

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

*As Engrossed: H12/11/03*  
**A Bill**

Call Item 4

HOUSE BILL 1021

5 By: Representatives Weaver, Seawel, Adams, Bennett, Bolin, Fite, Hickinbotham, House, Milligan,  
6 Oglesby, L. Prater, J. Taylor, Walters  
7 By: Senators Miller, Critcher, Glover, G. Jeffress, J. Jeffress, Laverty  
8  
9

10 **For An Act To Be Entitled**

11 AN ACT PERTAINING TO STATE SCHOOL STANDARDS AND  
12 TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE  
13 EDUCATION IN ARKANSAS SCHOOLS AND TO ADDRESS THE  
14 DISPARITY IN TEACHERS' SALARIES; AND FOR OTHER  
15 PURPOSES.  
16

17 **Subtitle**

18 AN ACT PERTAINING TO STATE SCHOOL  
19 STANDARDS AND TEACHERS' SALARIES; TO  
20 PROVIDE FOR AN ADEQUATE AND EFFICIENT  
21 EDUCATION IN ARKANSAS SCHOOLS AND  
22 ADDRESS THE DISPARITY IN TEACHERS'  
23 SALARIES.  
24  
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code Title 6, Chapter 16, is amended to add an  
29 additional subchapter to read as follows:

30 6-16-1201. Legislative findings.

31 The General Assembly finds that:

32 (1) The Supreme Court of Arkansas has declared that the State of  
33 Arkansas must provide substantially equal curriculum, facilities, equipment,  
34 and teacher salaries in the schools of Arkansas; and

35 (2) By the 2004-2005 school year, all schools and school  
36 districts in the state must meet:



1                   (A) The standards for accreditation as set forth in this  
2 subchapter;

3                   (B) Standards for facilities as provided by law; and

4                   (C) Teacher salary requirements as provided in §§ 6-17-  
5 1001 through 6-17-1004.

6  
7           6-16-1202. Definition.

8           As used in this subchapter, "unit" means the credit given for grades  
9 nine through twelve (9-12) for a course which meets for a minimum of:

10                   (1) One hundred twenty (120) clock hours; and

11                   (2) An average:

12                               (A) Six-hour day; or

13                               (B) Thirty-hour week.

14  
15           6-16-1203. Equal educational opportunity.

16           To provide students in Arkansas public schools a substantially equal  
17 educational opportunity, school districts shall meet the following standards  
18 for accreditation of Arkansas public schools:

19                   (1) All school district policies and actions shall be  
20 nondiscriminatory and shall be in compliance with state and federal laws;

21                   (2)(A) Each school district in Arkansas shall develop, with  
22 appropriate staff and community participation, a five-year educational plan.

23                   (B) School district goals shall be compatible with state  
24 and national educational goals and shall address local needs.

25                   (C) The plan shall be filed with and reviewed annually by  
26 the Department of Education;

27                   (3) Every school district shall provide a written report to the  
28 public each year detailing progress toward accomplishing program goals,  
29 accreditation standards, and proposals to correct deficiencies;

30                   (4) Each school board shall adopt written policies for the  
31 operation of the school district in accordance with guidelines established by  
32 the department;

33                   (5) Each school shall maintain all reports and records necessary  
34 for effective planning, operation, and education;

35                   (6)(A) The administrators, teachers, other school staff of each  
36 school along with the parents or guardians of students shall develop an

1 annual school improvement plan to monitor the school's progress and to  
2 project its continuing needs.

3 (B) The annual school improvement plan shall be filed with  
4 and reviewed by the department;

5 (7) Each school shall review each curriculum area in-depth at  
6 least once every five (5) years;

7 (8) Each accredited school shall use curriculum frameworks based  
8 on the annual school improvement plan to plan instruction leading to student  
9 acquisition of the Arkansas content standards;

10 (9)(A) The core curriculum for grades kindergarten through eight  
11 (K-8) shall encompass the broadest feasible spectrum of developmentally  
12 appropriate learning experiences and provide for differences in rates of  
13 learning among children.

14 (B) The core curriculum shall emphasize reasoning and  
15 problem solving, communicating, connecting, linking knowledge, skills, and  
16 other understandings within and across disciplines to real-life situations  
17 and internalizing and acting on the learning to make it meaningful, useful,  
18 and worthwhile.

19 (C)(i) One (1) unit of Arkansas history shall be taught as  
20 a social studies subject at each elementary grade level in every public  
21 elementary school in the state with greater emphasis at the fourth and fifth  
22 grade levels.

23 (ii) Each public secondary school in this state  
24 shall ensure that every student receives at least one (1) full semester of  
25 Arkansas history in grades seven (7), eight (8), nine (9), ten (10), eleven  
26 (11), or twelve (12).

