

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H12/11/03 H12/16/03 H12/17/03 S12/23/03 S1/13/04 S1/14/04* Call Item 4

2 84th General Assembly

A Bill

3 Second Extraordinary Session, 2003

HOUSE BILL 1021

4
5 By: Representatives Weaver, Seawel, Adams, Bennett, Bolin, Fite, Hickinbotham, House, Milligan,
6 Oglesby, L. Prater, J. Taylor, Walters, *Dees*

7 By: Senators Miller, Critcher, Glover, G. Jeffress, J. Jeffress, Lavery, Womack, *Gullett, Horn*

For An Act To Be Entitled

11 AN ACT PERTAINING TO STATE SCHOOL STANDARDS AND
12 TEACHERS' SALARIES; TO PROVIDE FOR AN ADEQUATE
13 EDUCATION IN ARKANSAS SCHOOLS AND TO ADDRESS THE
14 DISPARITY IN TEACHERS' SALARIES; AND FOR OTHER
15 PURPOSES.

Subtitle

18 AN ACT PERTAINING TO STATE SCHOOL
19 STANDARDS AND TEACHERS' SALARIES; TO
20 PROVIDE FOR AN ADEQUATE AND EFFICIENT
21 EDUCATION IN ARKANSAS SCHOOLS AND
22 ADDRESS THE DISPARITY IN TEACHERS'
23 SALARIES.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28 *SECTION 1. Arkansas Code Title 6, Chapter 17, is amended to add the*
29 *following subchapter:*

30 *6-17-2401. Title.*

31 *This subchapter shall be known and may be cited as the "Minimum Teacher*
32 *Compensation Act of 2003".*

34 *6-17-2402. Legislative intent.*

35 *The intent of this subchapter is for the State of Arkansas to create a*
36 *teacher compensation system that:*



1 (1) Drives improvements in student academic achievement;

2 (2) Attracts and retains the best teachers possible;

3 (3) Provides teachers with meaningful and rewarding

4 opportunities for advancement in the profession based on the acquisition of
5 skills that enhance instructional excellence and student learning, taking on
6 leadership roles, and making exceptional professional contributions;

7 (4) Motivates and provides financial incentives for teacher
8 efforts and performance that leads directly to improved student achievement;

9 (5) Encourages and rewards teachers individually for increasing
10 their knowledge, skills, and competencies, and rewards teachers collectively
11 for improving student performance;

12 (6) Promotes a sense of ownership for student results and a
13 commitment to perform in a manner that promotes student achievement;

14 (7) Promotes professional collegial cooperation;

15 (8) Causes teachers to have a keen understanding of what is
16 expected of them and the priorities of the state; and

17 (9) Will be affordable, somewhat predictable, and in keeping
18 with the state's educational and fiscal objectives.

19
20 6-17-2403. Definitions.

21 As used in this subchapter:

22 (1) "Basic contract" means a teacher employment contract for a
23 number of days that does not exceed the number of days in the school year
24 required by the State Board of Education for accreditation for the school
25 year in which the contract is effective; and

26 (2) "Teacher" means any full-time employee of a public school
27 district who is compelled by law to secure a license from the state board as
28 a condition precedent to employment in a position in or related to grades
29 pre-kindergarten through twelve (preK-12) of the public schools of this
30 state.

31
32 6-17-2404. Minimum teacher compensation schedule for 2004-2005.

33 (a) In school year 2004-2005 and each year thereafter, the board of
34 directors in each school district in the state shall pay their teachers upon
35 a salary schedule that:

36 (1) Has annual increments for education and experience;

1 (2) Provides for a base salary; and

2 (3) Provides for a minimum salary for a teacher with a master's
3 degree and at least fifteen (15) years of experience.

4 (b)(1) In school year 2004-2005, each school district shall have in
5 place a salary schedule with at least the following levels of compensation
6 for the basic contract:

7 <u>Years Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
8 <u>0</u>	<u>\$28,000</u>	<u>\$31,080</u>
9 <u>1</u>	<u>28,444</u>	<u>31,590</u>
10 <u>2</u>	<u>28,888</u>	<u>32,100</u>
11 <u>3</u>	<u>29,332</u>	<u>32,610</u>
12 <u>4</u>	<u>29,776</u>	<u>33,120</u>
13 <u>5</u>	<u>30,220</u>	<u>33,630</u>
14 <u>6</u>	<u>30,664</u>	<u>34,140</u>
15 <u>7</u>	<u>31,108</u>	<u>34,650</u>
16 <u>8</u>	<u>31,552</u>	<u>35,160</u>
17 <u>9</u>	<u>31,996</u>	<u>35,670</u>
18 <u>10</u>	<u>32,440</u>	<u>36,180</u>
19 <u>11</u>	<u>32,884</u>	<u>36,690</u>
20 <u>12</u>	<u>33,328</u>	<u>37,200</u>
21 <u>13</u>	<u>33,772</u>	<u>37,710</u>
22 <u>14</u>	<u>34,216</u>	<u>38,220</u>
23 <u>15 years or more</u>	<u>34,660</u>	<u>38,730</u>

24 (2) For purposes of the salary schedule defined in this
25 subsection (b), the teacher's experience shall be his or her total years in
26 any public school district in the state, and shall not be based only upon the
27 years in the school district in which he or she is currently employed.

28
29 6-17-2405. Additional pay for certain teacher qualities.

30 (a)(1) For the school year 2004-2005 and every school year thereafter,
31 school districts shall pay a teacher an additional four and six tenths
32 percent (4.6%) of the teacher's salary if the teacher teaches in an academic
33 field in which there is a shortage of teachers.

34 (2) The State Board of Education shall determine for each school
35 year the academic areas in which there is a shortage of teachers.

36 (b)(1) For the school year 2004-2005 and every school year thereafter,

1 school districts shall pay a teacher an additional ten percent (10%) of the
2 teacher's salary if the teacher teaches in a geographic area in which there
3 is difficulty in recruiting and retaining teachers.

4 (2) The state board shall determine for each school year the
5 geographic areas in which there is a difficulty in recruiting and retaining
6 teachers.

7
8 6-17-2406. Salary amount.

9 (a) The Arkansas Teachers' Salaries Study Commission created under
10 § 6-17-806 shall annually review the minimum base salary of certified
11 teachers for grades kindergarten through twelve (K-12) and make
12 recommendations to the Department of Education, the Governor, and the General
13 Assembly for modifications as the commission shall deem appropriate.

