

1 State of Arkansas *As Engrossed: S12/16/03 H1/6/04* Call Item 4

2 84th General Assembly

A Bill

3 Second Extraordinary Session, 2003

SENATE BILL 28

4

5 By: Senators Argue, Bisbee, Bryles, Gullett, Baker, Whitaker

6 *By: Representatives C. Johnson, Bledsoe, Borhauer, Harris, Medley, R. Smith, Agee, Gipson,*

7 *Hutchinson, Kenney, Lewellen, White*

8

9

For An Act To Be Entitled

10

11 AN ACT TO REORGANIZE THE EXISTING PUBLIC
12 EDUCATION SYSTEM; TO ESTABLISH THE POWERS AND
13 *DUTIES* OF THE DIRECTORS OF THE PUBLIC EDUCATION
14 SYSTEM; AND FOR OTHER PURPOSES.

11

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15

Subtitle

16

17 THE COMPREHENSIVE PUBLIC EDUCATION
18 REORGANIZATION ACT.

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20

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

21

22

23 WHEREAS, The Arkansas Supreme Court, in the decision of Lake View
24 School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now
25 extant system of public education to be unconstitutional because it is both
26 inequitable and inadequate; and

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28 WHEREAS, The Arkansas Supreme Court set forth the test for a
29 constitutional system to be one in which the state has an "absolute duty" to
30 provide an "equal opportunity to an adequate education"; and

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32 WHEREAS, The Arkansas Supreme Court defined an "equal opportunity" to
33 include the "basic components [of] substantially equal curricula,
34 substantially equal facilities, and substantially equal equipment for
35 obtaining an adequate education"; and

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1 WHEREAS, The Arkansas Supreme Court pointed to discrepancies in teacher
2 salaries finding that “[w]ell paid and well motivated teachers are what make
3 the education engine run”; and
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5 WHEREAS, The Arkansas Supreme Court recognized that the Arkansas
6 General Assembly had “addressed what an adequate education in Arkansas would
7 entail” through the passage of § 3 of Act 1108 of 1997 and § 1 of Act 1307 of
8 1997; and
9

10 WHEREAS, The General Assembly acknowledges that Acts 1108 and 1307 set
11 forth what Arkansas’ children should be able to know and do, which is the
12 definition of an adequate education; and
13

14 WHEREAS, The Arkansas Supreme Court has given the General Assembly
15 until January 1, 2004, to implement a constitutional education system; and
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17 WHEREAS, The State of Arkansas recognizes that it has been the position
18 of the state that any school district, regardless of size, whose students
19 consistently exhibited exceptional performances on state, regional, or
20 national examinations or on other related indicators of academic success
21 would not be adversely affected by any structure of public education; and
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23 WHEREAS, It is the desire of the State of Arkansas to maintain as many
24 community schools and as much community involvement in public education as
25 possible; and
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27 WHEREAS, The state recognizes that there is no greater indicator of
28 success in education than the involvement of the parents of students and the
29 members of the community; and
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31 WHEREAS, Multiple studies of education and education efficiency have
32 determined that there are better ways of delivering an education system than
33 the one that currently exists in Arkansas; and
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35 WHEREAS, The state is acutely aware of financial and monetary
36 restraints that have been placed on it by both the current state of the

1 economy and the Constitution of the State of Arkansas; and

2
3 WHEREAS, The state has to find an efficient method to use its limited
4 resources to create a system of public education as defined by Article 14, as
5 amended, of the Arkansas Constitution,

6
7 NOW THEREFORE,

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

9
10 SECTION 1. Legislative purpose.

11 The General Assembly declares that this act is necessary to:

12 (1) Ensure the delivery of an equal opportunity for an adequate
13 education to the people of Arkansas in an efficient and effective manner;

14 (2) Provide education accountability at all levels of public
15 school education, including, but not limited to, student performance, teacher
16 performance, administrative performance, and overall school performance; and

17 (3) Develop a teacher compensation structure which enables the
18 State of Arkansas to compete both regionally and nationally in initial hiring
19 and retention of top quality teachers.

20
21 SECTION 2. Creation of the Office of Public School Accountability.

22 (a)(1) To enhance the public's access to public school performance
23 indicators and to better measure the benefits of the increasing public
24 investment in Arkansas' schools, the General Assembly finds that an Office of
25 Public School Accountability shall be established under the direct
26 operational control of the State Board of Education.

27 (2) The foremost obligation of the accountability office shall
28 be to administer all monitoring and compliance activities dealing with
29 academic and fiscal accountability for each school or school district and
30 report academic progress.

31 (b) There is created an Office of Public School Accountability, which
32 shall begin operation within one hundred twenty (120) calendar days following
33 the effective date of this act.

34 (c) The office shall be under the supervision of the state board.

35 (d) The state board shall select an individual to serve as the
36 Director of the Office of Public School Accountability and the director shall

1 serve at the pleasure of the state board.

2 (e) The director, with guidance and approval from the state board,
3 shall be responsible for hiring all employees of the office.

4 (f) The office shall have the following responsibilities:

5 (1) Monitor schools for compliance with state and federal
6 regulations;

7 (2) Monitor schools for compliance with legislative acts and
8 court-ordered mandates;

9 (3) Monitor schools for compliance with all standards of
10 learning and accreditation as established by the state board;

11 (4) Monitor schools for compliance with all rules and
12 regulations as established by the state board;

13 (5) Coordinate the analysis, dissemination, and reporting of all
14 criterion and norm-referenced testing information;

15 (6) Coordinate the implementation and administration of
16 longitudinal tracking and trend data collection as established by the state
17 board for the purposes of improving student and school performance, ensuring
18 mastery of the curriculum, and providing comparison between students within
19 Arkansas and with students in other states;

20 (7) Coordinate the implementation and administration of value-
21 added assessments as established by the state board;

22 (8) Coordinate the implementation and administration of the
23 annual school performance reports as established by the state board;

24 (9) Administer all monitoring and compliance activities dealing
25 with academic and fiscal accountability as established by the state board;
26 and

27 (10) Work with program approval and certification sections of
28 the Arkansas Department of Education, the Arkansas Department of Higher
29 Education, the Arkansas Department of Workforce Education, and the individual
30 colleges to provide information that will contribute to reasonable,
31 equitable, and excellent preparation of certified personnel in the
32 institutions, both public and private, of higher education.

