

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

As Engrossed: H12/11/03 H12/16/03

Call Item 4

A Bill

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

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

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)(1) For the 2004-2005 school year, fine
11 arts to include the appreciation and application of visual arts instruction
12 and performing arts instruction, including forty (40) minutes of art or music
13 each week.

14 (2) For the 2005-2006 school year and
15 subsequent years, the provisions of § 6-16-130(b) shall apply.

16 (g) Practical living skills and career
17 exploration; and

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

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

21 (a) Language arts to include reading, writing,
22 listening, speaking, and viewing;

23 (b) Mathematics to include number sense,
24 number properties, number operations, measurement, geometry and spatial
25 sense, data analysis and statistics, and algebra and functions;

26 (c) Science to include life science, earth and
27 space science, physical sciences, including physics and chemistry, and
28 environmental education;

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

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

35 (f) Fine arts to include the appreciation and
36 application visual arts instruction and performing arts instruction;

- 1 (g) Health and safety;
2 (h) Tools for learning to include technical
3 skills, including research and information skills, the use of computers and
4 calculators, and data gathering, including use of data banks, atlases,
5 dictionaries, almanacs, networks, news sources, and interviews; and
6 (i) Career and technical education; and
7 (iii) Beginning with school year 2004-2005, for
8 grades nine through twelve (9-12), the following courses shall be taught each
9 year by every high school to provide a total of thirty-eight (38) units:
10 (a) Six (6) units of language arts to include:
11 (1) Four (4) units of English;
12 (2) Either:
13 (A) One (1) unit of oral
14 communications; or
15 (B) One-half (1/2) unit of oral
16 communications and one-half (1/2) unit of drama;
17 (3) One (1) unit of journalism; and
18 (4) Other options as approved by the
19 department;
20 (b) Five (5) units of science with each unit
21 to provide hands-on laboratory experience for students for a minimum of
22 twenty percent (20%) of instructional time, to include:
23 (1) One (1) unit of biology;
24 (2) One (1) unit of chemistry;
25 (3) One (1) unit of physics; and
26 (4) Other options as approved by the
27 department;
28 (c) Six (6) units of mathematics to include:
29 (1) One (1) unit of algebra I;
30 (2) One (1) unit of geometry;
31 (3) One (1) unit of algebra II;
32 (4) One (1) unit of pre-calculus
33 mathematics to include trigonometry; and
34 (5) Other options as approved by the
35 department;
36 (d) Two (2) units of the same foreign

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

1 three (3) different occupational or technical programs shall be offered
2 annually;

3 (11)(A) For each school year, every school district shall
4 operate so that the district provides for at least one hundred and seventy-
5 eight (178) days of instruction for students.

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

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

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

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

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

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

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

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

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

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

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

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

36 (B)(i) An individual academic class shall not exceed

1 thirty (30) students.

2 (ii) However, in exceptional cases or for courses
3 that are appropriate for large group instruction, these ratios may be
4 increased;

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

9 (B) If the department finds that an unanticipated
10 population shift has occurred, the department may remove the school district
11 from probation status;

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

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

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

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

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

25 (F) Students and parents shall acknowledge that they
26 received and understand the school's discipline policies in a signed
27 statement.

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

30 (H) Teachers and administrators, classified school
31 employees, and volunteers shall be provided with appropriate student
32 discipline training;

33 (21)(A) Each school district shall provide a full-day
34 kindergarten for every child who reaches age five (5) on or before September
35 15 each year.

36 (B) A parent or guardian shall sign a waiver if he or she

1 elects not to enroll a child in kindergarten at age five (5).

2 (C) Any six-year-old child who has not completed a state-
3 accredited kindergarten program before public school enrollment shall be
4 evaluated by the school district to determine whether placement for the child
5 is in kindergarten or first grade;

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

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

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

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

18 (ii) Grades that reflect other educational
19 objectives such as the student learning expectations in the curriculum
20 frameworks may also be given;

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

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

28 (ii) Only one (1) of these units may be in physical
29 education.

30 (iii) One-half (1/2) unit must be in personal
31 finance.

32 (B)(i) Seventeen (17) units must be from the smart core
33 curriculum.

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

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

4 (D) The provisions of subdivision (25) of this section
5 shall:

6 (i) Not apply to a student who is eligible for
7 enrollment in grades ten (10), eleven (11), or twelve (12) for school year
8 2004-2005; and

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

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

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

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

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

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

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

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

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

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

21 (b) One (1) unit of geometry or its
22 equivalent;

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

24 (d) One (1) unit chosen from transitions to
25 college math, pre-calculus, calculus, trigonometry, statistics, computer
26 math, or algebra III.

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

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

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

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

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

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

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

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

1 (29)(A) Each school shall employ at least one (1) half-time
2 principal.

3 (B) A full-time principal shall be employed when a
4 school's enrollment reaches three hundred (300).

