

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2843

"AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER 17, SUBCHAPTER 2 TO
PROVIDE FOR A UNIFORM REDUCTION IN FORCE POLICY."

Amendment No. 1 to House Bill No. 2843.

Amend House Bill No. 2843 as originally introduced:

Delete everything following the enacting clause and substitute the following:

SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended to add the following section:

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

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

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

(2) "Classified employee" means a non-supervisory 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, merger, collapse, or annexation of any school districts or portions thereof either voluntarily or involuntarily.

(4) "Grade level" means:

(A) Pre-kindergarten;

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

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

(B) A semester under contract shall be counted as a year. 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 non-supervisory 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, 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, the new school district determines that it is necessary to reduce its staff of teachers or classified employees, or both, and that the reduction cannot be accomplished through attrition, then the new school district shall follow the provisions of this section; but

(2) 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, or 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 position(s).

(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 will 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 degree(s) 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; and

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

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

(D) One (1) point shall be given for a trained mentor

teacher;

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

assessor;

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

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

(H) 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 area(s).

(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.

(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 act, 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 school 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 act 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 teacher or classified employee is qualified for the vacant position, the one with the greatest seniority shall be employed first.

The Amendment was read
By: Representative White
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Chief Clerk