

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.

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

As Engrossed: H4/10/03 S4/16/03

A Bill

HOUSE BILL 2843

5 By: Representative White
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7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER
10 17, SUBCHAPTER 2 TO PROVIDE FOR A UNIFORM
11 REDUCTION IN FORCE POLICY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE TITLE 6,
16 CHAPTER 17, SUBCHAPTER 2 TO PROVIDE FOR
17 A UNIFORM REDUCTION IN FORCE POLICY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended*
23 *to add the following section:*

24 *6-17-210. Reduction in force – Lay-offs.*

25 *(a) For purposes of this section the following definitions shall*
26 *apply:*

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

29 *(2) “Classified employee” means a non-supervisory employee*
30 *holding a position that is not required by law to hold a license issued by*
31 *the State Board of Education and whose salary is on a support or classified*
32 *salary schedule;*

33 *(3) “Consolidation” means any reorganization, merger, collapse,*
34 *or annexation of any school districts or portions thereof either voluntarily*
35 *or involuntarily.*

36 *(4) “Grade level” means:*



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1 (A) Pre-kindergarten;

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

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

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

8 (5) "New school district" means the resulting school district
9 after consolidation.

10 (6) "Seniority" means the total number of years of employment as
11 a teacher or as a classified employee in Arkansas public elementary and
12 secondary schools. For purposes of this section:

13 (A) Teachers may not count service as classified employees
14 towards seniority; and

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

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

22 (8) "Teacher" means a non-supervisory employee holding a
23 position that requires a license from the State Board of Education whose
24 salary is determined by the teacher salary schedule as required under § 6-17-
25 1001.

26 (b)(1) In the event of a consolidation, the school districts to be
27 consolidated shall not implement a reduction in force and shall not nonrenew
28 or terminate any teacher's or classified employee's contract based upon the
29 upcoming consolidation;

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

32 (c)(1) If during the first two (2) years following a consolidation,
33 the new school district determines that it is necessary to reduce its staff
34 of teachers or classified employees, or both, and that the reduction cannot
35 be accomplished through attrition, then the new school district shall follow
36 the provisions of this section.

1 (2) A new school district, in the year prior to its
2 consolidation, shall form an interim board consisting of the board presidents
3 of each of the school districts to be consolidated for the purpose of
4 preparing for any anticipated or planned reduction in force in the first year
5 of consolidation and notifying employees of such plans and their relative
6 standing under this act:

7 (A)(i) With the assistance of the existing school
8 districts, prior to April 15 of the school year prior to consolidation, the
9 interim board shall prepare and distribute to all teachers and classified
10 employees of the existing school districts:

11 (a) A list of anticipated or planned positions
12 in the new district to be reduced in the format provided in subsection (e) of
13 this section;

14 (b) A list of all teachers, point totals, and
15 certification areas consistent with subsection (f) of this section; and

16 (c) A list of all classified positions by
17 length of service and job classification consistent with subsection (g) of
18 this section.

19 (ii) In addition, the lists shall identify those
20 employees who have submitted a written statement of intent to retire or not
21 return the following year.

22 (B) The lists provided for above shall be updated and
23 distributed again to all employees prior to the last day of student teacher
24 contact.

25 (3) Lists prepared in accordance with this act shall be updated
26 and posted on each school district's web site by June 15 of the school year
27 prior to consolidation.

28 (4) Nothing in this section shall exempt a new school district
29 from complying with the Arkansas Teacher Fair Dismissal Act, §§ 6-17-1501, et
30 seq., as may be amended, or the Public School Employee Fair Hearing Act, §§
31 6-17-1707, et seq., as may be amended, when implementing the reduction in
32 force.

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

35 (e)(1) When a new school district determines that a reduction in force
36 is necessary, it shall approve a list of position reductions by school, grade

1 level, certification areas, and for classified job positions, by school and
2 job classification.

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

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

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

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

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

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

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

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

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

25 (D) One (1) point shall be given for a trained mentor
26 teacher;

27 (E) One (1) point shall be given for a certified Praxis
28 assessor;

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

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

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

36 (2)(A) All points assigned shall be verified by documents on

1 file with the new school district.

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

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

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

9 (A) Full certification in a position shall prevail over
10 greater points.

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

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

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

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

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

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

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

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

36 (5) Any classified employee's refusal of a job shall end the

1 district's obligation to place that classified employee.

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

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

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/s/ White

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