5 (C)(i) A school district superintendent may be permitted
6 to serve as half-time principal if the district enrollment is fewer than
7 three hundred (300).

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

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

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

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

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

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

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

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

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

27 (32)(A) Each school district shall have flexibility in
28 establishing plans for professional development and in-service training, if
29 the plans meet standards for in-service education developed by the
30 department.

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

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

36 (B)(i) Each school district shall develop and implement a

1 written plan for each school building site in accordance with current laws
2 and regulations.

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

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

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

10 (35) Each school shall provide supportive personnel and
11 appropriate facilities to ensure effective counseling to meet the individual
12 needs of students;

13 (36)(A) Each school shall assign appropriate certified counselor
14 staff.

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

17 (37) Each school shall budget and spend sufficient resources
18 each year to purchase and maintain an appropriate, current library
19 collection;

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

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

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

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

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

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

36 (39)(A)(i) Each school district shall implement a health

1 services program under the direction of a licensed nurse.

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

4 (B)(i) The health services program shall provide an
5 individualized health care plan for students with special health care needs,
6 including chronically ill, medically fragile, and technology-dependent
7 students, and students with other health impairments.

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

12 (iii) Custodial health services required by students
13 under an individualized healthcare plan shall be provided by trained school
14 employees. Regular classroom teachers shall not perform custodial health
15 services;

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

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

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

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

25 (43) Each school district shall provide appropriate alternative
26 programs for students in need of alternative programs in order to continue
27 their education; and

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

31
32 6-16-1204. Monitoring of school districts.

33 (a) The Department of Education shall monitor each school district to
34 ensure that:

35 (1) The content of each course offered by the school district is
36 consistent with content standards and curriculum frameworks developed by the

1 State Board of Education and is presented to students in a manner that is
2 rigorous, specific, sequenced, clear, focused, and measurable; and

3 (2) All required courses are taught each year.

4 (b) The department shall verify that each school district is complying
5 with subsection (a) of this section during the standards review visit of the
6 school district.

7 (c) If the department determines that a school district has failed to
8 align the content of each class and subject area as required by the state
9 board to content standards and curriculum frameworks developed by the state
10 board, the department shall:

11 (1) Note the failure to comply in the annual school performance
12 report under § 6-15-1402; and

13 (2) Cite the failure of each school to comply in the Standards
14 for Accreditation of Arkansas Public Schools annual report.

15
16 SECTION 2. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended
17 to add two additional sections to read as follows:

18 6-10-118. Testing and Accountability.

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

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

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

29
30 6-10-119. Failure to meet standards.

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

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

36 (2) School districts not meeting the requirements of § 6-16-1201

1 by the end of the 2004-2005 school year shall be subject to the sanctions
2 described in subdivision (c)(2) of this section.

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

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

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

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

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

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

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

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

24 (B) The task force shall work under the authority of the
25 director.

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

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

32 (e)(1) School districts that have been placed on probationary status
33 because of a deficiency in accreditation standards shall correct the
34 deficiency causing the probationary status by the end of the second
35 consecutive school year.

36 (2) Failure to correct the deficiency shall allow the state

1 board to select appropriate action that would best serve the educational
2 needs of the children in the failing district.

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

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

6 (B) Removing a particular school from the jurisdiction of
7 the school district and establishing alternative public governance and
8 supervision of the school or schools;

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

11 (D) Annexing a school district or districts or parts of a
12 district with another receiving school district or districts;

13 (E) Consolidating a school district or districts or parts
14 of a school district with another receiving school district or districts;

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

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

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

24 (f) School districts that exist on the effective date of this section
25 and that are reorganized by the state board shall retain a local school
26 comprised of grades kindergarten through eight (K-8) or grades kindergarten
27 through six (K-6).

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

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

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

1 (2) However, a school district may appeal to the circuit court
2 in the county seat in which the school district is located or to Pulaski
3 County Circuit Court under the Arkansas Administrative Procedure Act, § 25-
4 15-201 et seq.

5
6 SECTION 3. Arkansas Code Title 6, Chapter 17, is amended to add the
7 following subchapter:

8 6-17-2401. Title.

9 This subchapter shall be known and may be cited as the “Minimum Teacher
10 Compensation Act of 2003”.

11
12 6-17-2402. Legislative intent.

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

15 (1) Drives improvements in student academic achievement;

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

17 (3) Provides teachers with meaningful and rewarding
18 opportunities for advancement in the profession based on the acquisition of
19 skills that enhance instructional excellence and student learning, taking on
20 leadership roles, and making exceptional professional contributions;

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

23 (5) Encourages and rewards teachers individually for increasing
24 their knowledge, skills, and competencies, and rewards teachers collectively
25 for improving student performance;

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

28 (7) Promotes professional collegial cooperation;

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

31 (9) Will be affordable, somewhat predictable, and in keeping
32 with the state’s educational and fiscal objectives.