33 (g)(1) The office shall provide annual reports of school performance
34 or compliance to the Joint Interim Oversight Committee on Education Reform,
35 the House Interim Committee on Education, and the Senate Interim Committee on
36 Education.

1 (2) A preliminary report shall be provided by January 1 each
2 year and a follow-up report that includes information regarding on-site
3 visits shall be filed by June 1 each year.

4 (h)(1) There is created the Arkansas Public Schools Accountability
5 Advisory Council that shall begin operation within one hundred twenty (120)
6 calendar days following the effective date of this act. The membership of
7 the council shall include:

8 (A) One (1) member designated as chair, to be selected by
9 the Governor, who shall be a representative of Arkansas businesses;

10 (B) One (1) member selected by the Governor, who shall be
11 a representative of a educator's union in the state of Arkansas;

12 (C) One (1) member selected by the Governor, who shall be
13 a parent of at least one (1) student currently enrolled in grades
14 kindergarten through twelve (K-12) in a public school in the State of
15 Arkansas;

16 (D) One (1) member selected by the Speaker of the House of
17 Representatives who shall be a representative of higher education;

18 (E) One (1) member appointed by the President Pro Tempore
19 of the Senate who shall be a representative of Arkansas businesses;

20 (F) One (1) member appointed by the chairperson of the
21 Senate Committee on Education who is currently employed as a teacher in the
22 grades kindergarten through twelve (K-12) public school system in the State
23 of Arkansas; and

24 (G) One (1) member appointed by the chair of the House
25 Committee on Education who shall be a representative of the administration of
26 a public school in the State of Arkansas.

27 (2) The council shall provide advice and consultation services
28 for the director.

29 (3) The council may be convened by the chair of the council, by
30 the chair of the state board, or by the director.

31 (4) Members shall not receive compensation for service on the
32 council but may receive expense reimbursement as provided in Arkansas Code
33 §25-16-902.

34
35 SECTION 3. Creation Office of the Office of Public School Academic
36 Facilities.

1 (a) In order to ensure that substantially equal access to adequate
2 educational facilities and educational equipment is provided for all public
3 school students in Arkansas, the General Assembly finds that an Office of
4 Public School Academic Facilities should be established under the direct
5 supervision of the State Board of Education.

6 (b) There is created an Office of Public School Academic Facilities
7 which shall begin operation within one hundred twenty (120) calendar days
8 following the effective date of this act.

9 (c) The Office of Public School Academic Facilities shall be under the
10 supervision of the state board and shall report directly to the Public School
11 Academic Facilities Oversight Panel.

12 (d)(1) The state board shall select an individual to serve as the
13 Director of the Office of Public School Academic Facilities and the director
14 shall serve at the pleasure of the state board.

15 (2) The Public School Academic Facilities Director shall be an
16 architect that is licensed by the State of Arkansas.

17 (e) The director, with guidance and approval from the state
18 board, shall be responsible for hiring all employees of the office.

19 (f) The Executive Chief Information Officer shall assign one (1)
20 individual from the staff of the Office of Information Technology to serve as
21 a technology liaison to the Public Schools Academic Facilities Office.

22 (g) The Director of the Arkansas Building Authority shall assign one
23 (1) individual from the staff of the Arkansas Building Authority to serve as
24 a physical plant liaison to the Public Schools Academic Facilities Director.

25 (h) The Office of Public Schools Academic Facilities shall:

26 (1) Provide information or assistance to the Joint Committee on
27 Educational Facilities created by Act 1181 of 2003 as requested by the joint
28 committee;

29 (2) Use any recommendation or assessments of the joint committee
30 or the General Assembly as a basis for establishing the policies and
31 procedures of the Office of Public Schools Academic Facilities; and

32 (3) Provide assistance, as requested, to the Joint Committee on
33 Educational Facilities in conducting an assessment of all school facilities
34 in the state and continue to update and maintain current assessments of all
35 school facilities after the expiration of the joint committee on December 31,
36 2004.

1 (i)(1) Beginning January 1, 2005, school districts shall provide to
2 the Office of Public Schools Academic Facilities, on a quarterly basis, a
3 list of any public school academic facility repair or improvement needed in
4 excess of five thousand dollars (\$5,000), new construction proposed in excess
5 of twenty-five thousand dollars (\$25,000), or technology needs in excess of
6 ten thousand dollars (\$10,000).

7 (2) The Public School Academic Facilities Director shall create
8 and implement a standardized reporting format and select the method to be
9 utilized by school districts in the preparation and submission of the list to
10 the Office of Public Schools Academic Facilities.

11 (3) The data gathered from the reports generated by the school
12 districts shall be presented to the state board for compilation into an
13 annual report to the Governor and the House Interim Committee on Education
14 and the Senate Interim Committee on Education on the facilities needs in the
15 state.

16 (4) The Office of Public Schools Academic Facilities shall
17 conduct any reviews, site visits, and other research during the year to
18 assist in preparation of the annual report.

