

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006
4

Call Item 13

A Bill

HOUSE BILL 1041

5 By: Representative Dangeau
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7

For An Act To Be Entitled

9 AN ACT TO CREATE SUPPLEMENTAL CLASSROOM TEACHER
10 SALARY FUNDING FOR A SCHOOL DISTRICT THAT IS
11 UNABLE TO PAY THE STATE AVERAGE ENTRY TEACHER'S
12 SALARY; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO PROVIDE SUPPLEMENTAL CLASSROOM
15 TEACHER SALARY FUNDING FOR A DISTRICT
16 THAT IS UNABLE TO PAY THE STATE AVERAGE
17 ENTRY TEACHER'S SALARY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-20-2303, concerning definitions used in
24 public school funding, is amended to read as follows:

25 6-20-2303. Definitions.

26 As used in this subchapter:

27 (1) "Additional education categories" means state funds
28 distributed to school districts for alternative learning environments,
29 English-language learners, national school lunch students, and professional
30 development;

31 (2)(A) "Alternative learning environment" means a student
32 intervention program in compliance with §§ 6-18-508 and 6-18-509 that seeks
33 to eliminate traditional barriers to learning for students.

34 (B) The State Board of Education shall promulgate rules
35 that explicate not only which alternative learning environment programs shall
36 qualify for funding, but also the characteristics of students who qualify for



1 funding because they have been placed in an alternative learning environment
2 program;

3 (3)(A) "Average daily membership" means the total number of days
4 of school attended plus the total number of days absent by students in grades
5 kindergarten through twelve (K-12) during the first three (3) quarters of
6 each school year divided by the number of school days actually taught in the
7 school district during that period of time rounded up to the nearest
8 hundredth.

9 (B) In those instances in which the average daily
10 membership for fewer than three (3) quarters is specified, the number of days
11 used in the calculation shall be the days in the specified period of time.

12 (C) As applied to this subchapter, students who may be
13 counted for average daily membership are:

14 (i) Students who reside within the boundaries of the
15 school district and who are enrolled in a public school operated by the
16 school district;

17 (ii) Legally transferred students living outside the
18 school district but attending a public school in the school district under a
19 provision of the Arkansas Code; and

20 (iii) Students who are eligible to attend and who
21 reside within the boundaries of a school district and are enrolled in the
22 Arkansas National Guard Youth Challenge Program, so long as the students are
23 participants in the program.

24 (D)(i) Except for those circumstances otherwise allowed by
25 law or rule, any student who is absent from daily attendance for more than
26 ten (10) consecutive school days shall be dropped from the attendance records
27 of the school, school district, or open-enrollment charter school.

28 (ii) Any student who fails to attend school by the
29 tenth regular school day of the semester shall be retroactively dropped from
30 the first day of the school semester.

31 (E)(i) Except as otherwise provided by law, a public
32 school district or open-enrollment charter school that teaches a distance
33 learning course to one (1) or more home school or private school students
34 shall be eligible for an amount equal to one-sixth (1/6) of the state
35 foundation funding amount per distance learning course for each private
36 school student or home school student who is:

1 (a) Residing within the school district where
2 the public school or open-enrollment charter school is located; and

3 (b) Physically attending the distance learning
4 course or courses on the campus of the public school district or open-
5 enrollment charter school.

6 (ii) However, under no circumstances shall a public
7 school district or open-enrollment charter school be entitled to more than
8 the equivalent of state foundation funding for one (1) average daily
9 membership regardless of the number of distance learning courses received by
10 a particular home school or private school student;

11 (4) "Classroom teacher" means:

12 (A) An individual who is required to hold a teaching
13 license from the Department of Education and who is engaged directly in
14 instruction with students in a classroom setting for more than seventy
15 percent (70%) of the individual's contracted time;

16 (B) A guidance counselor; or

17 (C) A librarian;

18 (5) "District entry teacher's salary" means the salary for a
19 teacher with a bachelor's degree and no experience based upon the school
20 district's salary schedule for the school year;

21 ~~(5)~~(6) "English-language learners" means students identified by
22 the state board as not proficient in the English language based upon approved
23 English proficiency assessment instruments administered annually in the fall
24 of the current school year, which assessments measure oral, reading, and
25 writing proficiency;

26 ~~(6)~~(7) "Foundation funding" means an amount of money specified
27 by the General Assembly for each school year to be expended by school
28 districts for the provision of an adequate education for each student;

29 ~~(7)~~(8) "Gifted and talented programs" means academic curricula,
30 courses, and options designed to improve educational opportunities for gifted
31 and talented students pursuant to guidelines adopted by the state board in
32 accordance with § 6-42-106;

33 ~~(8)~~(9) "Gifted and talented students" means those students who
34 have been identified as meeting the criteria of the gifted program approval
35 standards established by the state board;

36 ~~(9)~~(10) "Legal revenues" means those revenues received or cash

1 balances carried forward by a school district and used to make payments from:

2 (A)(i) The teacher's salary fund, which means the set of
3 accounts used to record the receipts and expenditures for payment of salaries
4 for certified personnel, certified substitutes, tuition, and fringe benefits
5 as defined by § 6-17-908.