33
34 6-17-2403. Definitions.

35 As used in this subchapter:

36 (1) “Basic contract” means a teacher employment contract for a

number of days that does not exceed the number of days in the school year required by the State Board of Education for accreditation for the school year in which the contract is effective;

(2) "Knowledge and skills-based pay system" is the compensation system established in § 6-17-2405; and

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

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

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

(1) Has annual increments for education and experience;

(2) Provides for a base salary; and

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

(b)(1) In school year 2004-2005, each school district whose teachers have not been assessed shall have in place a salary schedule with at least the following levels of compensation 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>

1	<u>13</u>	<u>33,772</u>	<u>37,710</u>
2	<u>14</u>	<u>34,216</u>	<u>38,220</u>
3	<u>15 years or more</u>	<u>34,660</u>	<u>38,730</u>

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

8
 9 6-17-2405. Knowledge and skills-based pay after 2004-2005.

10 (a) In school year 2005-2006, the board of directors of each school
 11 district whose teachers have been assessed shall pay their teachers upon a
 12 salary schedule that:

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

14 (2) Provides for a base salary; and

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

17 (b)(1) In school year 2005-2006 and each school year thereafter, each
 18 school district in the state shall have in place a salary schedule with at
 19 least the following levels of compensation for the basic contract:

<u>Skill Level</u>	<u>Step Within Level</u>	<u>Salary</u>	<u>Percent Step</u>
<u>Entry</u>	<u>1</u>	<u>\$28,000</u>	<u>0%</u>
	<u>2</u>	<u>28,560</u>	<u>2%</u>
	<u>3</u>	<u>29,131</u>	<u>2%</u>
<u>Emerging Career</u>	<u>1</u>	<u>31,898</u>	<u>9.5%</u>
	<u>2</u>	<u>32,536</u>	<u>2%</u>
	<u>3</u>	<u>33,187</u>	<u>2%</u>
<u>Career</u>	<u>1</u>	<u>36,340</u>	<u>9.5%</u>
	<u>2</u>	<u>37,066</u>	<u>2%</u>
	<u>3</u>	<u>37,808</u>	<u>2%</u>
	<u>4</u>	<u>38,564</u>	<u>2%</u>
<u>Master</u>	<u>1</u>	<u>42,228</u>	<u>9.5%</u>
	<u>2</u>	<u>43,072</u>	<u>2%</u>
	<u>3</u>	<u>43,934</u>	<u>2%</u>
	<u>4</u>	<u>44,812</u>	<u>2%</u>
<u>Arkansas Fellow</u>	<u>1</u>	<u>49,069</u>	<u>9.5%</u>

36 (2) For purposes of the knowledge and skills-based pay system,

1 when a teacher moves from one (1) school district to another, the teacher
2 shall be placed in an equivalent position in terms of skill level and steps
3 within the level on the salary schedule of the school district to which the
4 teacher moves.

5 (c)(1) No person without a standard teaching license issued by the
6 State Board of Education may advance from entry skill level to emerging
7 career skill level.

8 (2) For a person to advance from emerging career skill level to
9 each successive skill level, that person must demonstrate sufficient
10 increases in knowledge and skills and the ability to use those knowledge and
11 skills to advance student achievement, in accordance with rules promulgated
12 by the state board. The basis for advancement shall not be based only on
13 student achievement.

14 (3) A person shall advance from the entry skill level to the
15 emerging career skill level within three (3) years or be subject to
16 termination.

17 (4) A person shall remain in the emerging career skill level for
18 at least one (1) year before requesting promotion to the career skill level.

19 (5) A person shall spend at least three (3) years in the career
20 skill level before requesting promotion to the master skill level.

21 (6) The Arkansas fellow skill level is reserved for teachers who
22 become National Board Certified or complete the Master Teacher Program.

23 (d)(1) Any person who has reached the highest step within a level
24 without advancing to the next skill level shall continue to receive increases
25 in teacher pay equal to two percent (2%) per year.

26 (2) If the person then advances to the next skill level, the
27 person's compensation shall increase by nine and one-half percent (9.5%) and
28 shall continue to increase by two percent (2%) each school year thereafter
29 until the Arkansas fellow skill level is attained.

30 (e) A person who has attained the Arkansas fellow skill level shall
31 only receive cost-of-living increases.

32
33 6-17-2406. Compensation system transition.

34 (a)(1) Before July 1, 2004, the State Board of Education shall
35 promulgate rules to implement all aspects of the knowledge and skills-based
36 pay system in § 6-17-2405.

1 (2) The state board shall work in cooperation with the House
2 Interim Committee on Education and the Senate Interim Committee on Education
3 and any subcommittees created by those committees while creating the rules.

4 (b) During the 2004-2005 school year, the Department of Education
5 shall pilot and evaluate the knowledge and skills-based pay system under § 6-
6 17-2404 in a limited number of school districts.