27 (D) Mastery of core concepts and abilities in the  
28 following areas shall be emphasized:

29 (i) For grades kindergarten through four (K-4);

30 (a) Language arts to include reading, writing,  
31 listening, speaking, and viewing;

32 (b) Mathematics to include number sense,  
33 number properties, number operations, measurement, geometry and spatial  
34 sense, data analysis and statistics, and algebra and functions;

35 (c) Social studies to include one (1) unit of  
36 history and culture of Arkansas at each grade level with emphasis at grade

1 four (4), history and culture of the nation and the world, including foreign  
2 language experiences, geography, economics, and civic education;

3 (d) Science to include life science, earth and  
4 space science, physical sciences, including physics and chemistry, and  
5 environmental education;

6 (e) Tools for learning to include technical  
7 skills, including research and information skills, and the use of computers  
8 and calculators, and data gathering, including use of data banks, atlases,  
9 dictionaries, almanacs, networks, news sources, and interviews;

10 (f) Fine arts to include the appreciation and  
11 application of visual arts instruction and performing arts instruction,  
12 including forty (40) minutes of art or music each week;

13 (g) Practical living skills and career  
14 exploration; and

15 (h) Health and safety education and physical  
16 education, including sixty (60) minutes of physical activity each week;

17 (ii) For grades five through eight (5-8):

18 (a) Language arts to include reading, writing,  
19 listening, speaking, and viewing;

20 (b) Mathematics to include number sense,  
21 number properties, number operations, measurement, geometry and spatial  
22 sense, data analysis and statistics, and algebra and functions;

23 (c) Science to include life science, earth and  
24 space science, physical sciences, including physics and chemistry, and  
25 environmental education;

26 (d) Social studies to include one (1) unit of  
27 history and culture of Arkansas at grades five (5) and six (6), with emphasis  
28 at grade five (5), history and culture of the nation and the world, including  
29 foreign language experiences, geography, economics, and civic education;

30 (e) Physical education, including sixty (60)  
31 minutes of physical activity each week;

32 (f) Fine arts to include the appreciation and  
33 application visual arts instruction and performing arts instruction;

34 (g) Health and safety;

35 (h) Tools for learning to include technical  
36 skills, including research and information skills, the use of computers and

1 calculators, and data gathering, including use of data banks, atlases,  
2 dictionaries, almanacs, networks, news sources, and interviews; and

3 (i) Career and technical education; and

4 (iii) Beginning with school year 2004-2005, for  
5 grades nine through twelve (9-12), the following courses shall be taught each  
6 year by every high school to provide a total of thirty-eight (38) units:

7 (a) Six (6) units of language arts to include:

8 (1) Four (4) units of English;

9 (2) Either:

10 (A) One (1) unit of oral  
11 communications; or

12 (B) One-half (1/2) unit of oral  
13 communications and one-half (1/2) unit of drama;

14 (3) One (1) unit of journalism; and

15 (4) Other options as approved by the  
16 department;

17 (b) Five (5) units of science with each unit  
18 to provide hands-on laboratory experience for students for a minimum of  
19 twenty percent (20%) of instructional time, to include:

20 (1) One (1) unit of biology;

21 (2) One (1) unit of chemistry;

22 (3) One (1) unit of physics; and

23 (4) Other options as approved by the  
24 department;

25 (c) Six (6) units of mathematics to include:

26 (1) One (1) unit of algebra I;

27 (2) One (1) unit of geometry;

28 (3) One (1) unit of algebra II;

29 (4) One (1) unit of pre-calculus  
30 mathematics to include trigonometry; and

31 (5) Other options as approved by the  
32 department;

33 (d) Two (2) units of the same foreign  
34 language;

35 (e) Three and one-half (3 1/2) units of fine  
36 arts to include:

- 1 (1) One (1) unit of art;  
2 (2) One (1) unit of instrumental of  
3 music;  
4 (3) One (1) unit of vocal music; and  
5 (4) One-half (1/2) unit survey of fine  
6 arts or an advanced art or music course;  
7 (f) One (1) unit of computer applications with  
8 emphasis on current application to include word processing, spreadsheets,  
9 databases, graphics, and telecommunications;  
10 (g) Four (4) units of social studies to  
11 include:  
12 (1) One (1) unit of American history  
13 with emphasis on twentieth century America;  
14 (2) One (1) unit of world history;  
15 (3) One-half (1/2) unit of civics or  
16 government;  
17 (4) One-half (1/2) unit of Arkansas  
18 history if not taught in grade seven (7) or grade eight (8); and  
19 (5) Other options as approved by the  
20 department;  
21 (h) One and one-half (1 1/2) units of health  
22 and safety education and physical education to include one (1) unit of  
23 physical education and one-half (1/2) unit of health and safety education;  
24 and  
25 (i) Nine (9) units of career and technical  
26 education of which eight (8) units shall be taught every year;  
27 (10)(A) For grades nine through twelve (9-12), the course  
28 offerings may include appropriate advanced placement or concurrent credit  
29 courses.  
30 (B) For grades nine through twelve (9-12), students may be  
31 offered instruction on personal finance either as a stand-alone course or  
32 through integration into other courses.  
33 (C) A minimum of three (3) programs of study selected from  
34 three (3) different occupational or technical programs shall be offered  
35 annually;  
36 (11)(A) For each school year, every school district shall

1 operate so that the district provides for at least one hundred and seventy-  
2 eight (178) days of instruction for students.