14 (b) The State Board of Education may authorize the department to
15 permit a school district to pay a teacher or teachers an amount exceeding,
16 but not less than, the amount set forth in the teacher salary schedule, if:

17 (1) The department has determined that the school district has a
18 critical shortage of teachers;

19 (2) The teacher or teachers have a certification in a subject-
20 matter area that the department has determined to have a critical shortage of
21 teachers;

22 (3) The teacher's particular skills, performance, training, or
23 experience would warrant a salary increase; or

24 (4) The school district or a particular school is experiencing a
25 hardship in recruiting or retaining teachers because the teacher salary
26 schedule is significantly disproportionate to the average salaries paid in
27 other available job markets in the county.

28 (c) The requirements in subsection (b) of this section do not place a
29 cap or maximum on the amount that school districts may pay their teachers.

30 (d) The salary schedule implemented by this subchapter shall only be
31 valid if completely funded by appropriations from the General Assembly. If a
32 lesser amount than is required to fully fund the salary schedule in each
33 district is funded by the General Assembly, the school district's requirement
34 will be proportionately reduced and the minimum salary schedule required
35 shall be reduced proportionately to the reduction in funding made available.

36

1 6-17-2407. Incentives.

2 (a) The Department of Education shall establish and fund financial
3 incentives for:

4 (1) Geographic and subject-matter areas in which a critical
5 shortage of teachers exists; and

6 (2) Schools determined by the State Board of Education to need
7 assistance in recruiting and retaining good certified teachers because those
8 schools have:

9 (A) Seventy-five percent (75%) or more of their students
10 performing below basic on the state benchmark tests;

11 (B) A three-year history of low student performance based
12 on the definitions of the Arkansas Comprehensive Testing, Assessment, and
13 Accountability Program; or

14 (C) Been unsuccessful in recruiting and maintaining
15 teachers based on the salary schedule of the district.

16 (b) The incentives are as follows:

17 (1)(A) A loan forgiveness or scholarship program to recruit high
18 quality people to teach in the areas identified under subsection (a) of this
19 section.

20 (B) The amount of scholarship or loan amount forgiven is
21 limited to two thousand five hundred dollars (\$2,500) per calendar year for
22 up to four (4) years if the teacher teaches in an area identified under
23 subsection (a) of this section.

24 (C) The state board shall promulgate regulations to
25 implement this program; and

26 (2) A salary of up to one hundred ten percent (110%) of the
27 certified salary of the district in which the teacher is hired if:

28 (A) Either:

29 (i) The teacher participates in an initial rigorous
30 twenty-day training session focused on improving student achievement; or

31 (ii) The school employing the teacher demonstrates
32 improved student performance by reaching adequate yearly progress minimum
33 levels for students as outlined in the Arkansas plan for meeting the federal
34 No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., and the Arkansas
35 Comprehensive Testing, Assessment, and Accountability Program.

36 (B) For every school year that a teacher fails to meet the

1 requirements of either subdivision (b)(2)(A)(i) or subdivision (b)(2)(A)(ii)
2 of this section, the teacher shall participate annually in the regular
3 twenty-day training session for teachers on improving student achievement
4 until one (1) of those provisions is met or sustained, or both.

5 (c)(1) Each school district desiring to participate in the financial
6 incentive programs available under this section must file a request with the
7 state board by January 1 of the school year prior to the school year for
8 which the incentives may be available.

9 (2) Based upon the school district's request and any additional
10 information required by the department or the state board, the state board
11 shall determine whether the requirements of subsection (a) of this section
12 have been met and notify the district of the decision.

13
14 SECTION 2. (a)(1) On March 1, 2005, the Department of Education shall
15 determine whether each school district meets the requirements of Arkansas
16 Code § 6-16-1203 and meets the teacher salary requirements provided by law.
17 If on March 1, 2005, a school district fails to meet the requirements of
18 Arkansas Code § 6-16-1203 or the teacher salary requirements, the school
19 district shall be subject to sanctions under The Quality Education Act of
20 2003, § 6-15-201 et seq.

21 (2)(A) If, as a result of not meeting the requirements of
22 Arkansas Code § 6-16-1203 or the teacher salary requirements as required on
23 March 1, 2005, a school district is ordered to consolidate or to be annexed:

24 (i) The resulting school district must have at least
25 five hundred (500) students per the district's average daily membership;

26 (ii) The consolidation or annexation shall be
27 administrative and shall not be construed to require the closing of any
28 school; and

29 (iii) Any school qualifying as an isolated school
30 under Arkansas Code § 6-20-601 that is in school district subject to
31 consolidation or annexation under this section shall remain open under the
32 resulting district.

33 (B) Nothing in this section shall prohibit voluntary
34 consolidation or annexation of a school district.

35 (b)(1) A school district in which at least seventy-five percent (75%)
36 of the students are eligible for the free or reduced-price lunch program

1 under the National School Lunch Act or any other act of Congress and that
2 does not meet the requirements of Arkansas Code § 6-16-1203 during the 2003-
3 2004 school year shall be assigned a school improvement team from the
4 Department of Education by July 1, 2004.

5 (2) On March 1, 2005, any school district under subdivision
6 (b)(1) that continues to fail to meet the requirements of Arkansas Code § 6-
7 16-1203 or the teacher salary requirements shall be granted one (1) year of
8 probationary status and shall continue to receive assistance from the
9 Department of Education school improvement team if, based on the exams
10 administered in the 2004-2005 school year, the school district shows at least
11 six percent (6%) progress or meets annual yearly progress in three (3) of the
12 following six (6) exams:

13 (A) The benchmark exams for the fourth grade, sixth grade,
14 and eighth grade; and

15 (B) The end of course exams for algebra I, geometry, and
16 literature.

17
18 SECTION 3. Consolidation or annexation assistance funds.

19 (a) Immediately upon the effective date of this act, the Chief Fiscal
20 Officer of the State shall transfer on his books and those of the State
21 Treasurer and the Auditor of the State the sum of fifteen million dollars
22 (\$15,000,000) from funds received from the Jobs and Growth Tax Relief
23 Reconciliation Act of 2003, Public Law 108-27 to the Department of Education
24 Public School Fund Account there to be used for the consolidation or
25 annexation incentive provided in this section.

26 (b)(1) The state shall pay consolidation or annexation assistance
27 funds to each school district having an average daily membership of less than
28 five hundred (500) for each of the two (2) school years preceding the school
29 year in which the consolidation or annexation petition is filed, if the
30 school district voluntarily consolidates with another school district or
31 school districts or voluntarily is annexed to another school district or
32 districts and the resulting district has an average daily membership of at
33 least five hundred (500).

34 (2) The State Board of Education shall promulgate rules
35 concerning the distribution of consolidation or annexation assistance funds.