19 (j)(1) The Public Schools Academic Facilities Director shall provide
20 to the Governor and the House Interim Committee on Education and the Senate
21 Interim Committee on Education reports on the *status of public school*
22 *academic facilities including the facility and technology needs and*
23 *priorities for each category.*

24 (2) A preliminary report shall be provided by January 1 each
25 year and a follow-up report that includes information regarding on-site
26 visits shall be filed by June 1 each year.

27 (k)(1)(A) No later than September 30 of each even-numbered year of the
28 biennium, the *office* shall present to the state board the list of public
29 school facility repairs, improvements, and construction along with technology
30 improvements that the *office* recommends for the next biennium.

31 (B) Copies of the list shall be provided to the Governor
32 and the House Interim Committee on Education and the Senate Interim Committee
33 on Education.

34 (2) The state board shall prioritize funding for public school
35 facility repairs, improvements, and construction along with technology
36 improvements based on the recommendations of the *office*.

1 (1) The state board and the Public Schools Academic Facilities Office
2 shall develop, by rule and regulation, the process for developing the list of
3 public school facility repairs, improvements, and construction along with
4 technology improvements necessary under this act.

5
6 SECTION 4. Creation of the Office of Education Renewal Zones.

7 (a) There is created an Office of Education Renewal Zones.

8 (b) The office shall be under the supervision of the State Board of
9 Education.

10 (c) The state board shall select an individual to serve as the
11 Director of the Office of Education Renewal Zones and the director shall
12 serve at the pleasure of the state board.

13 (d)(1) The Director of the Office of Education Renewal Zones, with
14 guidance and approval from the state board, shall be responsible for hiring
15 all employees of the office.

16 (2) The Director of the Department of Higher Education shall
17 assign one (1) individual from the staff of the Department of Higher
18 Education to serve as a liaison to the office.

19 (e) The office shall be responsible for developing guidelines for the
20 approval of education renewal zone strategic plans and guidelines for the
21 evaluation and reporting of education renewal zone activities.

22 (f) The office shall approve any education renewal zone strategic plan
23 prior to the disbursement or annual renewal of funds to participating
24 institutions of higher education.

25 (g)(1) Effective July 1, 2004, any public school, education service
26 cooperative and institution of higher education is authorized to enter into
27 one (1) or more inter-local agreements through which they collaborate to
28 improve public school performance and academic achievement.

29 (2) Each inter-local agreement shall establish an education
30 renewal zone.

31 (3) The purpose of an education renewal zone shall be to:

32 (A) Identify and implement education and management
33 strategies designed specifically to improve public school performance and
34 student academic achievement throughout the State of Arkansas, with special
35 focus on the state's most academically distressed public schools;

36 (B) Provide for collaboration among the state's smaller

1 schools and districts in order to achieve some of the advantages of economies
2 of scale in providing educational and related activities;

3 (C) Maximize benefits and outcomes of public schooling by
4 concentrating and coordinating the resources of Arkansas' higher education
5 institutions, the expertise of the regional education service cooperatives,
6 and the technical assistance of other service providers to improve public
7 school performance and student academic achievement; and

8 (D) Enable small, rural and low-wealth schools to make the
9 best use of the latest cost-effective distance learning technology to enhance
10 curricula and professional development through two-way interactive learning
11 environments.

12 (h) Each education renewal zone shall consist of the following:

13 (l) Higher education partner;

14 (A) The office shall develop, publish and disseminate
15 guidelines for establishing an education renewal zone, including a process
16 for selecting a qualified higher education partner in the fifteen (15)
17 education service cooperative areas in the state and in Pulaski County.

18 (B)(i) A qualified higher education partner shall:

19 (a) Be a school with a department of education
20 or a comprehensive four-year teacher preparation program; and

21 (b) Be capable of demonstrating a willingness
22 and flexibility to restructure its programs and services to meet the needs of
23 the participating grades kindergarten through twelve (K-12) schools and
24 school districts.

25 (ii) The office shall give preference to qualified
26 four-year higher education institutions located within the education service
27 cooperative area.

28 (C) If there is no qualified four-year higher education
29 institution located within the education service cooperative area, the office
30 may select:

31 (i) A two-year higher education institution that in
32 collaboration with a qualified four-year educational institution located in
33 another education service cooperative area provides a comprehensive four-year
34 teacher preparation program;

35 (ii) A qualified higher education institution
36 located in another education service cooperative area; or

1 (iii) An institution of higher education may serve
2 as the higher education partner for more than one (1) educational service
3 cooperative area.

4 (2)(A) Education Service Cooperative.

5 (B) The education service cooperative shall be a full
6 partner in planning, implementing, and evaluating the education renewal zone
7 in its respective service area and shall provide direct services as called
8 for in the education renewal zone plan;

9 (3) Public Schools.

10 (A)(i) Public schools may participate in an education
11 renewal zone upon successful application by the public school district of
12 which the school is a part.

13 (ii) Public schools designated by the Department of
14 Education as a school in school improvement or a school in a school district
15 designated by the department as being in academic distress shall participate
16 in an education renewal zone and the office shall establish education renewal
17 zones for those schools.

18 (iii) Acceptance or rejection of the application by
19 a school for admittance to an education renewal zone shall be the
20 responsibility of the office, with consultation from the higher education
21 partner.

22 (iv) The office may include within an education
23 renewal zone any school within the education service cooperative area
24 provided that no more than ten (10) schools may participate in any single
25 education renewal zone.

26 (v) The office may designate up to a maximum of
27 three (3) education renewal zones within any single education service
28 cooperative area.

29 (C) In designating education renewal zones and selecting
30 schools for participation in a particular zone, the office shall give
31 priority to schools that meet one or more of the following criteria:

32 (i) The school is classified as a school in school
33 improvement or alert status for school improvement under the Arkansas state
34 compliance plan under the federal No Child Left Behind Act of 2001, 20
35 U.S.C.S. § 6301 et seq.

