

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1507

"AN ACT PERTAINING TO STATE SCHOOL STANDARDS; TO PROVIDE FOR AN
ADEQUATE AND EFFICIENT EDUCATION IN ARKANSAS SCHOOLS."

Amendment No. 2 to House Bill No. 1507.

Amend House Bill No. 1507 as originally introduced:

Page 6, delete line 32 and substitute the following:
"2004-2005 school year."

SECTION 2. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended by adding the following additional section:

6-17-209. Reduction on Force - Lay Offs.

(a) For purposes of this section:

(1) "Certification area" means grade levels or subject areas for which the state provides a license to teach;

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

(3) "Consolidation" means any reorganization of a school district effective on or before July 1, 2004, either voluntarily under Arkansas Code Title 6, Chapter 13, Subchapter 14 or involuntarily under the provisions of this chapter;

(4) "Grade level" means:

(A) Prekindergarten;

(B) Elementary, which consists of grades kindergarten through grades five (5) or six (6);

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

(D) Senior high, which consists of grades nine (9) through twelve (12);

(5) "New school district" means the resulting school district after consolidation;

(6)(A) "Seniority" means the total number of years of employment as a teacher or as a classified employee in Arkansas public elementary and secondary schools.

(B) For purposes of this section:



(i) Teachers may not count service as classified employees towards seniority;
(ii) A semester under contract shall be counted as a year; and
(iii) Less than a semester shall not be recognized for seniority;

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

(8) "Teacher" means a nonsupervisory employee holding a position that requires a license from the State Board of Education whose salary is determined by the teacher salary schedule as required under § 6-17-1001.

(b)(1) In the event of a consolidation effective on or before July 1, 2004, the school districts to be consolidated shall not implement a reduction in force and shall not nonrenew or terminate any teacher's or classified employee's contract based upon the upcoming consolidation.

(2) The new school district shall become liable for all teacher and classified employee contracts of the school districts being consolidated.

(c)(1) If during the first two (2) years following a consolidation, which is effective on or before July 1, 2004, the new school district determines that it is necessary to reduce its staff of teachers or classified employees and that the reduction cannot be accomplished through attrition, then the new school district shall follow the provisions of this section.

(2) However, nothing in this section shall exempt a new school district from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-17-1501 et seq., as may be amended, and the Public School Employee Fair Hearing Act, §§ 6-17-1707, et seq., as may be amended, when implementing the reduction in force.

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

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

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

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

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

(B) Additional points for graduate degrees but only one (1) applies:

(i) Two (2) points shall be given for an earned Master's Degree, maximum two (2) points;

(ii) Three (3) points shall be given for a Master's Degree plus thirty (30) additional graduate level hours, maximum three (3) points;

(iii) Four (4) points shall be given for an Educational Specialist Degree, maximum four (4) points;

(iv) Five (5) points shall be given for a Doctorate Degree, maximum five (5) points

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

(vi) One (1) point shall be given for a trained mentor teacher;

(vii) One (1) point shall be given for a certified Praxis assessor;

(viii) One (1) point shall be given for two (2) or more academic content areas of endorsement as identified by the State Board of Education;

(ix) One (1) point shall be given for certification or teaching in a State Board of Education approved shortage area; and

(x) One (1) point shall be given for multiple areas and levels of licensure as identified by the State Board of Education.

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

(B) Each teacher's points shall be added and teachers shall be ranked by total points from high to low in their certification areas.

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

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

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

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

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

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

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

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

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

(3) For two (2) years following the reduction, classified employees whose positions have been eliminated due to a reduction under this section shall have the right to assume a position for which they are qualified that is held by the least senior classified employee with the same job classification and length of contract.

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

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

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

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

(i) The provisions of this section shall expire on July 1, 2006, with the exception of the recall provisions in subdivision (f)(4) and subsections (g) and (h) of this section."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Miller
LDH/JMB - 031420030804
JMB399

Secretary