36

1 SECTION 4. Definitions.

2 (a) As used in section 2 and 3 of this act, "average daily membership"
3 means the total number of days attended plus the total number of days absent
4 by students in grades kindergarten through twelve (K-12) during the first
5 three (3) quarters of each school year divided by the number of school days
6 actually taught in the district during that period of time rounded up to the
7 nearest hundredth.

8 (b) Students who may be counted for average daily membership are:

9 (1) Students who reside within the boundaries of the school
10 district and who are enrolled in a public school operated by the district or
11 a private school for special education students, with their attendance
12 resulting from a written tuition agreement approved by the Department of
13 Education;

14 (2) Legally transferred students living outside the district but
15 attending a public school in the district; and

16 (3) Students who reside within the boundaries of the school
17 district and who are enrolled in the Arkansas National Guard Youth Challenge
18 Program, so long as the students are participants in the program.

19
20 SECTION 5. Arkansas Code Title 6, Chapter 16, is amended to add an
21 additional subchapter to read as follows:

22 6-16-1201. Legislative findings.

23 The General Assembly finds that:

24 (1) The Supreme Court of Arkansas has declared that the State of
25 Arkansas must provide substantially equal curriculum, facilities, equipment,
26 and teacher salaries in the schools of Arkansas; and

27 (2) By the 2004-2005 school year, all schools and school
28 districts in the state must meet:

29 (A) The standards for accreditation as set forth in this
30 subchapter;

31 (B) Standards for facilities as provided by law; and

32 (C) Teacher salary requirements as provided in §§ 6-17-
33 1001 through 6-17-1004.

34
35 6-16-1202. Definition.

36 As used in this subchapter, "unit" means the credit given for grades

1 nine through twelve (9-12) for a course which meets for a minimum of:

2 (1) One hundred twenty (120) clock hours; and

3 (2) An average:

4 (A) Six-hour day; or

5 (B) Thirty-hour week.

6
7 6-16-1203. Equal educational opportunity.

8 To provide students in Arkansas public schools a substantially equal
9 educational opportunity, school districts shall meet the following standards
10 for accreditation of Arkansas public schools:

11 (1) All school district policies and actions shall be
12 nondiscriminatory and shall be in compliance with state and federal laws;

13 (2)(A) Each school district in Arkansas shall develop, with
14 appropriate staff and community participation, a five-year educational plan.

15 (B) School district goals shall be compatible with state
16 and national educational goals and shall address local needs.

17 (C) The plan shall be filed with and reviewed annually by
18 the Department of Education;

19 (3) Every school district shall provide a written report to the
20 public each year detailing progress toward accomplishing program goals,
21 accreditation standards, and proposals to correct deficiencies;

22 (4) Each school board shall adopt written policies for the
23 operation of the school district in accordance with guidelines established by
24 the department;

25 (5) Each school shall maintain all reports and records necessary
26 for effective planning, operation, and education;

27 (6)(A) The administrators, teachers, other school staff of each
28 school along with the parents or guardians of students shall develop an
29 annual school improvement plan to monitor the school's progress and to
30 project its continuing needs.

31 (B) The annual school improvement plan shall be filed with
32 and reviewed by the department;

33 (7) Each school shall review each curriculum area in-depth at
34 least once every five (5) years;

35 (8) Each accredited school shall use curriculum frameworks based
36 on the annual school improvement plan to plan instruction leading to student

1 acquisition of the Arkansas content standards;

2 (9)(A) The core curriculum for grades kindergarten through eight
3 (K-8) shall encompass the broadest feasible spectrum of developmentally
4 appropriate learning experiences and provide for differences in rates of
5 learning among children.

6 (B) The core curriculum shall emphasize reasoning and
7 problem solving, communicating, connecting, linking knowledge, skills, and
8 other understandings within and across disciplines to real-life situations
9 and internalizing and acting on the learning to make it meaningful, useful,
10 and worthwhile.

11 (C)(i) One (1) unit of Arkansas history shall be taught as
12 a social studies subject at each elementary grade level in every public
13 elementary school in the state with greater emphasis at the fourth and fifth
14 grade levels.

15 (ii) Each public secondary school in this state
16 shall ensure that every student receives at least one (1) full semester of
17 Arkansas history in grades seven (7), eight (8), nine (9), ten (10), eleven
18 (11), or twelve (12).

19 (D) Mastery of core concepts and abilities in the
20 following areas shall be emphasized:

21 (i) For grades kindergarten through four (K-4);

22 (a) Language arts to include reading, writing,
23 listening, speaking, and viewing;

24 (b) Mathematics to include number sense,
25 number properties, number operations, measurement, geometry and spatial
26 sense, data analysis and statistics, and algebra and functions;

27 (c) Social studies to include one (1) unit of
28 history and culture of Arkansas at each grade level with emphasis at grade
29 four (4), history and culture of the nation and the world, including foreign
30 language experiences, geography, economics, and civic education;

31 (d) Science to include life science, earth and
32 space science, physical sciences, including physics and chemistry, and
33 environmental education;

34 (e) Tools for learning to include technical
35 skills, including research and information skills, and the use of computers
36 and calculators, and data gathering, including use of data banks, atlases,

1 dictionaries, almanacs, networks, news sources, and interviews;

2 (f)(1) For the 2004-2005 school year, fine
3 arts to include the appreciation and application of visual arts instruction
4 and performing arts instruction, including forty (40) minutes of art or music
5 each week.

6 (2) For the 2005-2006 school year and
7 subsequent years, the provisions of § 6-16-130(b) shall apply.

8 (g) Practical living skills and career
9 exploration; and

10 (h) Health and safety education and physical
11 education, including sixty (60) minutes of physical activity each week;

12 (ii) For grades five through eight (5-8):

13 (a) Language arts to include reading, writing,
14 listening, speaking, and viewing;

15 (b) Mathematics to include number sense,
16 number properties, number operations, measurement, geometry and spatial
17 sense, data analysis and statistics, and algebra and functions;

18 (c) Science to include life science, earth and
19 space science, physical sciences, including physics and chemistry, and
20 environmental education;

21 (d) Social studies to include one (1) unit of
22 history and culture of Arkansas at grades five (5) and six (6), with emphasis
23 at grade five (5), history and culture of the nation and the world, including
24 foreign language experiences, geography, economics, and civic education;

25 (e) Physical education, including sixty (60)
26 minutes of physical activity each week;

27 (f) Fine arts to include the appreciation and
28 application visual arts instruction and performing arts instruction;

29 (g) Health and safety;

30 (h) Tools for learning to include technical
31 skills, including research and information skills, the use of computers and
32 calculators, and data gathering, including use of data banks, atlases,
33 dictionaries, almanacs, networks, news sources, and interviews; and

34 (i) Career and technical education; and

35 (iii) Beginning with school year 2004-2005, for
36 grades nine through twelve (9-12), the following courses shall be taught each