36 (ii) The school lies within a school district

1 designated by the Department of Education as in academic distress or
2 financial distress under the Arkansas Comprehensive Testing, Assessment, and
3 Accountability Program.

4 (iii) The school demonstrates an inability to hire
5 and retain highly qualified teachers as defined by the state plan for
6 compliance with the federal No Child Left Behind Act of 2001, 20 U.S.C.S. §
7 6301 et seq.

8 (iv) The school demonstrates an inability to provide
9 the minimum number of course offerings as determined by the state through the
10 conventional hiring of qualified teachers.

11 (v) The school is within a school district with an
12 average daily membership of fewer than one thousand five hundred (1,500)
13 students.

14 (vi) The school serves a student population that
15 exceeds the statewide average rate of participation in free or reduced price
16 lunch programs.

17 (4) Local Advisory Group.

18 (A) Each education renewal zone shall form a local
19 advisory group comprised of a representative of the following groups:

20 (i) The higher education partner

21 (ii) The education service cooperative which
22 includes the area in which the education renewal zone is located;

23 (iii) The public school or school district
24 participating in the education renewal zone; and

25 (iv) Each community in which there is a school
26 participating in the education renewal zone.

27 (B) The office may designate up to a maximum of three (3)
28 education renewal zones within any single education service cooperative area.

29 (C) The membership and staff of local advisory groups
30 shall be reflective of the diversity of the population being served by the
31 education renewal zone.

32 (5) Technical Assistance Provider. Any two-year community or
33 technical college, technical support organization, or other entity may
34 participate in the education renewal zone at the discretion of the office and
35 in collaboration with a designated higher education partner and a designated
36 education service cooperative.

1 (i) The office, the state board and the local school districts shall
2 exercise due diligence to assure that all schools classified as a school in
3 school improvement under the federal No Child Left Behind Act of 2001, 20
4 U.S.C.S. § 6301 et seq., as in existence on December 1, 2003 are included in
5 a designated education renewal zone.

6 (j) The office may, at its discretion, include any school regardless
7 of its eligibility under the criteria in subdivisions (h)(3)(C)(i) through
8 (vi) of this section, if it determines that on the basis of location,
9 characteristics of its faculty or leadership, needs of the students, or other
10 factors, that the inclusion of such school significantly strengthens the
11 prospect of the education renewal zone in meeting its school improvement
12 goals.

13 (k) The office may, at its discretion, change participating schools
14 within each education renewal zone.

15 (l)(1) Each school participating in an education renewal zone shall
16 develop and implement a school improvement plan.

17 (2) Each school improvement plan shall at a minimum include the
18 following:

19 (A) Goals for improving student achievement;

20 (B) Measurable benchmarks for achieving student
21 improvement goals;

22 (C) A timeline for reaching goals in improving student
23 achievement; and

24 (D) Requirements for services to be provided by the
25 Education Renewal Zone Partners.

26 (m) The partners within a specific education renewal zone shall
27 develop a strategic plan that is responsive to the needs of the individual
28 school improvement plans.

29 (n) The education renewal zone strategic plan shall at a minimum
30 provide for the following:

31 (A) Collaboration between and among the higher education
32 institution partners, education service cooperatives, schools and communities
33 participating in the education renewal zone, including within the academic
34 departments within the higher education institution partners;

35 (B) A comprehensive program of professional development to
36 assure the practical knowledge base of pre-service and in-service teachers

1 with respect to pedagogical practice, content knowledge, and competent use of
2 distance learning technology;

3 (C) Enhancement and expansion of local school curricula
4 offerings through the use of two-way interactive television to include
5 advanced placement, dual-credit and advanced high school courses;

6 (D) The sharing of faculty for core course offerings when
7 schools are unable to hire highly-qualified teachers in core subject areas
8 required for college entrance or teachers necessary to meet state
9 accreditation standards;

10 (E) A strategy to recruit and retain highly-qualified
11 teachers with particular focus on hard-to-staff schools;

12 (F) A system for mentoring teachers with three (3) or
13 fewer years of professional service;

14 (G) Active participation of the community in the work of
15 the school;

16 (H) Active involvement of parents in the academic work of
17 the student; and

18 (I) A means of collecting the data necessary to evaluate
19 the progress of each participating public school and the education renewal
20 zone in its entirety.

21 (o) Each education renewal zone, using guidelines and indicators set
22 by the office, shall prepare an annual report to the office describing the
23 progress toward accomplishing the goals of the education renewal zone.

24 (p) The office, shall prepare an annual report to the Governor, the
25 General Assembly, and the State Board of Education describing the progress
26 toward accomplishing the goals of the individual education renewal zones and
27 the overall education renewal zone program.

28 (q) The office shall establish a website, accessible by the public, to
29 provide for broad dissemination of both the education renewal zone plans and
30 strategies and the results of the annual reports on progress toward
31 accomplishing the goals of the individual education renewal zones and the
32 overall education renewal zone program.

33
34 SECTION 5. Arkansas Code § 6-11-101 (b), concerning State Board of
35 Education Members, is amended as follows:

36 (b)(1) The term of office of a member of the board, appointed prior to

1 the effective date of this act of 2003, shall be six (6) years.

2 (2)(A) The term of office of a member of the state board,
 3 appointed after the effective date of this act of 2003, shall be a single
 4 ten-year term.

5 (B) Any member appointed to the state board to fill a
 6 vacancy for an uncompleted term with fewer than two (2) years remaining on
 7 the original term, may be reappointed to an additional ten-year term.

8 (3) No member shall be allowed to resign in order to be
 9 appointed to a different ten-year or fewer term on the board.