3 (B) The department may approve the instruction of students  
4 for fewer than one hundred and seventy-eight (178) days in order to allow  
5 time for professional development;

6 (12) Except for vocational agriculture teacher contracts, all  
7 public school teacher and administrator contracts, including elementary,  
8 secondary, and vocational teacher contracts shall be for a minimum of one  
9 hundred eighty-five (185) days annually;

10 (13)(A) At least thirty (30) hours annually shall be used for  
11 professional development and in-service training.

12 (B) At least two (2) days annually shall be used for  
13 parent-teacher conferences;

14 (14) The planned instructional time in each school day shall not  
15 average fewer than six (6) hours per day or thirty (30) hours per week;

16 (15)(A) The student-to-teacher ratio for kindergarten shall be  
17 no more than twenty (20) students to one (1) teacher in a classroom.

18 (B) However, the kindergarten class student-to-teacher  
19 ratio maximum may be no more than twenty-two (22) students to one (1) teacher  
20 if a half-time instructional aide is employed in the class;

21 (16)(A) The average student-to-teacher ratio for grades one  
22 through three (1-3) in a school district shall be no more than twenty-three  
23 (23) students per teacher in a classroom.

24 (B) There shall be no more than twenty-five (25) students  
25 per teacher in any classroom;

26 (17)(A) The average student-to-teacher ratio for grades four  
27 through six (4-6) in a school district shall be no less than twenty-five (25)  
28 students per teacher in a classroom.

29 (B) There shall be no more than twenty-eight (28) students  
30 per teacher in any classroom;

31 (18)(A) In grades seven through twelve (7-12), a teacher shall  
32 not be assigned more than one hundred fifty (150) students.

33 (B)(i) An individual academic class shall not exceed  
34 thirty (30) students.

35 (ii) However, in exceptional cases or for courses  
36 that are appropriate for large group instruction, these ratios may be

1 increased;

2 (19)(A) If a school district is placed on probation for  
3 violation of subdivisions (15) -- (18) of this section, the district may  
4 submit evidence to establish that the violation is a result of an  
5 unanticipated population shift.

6 (B) If the department finds that an unanticipated  
7 population shift has occurred, the department may remove the school district  
8 from probation status;

9 (20)(A) Each school district shall adopt written discipline  
10 policies consistent with the guidelines that include a code of student  
11 behavior.

12 (B) Each district's written discipline policies shall be  
13 filed with the department.

14 (C) Local districts and individual schools shall involve  
15 parents, staff, and students in the formulation and review of their student  
16 discipline policies, rules, and procedures.

17 (D) Each school shall inform students and parents of the  
18 discipline rules and procedures by which the school is governed.

19 (E) Each school shall make the students aware of the types  
20 of behavior that will give rise to disciplinary action and the types of  
21 corrective actions that may be imposed.

22 (F) Students and parents shall acknowledge that they  
23 received and understand the school's discipline policies in a signed  
24 statement.

25 (G) Each school shall document procedures and methods used  
26 to inform parents and students of the discipline policies.

27 (H) Teachers and administrators, classified school  
28 employees, and volunteers shall be provided with appropriate student  
29 discipline training;

30 (21)(A) Each school district shall provide a full-day  
31 kindergarten for every child who reaches age five (5) on or before September  
32 15 each year.

33 (B) A parent or guardian shall sign a waiver if he or she  
34 elects not to enroll a child in kindergarten at age five (5).

35 (C) Any six-year-old child who has not completed a state-  
36 accredited kindergarten program before public school enrollment shall be



1 evaluated by the school district to determine whether placement for the child  
2 is in kindergarten or first grade;

3 (22)(A) At each grade level, each school shall assess each  
4 student's progress in acquiring mastery of the competencies, skills, and  
5 other subjects required by law and by the Arkansas Comprehensive Testing,  
6 Assessment, and Accountability Program regulations.

7 (B) Assessment data may include performance assessments,  
8 competency test scores, standardized test scores, subject matter mastery test  
9 scores, and observations of teachers and parents or guardians;

10 (23)(A) The state uniform grading scale shall be used in grades  
11 seven through twelve (7-12).

12 (B)(i) Grades assigned to students for performance in a  
13 course shall reflect only the extent to which a student has achieved the  
14 expressed academic objectives of the course.

15 (ii) Grades that reflect other educational  
16 objectives such as the student learning expectations in the curriculum  
17 frameworks may also be given;

18 (24) Students with special needs shall have equal access to  
19 programs that meet the criteria for their identified individualized education  
20 program and shall receive services in the least restrictive environment that  
21 meets their needs;

22 (25)(A)(i) At least a total of twenty-two (22) units of credit  
23 earned in grades nine through twelve (9-12) shall be required for high school  
24 graduation.

25 (ii) Only one (1) of these units may be in physical  
26 education.