- 1 year by every high school to provide a total of thirty-eight (38) units:
2 (a) Six (6) units of language arts to include:
3 (1) Four (4) units of English;
4 (2) Either:
5 (A) One (1) unit of oral
6 communications; or
7 (B) One-half (1/2) unit of oral
8 communications and one-half (1/2) unit of drama;
9 (3) One (1) unit of journalism; and
10 (4) Other options as approved by the
11 department;
12 (b) Five (5) units of science with each unit
13 to provide hands-on laboratory experience for students for a minimum of
14 twenty percent (20%) of instructional time, to include:
15 (1) One (1) unit of biology;
16 (2) One (1) unit of chemistry;
17 (3) One (1) unit of physics; and
18 (4) Other options as approved by the
19 department;
20 (c) Six (6) units of mathematics to include:
21 (1) One (1) unit of algebra I;
22 (2) One (1) unit of geometry;
23 (3) One (1) unit of algebra II;
24 (4) One (1) unit of pre-calculus
25 mathematics to include trigonometry; and
26 (5) Other options as approved by the
27 department;
28 (d) Two (2) units of the same foreign
29 language;
30 (e) Three and one-half (3 1/2) units of fine
31 arts to include:
32 (1) One (1) unit of art;
33 (2) One (1) unit of instrumental of
34 music;
35 (3) One (1) unit of vocal music; and
36 (4) One-half (1/2) unit survey of fine

1 arts or an advanced art or music course;

2 (f) One (1) unit of computer applications with
3 emphasis on current application to include word processing, spreadsheets,
4 databases, graphics, and telecommunications;

5 (g) Four (4) units of social studies to
6 include:

7 (1) One (1) unit of American history
8 with emphasis on twentieth century America;

9 (2) One (1) unit of world history;

10 (3) One-half (1/2) unit of civics or
11 government;

12 (4) One-half (1/2) unit of Arkansas
13 history if not taught in grade seven (7) or grade eight (8); and

14 (5) Other options as approved by the
15 department;

16 (h) One and one-half (1 1/2) units of health
17 and safety education and physical education to include one (1) unit of
18 physical education and one-half (1/2) unit of health and safety education;
19 and

20 (i) Nine (9) units of career and technical
21 education of which eight (8) units shall be taught every year;

22 (10)(A) For grades nine through twelve (9-12), the course
23 offerings may include appropriate advanced placement or concurrent credit
24 courses.

25 (B) A minimum of three (3) programs of study selected from
26 three (3) different occupational or technical programs shall be offered
27 annually;

28 (11)(A) For each school year, every school district shall
29 operate so that the district provides for at least one hundred and seventy-
30 eight (178) days of instruction for students.

31 (B) The department may approve the instruction of students
32 for fewer than one hundred and seventy-eight (178) days in order to allow
33 time for professional development;

34 (12) Except for vocational agriculture teacher contracts, all
35 public school teacher and administrator contracts, including elementary,
36 secondary, and vocational teacher contracts shall be for a minimum of one

1 hundred eighty-five (185) days annually;

2 (13)(A) At least thirty (30) hours annually shall be used for
3 professional development and in-service training.

4 (B) At least two (2) days annually shall be used for
5 parent-teacher conferences;

6 (14) The planned instructional time in each school day shall not
7 average fewer than six (6) hours per day or thirty (30) hours per week;

8 (15)(A) The student-to-teacher ratio for kindergarten shall be
9 no more than twenty (20) students to one (1) teacher in a classroom.

10 (B) However, the kindergarten class student-to-teacher
11 ratio maximum may be no more than twenty-two (22) students to one (1) teacher
12 if a half-time instructional aide is employed in the class;

13 (16)(A) The average student-to-teacher ratio for grades one
14 through three (1-3) in a school district shall be no more than twenty-three
15 (23) students per teacher in a classroom.

16 (B) There shall be no more than twenty-five (25) students
17 per teacher in any classroom;

18 (17)(A) The average student-to-teacher ratio for grades four
19 through six (4-6) in a school district shall be no more than twenty-five (25)
20 students per teacher in a classroom.

21 (B) There shall be no more than twenty-eight (28) students
22 per teacher in any classroom;

23 (18)(A) In grades seven through twelve (7-12), a teacher shall
24 not be assigned more than one hundred fifty (150) students.

25 (B)(i) An individual academic class shall not exceed
26 thirty (30) students.

27 (ii) However, in exceptional cases or for courses
28 that are appropriate for large group instruction, these ratios may be
29 increased;

30 (19)(A) If a school district is placed on probation for
31 violation of subdivisions (15) -- (18) of this section, the district may
32 submit evidence to establish that the violation is a result of an
33 unanticipated population shift.

34 (B) If the department finds that an unanticipated
35 population shift has occurred, the department may remove the school district
36 from probation status;

1 (20)(A) Each school district shall adopt written discipline
2 policies consistent with the guidelines that include a code of student
3 behavior.

4 (B) Each district's written discipline policies shall be
5 filed with the department.

6 (C) Local districts and individual schools shall involve
7 parents, staff, and students in the formulation and review of their student
8 discipline policies, rules, and procedures.

9 (D) Each school shall inform students and parents of the
10 discipline rules and procedures by which the school is governed.

11 (E) Each school shall make the students aware of the types
12 of behavior that will give rise to disciplinary action and the types of
13 corrective actions that may be imposed.

14 (F) Students and parents shall acknowledge that they
15 received and understand the school's discipline policies in a signed
16 statement.

17 (G) Each school shall document procedures and methods used
18 to inform parents and students of the discipline policies.

19 (H) Teachers and administrators, classified school
20 employees, and volunteers shall be provided with appropriate student
21 discipline training;

22 (21)(A) Each school district shall provide a full-day
23 kindergarten for every child who reaches age five (5) on or before September
24 15 each year.

25 (B) A parent or guardian shall sign a waiver if he or she
26 elects not to enroll a child in kindergarten at age five (5).

27 (C) Any six-year-old child who has not completed a state-
28 accredited kindergarten program before public school enrollment shall be
29 evaluated by the school district to determine whether placement for the child
30 is in kindergarten or first grade;

31 (22)(A) At each grade level, each school shall assess each
32 student's progress in acquiring mastery of the competencies, skills, and
33 other subjects required by law and by the Arkansas Comprehensive Testing,
34 Assessment, and Accountability Program regulations.

35 (B) Assessment data may include performance assessments,
36 competency test scores, standardized test scores, subject matter mastery test

1 scores, and observations of teachers and parents or guardians;

2 (23)(A) The state uniform grading scale shall be used in grades
3 seven through twelve (7-12).

