

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

Call Item 4

# A Bill

HOUSE BILL 1101

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

9 AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR  
10 SCHOOL DISTRICTS; AND FOR OTHER PURPOSES.  
11

### Subtitle

12 AN ACT TO CREATE A REDUCTION IN FORCE  
13 POLICY FOR SCHOOL DISTRICTS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 2, is amended  
20 to add an additional section to read as follows:

21 6-17-211. Reduction in Force – Lay-offs.

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

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

26 (2) “Classified employee” means a nonsupervisory employee  
27 holding a position that is not required by law to hold a license issued by  
28 the State Board of Education and whose salary is on a support or classified  
29 salary schedule;

30 (3) “Grade level” means:

31 (A) Prekindergarten;

32 (B) Elementary, which consists of grade kindergarten  
33 through grade five (K-5) or grade six (6);

34 (C) Middle or junior high, which consists of grade six (6)  
35 or grade seven (7) through grade eight (8) or grade nine (9); or

36 (D) Senior high, which consists of grades nine through



1 twelve (9-12);

2 (4) "Seniority" means the total number of years of employment as  
 3 a teacher or as a classified employee in the school district. For purposes  
 4 of this section:

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

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

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

14 (6) "Teacher" means a nonsupervisory employee holding a position  
 15 that requires a license from the State Board of Education whose salary is  
 16 determined by the state minimum teacher salary schedule.

17 (b) If there is a need for a reduction in force by a districtwide  
 18 reduction in certified or classified staff, or both, no such reductions shall  
 19 be made during the school year but may be made for the next school year.

20 (c)(1)(A) In preparation for a reduction in force the school district  
 21 shall distribute, prior to April of the school year prior to the year the  
 22 reduction is to take place, to all teachers and classified employees of the  
 23 district:

24 (i) A list of positions that the district  
 25 anticipates or plans to reduce in the format provided in subsection (e) of  
 26 this section;

27 (ii) A list of all teachers, point totals, and  
 28 certification areas consistent with subsection (f) of this section; and

29 (iii) A list of all classified positions by length  
 30 of service and job classification consistent with subsection (g) of this  
 31 section.

32 (B) In addition, the lists shall identify those employees  
 33 who have submitted a written statement of intent to retire or not return the  
 34 following year.

35 (C) Lists prepared in accordance with this act shall be  
 36 updated and posted on each school district's website by May and again in

1 June.

2 (2) Nothing in this section shall exempt a school district from  
 3 complying with The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.,  
 4 as may be amended, or the Public School Employee Fair Hearing Act, § 6-17-  
 5 1701 et seq., as may be amended, when implementing the reduction in force.

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

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

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

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

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

20 (B) Additional points for graduate degrees related to  
 21 education or a teacher's area or areas of certification, but only one (1)  
 22 applies:

23 (i) Two (2) points shall be given for an earned  
 24 master's degree, maximum two (2) points;

25 (ii) Three (3) points shall be given for a master's  
 26 degree plus thirty (30) additional graduate level hours, maximum three (3)  
 27 points;

28 (iii) Four (4) points shall be given for an  
 29 Educational Specialist degree, maximum four (4) points; and

30 (iv) Five (5) points shall be given for a doctorate  
 31 degree, maximum five (5) points;

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

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

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

1 assessor;

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

4 (G) One (1) point shall be given for certification or  
5 teaching in an state board approved subject matter shortage area; and

6 (H) One (1) point shall be given for multiple areas and  
7 levels of licensure as identified by the state board.

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

10 (B) Each teacher's points shall be added and each teacher  
11 shall be ranked by the total points from highest to lowest in their  
12 certification areas.

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

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

17 (A) Full certification in a position shall prevail over  
18 greater points; and

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

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

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

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

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

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

35 (3) For two (2) years following the reduction, classified  
36 employees whose positions have been eliminated due to a reduction under this

1 section shall have the right to assume a position for which they are  
2 qualified that is held by the least senior classified employee with the same  
3 job classification and length of contract.

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

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

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

11 (2) If more than one (1) teacher or classified employee is  
12 qualified for the vacant position, the teacher with the greatest seniority  
13 shall be employed first.

14 (i) This section shall not apply to any district that has chosen to  
15 officially recognize in its policies an organization representing the  
16 majority of teachers of the district for the purpose of negotiation under a  
17 written policy agreement unless the district and the organization agree to  
18 have this section apply.

19 (j) The application of a reduction-in-force policy shall be in  
20 compliance with the Federal Civil Rights Act of 1964, as amended, the Federal  
21 Civil Rights Act of 1866, the Federal Civil Rights Act of 1871, the  
22 Fourteenth Amendment to the United States Constitution, the Arkansas Civil  
23 Rights Act of 1993, § 16-123-101, et seq. and any applicable court order.

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