6 (ii) Certified personnel salaries from federal
7 programs are excluded;

8 (B) The operating fund, which means the set of accounts
9 used to record the receipts and expenditures for current operating expenses
10 other than those that relate to the purposes set out for other funds; and

11 (C) The debt service fund, which means the set of accounts
12 used to record local tax receipts and expenditures for the retirement of
13 commercially bonded debt;

14 ~~(10)~~(11) "Millage rate" means the millage rate listed in the
15 most recent tax ordinance approved by the county quorum court under the
16 authority of § 14-14-904;

17 ~~(11)~~(12) "Miscellaneous funds" means those funds collected
18 either in the average of the previous five (5) school years or in the
19 previous school year, whichever is less, from funds received by a school
20 district from federal forest reserves, federal grazing rights, federal
21 mineral rights, federal impact aid, federal flood control, wildlife refuge
22 funds, severance taxes, funds received by the school district in lieu of
23 taxes, and local sales and use taxes dedicated to education pursuant to §§
24 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et
25 seq.;

26 ~~(12)(A)~~(13A) "National school lunch students" means those
27 students or the percentage of enrolled students from low socioeconomic
28 backgrounds as indicated by eligibility for free or reduced-price meals under
29 the National School Lunch Act as determined on October 1 of each previous
30 school year and submitted to the department, unless the school district is
31 identified by the ~~department~~ department as participating in the special
32 assistance certification and reimbursement alternative implemented under 42
33 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

34 (B)(i) If the school district is participating under 42
35 U.S.C. § 1759a, then for purposes of funding under § 6-20-2305(b), such a
36 school district's annual percentage of national school lunch students shall

1 be equal to the percentage submitted in the base year, which means the last
 2 school year for which eligibility determinations were made and meal counts
 3 were taken by type except for the 2005-2006 school year as explicated in
 4 subdivision ~~(12)(B)(ii)~~ (13)(B)(ii) of this section.

5 (ii) If a school district received funding for
 6 national school lunch students in the 2004-2005 school year as though one
 7 hundred percent (100%) of its students were eligible for free meals because
 8 of the school district's participation under 42 U.S.C. § 1759a, then that
 9 school district shall be funded for the 2005-2006 school year based upon the
 10 October 1, 2005, submission by a school district to the department if the
 11 school district has completed a new student eligibility determination and
 12 submitted that new eligibility determination to the department by October 1,
 13 2005;

14 ~~(13)(14)~~ "Previous year" or "previous school year" means the
 15 school year immediately preceding the school year or fiscal year in which
 16 funds are allocated;

17 ~~(14)(A)~~(15)(A) "Professional development" means a coordinated
 18 set of planned learning activities for teachers and administrators that are
 19 standards-based.

20 (B) Professional development shall result in individual,
 21 schoolwide, and systemwide improvement designed to ensure that all students
 22 demonstrate proficiency in the state academic standards;

23 ~~(15)(16)~~ "School district" means a geographic area with an
 24 elected board of directors that qualifies as a taxing unit for purposes of ad
 25 valorem property taxes under ~~title~~ Title 26 of the Arkansas Code, which board
 26 conducts the daily affairs of public schools pursuant to the supervisory
 27 authority vested in it by the General Assembly and ~~title~~ Title 6 of the
 28 Arkansas Code;

29 ~~(16)(17)~~ "Secondary vocational area center" means a public
 30 secondary vocational institution organized for the specific purpose of
 31 educating high school students in specific occupational or vocational areas
 32 and serving students from more than one (1) participating school district;

33 ~~(17)(18)~~ "Special education catastrophic occurrences" means
 34 individual cases in which special education and related services required by
 35 the individualized education program of a particular student with
 36 disabilities are unduly expensive, extraordinary, or beyond the routine and

1 normal costs associated with special education and related services provided
 2 by a school district and funding is pursuant to rules promulgated by the
 3 state board;

4 (19) "State average entry salary" means the salary for a
 5 classroom teacher with a bachelor's degree and no experience as reported on
 6 the Department of Education's annual statistical report.