4 (B)(i) Grades assigned to students for performance in a
5 course shall reflect only the extent to which a student has achieved the
6 expressed academic objectives of the course.

7 (ii) Grades that reflect other educational
8 objectives such as the student learning expectations in the curriculum
9 frameworks may also be given;

10 (24) Students with special needs shall have equal access to
11 programs that meet the criteria for their identified individualized education
12 program and shall receive services in the least restrictive environment that
13 meets their needs;

14 (25)(A)(i) At least a total of twenty-two (22) units of credit
15 earned in grades nine through twelve (9-12) shall be required for high school
16 graduation.

17 (ii) Only one (1) of these units may be in physical
18 education.

19 (B)(i) Seventeen (17) units must be from the smart core
20 curriculum.

21 (ii) However, in a form approved by the department,
22 a parent or guardian may waive the smart core curriculum for the student and
23 choose the common core curriculum.

24 (C) A student whose parent or guardian waives the smart
25 core curriculum must earn sixteen (16) units from the common core curriculum
26 in order to graduate from high school.

27 (D) The provisions of subdivision (25) of this section
28 shall:

29 (i) Not apply to a student who is eligible for
30 enrollment in grades ten (10), eleven (11), or twelve (12) for school year
31 2004-2005; and

32 (ii) First apply to students who are eligible for
33 enrollment in grade nine (9) for school year 2004-2005;

34 (26) The smart core curriculum shall consist of seventeen (17)
35 units to include:

36 (A) Four (4) units of English;

- 1 (B) One-half (1/2) unit of oral communications;
2 (C) Three (3) units of social studies to include:
3 (i) One (1) unit of world history;
4 (ii) One (1) unit of United States history; and
5 (iii) One (1) unit of civics or government;
6 (D)(i) Four (4) units of mathematics to include:
7 (a) One (1) unit of algebra or its equivalent;
8 (b) One (1) unit of geometry or its
9 equivalent;
10 (c) One (1) unit of algebra II; and
11 (d) One (1) unit chosen from transitions to
12 college math, pre-calculus, calculus, trigonometry, statistics, computer
13 math, or algebra III.
14 (ii) All math units must build on the base of
15 algebra and geometry knowledge and skills.
16 (iii) One (1) math course shall be taken by students
17 in either grade eleven (11) or grade twelve (12);
18 (E) Three (3) units of science to include:
19 (i) One (1) unit of biology or its equivalent;
20 (ii) One (1) unit of a physical science; and
21 (iii) One (1) unit chosen from chemistry, physics,
22 principles of technology I and II, or PIC physics;
23 (F) One-half (1/2) unit of physical education;
24 (G) One-half (1/2) unit of health and safety;
25 (H) One-half (1/2) unit of fine arts; and
26 (I) One (1) unit of computer application;
27 (27) The common core curriculum shall consist of sixteen (16)
28 units to include:
29 (A) Four (4) units of English;
30 (B) One-half (1/2) unit of oral communications;
31 (C) Three (3) units of social studies to include:
32 (i) One (1) unit of world history;
33 (ii) One (1) unit of United States history; and
34 (iii) One (1) unit of civics or government;
35 (D)(i) Three (3) units of mathematics to include at least:
36 (a) One (1) unit of algebra or its equivalent;

1 and (b) One (1) unit of geometry or its
2 equivalent.

3 (ii) A two-year algebra equivalent or a two-year
4 geometry equivalent may be counted as two (2) units of the three-unit
5 mathematics requirement.

6 (iii) All math units shall build on the base of
7 algebra and geometry knowledge and skills;

8 (E) Three (3) units of science to include at least:

9 (i) One (1) unit of biology or its equivalent; and

10 (ii) One (1) unit of a physical science;

11 (F) One-half (1/2) unit of physical education;

12 (G) One-half (1/2) unit of health and safety;

13 (H) One-half (1/2) unit of fine arts; and

14 (I) One (1) unit of computer application;

15 (28)(A) Local school districts may require additional units for
16 graduation beyond the seventeen (17) smart core units or sixteen (16) common
17 core units.

18 (B) Additional units may be in academic or technical
19 areas, or both.

20 (C) For each student in grades nine through twelve (9-12),
21 the sum of common core or smart core units, career focus units, and elective
22 units shall total at least twenty-two (22) units in order to graduate from
23 high school;

24 (29)(A) Each school shall employ at least one (1) half-time
25 principal.

26 (B) A full-time principal shall be employed when a
27 school's enrollment reaches three hundred (300).

28 (C)(i) A school district superintendent may be permitted
29 to serve as half-time principal if the district enrollment is fewer than
30 three hundred (300).

31 (ii) However, the superintendent shall be
32 appropriately certified and shall not be engaged in classroom teaching.

33 (D) Schools with an enrollment exceeding five hundred
34 (500) shall employ at least:

35 (i) One (1) full-time principal; and

36 (ii) One (1) half-time principal, instructional

1 supervisor, or curriculum specialist;

2 (30) If required by law or regulation, all administrative,
3 teaching, and other personnel shall hold a current Arkansas teaching license;

4 (31)(A) Each school district shall develop and implement a plan
5 for professional development and in-service training based on local
6 educational needs and state educational goals.

7 (B) The plan shall provide education and training for
8 school board members, school and district administrators, teachers, and
9 support staff on a continuing and regular basis throughout the school year.

10 (C) Each teacher shall be involved in the development of
11 the plan for his or her own in-service education.

12 (D) All programs for professional development and in-
13 service training shall be evaluated by the participants in each program;

14 (32)(A) Each school district shall have flexibility in
15 establishing plans for professional development and in-service training, if
16 the plans meet standards for in-service education developed by the
17 department.

18 (B) A minimum of thirty (30) hours of professional
19 development shall be required for teachers and administrators annually;

20 (33)(A) Support services shall be designed to be comprehensive
21 and integral to the process of the education and the development of all
22 students.

23 (B)(i) Each school district shall develop and implement a
24 written plan for each school building site in accordance with current laws
25 and regulations.

26 (ii) The plans shall be based upon the needs
27 identified by parents, teachers, principals, students, and other agencies
28 with which the school district works.

29 (iii) The plan shall be incorporated into the
30 comprehensive school improvement plan for each site;

31 (34) Each school shall provide a developmental guidance program
32 to aid students in educational, personal, social, and career development;

33 (35) Each school shall provide supportive personnel and
34 appropriate facilities to ensure effective counseling to meet the individual
35 needs of students;

36 (36)(A) Each school shall assign appropriate certified counselor

1 staff.