7 (c) During the 2004-2005 school year, the department shall
8 preliminarily determine where each teacher will be located on the knowledge
9 and skills-based pay system under § 6-17-2405.

10 (d) Beginning July 1, 2005, the knowledge and skills-based pay system
11 under § 6-17-2405 shall be in full force and effect.

12
13 6-17-2407. Additional pay for certain teacher qualities.

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

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

20 (b)(1) For the school year 2004-2005 and every school year thereafter,
21 school districts shall pay a teacher an additional ten percent (10%) of the
22 teacher's salary if the teacher teaches in a geographic area in which there
23 is difficulty in recruiting and retaining teachers.

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

27
28 6-17-2408. Monitoring and assessment of the compensation system.

29 (a) The State Board of Education shall promulgate rules establishing a
30 system for the monitoring and assessment of the implementation and
31 continuation of the knowledge and skills-based pay system.

32 (b) The Director of the Department of Education shall establish a unit
33 within the department that is charged with the monitoring, training, and
34 assessment duties required by this subchapter.

35
36 6-17-2409. Future adjustments of the compensation system.

1 Each biennium, the House Interim Committee on Education and the Senate
2 Interim Committee on Education shall analyze the compensation levels provided
3 in this subchapter, review relevant data, and make recommendations to the
4 General Assembly for any adjustments to the compensation levels as needed to
5 further the objective provided in § 6-17-2402.

6
7 6-17-2410. 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 a
17 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 in each
32 district is funded by the General Assembly, the school district's requirement
33 will be proportionately reduced and the minimum salary schedule required
34 shall be reduced proportionately to the reduction in funding made available.

35
36 6-17-2411. 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 ten percent (110%) of the
26 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; or

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) of this section
 11 have been met and notify the district of the decision.

12
 13 SECTION 4. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended
 14 to add two additional sections to read as follows:

15 6-10-118. Economic and academic efficiency.

16 (a) The General Assembly finds that:

17 (1) The Arkansas Constitution states that the State of Arkansas
 18 shall provide a "general, suitable, and efficient" education for the students
 19 in Arkansas Public Schools; and

20 (2) In order to meet the efficiency standard that is
 21 constitutionally prescribed, efficiency shall be defined in terms of
 22 educational efficiency and economic efficiency.

23 (b)(1) Academic and economic efficiency shall be measured:

24 (A) On a one-hundred-point scale covering both educational
 25 efficiency and economic efficiency; and

26 (B) Through the awarding of extra points for poverty,
 27 minority population, and special education population.

28 (2) The one-hundred-point scale through which schools may
 29 achieve a satisfactory score for academic and economic efficiency shall be as
 30 follows:

31 (A) Educational efficiency shall be measured through:

32 (i) Norm-referenced testing for a maximum of twenty-
 33 five (25) points; and

34 (ii) Criterion-referenced testing for a maximum of
 35 twenty-five (25) points; and

36 (B) Economic efficiency shall be measured by expenditures

1 per student for a maximum of fifty (50) points.

2 (3) Additional points shall be awarded to schools based on:

3 (A) Poverty as identified by the number of students
4 eligible for a free and reduced-price lunch;

5 (B) The number of minority students; and

6 (C) The number of students receiving special education.

7 (4) The economic efficiency standard shall apply for school
8 years 2004-2005 and each year thereafter. The academic efficiency standards
9 shall apply for school years 2006-2007 and each year thereafter.

10 (c)(1) By the end of the 2004-2005 school year and each year
11 thereafter, each school district must satisfactorily meet the economic
12 efficiency standard of this subsection (c).

13 (2)(A) A state average expenditure per student shall be
14 determined by the Department of Education utilizing the third-quarter average
15 daily membership, and considering only state and local funds for purposes of
16 determining economic efficiency points.

17 (B) Federal funds shall be excluded from the calculation
18 under this subsection (c).

19 (C) Supplemental funds that may be distributed to school
20 districts for special circumstances, including funds for students in poverty
21 and high cost special education students, shall be excluded from the
22 calculation under this subsection (c).

23 (3)(A) For purposes of this subsection (c), the computation of a
24 school district's percentage of the state average expenditure per student
25 shall be to the nearest whole number.

26 (B) School districts that expend from eighty-five percent
27 (85%) to one hundred fifteen percent (115%) of the state average expenditure
28 per student shall qualify for the full fifty (50) economic efficiency points.