10 (4) Nothing in this section shall be construed to change the
 11 terms of any member of the state board that was appointed prior to the
 12 effective date of this section.

13
 14 SECTION 6. Arkansas Code § 6-11-118 is repealed.

15 ~~6-11-118. Office of Rural Services. Effective July 1, 2000.~~

16 ~~(a) This section shall be known as the "Rural Services Act of 1981".~~

17 ~~(b) The General Assembly recognizes that Arkansas Constitution,~~
 18 ~~Article 14, requires the state to provide a general, suitable, and efficient~~
 19 ~~system of free public schools and that the Department of Education is~~
 20 ~~legislatively created to help provide these schools. The General Assembly~~
 21 ~~further recognizes the need for effective aid and assistance to the smaller~~
 22 ~~rural school districts of the state and that under the present structure of~~
 23 ~~the department such aid and assistance is not adequate.~~

24 ~~(c)(1) There is created the Office of Rural Services in the~~
 25 ~~department.~~

26 ~~(2) The Director of the Department of Education shall establish~~
 27 ~~a coordinator in the office.~~

28 ~~(3) The duties of this office shall be to:~~

29 ~~(A) Direct programs to improve the quality of the rural~~
 30 ~~schools of the state by helping to deliver comprehensive technical assistance~~
 31 ~~services such as curriculum development, teaching methods evaluations,~~
 32 ~~program development, planning, needs assessments, etc.;~~

33 ~~(B) Help develop teacher training programs that fit the~~
 34 ~~needs of rural students;~~

35 ~~(C) Develop and conduct in-service education programs for~~
 36 ~~rural teachers, administrators, and county board of education members;~~

1 ~~(D) Act as liaison between rural education and rural~~
2 ~~development activities;~~

3 ~~(E) Assist rural districts in developing rural resource~~
4 ~~cooperatives in order that rural schools can share a pool of specialized~~
5 ~~human, material, and technical resources;~~

6 ~~(F) Assist rural schools in construction and renovation~~
7 ~~programs;~~

8 ~~(G) Identify and create an awareness of promising~~
9 ~~practices of rural schools throughout the state and nation;~~

10 ~~(H) Serve as liaison between the department and the small~~
11 ~~schools; and~~

12 ~~(I) Coordinate all other activities especially for small~~
13 ~~schools and collect such data as are needed by the General Assembly in order~~
14 ~~that rural schools may be properly financed.~~

15 ~~(4) The office shall answer directly to the director.~~

16 ~~(d) For the purpose of this section, the term "rural school" shall be~~
17 ~~interchangeable with the term "small high school" and shall include those~~
18 ~~schools with enrollments of five hundred (500) or fewer in kindergarten~~
19 ~~through grade twelve (K-12). Schools with enrollments of five hundred (500)~~
20 ~~to seven hundred fifty (750) shall also be served by this office if they are~~
21 ~~in unincorporated areas and if the superintendent requests that the school~~
22 ~~become a part of the area for which this office is responsible.~~

23
24 SECTION 7. Arkansas Code §§ 6-13-905 and 6-13-906 are amended to read
25 as follows:

26 6-13-905. Board of directors.

27 (a) Each cooperative ~~will~~ shall be governed by a board of directors.
28 ~~consisting of one representative appointed by the board of directors of each~~
29 ~~cooperating school district.~~

30 **(b)(1) The directors of the cooperatives shall collectively develop a**
31 **system by which the board of directors for each cooperative are appointed so**
32 **that the board is made up of at least one representative appointed by the**
33 **board of directors of each cooperating school district.**

34 **(2) The representatives of the cooperating districts shall**
35 **include:**

36 **(A) Two (2) classroom teachers;**

1 (B) Two (2) members of school boards of cooperating
2 districts;

3 (C) Two (2) members representative of the business
4 community;

5 (D) One (1) parent; and

6 (E) Other representatives as selected by the local board
7 of directors of each cooperating school district.

8 ~~(b)(c)~~ The board shall be empowered to hire a director and other
9 employees and to contract for services, supplies, and equipment.

10 ~~(e)(d)~~ Policies for the operation of the cooperative will be developed
11 by the board of directors and be filed with the Department of Education as
12 required by law of school districts generally.

13
14 6-13-906. Rules, regulations, and reports.

15 (a) ~~The cooperatives will~~ director of a cooperative and the board of
16 directors of a cooperative shall:

17 (1) Abide by all rules and regulations of the Department of
18 Education which apply to school districts generally; ~~and~~

19 (2) Make all reports as required by law and regulation which
20 apply to school districts generally to the department-;

21 (3) Administer the programs and services of the cooperative;

22 (4) Direct expenditures of funds within the cooperative's
23 budget;

24 (5) Receive and expend funds needed to provide programs and
25 services to school districts in the area;

26 (6) Secure and maintain facilities as are required to provide
27 authorized programs and services;

28 (7) Supply any and all information and reports requested by the
29 Director of the Department of Education in a timely manner; and

30 (8) Perform other duties as required by the Director of the
31 Department of Education and the policies, rules, and regulations of the State
32 Board of Education.

33 (b)(1) Records of the expenditures and receipts of the cooperatives
34 shall be kept in such manner and on such forms as may be specified by the
35 department or the School Audit Section of the Division of Legislative Audit
36 of the Legislative Joint Auditing Committee.

1 (2) Reports on expenditures and receipts shall be made for the
2 cooperative as a single agency or shall be made separately by the school
3 districts to reflect the status of each member district at such time and in
4 such manner as specified by the department.

5 (c) Any member of a board of directors of a cooperative or director of
6 a cooperative holding a license issued by the State Board of Education who
7 fails to comply with subsection (a) of this section, may have his or her
8 license revoked or suspended.