2 (B) Each school district shall maintain an overall ratio
3 of one (1) certified counselor to four hundred fifty (450) students;

4 (37) Each school shall budget and spend sufficient resources
5 each year to purchase and maintain an appropriate, current library
6 collection;

7 (38)(A) Each school with fewer than three hundred (300) students
8 enrolled shall employ at least one (1) half-time certified library media
9 specialist.

10 (B)(i) A school with three hundred (300) to fourteen
11 hundred ninety-nine (1,499) students enrolled shall employ at least one (1)
12 full-time certified library media specialist.

13 (ii) A school with fifteen hundred (1,500) or more
14 students enrolled shall employ two (2) full-time certified library media
15 specialists.

16 (iii) A school district with fewer than five hundred
17 (500) students enrolled may employ one (1) full-time library media specialist
18 to serve the district.

19 (C) The library media specialist shall ensure that access
20 to records and resource databases is available to all students.

21 (D) The media specialist shall assist students in the
22 development and use of research skills;

23 (39)(A)(i) Each school district shall implement a health
24 services program under the direction of a licensed nurse.

25 (ii) The program shall make screening, referral, and
26 follow-up procedures available for all students.

27 (B)(i) The health services program shall provide an
28 individualized health care plan for students with special health care needs,
29 including chronically ill, medically fragile, and technology-dependent
30 students, and students with other health impairments.

31 (ii) Invasive medical procedures required by
32 students and provided at the school shall be performed only by personnel who
33 are trained and licensed to perform the task. Regular classroom teachers
34 shall not perform invasive medical procedures.

35 (iii) Custodial health services required by students
36 under an individualized healthcare plan shall be provided by trained school

1 employees. Regular classroom teachers shall not perform custodial health
2 services;

3 (40) Special education programs and special schools shall be
4 accredited in accordance with applicable laws and regulations;

5 (41)(A) Each school district shall develop procedures to
6 identify gifted and talented students in accordance with guidelines
7 established by the department.

8 (B) Each school district shall provide tailored
9 educational opportunities to students identified as gifted and talented;

10 (42) Each school district shall provide opportunities for
11 qualified students to enroll in courses at institutions of higher education;

12 (43) Each school district shall provide appropriate alternative
13 programs for students in need of alternative programs in order to continue
14 their education; and

15 (44) Each room shall be furnished with equipment and
16 instructional materials necessary to provide the environment and working
17 conditions appropriate for subjects or activities assigned.

18
19 6-16-1204. Monitoring of school districts.

20 (a) The Department of Education shall monitor each school district to
21 ensure that:

22 (1) The content of each course offered by the school district is
23 consistent with content standards and curriculum frameworks developed by the
24 State Board of Education and is presented to students in a manner that is
25 rigorous, specific, sequenced, clear, focused, and measurable; and

26 (2) All required courses are taught each year.

27 (b) The department shall verify that each school district is complying
28 with subsection (a) of this section during the standards review visit of the
29 school district.

30 (c) If the department determines that a school district has failed to
31 align the content of each class and subject area as required by the state
32 board to content standards and curriculum frameworks developed by the state
33 board, the department shall:

34 (1) Note the failure to comply in the annual school performance
35 report under § 6-15-1402; and

36 (2) Cite the failure of each school to comply in the Standards

1 for Accreditation of Arkansas Public Schools annual report.

2
3 SECTION 6. Arkansas Code §§ 6-17-1001 through 6-17-1004 are repealed.
4 ~~6-17-1001. Minimum base salary—Master's degree.~~

5 ~~(a)(1) The board of directors in each school district in the state~~
6 ~~shall pay its teachers upon a salary schedule which has annual increments for~~
7 ~~education and experience and which provides for a base salary, a minimum~~
8 ~~salary for a teacher with a master's degree, and at least fifteen (15) years~~
9 ~~of experience as described in this section.~~

10 ~~(2) Beginning with the 2003-2004 school year, the teacher's~~
11 ~~experience for purposes of salary and benefits shall be his or her total~~
12 ~~years in any school district in the state and shall not be based on only the~~
13 ~~years in the district in which he or she is currently employed.~~

14 ~~(b) In school year 2000-2001 and in each school year thereafter, no~~
15 ~~school district shall pay its teachers with a bachelor's degree and no~~
16 ~~experience less than twenty-one thousand eight hundred sixty dollars~~
17 ~~(\$21,860).~~

18 ~~(c) In school year 2000-2001 and in each school year thereafter,~~
19 ~~school districts shall pay teachers with a master's degree and no experience~~
20 ~~at least one hundred fifteen percent (115%) of the minimum base salary~~
21 ~~prescribed in subsection (b) of this section.~~

22 ~~(d) In school year 2001-2002 and in each school year thereafter,~~
23 ~~school districts shall pay a teacher with a master's degree and at least~~
24 ~~fifteen (15) years of experience one hundred fifty percent (150%) of the~~
25 ~~state minimum base salary.~~

26 ~~(e)(1) In school year 1995-1996 and in each school year thereafter,~~
27 ~~each school district in the state shall have in place a salary schedule which~~
28 ~~provides at least fourteen (14) annual increments for experience.~~

29 ~~(2) In school year 2001-2002 and in each school year thereafter,~~
30 ~~each school district in the state shall have in place a salary schedule which~~
31 ~~provides at least fifteen (15) annual increments for experience.~~

32 ~~(3) In school year 2001-2002 and in each school year thereafter,~~
33 ~~each school district in the state shall have in place a salary schedule with~~
34 ~~at least the following minimum levels of compensation:~~

Years Experience	-BA Degree Salary	MA Degree Salary
0	\$21,860	\$25,139

1	1	22,304	25,649
2	2	22,748	26,159
3	3	23,192	26,669
4	4	23,636	27,179
5	5	24,080	27,689
6	6	24,524	28,199
7	7	24,968	28,709
8	8	25,412	29,219
9	9	25,856	29,729
10	10	26,300	30,239
11	11	26,744	30,749
12	12	27,188	31,259
13	13	27,632	31,769
14	14	28,076	32,279
15	15 or more	28,520	32,789

~~(f) For the 1997-98 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with one (1) and two (2) years of experience.~~

~~(g) For the 1998-1999 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with three (3) and four (4) years of experience.~~

~~(h) For the 1999-2000 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with five (5) and six (6) years of experience.~~

~~(i) For the 2000-2001 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with seven (7) and eight (8) years of experience.~~

~~(j) For the 2001-2002 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with nine (9) and ten (10) years of experience.~~

~~(k) For the 2002-2003 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with eleven (11) and twelve (12) years of experience.~~

~~(l)(1) For the 2003-2004 school year and for each year thereafter, each school district shall provide no less than four hundred dollar increments for experience for teachers with thirteen (13) years of~~