27 (B)(i) Seventeen (17) units must be from the smart core  
28 curriculum.

29 (ii) However, in a form approved by the department,  
30 a parent or guardian may waive the smart core curriculum for the student and  
31 choose the common core curriculum.

32 (C) A student whose parent or guardian waives the smart  
33 core curriculum must earn sixteen (16) units from the common core curriculum  
34 in order to graduate from high school.

35 (D) The provisions of subdivision (25) of this section  
36 shall:

1 (i) Not apply to a student who is eligible for  
2 enrollment in grades ten (10), eleven (11), or twelve (12) for school year  
3 2004-2005; and

4 (ii) First apply to students who are eligible for  
5 enrollment in grade nine (9) for school year 2004-2005;

6 (26) The smart core curriculum shall consist of seventeen (17)  
7 units to include:

8 (A) Four (4) units of English;

9 (B) One-half (1/2) unit of oral communications;

10 (C) Three (3) units of social studies to include:

11 (i) One (1) unit of world history;

12 (ii) One (1) unit of United States history; and

13 (iii) One (1) unit of civics or government;

14 (D)(i) Four (4) units of mathematics to include:

15 (a) One (1) unit of algebra or its equivalent;

16 (b) One (1) unit of geometry or its  
17 equivalent;

18 (c) One (1) unit of algebra II; and

19 (d) One (1) unit chosen from transitions to  
20 college math, pre-calculus, calculus, trigonometry, statistics, computer  
21 math, or algebra III.

22 (ii) All math units must build on the base of  
23 algebra and geometry knowledge and skills.

24 (iii) One (1) math course shall be taken by students  
25 in either grade eleven (11) or grade twelve (12);

26 (E) Three (3) units of science to include:

27 (i) One (1) unit of biology or its equivalent;

28 (ii) One (1) unit of a physical science; and

29 (iii) One (1) unit chosen from chemistry, physics,  
30 principles of technology I and II, or PIC physics;

31 (F) One-half (1/2) unit of physical education;

32 (G) One-half (1/2) unit of health and safety;

33 (H) One-half (1/2) unit of fine arts; and

34 (I) One (1) unit of computer application;

35 (27) The common core curriculum shall consist of sixteen (16)  
36 units to include:

- 1                   (A) Four (4) units of English;  
2                   (B) One-half (1/2) unit of oral communications;  
3                   (C) Three (3) units of social studies to include:  
4                         (i) One (1) unit of world history;  
5                         (ii) One (1) unit of United States history; and  
6                         (iii) One (1) unit of civics or government;  
7                   (D)(i) Three (3) units of mathematics to include at least:  
8                         (a) One (1) unit of algebra or its equivalent;  
9                   and                         (b) One (1) unit of geometry or its  
10                   equivalent.  
11                         (ii) A two-year algebra equivalent or a two-year  
12                   geometry equivalent may be counted as two (2) units of the three-unit  
13                   mathematics requirement.  
14                         (iii) All math units shall build on the base of  
15                   algebra and geometry knowledge and skills;  
16                   (E) Three (3) units of science to include at least:  
17                         (i) One (1) unit of biology or its equivalent; and  
18                         (ii) One (1) unit of a physical science;  
19                   (F) One-half (1/2) unit of physical education;  
20                   (G) One-half (1/2) unit of health and safety;  
21                   (H) One-half (1/2) unit of fine arts; and  
22                   (I) One (1) unit of computer application;  
23                   (28)(A) Local school districts may require additional units for  
24                   graduation beyond the seventeen (17) smart core units or sixteen (16) common  
25                   core units.  
26                         (B) Additional units may be in academic or technical  
27                   areas, or both.  
28                         (C) For each student in grades nine through twelve (9-12),  
29                   the sum of common core or smart core units, career focus units, and elective  
30                   units shall total at least twenty-two (22) units in order to graduate from  
31                   high school;  
32                   (29)(A) Each school shall employ at least one (1) half-time  
33                   principal.  
34                         (B) A full-time principal shall be employed when a  
35                   school's enrollment reaches three hundred (300).  
36                         (C)(i) A school district superintendent may be permitted

1 to serve as half-time principal if the district enrollment is fewer than  
2 three hundred (300).

3 (ii) However, the superintendent shall be  
4 appropriately certified and shall not be engaged in classroom teaching.

5 (D) Schools with an enrollment exceeding five hundred  
6 (500) shall employ at least:

7 (i) One (1) full-time principal; and

8 (ii) One (1) half-time principal, instructional  
9 supervisor, or curriculum specialist;

10 (30) If required by law or regulation, all administrative,  
11 teaching, and other personnel shall hold a current Arkansas teaching license;

12 (31)(A) Each school district shall develop and implement a plan  
13 for professional development and in-service training based on local  
14 educational needs and state educational goals.

15 (B) The plan shall provide education and training for  
16 school board members, school and district administrators, teachers, and  
17 support staff on a continuing and regular basis throughout the school year.

18 (C) Each teacher shall be involved in the development of  
19 the plan for his or her own in-service education.

