

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 847 of the Regular Session

As Engrossed: S3/8/07 S3/15/07 S3/27/07

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 54

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5 By: Senator J. Jeffress
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8 **For An Act To Be Entitled**

9 AN ACT CONCERNING PUBLIC SCHOOL CERTIFIED
10 EMPLOYEE AND CLASSIFIED EMPLOYEE ALTERNATIVE PAY
11 PROGRAMS; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 THE ARKANSAS ALTERNATIVE PAY PROGRAMS
15 ACT.
16
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. NOT TO BE CODIFIED. This act shall be known as "The
21 Arkansas Alternative Pay Programs Act.
22

23 SECTION 2. Arkansas Code Title 6, Chapter 18, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 6-17-119. Alternative pay programs.

26 (a) As used in this section:

27 (1) "Certified employee" means a person employed by a public
28 school who is required to hold a license issued by the Arkansas Department of
29 Education;

30 (2) "Classified employee" means a person employed by a public
31 school district under a written annual contract who is not required to have a
32 teaching certificate issued by the Arkansas Department of Education as a
33 condition of employment; and

34 (3) "Alternative pay" means a salary amount that is part of the
35 certified employee's or classified employee's total compensation for



1 additional responsibilities, mastery of new knowledge and skills, advanced
2 career opportunities, increased student achievement, attracting highly
3 qualified teachers, or professional development exceeding state minimums.

4 (4) "Teacher" means:

5 (A) Any person who is:

6 (i) Required to hold a teaching license from the
7 Arkansas Department of Education; and

8 (ii) Is engaged directly in instruction with
9 students in a classroom setting for more than seventy percent (70%) of the
10 individual's contracted time;

11 (B) A guidance counselor; or

12 (C) A librarian.

13 (b) A public school district may offer or participate in an
14 alternative pay program for its certified employees, classified employees, or
15 both employee groups if:

16 (1) The program is implemented district-wide or on a school-by-
17 school basis;

18 (2) Every eligible certified employee or classified employee may
19 participate in the program;

20 (3)(A) The program from the beginning is a collaborative effort
21 among the participating school board, administrators, teachers, classified
22 employees, association representatives, and parents with children attending
23 the school district.

24 (B) The school board, administrators, teachers, and
25 classified employees shall each approve a show of interest resolution in the
26 program by at least seventy percent (70%) or another percentage established
27 by a majority vote of the teachers and approved by the local school board.

28 (C)(i) Each of the above groups shall be represented on a
29 committee that will design, implement and evaluate the program.

30 (ii) Each group shall select its own
31 representatives, and the committee shall be composed of at least fifty
32 percent (50%) classroom teachers.

33 (D) The program is a personnel policy and shall be
34 promulgated in accordance with § 6-17-201, et. seq., and §6-17-2301,
35 et.seq., except to the extent that those personnel policies are negotiable in
36 any school district that recognizes an organization representing a majority

1 of teachers.

2 (4)(A) The program uses a variety of objective criteria that are
3 credible, clear, specific, measurable indicators of student achievement, and
4 generally accepted best practices to determine pay; and

5 (B) No more than fifty percent (50%) of the program's
6 eligibility requirements or alternative pay shall be related to annual
7 increases in test scores;

8 (5)(A)(i) The program establishes a clear system of pay.

9 (ii) The alternative pay system may not be
10 arbitrary.

11 (B) The alternative pay shall be at least ten percent (10%)
12 of the salary and receivable in one year;

13 (6) The program has an established and ongoing support system
14 for the participants with the necessary financial and administrative
15 resources to successfully carry the program through;

16 (7) The program is aligned and linked to each school's Arkansas
17 Comprehensive School Improvement Plan;

18 (8) The program is part of a larger set of reforms rather than
19 an isolated approach to improving performance or rewarding certain certified
20 or classified employees; and

21 (9) Each group identified in subdivision (b)(3)(B) approves the
22 finalized program by:

23 (A) At least a seventy percent (70%) majority; or

24 (B) Another percentage established by a majority vote of
25 the teachers and approved by the local school board.

26 (10)(A) The program respects the right of any teacher or
27 classified employee to elect not to participate in the program.

28 (B) However, if fifty-one percent (51%) or more of an
29 employee group chooses not to participate, the program shall not be
30 implemented for that group.

31 (c) The Arkansas Department of Education shall promulgate the rules
32 necessary for the proper implementation of this act.

33 (d) This section shall not apply to any state-funded alternative
34 teacher compensation pilot program or to any other performance-based pay
35 program operating in a public school on the effective date of this section.

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/s/ J. Jeffre

APPROVED: 4/3/2007s