1 ~~experience.~~

2 ~~(2) For the 2004-2005 school year and for each year thereafter,~~
3 ~~each school district shall provide no less than four hundred-dollar~~
4 ~~increments for experience for teachers with fourteen (14) years of~~
5 ~~experience.~~

6 ~~(3) For the 2005-2006 school year and for each year thereafter,~~
7 ~~each school district shall provide no less than four hundred-dollar~~
8 ~~increments for experience for teachers with fifteen (15) years of experience.~~

9 ~~(m) Subsections (f)-(l) of this section shall not apply to any local~~
10 ~~school district whose minimum salary for teachers exceeds twenty-one thousand~~
11 ~~eight hundred sixty dollars (\$21,860) and whose average salary exceeds the~~
12 ~~state average salary for teachers for the previous year.~~

13 ~~(n) As used in this section, "teacher" shall include any full-time~~
14 ~~employee of a local public school district:~~

15 ~~(1) Who is compelled by law to secure a license from the State~~
16 ~~Board of Education as a condition precedent to employment in a position in or~~
17 ~~related to grades prekindergarten through twelve (preK-12) of the public~~
18 ~~schools of this state; and~~

19 ~~(2) Who is:~~

20 ~~(A) Engaged directly in instruction with students in a~~
21 ~~classroom setting for more than seventy percent (70%) of the individual's~~
22 ~~contracted time;~~

23 ~~(B) A guidance counselor; or~~

24 ~~(C) A librarian.~~

25 ~~(o) All minimum salaries set forth in this section shall be for a~~
26 ~~contract number of days that is not more than the number of days in the~~
27 ~~school year required by the State Board of Education's regulations for~~
28 ~~accreditation for the school year in which the contract is effective.~~

29 ~~(p)(1) A district that determines that it cannot meet the minimum~~
30 ~~salary requirements of this section from funds available may petition the~~
31 ~~Department of Education for a waiver of the requirements of this section for~~
32 ~~up to three (3) school years based on regulations promulgated by the State~~
33 ~~Board of Education.~~

34 ~~(2) The department shall not grant a waiver to any district that~~
35 ~~is not in compliance with the uniform rate of tax requirements under Arkansas~~
36 ~~Constitution, Amendment 74.~~

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~~6-17-1002. Salary amount—Annual review.~~

~~(a) The salaries fixed herein shall be regarded as minimum salaries only, and each district may supplement such salaries. No teacher shall receive a reduced salary as a result of this subchapter's requirements.~~

~~(b) Base salary shall not be raised until all teachers within a district are paid equal to or greater than the minimum requirements established herein. Each school district shall develop its own salary schedule with salaries equal to or greater than the required minimums set forth herein.~~

~~(c) The Arkansas Teachers' Salaries Study Commission shall annually review the minimum base salary and make recommendations to the Department of Education, the Governor, and the General Assembly for such modifications as the commission shall deem appropriate.~~

~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

~~(a) The State Board of Education is empowered to enforce the provisions of this subchapter and is specifically authorized to order the dissolution and merger of any school district which fails to comply with the minimum salary requirements established by this subchapter. Any appeal from a decision of the board ordering the dissolution and merger of a school district for failure to comply with the provisions of this subchapter shall be filed in the Circuit Court of Pulaski County and must be filed within thirty (30) days of the decision of the board.~~

~~(b) The board shall issue rules and regulations to implement this subchapter.~~

~~6-17-1004. Salary goals.~~

~~(a) The personnel policies committees and negotiating teams established and maintained in Arkansas public schools are encouraged to set and meet five year goals to substantially increase teacher salaries. In setting realistic yet meaningful salary goals, the committees and teams shall consider exceeding the state, regional Southern Regional Education Board states, border states, or national average salaries for teachers.~~

~~(b) Within two (2), four (4), and five (5) years following the adoption of this section, school districts shall report to the Arkansas~~

1 ~~Teachers' Salaries Study Commission and the Department of Education the goals~~
2 ~~developed, adopted, and met."~~

3
4 SECTION 7. Arkansas Code Title 6, Chapter 17, Subchapter 21 is
5 repealed.

6 ~~6-17-2101. Title.~~

7 ~~This subchapter, § 6-5-307(a), and § 6-20-412 shall be known as "The~~
8 ~~Educator Compensation Act of 2001".~~

9
10 ~~6-17-2102. Legislative findings and intent.~~

11 ~~(a) The General Assembly determines that:~~

12 ~~(1) Salaries of Arkansas educators have traditionally lagged~~
13 ~~behind the salaries of educators in the nation and in the states that~~
14 ~~surround Arkansas;~~

15 ~~(2) Even though educators have achieved annual increases of~~
16 ~~approximately three and two tenths percent (3.2%) in recent years, Arkansas~~
17 ~~is still far behind its neighboring states;~~

18 ~~(3)(A) Nationally and within Arkansas, there has developed a~~
19 ~~shortage of qualified educators in certain fields of teaching.~~

20 ~~(B) One of the reasons for this shortage is that Arkansas~~
21 ~~educators lag behind other professionals in salary amount;~~

22 ~~(4) The most important part of a student's educational~~
23 ~~experience is the people who actually educate them; and~~

24 ~~(5) It is necessary to attract qualified educators to the public~~
25 ~~education system in order to increase the achievement of all Arkansas public~~
26 ~~school students.~~

27 ~~(b) It is the intent of the General Assembly that:~~

28 ~~(1) This subchapter shall not supplant, but shall supplement,~~
29 ~~traditional pay increases that have occurred at the local level in recent~~
30 ~~years;~~

31 ~~(2) School districts should not stop or alter any intentions to~~
32 ~~give educators a salary increase in the current school year because of the~~
33 ~~enactment of this subchapter; and~~

34 ~~(3) This subchapter is the first of many steps that must be and~~
35 ~~shall be taken by the General Assembly to increase the quality of the working~~
36 ~~force in education over the upcoming years.~~

1
2 ~~6-17-2103. Definitions.~~

3 ~~As used in this subchapter, unless the context otherwise requires:~~

4 ~~(1) "Required salary increase" means:~~

5 ~~(A) For fiscal year 2002, an amount no less than one~~
6 ~~thousand dollars (\$1,000), excluding benefits and employer contributions to~~
7 ~~teacher retirement and social security, over a targeted educator's salary for~~
8 ~~fiscal year 2001; and~~

9 ~~(B) For fiscal year 2003 an amount no less than three~~
10 ~~thousand dollars (\$3,000), excluding benefits and employer contributions to~~
11 ~~teacher retirement and social security, over a targeted educator's salary for~~
12 ~~fiscal year 2001;~~

13 ~~(2) "Targeted educator" means an individual employed by a school~~
14 ~~district, and:~~