20 (D) All programs for professional development and in-  
21 service training shall be evaluated by the participants in each program;

22 (32)(A) Each school district shall have flexibility in  
23 establishing plans for professional development and in-service training, if  
24 the plans meet standards for in-service education developed by the  
25 department.

26 (B) A minimum of thirty (30) hours of professional  
27 development shall be required for teachers and administrators annually;

28 (33)(A) Support services shall be designed to be comprehensive  
29 and integral to the process of the education and the development of all  
30 students.

31 (B)(i) Each school district shall develop and implement a  
32 written plan for each school building site in accordance with current laws  
33 and regulations.

34 (ii) The plans shall be based upon the needs  
35 identified by parents, teachers, principals, students, and other agencies  
36 with which the school district works.

1                   (iii) The plan shall be incorporated into the  
2 comprehensive school improvement plan for each site;

3                   (34) Each school shall provide a developmental guidance program  
4 to aid students in educational, personal, social, and career development;

5                   (35) Each school shall provide supportive personnel and  
6 appropriate facilities to ensure effective counseling to meet the individual  
7 needs of students;

8                   (36)(A) Each school shall assign appropriate certified counselor  
9 staff.

10                   (B) Each school district shall maintain an overall ratio  
11 of one (1) certified counselor to four hundred fifty (450) students;

12                   (37) Each school shall budget and spend sufficient resources  
13 each year to purchase and maintain an appropriate, current library  
14 collection;

15                   (38)(A) Each school with fewer than three hundred (300) students  
16 enrolled shall employ at least one (1) half-time certified library media  
17 specialist.

18                   (B)(i) A school with three hundred (300) to fourteen  
19 hundred ninety-nine (1,499) students enrolled shall employ at least one (1)  
20 full-time certified library media specialist.

21                   (ii) A school with fifteen hundred (1,500) or more  
22 students enrolled shall employ two (2) full-time certified library media  
23 specialists.

24                   (iii) A school district with fewer than five hundred  
25 (500) students enrolled may employ one (1) full-time library media specialist  
26 to serve the district.

27                   (C) The library media specialist shall ensure that access  
28 to records and resource databases is available to all students.

29                   (D) The media specialist shall assist students in the  
30 development and use of research skills;

31                   (39)(A)(i) Each school district shall implement a health  
32 services program under the direction of a licensed nurse.

33                   (ii) The program shall make screening, referral, and  
34 follow-up procedures available for all students.

35                   (B)(i) The health services program shall provide an  
36 individualized health care plan for students with special health care needs,

1 including chronically ill, medically fragile, and technology-dependent  
2 students, and students with other health impairments.

3 (ii) Invasive medical procedures required by  
4 students and provided at the school shall be performed only by personnel who  
5 are trained and licensed to perform the task. Regular classroom teachers  
6 shall not perform invasive medical procedures.

7 (iii) Custodial health services required by students  
8 under an individualized healthcare plan shall be provided by trained school  
9 employees. Regular classroom teachers shall not perform custodial health  
10 services;

11 (40) Special education programs and special schools shall be  
12 accredited in accordance with applicable laws and regulations;

13 (41)(A) Each school district shall develop procedures to  
14 identify gifted and talented students in accordance with guidelines  
15 established by the department.

16 (B) Each school district shall provide tailored  
17 educational opportunities to students identified as gifted and talented;

18 (42) Each school district shall provide opportunities for  
19 qualified students to enroll in courses at institutions of higher education;

20 (43) Each school district shall provide appropriate alternative  
21 programs for students in need of alternative programs in order to continue  
22 their education; and

23 (44) Each room shall be furnished with equipment and  
24 instructional materials necessary to provide the environment and working  
25 conditions appropriate for subjects or activities assigned.

26  
27 SECTION 2. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended  
28 to add two additional sections to read as follows:

29 6-10-118. Testing and Accountability.

30 (a) In addition to the testing required by the Arkansas Comprehensive  
31 Testing, Assessment, and Accountability Program regulations and end-of-course  
32 tests, each school shall administer nationally norm-referenced tests to each  
33 student every year.

34 (b) The results of these tests shall be used to track the performance  
35 of students and groups of students from year to year and to assess the  
36 educational effectiveness of schools and school districts.

1       (c) The Department of Education shall contract with testing companies  
2 so that results of the tests can be distributed to school districts prior to  
3 the end of the school year in which the tests were administered.

4  
5       6-10-119. Failure to meet standards.

6       (a)(1)(A) At the end of the 2004-2005 school year, the Department of  
7 Education shall review pertinent information to ascertain whether or not each  
8 school district has met the requirements of § 6-16-1201.

9               (B) The department shall report its findings to the State  
10 Board of Education.

11               (2) School districts not meeting the requirements of § 6-16-1201  
12 by the end of the 2004-2005 school year shall be subject to the sanctions  
13 described in subdivision (c)(2) of this section.

14       (b)(1) After the 2004-2005 school year, the department shall review  
15 pertinent information from every school district annually to ensure that the  
16 district and schools are in compliance with the requirements of § 6-16-1201.