29 (C) School districts that spend less than eighty-five
30 percent (85%) of the state average expenditure per student or more than one
31 hundred fifteen percent (115%) of the state average expenditure per student
32 shall be awarded a pro rata share of the fifty (50) points based on the
33 following scale:

34
35 Percent of State

36 Average Expenditure Points

1	<u>84% or 116%</u>	<u>49 points</u>
2	<u>83% or 117%</u>	<u>48 points</u>
3	<u>82% or 118%</u>	<u>47 points</u>
4	<u>81% or 119%</u>	<u>46 points</u>
5	<u>80% or 120%</u>	<u>45 points</u>
6	<u>79% or 121%</u>	<u>44 points</u>
7	<u>78% or 122%</u>	<u>43 points</u>
8	<u>77% or 123%</u>	<u>42 points</u>
9	<u>76% or 124%</u>	<u>41 points</u>
10	<u>75% or 125%</u>	<u>40 points</u>
11	<u>74% or 126%</u>	<u>39 points</u>
12	<u>73% or 127%</u>	<u>38 points</u>
13	<u>72% or 128%</u>	<u>37 points</u>
14	<u>71% or 129%</u>	<u>36 points</u>
15	<u>70% or 130%</u>	<u>35 points</u>
16	<u>69% or 131%</u>	<u>34 points</u>
17	<u>68% or 132%</u>	<u>33 points</u>
18	<u>67% or 133%</u>	<u>32 points</u>
19	<u>66% or 134%</u>	<u>31 points</u>
20	<u>65% or 135%</u>	<u>30 points</u>
21	<u>64% or 136%</u>	<u>29 points</u>
22	<u>63% or 137%</u>	<u>28 points</u>
23	<u>62% or 138%</u>	<u>27 points</u>
24	<u>61% or 139%</u>	<u>26 points</u>
25	<u>60% or 140%</u>	<u>25 points</u>
26	<u>59% or 141%</u>	<u>24 points</u>
27	<u>58% or 142%</u>	<u>23 points</u>
28	<u>57% or 143%</u>	<u>22 points</u>
29	<u>56% or 144%</u>	<u>21 points</u>
30	<u>55% or 145%</u>	<u>20 points</u>
31	<u>54% or 146%</u>	<u>19 points</u>
32	<u>53% or 147%</u>	<u>18 points</u>
33	<u>52% or 148%</u>	<u>17 points</u>
34	<u>51% or 149%</u>	<u>16 points</u>
35	<u>50% or 150%</u>	<u>15 points</u>
36	<u>49% or 151%</u>	<u>14 points</u>

1	<u>48% or 152%</u>	<u>13 points</u>
2	<u>47% or 153%</u>	<u>12 points</u>
3	<u>46% or 154%</u>	<u>11 points</u>
4	<u>45% or 155%</u>	<u>10 points</u>
5	<u>44% or 156%</u>	<u>9 points</u>
6	<u>43% or 157%</u>	<u>8 points</u>
7	<u>42% or 158%</u>	<u>7 points</u>
8	<u>41% or 159%</u>	<u>6 points</u>
9	<u>40% or 160%</u>	<u>5 points</u>
10	<u>39% or 161%</u>	<u>4 points</u>
11	<u>38% or 162%</u>	<u>3 points</u>
12	<u>37% or 163%</u>	<u>2 points</u>
13	<u>36% or 164%</u>	<u>1 point</u>
14	<u>35% and below</u>	<u>0 points</u>
15	<u>165% and above</u>	<u>0 points</u>

16 (4) By the end of school year 2004-2005, a school district must
 17 earn a minimum of thirty-five (35) points under this subsection (c) or be
 18 subject to a one-year probation. If a school district fails to meet economic
 19 efficiency after one (1) year of probation, the school district shall be
 20 subject to the probationary sanctions of The Quality Education Act of 2003,
 21 § 6-15-201 et seq.

22 (d)(1) For the school year 2006-2007 and each school year thereafter,
 23 a school district shall meet the academic efficiency standards of norm-
 24 referenced testing and criterion-referenced testing of subsections (d) and
 25 (e) of this section.

26 (e)(1) Nationally norm-referenced testing shall be offered to every
 27 student in each school district each year.

28 (2)(A) For the school year 2006-2007 and each school year
 29 thereafter, a school district shall be awarded twenty (25) points if the
 30 school district meets or exceeds the fiftieth percentile rank in its
 31 composite scores based on the data of the current school year.

32 (B) If a school district falls below the fiftieth
 33 percentile rank in the composite scores based on the most current three (3)
 34 years of data, the district shall be awarded a pro rata share of the twenty-
 35 five (25) points based on the achievement scores of that school district.

36 (C) However, no school district may receive points for

1 norm-referenced testing if that district has a percentile ranking below the
 2 twenty-fifth percentile.