9
10 SECTION 8. Effective July 1, 2004, Arkansas Code § 6-13-1010 is
11 amended to read as follows:

12 6-13-1010. Director.

13 (a) Each education service cooperative shall be administered by a
14 director who shall perform the following duties:

15 (1) Administer the programs and services of the education
16 service cooperative;

17 (2) Recommend the employment of professional and nonprofessional
18 personnel authorized by the education service cooperative's governing body;

19 (3) Prepare the budget for adoption by the education service
20 cooperative's governing body;

21 (4) Direct expenditures of funds within the budget; ~~and~~

22 (5) Perform other duties as required by the education service
23 cooperative's governing body and the policies, rules, and regulations of the
24 State Board of Education-;

25 (6) Supply any and all information and reports requested by the
26 Director of the Department of Education in a timely manner; and

27 (7) Perform other duties as required by the Director of the
28 Department of Education and the policies, rules, and regulations of the State
29 Board of Education.

30 (b) The director of each education service cooperative shall:

31 (1) Hold an administrator's certificate and meet all
32 requirements to serve as a superintendent of schools in the State of
33 Arkansas; or

34 (2) Have an alternative learning environment level of education
35 and administrative experience and obtain the approval of the board.

36 (c) The governing body of any education service cooperative may enter

1 into a contract with a director for a period not to exceed three (3) years.

2
3 SECTION 9. Arkansas Code Title 6, *Chapter 13, Subchapter 10*, is
4 amended to add an additional section to read as follows:

5 6-13-1027. Education service cooperative – Personnel.

6 (a) The director of each education service cooperative shall hire
7 qualified personnel as may be needed to fulfill the purposes of the education
8 service cooperative.

9 (b) No employee, hired after the effective date of this act of 2003,
10 of the education service cooperative shall be related within the second
11 degree of consanguinity or affinity to the director of the cooperative or any
12 member of the board of directors of the education service cooperative.

13
14 SECTION 10. Arkansas Code Title 6, Chapter 13, Subchapter 10 is
15 amended to add an additional section to read as follows:

16 6-13-1028. Education service cooperatives – Professional development
17 center.

18 (a) Each education service cooperative shall establish a professional
19 development center that will provide curriculum development assistance,
20 educational materials, and professional development services to educators,
21 parents, and other community groups within the school districts in the
22 service area or to other entities.

23 (b) A professional development coordinator, who shall report to the
24 director of the education service cooperative, shall manage the professional
25 development center.

26 (c) Each professional development center shall develop, maintain, and
27 deliver services to improve student, school, and school district academic
28 performance and to implement initiatives identified by the Director of the
29 Department of Education.

30 (d)(1)(A) Each Professional Development Center shall develop a
31 professional development plan.

32 (B) The plan shall be based on the requirements within the
33 Professional Development Rules and Regulations, State Board of Education
34 priorities, student achievement data, and the school improvement plans of the
35 member school districts.

36 (2) Improvement of student achievement shall be the prerequisite

1 goal of all professional development.

2 (3) The plan shall include the purposes and descriptions of
3 services the professional development center shall provide to schools in
4 school improvement and the other schools or entities served by the center.

5 (4)(A) Teachers, administrators, and classified school employees
6 shall be involved in the design, implementation, and evaluation of the
7 professional development offerings.

8 (B) The evaluation results shall be given to each group of
9 employees and used for continuing improvement.

10 (e) Each professional development center shall annually report to the
11 Director of the Department of Education regarding professional development
12 activities for the previous year as required by the department.

13 (f) Each professional development center shall provide for the
14 services of a mathematics specialist, literacy specialist, instructional
15 technology specialist, and other specialists, including, but not limited to,
16 gifted and talented, dropout prevention, special education, early childhood,
17 as identified and required by the department, with special attention and
18 additional services provided to those schools and school districts with high
19 concentrations of low-income families or students from low-income families as
20 indicated by eligibility for the free or reduced-price lunch program under
21 the National School Lunch Act or any other act of the United States Congress,
22 in existence on January 1, 2003.

23
24 SECTION 11. Arkansas Code Title 6, Chapter 17, Subchapter 2 is amended
25 to add an additional section to read as follows:

26 6-17-211. Interim personnel policy committees.

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

29 (1) "Consolidation" means any reorganization of a school
30 district effective on or before July 1, 2004, either voluntarily under §6-13-
31 1401 et seq., or involuntary under this section;

32 (2) "Interim school board" means:

33 (A) The temporary school board governing a school district
34 under this act; or

35 (B) In the event of a voluntary consolidation under §6-13-
36 1401 et seq., a board consisting of the presidents of the school district

1 boards of directors of the school districts to be consolidated, which shall
2 be formed for the purpose of reviewing and adopting a uniform set of policies
3 under this section; and

4 (3) "New school district" means the resulting school district
5 after consolidation.

6 (b)(1) As soon as possible after the school boards or the qualified
7 electors of the school districts agree to be consolidated, or as soon as
8 possible after the State Board of Education publishes its preliminary list of
9 school districts to be consolidated, the personnel policy committee of each
10 of the school districts involved in the consolidation shall meet individually
11 and elect members to form an interim personnel policy committee for the new
12 school district. The personnel policy committees of the existing school
13 districts shall elect:

14 (A) If three (3) or fewer school districts are
15 consolidating, three (3) existing teacher members of the personnel policy
16 committee from each school district to serve on the interim personnel policy
17 committee;

18 (B) If four (4) or more school districts are
19 consolidating, two (2) existing teacher members of the personnel policy
20 committee from each school district to serve on the interim personnel policy
21 committee; and

22 (C) One (1) administrator from each of the school
23 districts to serve on the interim personnel policy committee.