17               (2) The department shall report its findings to the state board.

18       (c)(1) The state board or the Director of the Department of Education  
19 shall take immediate action concerning any school district that fails to meet  
20 all of the requirements of § 6-16-1201 in any given year.

21               (2) A school district that does not meet the standards for  
22 accreditation in § 6-16-1203 shall be subject to citation and probation as  
23 outlined in The Quality Education Act of 2003, § 6-15-201 et seq.

24               (3) School districts that do not meet the teacher salary  
25 requirements of §§ 6-17-1001 through 6-17-1004 in any given school year shall  
26 be placed in year-one probation.

27       (d) In the first year of probation, actions against school districts  
28 may include:

29               (1) Requiring a school district to institute and fully implement  
30 a curriculum that is based on state academic content and academic content and  
31 achievement standards, including providing appropriate professional  
32 development to be paid by the district;

33               (2)(A) Assigning a task force to evaluate the deficiencies of  
34 the district and to assist the district in enacting corrective measures.

35               (B) The task force shall work under the authority of the  
36 director.

1                   (C) The task force shall include representatives from the  
2 department, teachers, administrators from other school districts, and other  
3 stakeholders such as community leaders and business interests; and

4                   (3) Taking any other appropriate action allowed by law and  
5 determined by the state board to assist a failing school district in meeting  
6 the requirements of § 6-16-1201.

7                   (e)(1) School districts that have been placed on probationary status  
8 because of a deficiency in accreditation standards shall correct the  
9 deficiency causing the probationary status by the end of the second  
10 consecutive school year.

11                   (2) Failure to correct the deficiency shall allow the state  
12 board to select appropriate action that would best serve the educational  
13 needs of the children in the failing district.

14                   (3) The actions available for state board selection may include:

15                   (A) Requiring a school district to reorganize or reassign  
16 the administrative, instructional, or support staff of a public school;

17                   (B) Removing a particular school from the jurisdiction of  
18 the school district and establishing alternative public governance and  
19 supervision of the school or schools;

20                   (C) Requiring a school district to close down or dissolve  
21 a particular school or schools within a school district;

22                   (D) Annexing a school district or districts or parts of a  
23 district with another receiving school district or districts;

24                   (E) Consolidating a school district or districts or parts  
25 of a school district with another receiving school district or districts;

26                   (F)(i) Reconstituting the leadership of a school district  
27 by removing permanently or suspending on a temporary basis the superintendent  
28 of the school district or any particular board member of a school district.

29                   (ii) The state board may appoint an administrator or  
30 call for the election of new school board members to administer the affairs  
31 and provide governance of the school district, or both; and

32                   (G) Taking any other appropriate action allowed by law to  
33 assist and address a school or school district failing to meet the standards  
34 for accreditation.

35                   (f) School districts that exist on the effective date of this section  
36 and that are reorganized by the state board shall retain a local school



1 comprised of grades kindergarten through eight (K-8).

2 (g)(1) The state board may take into consideration the isolated  
3 factors relating to a school district's circumstances and may make decisions  
4 on the proper course of action best suited for that district and its  
5 students.

6 (2) The state board may exempt a school district from the  
7 provisions of this section but only at the discretion of the state board or  
8 as provided in Arkansas law.

9 (h)(1) The decisions of the state board shall be final with no further  
10 right of appeal.

11 (2) However, a school district may appeal to the circuit court  
12 in the county seat in which the school district is located or to Pulaski  
13 County Circuit Court under the Arkansas Administrative Procedure Act, § 25-  
14 15-201 et seq.

15  
16 SECTION 3. Arkansas Code § 6-17-1002 is amended to read as follows:

17 6-17-1001. ~~Minimum base salary—~~Master's degree Teacher salary  
18 schedule.

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

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

28 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~  
29 ~~school district shall pay its teachers with a bachelor's degree and no~~  
30 ~~experience less than twenty one thousand eight hundred sixty dollars~~  
31 ~~(\$21,860).~~

32 ~~(c) In school year 2000-2001 and in each school year thereafter,~~  
33 ~~school districts shall pay teachers with a master's degree and no experience~~  
34 ~~at least one hundred fifteen percent (115%) of the minimum base salary~~  
35 ~~prescribed in subsection (b) of this section.~~

36 ~~(d) In school year 2001-2002 and in each school year thereafter,~~

1 ~~school districts shall pay a teacher with a master's degree and at least~~  
2 ~~fifteen (15) years of experience one hundred fifty percent (150%) of the~~  
3 ~~state minimum base salary.~~

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

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

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

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

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

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

36 ~~(h) For the 1999-2000 school year and for each year thereafter, each~~

1 ~~school district shall provide no less than four hundred dollar increments for~~  
2 ~~experience for teachers with five (5) and six (6) years of experience.~~

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

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

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

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

16 ~~(2) For the 2004-2005 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 fourteen (14) years of~~  
19 ~~experience.~~