3 (3) A sliding scale shall be used to determine norm-referenced
 4 testing points awarded to districts as follows:

5	<u>Percentile</u>	<u>Points</u>
6	<u>50th percentile and above</u>	<u>25 points</u>
7	<u>49th</u>	<u>24 points</u>
8	<u>48th</u>	<u>23 points</u>
9	<u>47th</u>	<u>22 points</u>
10	<u>46th</u>	<u>21 points</u>
11	<u>45th</u>	<u>20 points</u>
12	<u>44th</u>	<u>19 points</u>
13	<u>43rd</u>	<u>18 points</u>
14	<u>42nd</u>	<u>17 points</u>
15	<u>41st</u>	<u>16 points</u>
16	<u>40th</u>	<u>15 points</u>
17	<u>39th</u>	<u>14 points</u>
18	<u>38th</u>	<u>13 points</u>
19	<u>37th</u>	<u>12 points</u>
20	<u>36th</u>	<u>11 points</u>
21	<u>35th</u>	<u>10 points</u>
22	<u>34th</u>	<u>9 points</u>
23	<u>33rd</u>	<u>8 points</u>
24	<u>32nd</u>	<u>7 points</u>
25	<u>31st</u>	<u>6 points</u>
26	<u>30th</u>	<u>5 points</u>
27	<u>29th</u>	<u>4 points</u>
28	<u>28th</u>	<u>3 points</u>
29	<u>27th</u>	<u>2 points</u>
30	<u>26th</u>	<u>1 point</u>
31	<u>25th and below</u>	<u>0 points</u>

32 (f)(1) The state benchmark exam, end-of-course algebra and geometry
 33 exams, end-of-course literacy exam, and end-of-course biology exam, if
 34 available, and any other criterion-referenced tests that are developed and
 35 implemented by the department under the Arkansas Comprehensive Testing,
 36 Assessment, and Accountability Program regulations shall be used to award the

1 criterion-referenced test points for the school year 2006-2007 and each
 2 school year thereafter.

3 (2) The percentage of students rated proficient or advanced for
 4 each school district shall be computed for all criterion-referenced tests
 5 given.

6 (3)(A) The full twenty-five (25) points shall be awarded to a
 7 school district if seventy-five percent (75%) of the students achieve
 8 proficient or advanced status.

9 (B) No school district shall receive points for criterion-
 10 referenced tests if an average of more than twenty-five percent (25%) of its
 11 students do not reach the proficient or advanced status for the criterion-
 12 referenced tests.

13 (C) Pro rata points shall be awarded on a sliding scale as
 14 follows:

<u>Percent</u>	<u>Points</u>
<u>75% and above</u>	<u>25 points</u>
<u>74%</u>	<u>24.5 points</u>
<u>73%</u>	<u>24 points</u>
<u>72%</u>	<u>23.5 points</u>
<u>71%</u>	<u>23 points</u>
<u>70%</u>	<u>22.5 points</u>
<u>69%</u>	<u>22 points</u>
<u>68%</u>	<u>21.5 points</u>
<u>67%</u>	<u>21 points</u>
<u>66%</u>	<u>20.5 points</u>
<u>65%</u>	<u>20 points</u>
<u>64%</u>	<u>19.5 points</u>
<u>63%</u>	<u>19 points</u>
<u>62%</u>	<u>18.5 points</u>
<u>61%</u>	<u>18 points</u>
<u>60%</u>	<u>17.5 points</u>
<u>59%</u>	<u>17 points</u>
<u>58%</u>	<u>16.5 points</u>
<u>57%</u>	<u>16 points</u>
<u>56%</u>	<u>15.5 points</u>
<u>55%</u>	<u>15 points</u>

1	<u>54%</u>	<u>14.5 points</u>
2	<u>53%</u>	<u>14 points</u>
3	<u>52%</u>	<u>13.5 points</u>
4	<u>51%</u>	<u>13 points</u>
5	<u>50%</u>	<u>12.5 points</u>
6	<u>49%</u>	<u>12 points</u>
7	<u>48%</u>	<u>11.5 points</u>
8	<u>47%</u>	<u>11 points</u>
9	<u>46%</u>	<u>10.5 points</u>
10	<u>45%</u>	<u>10 points</u>
11	<u>44%</u>	<u>9.5 points</u>
12	<u>43%</u>	<u>9 points</u>
13	<u>42%</u>	<u>8.5 points</u>
14	<u>41%</u>	<u>8 points</u>
15	<u>40%</u>	<u>7.5 points</u>
16	<u>39%</u>	<u>7 points</u>
17	<u>38%</u>	<u>6.5 points</u>
18	<u>37%</u>	<u>6 points</u>
19	<u>36%</u>	<u>5.5 points</u>
20	<u>35%</u>	<u>5 points</u>
21	<u>34%</u>	<u>4.5 points</u>
22	<u>33%</u>	<u>4 points</u>
23	<u>32%</u>	<u>3.5 points</u>
24	<u>31%</u>	<u>3 points</u>
25	<u>30%</u>	<u>2.5 points</u>
26	<u>29%</u>	<u>2 points</u>
27	<u>28%</u>	<u>1.5 points</u>
28	<u>27%</u>	<u>1 point</u>
29	<u>26%</u>	<u>0.5 points</u>
30	<u>25% and below-zero</u>	<u>0 points</u>