24 (2) The interim personnel policy committee shall elect a
25 chairperson and a secretary, both of whom shall be classroom teachers, and
26 schedule a meeting to review all the written uniform policies of the
27 respective districts that affect the terms and conditions of the teachers'
28 employment. From those written policies the interim personnel policy
29 committee shall put together a proposed set of policies for the new school
30 district.

31 (3) The interim personnel policies committee shall reflect the
32 diversity of the population of the new school district.

33 (4) Any personnel policies shall be in compliance with the
34 Federal Civil Rights Act of 1964, as amended, the Federal Civil Rights Act of
35 1866, the Federal Civil Rights Act of 1871, the Fourteenth Amendment to the
36 United States Constitution, the Arkansas Civil Rights Act of 1993, § 16-123-

1 101, et seq. and any applicable court orders.

2 (c)(1) After drafting a proposed set of policies for the new school
3 district, the interim personnel policy committee shall meet with the interim
4 school board of the new school district to present and explain to the interim
5 school board the proposed set of policies for the new school district.

6 (2) Upon request of the interim personnel policy committee, the
7 interim school board shall be entitled to meet with the interim personnel
8 policy committee at least twice before June 1, 2004, for the purpose of
9 reviewing, receiving, and discussing with the interim personnel policy
10 committee the proposed policies for the new school district.

11 (d) The interim personnel policy committee shall serve as the new
12 school district's personnel policy committee until a new personnel policy
13 committee is formed and the successor personnel policy committee members are
14 elected under this subchapter, or until the new school district chooses to
15 officially recognize in its policies an organization representing a majority
16 of the teachers in the district for purposes of negotiating as provided for
17 under this subchapter.

18 (e)(1) The interim school board shall adopt a uniform set of policies
19 before July 1, 2004, which shall be the personnel policies for the new school
20 district for the 2004-2005 school year. If the interim school board decides
21 to adopt any policy or policies different from those proposed by the interim
22 personnel policy committee, the interim school board shall submit the
23 proposals to the interim personnel policy committee at least seven (7) days
24 prior to being considered for adoption by the board.

25 (2) The chair of the interim personnel policy committee or a
26 committee member designated by the chair will have the opportunity to orally
27 comment on any of the interim school board's proposals prior to their
28 adoption.

29 (3) Any written policy of a new school district that affects the
30 terms and conditions of a teacher's employment shall be considered a
31 personnel policy.

32 (4) The new personnel policies shall not impair or diminish the
33 existing contract rights of any teacher.

34 (f) If a school district with a personnel policy committee
35 consolidates with another school that recognizes in its policies an
36 organization representing the majority of the teachers of the district for

1 the purpose of negotiating personnel policies, salaries, and educational
2 matters of mutual concern pursuant to § 6-17-202, the teachers in the
3 district with the personnel policy committee shall have the right, in their
4 first year of employment with the new district, to elect to have their
5 contract governed by the negotiated personnel policies of the new district or
6 to continue with the terms of their existing contract under the personnel
7 policies of the district they were employed by the year prior to the
8 consolidation.

9 (g) The provisions of this section shall expire on July 1, 2005.

10
11 SECTION 12. Arkansas Code Title 6, Chapter 17, Subchapter 2, is
12 amended to add an additional section to read as follows:

13 6-17-211. Reduction in Force – Lay-offs.

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

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

18 (2) “Classified employee” means a nonsupervisory employee
19 holding a position that is not required by law to hold a license issued by
20 the State Board of Education and whose salary is on a support or classified
21 salary schedule;

22 (3) “Consolidation” means any reorganization of a school
23 district effective on or before July 1, 2004, either voluntarily under §6-13-
24 1701 et seq. or involuntary under this section;

25 (4) “Grade level” means:

26 (A) Pre-kindergarten;

27 (B) Elementary, which consists of grade kindergarten
28 through grade five (5) or grade six (6);

29 (C) Middle or junior high, which consists of grade six (6)
30 or grade seven (7) through grade eight (8) or grade nine (9); or

31 (D) Senior high, which consists of grades nine through
32 twelve (9-12);

33 (5) “New school district” means the resulting school district
34 after consolidation;

35 (6) “Seniority” means the total number of years of employment as
36 a teacher or as a classified employee in the Arkansas public elementary and

1 secondary schools. For purposes of this section:

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

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

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

11 (8) "Teacher" means a nonsupervisory employee holding a position
12 that requires a license from the State Board of Education whose salary is
13 determined by the state minimum teacher salary schedule.

14 (b)(1) In the event of a consolidation effective on or before July 1,
15 2004, the school districts to be consolidated shall not implement a reduction
16 in force and shall not nonrenew or terminate any teacher's or classified
17 employee's contract based upon the upcoming consolidation.

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

20 (c)(1) If during the first two (2) years following a consolidation,
21 effective on or before July 1, 2004, the new school district determines that
22 it is necessary to reduce its staff of teachers or classified employees, or
23 both, and that the reduction cannot be accomplished through attrition, then
24 the new school district shall follow the provisions of this section.

25 (2) However, nothing in this section shall exempt a new school
26 district from complying with The Teacher Fair Dismissal Act of 1983, § 6-17-
27 1501 et seq., as may be amended, or the Public School Employee Fair Hearing
28 Act, § 6-17-1707 et seq., as may be amended, or § 6-13-1603, when
29 implementing the reduction in force.

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

32 (e) When a new school district determines that a reduction in force is
33 necessary, it shall approve a list of position reductions by school, grade
34 level, certification areas, and classified job positions. All employees shall
35 receive a copy of the necessary reductions.

