~~
13 ~~regulations for the implementation of the provisions of this subchapter.~~

14 ~~(b) The provisions of this subchapter shall be audited on an annual~~
15 ~~basis.~~

16 ~~(c) Any school district that has been found to not be in compliance~~
17 ~~with the provisions of this subchapter shall be placed on Phase I fiscal~~
18 ~~distress under the provisions of § 6-20-1601 et seq.~~

19
20 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
22 Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) declared the now-
23 extant system of education to be unconstitutional because it is both
24 inequitable and inadequate; that the Arkansas Supreme Court set forth the
25 test for the constitutional system to be one in which the state has an
26 "absolute duty" to provide an "equal opportunity to an adequate education";
27 and that the Arkansas Supreme Court instructed the General Assembly to define
28 and provide what is necessary for an adequate and equitable education for the
29 children of Arkansas. Therefore, an emergency is declared to exist and this
30 act being immediately necessary for the preservation of the public peace,
31 health, and safety shall become effective on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,
34 the expiration of the period of time during which the Governor may veto the
35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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/s/ Weaver

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