31 (g) For the school year 2006-2007 and each school year thereafter, if
 32 a school district's student population is comprised of a student body with
 33 fifty percent (50%) or more classified in poverty as identified by the number
 34 of students qualifying for the free and reduced-price lunch programs, one (1)
 35 bonus point will be awarded for every five percent (5%) of the student
 36 population qualifying for the free and reduced-price lunch programs above the

1 fifty percent (50%) base as follows:

2 (1) Fifty-one percent to fifty-five percent (51%-55%) shall be
3 awarded one (1) bonus point;

4 (2) Fifty-six percent to sixty percent (56%-60%) shall be
5 awarded two (2) bonus points;

6 (3) Sixty-one percent to sixty-five percent (61%-65%) shall be
7 awarded three (3) bonus points;

8 (4) Sixty-six percent to seventy percent (66%-70%) shall be
9 awarded four (4) bonus points;

10 (5) Seventy-one percent to seventy-five percent (71%-75%) shall
11 be awarded five (5) bonus points;

12 (6) Seventy-six percent to eighty percent (76%-80%) shall be
13 awarded six (6) bonus points;

14 (7) Eighty-one percent to eighty-five percent (81%-85%) shall be
15 awarded seven (7) bonus points;

16 (8) Eighty-six percent to ninety percent (86%-90%) shall be
17 awarded eight (8) bonus points;

18 (9) Ninety-one percent to ninety-five percent (91%-95%) shall be
19 awarded nine (9) bonus points; and

20 (10) Ninety-six percent to one hundred percent (96%-100%) shall
21 be awarded ten (10) bonus points.

22 (h)(1) For purposes of subdivision (h)(2) of this section, the
23 minority student population of a school district shall be determined from the
24 Arkansas Public School Computer Network cycle 2 report required to be filed
25 with the department.

26 (2) For the school year 2006-2007 and each school year
27 thereafter, if a school district's student population is comprised of a
28 student body with fifty percent (50%) or more of its students classified in a
29 single minority group, one (1) bonus point will be awarded for every five
30 percent (5%) increase above the fifty percent (50%) base as follows:

31 (A) Fifty-one percent to sixty percent (51%-60%) shall be
32 awarded one (1) bonus point;

33 (B) Sixty-one percent to seventy percent (61%-70%) shall
34 be awarded two (2) bonus points;

35 (C) Seventy-one percent to eighty percent (71%-80%) shall
36 be awarded three (3) bonus points;

1 (D) Eighty-one percent to ninety percent (81%-90%) shall
2 be awarded four (4) bonus points; and

3 (E) Ninety-one percent to one hundred percent (91%-100%)
4 shall be awarded five (5) bonus points.

5 (i)(1) For the school year 2006-2007 and each school year thereafter,
6 bonus points shall be awarded to a school district having a disproportionate
7 number of high-cost special needs students if the school district's
8 expenditures for special education and special needs students exceeds the
9 state requirement for those expenditures.

10 (2) Points will be awarded for every ten percent (10%) increase
11 above expenditure requirements as follows:

12 (A) One percent to ten percent (1%-10%) shall be awarded
13 one (1) bonus point;

14 (B) Eleven percent to twenty percent (11%-20%) shall be
15 awarded two (2) bonus points;

16 (C) Twenty-one percent to thirty percent (21%-30%) shall
17 be awarded three (3) bonus points;

18 (D) Thirty-one percent to forty percent (31%-40%) shall be
19 awarded four (4) bonus points; and

20 (E) Forty-one percent (41%) and above shall be awarded
21 five (5) bonus points.

22 (j)(1) By the end of the 2006-2007 school year and every school year
23 thereafter, each school district shall be evaluated using the criteria
24 established in subsections (c) through (i) of this section.

25 (2)(A) A school district that earns at least a total of seventy
26 (70) points under subsections (c) through (i) of this section shall be
27 considered to meet the economic and academic efficiency standards of this
28 section.

29 (B)(i) If a school district fails to earn at least seventy
30 (70) points under subsections (c) through (i) of this section, the school
31 district shall be placed on probation for one (1) year.

32 (ii) If the school district fails to earn the
33 minimum seventy (70) points at the end of the year of probation, the school
34 district shall be subject to additional probationary sanctions of The Quality
35 Education Act of 2003, § 6-15-201 et seq.

36

1 6-10-119. Failure to meet standards.

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

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

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

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

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

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

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

20 (3) School districts that do not meet the teacher salary
21 requirements as established by the General Assembly or the efficiency
22 standards of § 6-10-118 in any given year shall be placed in year-one
23 probation.

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

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

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

32 (B) The task force shall work under the authority of the
33 director.