15 ~~(A) Who must hold a certificate issued by the State Board~~
16 ~~of Education in order to be employed in the individual's present position;~~
17 ~~and~~

18 ~~(B) Whose primary job responsibilities are for the~~
19 ~~education of public school students in grades prekindergarten through twelve~~
20 ~~(PK-12) and do not include districtwide administrative duties.~~

21
22 ~~6-17-2104. Method for implementation.~~

23 ~~(a) On or before June 30 of each fiscal year, each local school~~
24 ~~district shall have implemented the required salary increase or have received~~
25 ~~a waiver from the Department of Education under § 6-17-2105.~~

26 ~~(b) A school district shall implement the required salary increase in~~
27 ~~a variety of methods, including:~~

28 ~~(1) Increasing the base salaries of the targeted educators by~~
29 ~~the required salary increase;~~

30 ~~(2) Paying a supplement to the salaries of the targeted~~
31 ~~educators at each step and each lane of the salary schedule equal to the~~
32 ~~required salary increase and making the supplement an addendum to the~~
33 ~~targeted educator's contract. The supplement, added to the targeted~~
34 ~~educator's regular salary, shall equal the targeted educator's total salary~~
35 ~~which shall be a continuing obligation; or~~

36 ~~(3) A combination of subdivisions (b)(1) and (b)(2) of this~~

1 ~~section.~~

2 ~~(c) Any school district utilizing the method stated in subsection~~
3 ~~(b)(2) of this section shall clearly mark those supplements under the title~~
4 ~~"Targeted Educator Compensation Act Supplement" in order to make the method~~
5 ~~easily identifiable. The "Targeted Educator Compensation Act Supplement"~~
6 ~~shall be incorporated into the salary schedule in the same way as other~~
7 ~~salary supplements under §§ 6-17-201—6-17-208.~~

8 ~~(d) Notwithstanding the method used under subsection (b) of this~~
9 ~~section, the required salary increase shall be a continuing salary obligation~~
10 ~~of the school districts.~~

11 ~~(e) Targeted educators who work on a part-time basis or individuals~~
12 ~~who qualify as targeted educators on a part-time basis shall receive a pro~~
13 ~~rata share of the required salary increase equal to the proportion of time~~
14 ~~that they are employed.~~

15 ~~(f)(1) Nothing in this section shall be construed to prohibit a school~~
16 ~~district from implementing the required salary increase for fiscal year 2003~~
17 ~~by exceeding the required salary increase for fiscal year 2002 and paying the~~
18 ~~difference between the required salary increase for fiscal year 2003 and the~~
19 ~~actual amount applied to the required salary increase for fiscal year 2002.~~

20 ~~(2) The legislative intent of this subchapter is that all~~
21 ~~targeted educators will receive a required salary increase of three thousand~~
22 ~~dollars (\$3,000) by fiscal year 2003.~~

23 ~~(g)(1) Nothing in this subchapter shall be construed to allow the step~~
24 ~~increases for education and experience, required under § 6-17-1001, as~~
25 ~~currently established in the individual school district, to be applied to the~~
26 ~~required salary increase as meeting the requirements under the provisions of~~
27 ~~this subchapter.~~

28 ~~(2) Nothing in this subchapter shall be construed as to allow~~
29 ~~any other method than increases in the base salary to fulfill the existing~~
30 ~~requirements of § 6-17-1001 pertaining to the minimum salaries of teachers.~~

31 ~~(3) Nothing in this subchapter shall be construed to prohibit a~~
32 ~~school district from raising its salaries in excess of the required salary~~
33 ~~increase.~~

34 ~~(h) Nothing in this subchapter shall be interpreted to preclude school~~
35 ~~district employees other than targeted educators from receiving a similar~~
36 ~~increase in salary.~~

1 ~~(i) School districts are prohibited from instituting quid pro quo~~
2 ~~situations in which school districts extend the length of or add additional~~
3 ~~duties to the targeted educator's contract in return for the required salary~~
4 ~~increase.~~

5 ~~(j) The required salary increase for targeted educators who are~~
6 ~~prekindergarten teachers shall only be required to be implemented if the~~
7 ~~local school district has sufficient funds available to completely implement~~
8 ~~the required salary increase for the given fiscal year.~~

9
10 ~~6-17-2105. Exemptions.~~

11 ~~(a) Any local school district engaged in agreed to collective~~
12 ~~bargaining with its certified staff shall be exempt from the provisions of~~
13 ~~this subchapter to the extent that school districts in collective bargaining~~
14 ~~shall negotiate on salaries and other terms and conditions of employment.~~
15 ~~This section in no way is to be interpreted as altering or replacing any~~
16 ~~collective bargaining agreement in place at the time of the enactment of this~~
17 ~~subchapter.~~

18 ~~(b)(1) Any local school district may petition the Department of~~
19 ~~Education for a waiver from the provisions of this subchapter.~~

20 ~~(2) The waiver shall not be for a time greater than three (3)~~
21 ~~years.~~

22 ~~(3) The process for the waiver shall be the same as the process~~
23 ~~for a local school district to receive a waiver under § 6-17-1001.~~

24 ~~(4) Any local school district that petitions for and is granted~~
25 ~~a waiver from this subchapter shall be placed in Phase I of fiscal distress~~
26 ~~as defined under §§ 6-20-1601—6-20-1610.~~

27
28 ~~6-17-2106. Regulatory authority and enforcement.~~

29 ~~(a) The State Board of Education shall have the authority, acting~~
30 ~~pursuant to its rule-making power, to promulgate appropriate rules and~~
31 ~~regulations for the implementation of the provisions of this subchapter.~~

32 ~~(b) The provisions of this subchapter shall be audited on an annual~~
33 ~~basis.~~

34 ~~(c) Any school district that has been found to not be in compliance~~
35 ~~with the provisions of this subchapter shall be placed on Phase I fiscal~~
36 ~~distress under the provisions of § 6-20-1601 et seq.~~

1
2 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the
3 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
4 Lake View District No. 25 v. Huckabee, 351 Ark 31 (2002) declared the now-
5 extant system of education to be unconstitutional because it is both
6 inequitable and inadequate; that the Arkansas Supreme Court set forth the
7 test for the constitutional system to be one in which the state has an
8 "absolute duty" to provide an "equal opportunity to an adequate education";
9 and that the Arkansas Supreme Court instructed the General Assembly to define
10 and provide what is necessary for an adequate and equitable education for the
11 children of Arkansas. Therefore, an emergency is declared to exist and this
12 act being immediately necessary for the preservation of the public peace,
13 health, and safety shall become effective on:

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

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

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

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21 */s/ Weaver*
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