

1 State of Arkansas As Engrossed: H12/22/03 H12/23/03 H12/31/03 H1/13/04  
2 84th General Assembly  
3 Second Extraordinary Session, 2003

Call Item 4

# A Bill

HOUSE BILL 1065

4  
5 By: Representatives J. Johnson, Wood, Walters, Elliott, Pickett  
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## For An Act To Be Entitled

9 AN ACT TO ENSURE THAT ALL TEACHERS IN THE STATE  
10 RECEIVE SUBSTANTIALLY EQUAL TEACHER SALARIES AND  
11 BENEFITS; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 TO ENSURE THAT ALL TEACHERS IN THE STATE  
15 RECEIVE SUBSTANTIALLY EQUAL TEACHER  
16 SALARIES AND BENEFITS.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 10 is amended  
22 to add an additional section to read as follows:

23 6-17-1005. Applicability of teacher salary schedule.

24 (a) As used in this section:

25 (1) "Teacher" shall include any full-time employee of an entity:

26 (A) Who is compelled by law to secure a license from the  
27 State Board of Education as a condition precedent to employment in a position  
28 in or related to grades prekindergarten through twelve (preK-12); and

29 "(B) Who is:

30 (i) Engaged directly in instruction with students in  
31 a classroom setting for more than seventy percent (70%) of the individual's  
32 contracted time;

33 (ii) A guidance counselor; or

34 (iii) A librarian or media specialist;

35 (2) "Entity" means:

36 (i) A state agency, a state department, the Arkansas



1 National Guard; or a political subdivision of the state; or

2 (ii) A corporation, a partnership, a limited liability  
3 company, or a person contracting to provide educational services in or for a  
4 state agency or state department; and

5 (3) "State funds" means any money derived from state or local  
6 taxes.

7 (b) Any teacher employed by any entity receiving state funds shall be  
8 paid no less than the amounts set forth under the state minimum teacher  
9 salary law.

10 (c)(1) If a teacher is employed by a state agency or department  
11 and is paid under the Uniform Classification and Compensation Act of 1973 an  
12 amount that is less than the amount required by this section, the teacher  
13 shall be entitled to a pay increase as required by this section to the extent  
14 that the teacher's salary range with his or her current grade allows for an  
15 increase.

16 (2) If the teacher's salary range with his or her current grade  
17 does not allow for a pay increase as required under this section, the  
18 teacher's grade and salary shall reviewed by the staff of the Bureau of  
19 Legislative Research for the purpose of making recommendations to the General  
20 Assembly consistent with the provisions of this section to be included in  
21 amendments to the Uniform Classification and Compensation Act of 1973.

22 (d) Nothing in this section shall be construed to require a school  
23 district to pay the salary of any teacher that is not an employee of the  
24 school district or to require that teachers be paid from any state funds  
25 other than as appropriated by the General Assembly.

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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that the Arkansas Supreme Court in  
29 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the  
30 current system of education to be unconstitutional because it is both  
31 inequitable and inadequate; and the Arkansas Supreme Court set forth the test  
32 for a constitutional system to be one in which the state has an "absolute  
33 duty" to provide an "equal opportunity to an adequate education"; the  
34 Arkansas Supreme Court instructed the General Assembly to undertake actions  
35 as necessary to provide an opportunity for an adequate and equitable  
36 education for the children of Arkansas; and the provisions of this bill are

1 necessary steps toward accomplishing that goal. Therefore, an emergency is  
2 declared to exist and this act being immediately necessary for the  
3 preservation of the public peace, health, and safety shall become effective  
4 on:

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

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

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

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12 */s/ J. Johnson, et al*  
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