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

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

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

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

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

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

14 (B) Removing a particular school from the jurisdiction of
15 the school district and establishing alternative public governance and
16 supervision of the school or schools;

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

19 (D) Annexing a school district or districts or parts of a
20 district with another receiving school district or districts;

21 (E) Consolidating a school district or districts or parts
22 of a school district with another receiving school district or districts;

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

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

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

32 (f) School districts that exist on the effective date of this section
33 and that are reorganized by the state board shall retain a local school
34 comprised of grades kindergarten through eight (K-8).

35 (g)(1) The state board may take into consideration the isolated
36 factors relating to a school district's circumstances and may make decisions

1 on the proper course of action best suited for that district and its
2 students.

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

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

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

12
13 SECTION 5. Arkansas Code §§ 6-17-1001 through 6-17-1004 are repealed.

14 ~~6-17-1001. Minimum base salary—Master's degree.~~

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

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

24 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~
25 ~~school district shall pay its teachers with a bachelor's degree and no~~
26 ~~experience less than twenty-one thousand eight hundred sixty dollars~~
27 ~~(\$21,860).~~

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

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

36 ~~(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.~~

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

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

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for~~

~~experience for teachers with seven (7) and eight (8) years of experience.~~

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

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

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

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

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

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

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

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

~~(2) Who is:~~

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

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

~~(C) A librarian.~~

~~(o) All minimum salaries set forth in this section shall be for a contract number of days that is not more than the number of days in the~~

1 ~~school year required by the State Board of Education's regulations for~~
2 ~~accreditation for the school year in which the contract is effective.~~

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

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

11
12 ~~6-17-1002. Salary amount—Annual review.~~

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

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

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

25
26 ~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

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

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

1
2 ~~6-17-1004. Salary goals.~~

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

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

13
14 SECTION. 6. Arkansas Code Title 6, Chapter 17, Subchapter 21 is
15 repealed.

16 ~~6-17-2101. Title.~~

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

19
20 ~~6-17-2102. Legislative findings and intent.~~

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

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

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

28 ~~(3)(A) Nationally and within Arkansas, there has developed a~~
29 ~~shortage of qualified educators in certain fields of teaching.~~

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

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

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

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

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

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

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

~~6-17-2103. Definitions.~~

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

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

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

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

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

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

~~(B) Whose primary job responsibilities are for the education of public school students in grades prekindergarten through twelve (PK-12) and do not include districtwide administrative duties.~~

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

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

~~(b) A school district shall implement the required salary increase in~~

1 ~~a variety of methods, including:~~

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

4 ~~(2) Paying a supplement to the salaries of the targeted~~
5 ~~educators at each step and each lane of the salary schedule equal to the~~
6 ~~required salary increase and making the supplement an addendum to the~~
7 ~~targeted educator's contract. The supplement, added to the targeted~~
8 ~~educator's regular salary, shall equal the targeted educator's total salary~~
9 ~~which shall be a continuing obligation; or~~

10 ~~(3) A combination of subdivisions (b)(1) and (b)(2) of this~~
11 ~~section.~~

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

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

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

25 ~~(f)(1) Nothing in this section shall be construed to prohibit a school~~
26 ~~district from implementing the required salary increase for fiscal year 2003~~
27 ~~by exceeding the required salary increase for fiscal year 2002 and paying the~~
28 ~~difference between the required salary increase for fiscal year 2003 and the~~
29 ~~actual amount applied to the required salary increase for fiscal year 2002.~~

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

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

1 ~~this subchapter.~~

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

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

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

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

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

19
20 ~~6-17-2105. Exemptions.~~

21 ~~(a) Any local school district engaged in agreed to collective~~
22 ~~bargaining with its certified staff shall be exempt from the provisions of~~
23 ~~this subchapter to the extent that school districts in collective bargaining~~
24 ~~shall negotiate on salaries and other terms and conditions of employment.~~
25 ~~This section in no way is to be interpreted as altering or replacing any~~
26 ~~collective bargaining agreement in place at the time of the enactment of this~~
27 ~~subchapter.~~

28 ~~(b)(1) Any local school district may petition the Department of~~
29 ~~Education for a waiver from the provisions of this subchapter.~~

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

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

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

1
2 ~~6-17-2106. Regulatory authority and enforcement.~~

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

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

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

11
12 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
14 Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) declared the now-
15 extant system of education to be unconstitutional because it is both
16 inequitable and inadequate; that the Arkansas Supreme Court set forth the
17 test for the constitutional system to be one in which the state has an
18 "absolute duty" to provide an "equal opportunity to an adequate education";
19 and that the Arkansas Supreme Court instructed the General Assembly to define
20 and provide what is necessary for an adequate and equitable education for the
21 children of Arkansas. Therefore, an emergency is declared to exist and this
22 act being immediately necessary for the preservation of the public peace,
23 health, and safety shall become effective on:

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

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

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

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31 /s/ Weaver, et al
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