20 ~~(3) For the 2005-2006 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 fifteen (15) years of experience.~~

23 ~~(m) Subsections (f) (1) of this section shall not apply to any local~~  
24 ~~school district whose minimum salary for teachers exceeds twenty one thousand~~  
25 ~~eight hundred sixty dollars (\$21,860) and whose average salary exceeds the~~  
26 ~~state average salary for teachers for the previous year.~~

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

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

33 ~~(2) Who is:~~

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

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

2 ~~(C) A librarian.~~

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

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

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

15 (a) The board of directors in each school district in the state shall  
 16 pay classroom teachers upon a minimum salary schedule that provides:

17 (1) Annual increments for education and experience;

18 (2) A base salary;

19 (3) A minimum salary for a teacher with a master's degree that  
 20 is at least one hundred fifteen percent (115%) of the base salary for  
 21 teachers with a bachelor's degree; and

22 (4) Annual increments for years of experience as described in  
 23 this section.

24 (b) In school year 2004-2005 and each subsequent school year, a school  
 25 district shall pay teachers according to a salary schedule that includes the  
 26 following:

27 (1) A base salary of at least twenty-six thousand dollars  
 28 (\$26,000) for teachers with a bachelor's degree and no experience;

29 (2) A base salary of at least twenty-nine thousand nine hundred  
 30 dollars (\$29,900) for teachers with a master's degree and no experience; and

31 (3)(A) Unless the school district's present salary schedule  
 32 exceeds the minimum requirements of this subsection (b), provision for at  
 33 least sixteen (16) annual increments for experience of:

34 (i) Four hundred fifty dollars (\$450) for a  
 35 bachelor's degree; and

36 (ii) Five hundred twenty-five dollars (\$525) for a

1 master's degree.

2 (B) If a school district's salary schedule exceeds the  
3 minimum requirements of this subsection (b) and would not provide teachers a  
4 salary of less than the minimum requirements of this section, the district  
5 shall pay at least sixteen (16) annual increments of four hundred dollars  
6 (\$400) each.

7  
8 SECTION 4. Arkansas Code §§ 6-17-1002 through 6-17-1004 are repealed.

9 ~~6-17-1002. Salary amount—Annual review.~~

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

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

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

22  
23 ~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

24 ~~(a) The State Board of Education is empowered to enforce the~~  
25 ~~provisions of this subchapter and is specifically authorized to order the~~  
26 ~~dissolution and merger of any school district which fails to comply with the~~  
27 ~~minimum salary requirements established by this subchapter. Any appeal from a~~  
28 ~~decision of the board ordering the dissolution and merger of a school~~  
29 ~~district for failure to comply with the provisions of this subchapter shall~~  
30 ~~be filed in the Circuit Court of Pulaski County and must be filed within~~  
31 ~~thirty (30) days of the decision of the board.~~

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

34  
35 ~~6-17-1004. Salary goals.~~

36 ~~(a) The personnel policies committees and negotiating teams~~

1 ~~established and maintained in Arkansas public schools are encouraged to set~~  
2 ~~and meet five year goals to substantially increase teacher salaries. In~~  
3 ~~setting realistic yet meaningful salary goals, the committees and teams shall~~  
4 ~~consider exceeding the state, regional Southern Regional Education Board~~  
5 ~~states, border states, or national average salaries for teachers.~~

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

10  
11 SECTION 5. Arkansas Code Title 6, Chapter 17, Subchapter 10 is amended  
12 to add the following new sections:

13 6-17-1005. Salary funding distribution.

14 (a) The purpose of this section is to address the disparity in the  
15 Arkansas teachers' salaries as recognized by the Arkansas Supreme Court in  
16 Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) by increasing the  
17 state average certified teacher's salary for grades kindergarten through  
18 twelve (K-12) to be competitive with states that are members of the Southern  
19 Regional Education Board.

20 (b) Definitions. As used in this section:

21 (1)(A) "Average teacher salary disparity" means the result of  
22 subtracting the average classroom teacher salary of a school district for  
23 grades kindergarten through twelve (K-12) for a school year from the state  
24 average classroom teacher salary for grades kindergarten through twelve (K-  
25 12) for the same school year.

26 (B) Average teacher salary does not include salaries of  
27 administrators;

28 (2) "Calculated number of classroom teachers" means the result  
29 of dividing the school district's average daily membership, as defined in §  
30 6-20-303, by twelve (12);

31 (3) "School district disparity" means the result of multiplying  
32 average teacher salary disparity by the lesser of:

33 (A) Calculated number of classroom teachers; or

34 (B) Actual number of classroom teachers employed by the  
35 school district;

36 (4) "State disparity funds" means money appropriated by the

1 General Assembly for the purpose of providing school districts with funds to  
2 lessen the impact of statewide teacher salary disparity; and

3 (5) "Yearly teacher increment" means an amount equal to one  
4 thousand six hundred fifty dollars (\$1,650) for each classroom teacher  
5 employed by a school district.