7 ~~(18)~~(20) "State foundation funding aid" means the amount of
 8 state financial aid provided to each school district and computed as the
 9 difference between the foundation funding amount established by the General
 10 Assembly and the sum of ninety-eight percent (98%) of the uniform rate of tax
 11 multiplied by the property assessment of the school district plus seventy-
 12 five percent (75%) of miscellaneous funds of the school district;

13 ~~(19)(A)~~(21)(A) "Student growth funding" means the amount of
 14 state financial aid provided to each school district from funds made
 15 available for that purpose.

16 (B) For school years 2005-2006 and 2006-2007, student
 17 growth funding is calculated as five thousand four hundred dollars (\$5,400)
 18 multiplied by the increase, if any, in the school district's two-quarter
 19 average of the average daily membership of the current school year over the
 20 local school district's two-quarter average of the average daily membership
 21 for the previous school year, excluding any increase resulting solely from
 22 consolidation or annexation with another school district;

23 ~~(20)~~(22) "Teachers of the gifted and talented" means individuals
 24 certified by the state board to teach students identified as gifted and
 25 talented;

26 ~~(21)~~(23) "Technology" means any equipment for instructional
 27 purposes that is electronic in nature, including, but not limited to,
 28 computer hardware, computer software, Internet connectivity, and distance
 29 learning; and

30 ~~(22)~~(24) "Uniform rate of tax" means a uniform rate of ad
 31 valorem property tax of twenty-five (25) mills to be levied on the assessed
 32 value of all taxable real, personal, utility, and regulated carrier property
 33 in the state to be used solely for the maintenance and operation of the
 34 public schools as required by Arkansas Constitution, Article 14, § 3, as
 35 amended by Arkansas Constitution, Amendments 11, 40, and 74.

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SECTION 2. Arkansas Code Title 6, Chapter 20, Subchapter 23 is amended to add an additional section to read as follows:

6-20-2307. Classroom teacher salary supplement.

(a)(1) Beginning with school year 2006-2007, any school district with a district entry teacher's salary for the previous school year that is less than the state average entry teacher's salary for the previous school year shall receive classroom teacher salary supplemental funding calculated as follows:

(A) Divide the district's average daily membership for the previous school year by twelve (12);

(B) Multiply the quotient of subdivision (a)(1)(A) by the positive result of the state average entry teacher's salary minus the district entry teacher's salary;

(C) Multiply the product of subdivision (a)(1)(B) by one hundred and twenty-five percent (125%); and

(D) The product of subdivision (a)(1)(C) equals the amount of the district's classroom teacher salary supplemental funding.

(2) The following is an example of the formula under this subsection (a):

$$\underline{[(ADM +12) X (State average entry teacher's salary - District entry teacher's salary)] X (1.25) = District's Classroom Teacher Salary Supplemental Funding}$$

(b)(1)(A) A school district is eligible to receive classroom teacher salary supplemental funding under this section for up to five (5) school years.

(B) The five-year period during which a school district is eligible to receive classroom teacher salary supplemental funding under this section may include the first school year that a school district receives classroom teacher salary supplemental funding under this section and up to four (4) of the following consecutive years.

(2) A school district that receives classroom teacher salary supplemental funding under this section shall implement a teacher salary schedule with a district entry teacher's salary that equals or exceeds the state average entry teacher's salary for the previous school year no later than first school year following the expiration of the five-year period

1 described in subdivision (b)(1).

2 (3) A school district receiving classroom teacher salary
3 supplemental funding under this section shall expend the classroom teacher
4 salary supplemental funding only for classroom teacher salaries.

5 (c)(1) A school district with a district entry teacher’s salary that
6 equals or exceeds the state average entry teacher’s salary is not eligible to
7 receive classroom teacher salary supplemental funding under this section.

8 (2) This subdivision shall not be construed to cause any
9 reduction in funds lawfully directed to a school district that has a teacher
10 salary schedule with a district entry teacher’s salary that equals or exceeds
11 the state average entry teacher’s salary.

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the Arkansas Supreme Court
15 found that the public school funding system continues to be inadequate and
16 the public schools are operating under a constitutional infirmity which must
17 be corrected immediately; that to correct the constitutional infirmity and to
18 provide adequate funding for public education, the amount of funding provided
19 to school districts for classroom teachers’ entry salaries needs to be
20 increased; and that this act is necessary to allow the Department of
21 Education and the Chief Fiscal Officer of the State sufficient time to make
22 all necessary adjustments, calculations, and distributions to ensure adequate
23 funding for the current school year. Therefore, an emergency is declared to
24 exist and this act being necessary for the preservation of the public peace,
25 health, and safety shall become effective on:

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

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

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

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