6 (c) Beginning with school year 2004-2005 and each subsequent school  
7 year, the Department of Education shall:

8 (1) Determine the amount of the average teacher salary disparity  
9 for each school district based on teacher salaries paid during the previous  
10 school year;

11 (2) Calculate the amount of school district disparity;

12 (3)(A) Distribute available state disparity funds to eligible  
13 school districts.

14 (B) State disparity funds shall only be used by school  
15 districts for classroom teacher salaries; and

16 (4) For school year 2005-2006 and subsequent years, a school  
17 district shall receive an amount of state disparity funds that is the greater  
18 of:

19 (A) The amount of available state disparity funds to be  
20 distributed under subdivision (c)(3) of this section; or

21 (B) An amount equal to the greatest amount of state  
22 disparity funds distributed to the school district in any previous school  
23 year.

24 (d) A school district is qualified to receive state disparity funds  
25 if:

26 (1) The provisions of subsection (e) of this section are met;  
27 and

28 (2) The school district's average teacher salary disparity is  
29 greater than zero.

30 (e)(1) In order to receive one hundred percent (100%) of available  
31 state disparity funds, each school district shall spend at least fifty  
32 percent (50%) of its total state and local revenue, less transportation and  
33 special education costs, for certified personnel salaries for grades  
34 kindergarten through twelve (K-12).

35 (2) For each district that spends between forty percent (40%)  
36 and forty-nine percent (49%) of its total state and local revenue, less

1 transportation and special education costs, for certified personnel salaries  
2 for grades kindergarten through twelve (K-12), the district's available state  
3 disparity funds shall be reduced by two percent (2%) for each percentage  
4 point that the district falls below the fifty percent (50%) requirement under  
5 subdivision (e)(1) of this section.

6 (3) No district spending below forty percent (40%) of its total  
7 revenue, less transportation and special education costs, for certified  
8 personnel salaries for grades kindergarten through twelve (K-12) shall  
9 receive any state disparity funds.

10 (4) For purposes of this subsection (e), state funds received  
11 for yearly teacher increments, state disparity funds, and incentive funds  
12 under § 6-17-1004 are not included in determining total state and local  
13 revenue.

14 (f)(1) Beginning with school year 2005-2006, the department shall  
15 calculate the amount of yearly teacher increment funds for which a school  
16 district is eligible and shall distribute available yearly teacher increment  
17 funds to school districts.

18 (2)(A) If there are insufficient state funds from which both  
19 state disparity funds and yearly teacher increments funds may be fully paid  
20 to each eligible school district, funds available for state disparity funding  
21 and yearly teacher increment funds shall be combined and state disparity  
22 funds shall be paid first.

23 (B) If state funds remain after fully funding state  
24 disparity funds, then any remaining amount shall be paid pro rata to school  
25 districts as partial funding for yearly teacher increments.

26 (3) If both state disparity funds and yearly teacher increment  
27 funds are fully funded and paid to school districts, and additional funds  
28 remain for either disparity funding or yearly teacher increment funding, then  
29 the remaining amount shall be paid pro rata to school districts as a  
30 supplemental yearly teacher increment.

31 (4) Money paid to school districts as yearly teacher increment  
32 funds shall be used to supplement the salaries of classroom teachers as an  
33 increase in the district's salary schedule or as an annual bonus.

34 (g)(1) Districts that qualify for state disparity funds under this  
35 section shall also be entitled to additional funds from the state in an  
36 amount sufficient to fund the school districts' salary matching requirements,



1 including, but not limited to, teacher retirement, social security, and  
2 Medicare.

3 (2) One hundred percent (100%) of the additional state aid for  
4 salaries shall be spent on salaries and required matching benefits for  
5 teachers only.

6  
7 6-17-1006. Salary amount.

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

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

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

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

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

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

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

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

35  
36 6-17-1007. Incentives.

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

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

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

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

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

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

15           (b) The incentives are as follows:

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

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

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

25                   (2) A salary of up to one hundred twenty-five percent (125%) of  
26 the certified salary of the district in which the teacher is hired if:

27                           (A) Either:

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

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

35                   (B) For every school year that a teacher fails to meet the  
36 requirements of either subdivision (b)(2)(A)(i) or subdivision (b)(2)(A)(ii)

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

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

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

12  
13 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that the Arkansas Supreme Court in  
15 Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) declared the now-  
16 extant system of education to be unconstitutional because it is both  
17 inequitable and inadequate; that the Arkansas Supreme Court set forth the  
18 test for the constitutional system to be one in which the state has an  
19 "absolute duty" to provide an "equal opportunity to an adequate education";  
20 and that the Arkansas Supreme Court instructed the General Assembly to define  
21 and provide what is necessary for an adequate and equitable education for the  
22 children of Arkansas. Therefore, an emergency is declared to exist and this  
23 act being immediately necessary for the preservation of the public peace,  
24 health, and safety shall become effective on:

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

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

29 (3) If the bill is vetoed by the Governor and the veto is  
30 overridden, the date the last house overrides the veto.

31  
32 */s/ Weaver, et al*  
33  
34  
35  
36