36 (f)(1) If the reduction in force cannot be accomplished through

1 attrition, then points will be assigned to each teacher based upon data as of
2 July 1 of the year prior to the time in which the reduction in force is to
3 take place as follows:

4 (A) One (1) point shall be given for each year of
5 seniority;

6 (B) Additional points for graduate degrees, but only one
7 (1) applies:

8 (i) Two (2) points shall be given for an earned
9 master's degree, maximum two (2) points;

10 (ii) Three (3) points shall be given for a master's
11 degree plus thirty (30) additional graduate level hours, maximum three (3)
12 points;

13 (iii) Four (4) points shall be given for an
14 Educational Specialist degree, maximum four (4) points; and

15 (iv) Five (5) points shall be given for a doctorate
16 degree, maximum five (5) points;

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

19 (D) One (1) point shall be given for a trained mentor
20 teacher;

21 (E) One (1) point shall be given for a certified Praxis
22 assessor;

23 (F) One (1) point shall be given for two (2) or more
24 academic content areas of endorsement as identified by the state board;

25 (G) One (1) point shall be given for certification or
26 teaching in an state board approved shortage area; and

27 (H) One (1) point shall be given for multiple areas and
28 levels of licensure as identified by the state board.

29 (2) All points assigned shall be verified by documents on file
30 with the new school district. Each teacher's points shall be added and
31 teachers shall be ranked by the total points from high to low in their
32 certification areas. All teachers in the new school district shall receive
33 the listing of personnel and point totals.

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

36 (A) Full certification in a position shall prevail over

1 greater points.

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

4 (4) If teachers are laid-off from employment under this section,
5 they shall be offered an opportunity to fill a vacancy for which they are
6 qualified, for a period of up to two (2) years. The laid off teacher shall
7 be recalled for a period of two (2) years in reverse order of the layoff to
8 any position for which they are qualified. A teacher's refusal of a position
9 shall end the district's obligation to place the laid-off teacher.

10 (g) In the event of a necessary reduction in force under this section
11 of classified employees, the school district shall supply all classified
12 employees a list of employees by length of service. The school district
13 shall first lay off probationary classified employees, then the classified
14 employees with the least seniority in the identified job classification. For
15 two (2) years following the reduction, classified employees whose positions
16 have been eliminated due to a reduction under this section shall have the
17 right to assume a position for which they are qualified that is held by the
18 least senior classified employee with the same job classification and length
19 of contract. Laid-off classified employees shall be recalled for a period of
20 two (2) years in reverse order of the layoff to any position for which they
21 are qualified. Any classified employee's refusal of a job shall end the
22 district's obligation to place that classified employee.

23 (h) Laid-off teachers or classified employees with skills in the area
24 of a vacant position shall be given first consideration. If more than one
25 (1) teacher or classified employee is qualified for the vacant position, the
26 teacher with the greatest seniority shall be employed first.

27 (i) The provisions of this section shall expire on July 1, 2006, with
28 the exception of the recall provisions in subdivision (f)(4) and subsection
29 (g) and (h) of this section.

30 (j) The Arkansas Employment Security Division shall be available to
31 assist laid-off employees as may be appropriate.

32 (k) The provisions of this section shall not interfere with or
33 restrict the authority of a school district to comply with applicable court
34 orders regarding personnel matters.

35
36 SECTION 13. Arkansas Code § 6-17-410(e)(2), pertaining to the reasons

1 for which a license may be revoked or suspended or the licensee placed on
2 probation, is amended to add an additional subdivision to read as follows:

3 (I) Determination by the Department of Education that a
4 school superintendent or education service cooperative director has committed
5 an act or violation, including, but not limited to, any violation of Arkansas
6 or federal law, rules or regulations, or reporting requirements which
7 jeopardizes the fiscal or academic integrity of a school or school district.
8

9 SECTION 14. Effective for the 2004-2005 school year, Arkansas Code § 6-
10 17-1001 is amended to read as follows:

11 6-17-1001. Minimum base salary - Master's degree.

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

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

21 (b) In school year ~~2000-2001~~ 2004-2005 and in each school year
22 thereafter, no school district shall pay its teachers with a bachelor's
23 degree and no experience less than ~~twenty-one thousand eight hundred sixty~~
24 ~~dollars (\$21,860)~~ twenty-seven thousand eight hundred ninety-one dollars
25 (\$27,891).

26 (c) ~~In school year 2000-2001 and in each school year thereafter,~~
27 ~~school districts shall pay teachers with a master's degree and no experience~~
28 ~~at least one hundred fifteen percent (115%) of the minimum base salary~~
29 ~~prescribed in subsection (b) of this section.~~ In school year 2004-2005 and in
30 each school year thereafter, no school district shall pay its teachers with a
31 master's degree and no experience less than thirty thousand seven hundred
32 fifty dollars (\$30,750).

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

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

~~(2)(d) In school year 2003-2004 and in each school year thereafter, each school district in the state shall have in place a salary schedule which provides at least fifteen (15) annual increments for experience.~~

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

| Years Experience | BA Degree Salary | MA Degree Salary |
|-----------------------------|-----------------------------|-----------------------------|
| 0 | \$21,860 | \$25,139 |
| 1 | 22,304 | 25,649 |
| 2 | 22,748 | 26,159 |
| 3 | 23,192 | 26,669 |
| 4 | 23,636 | 27,179 |
| 5 | 24,080 | 27,689 |
| 6 | 24,524 | 28,199 |
| 7 | 24,968 | 28,709 |
| 8 | 25,412 | 29,219 |
| 9 | 25,856 | 29,729 |
| 10 | 26,300 | 30,239 |
| 11 | 26,744 | 30,749 |
| 12 | 27,188 | 31,259 |
| 13 | 27,632 | 31,769 |
| 14 | 28,076 | 32,279 |
| 15 or more | 28,520 | 32,789 |

(e) In school year 2004-2005, each school district in the state shall have in place a salary schedule with at least the following levels of compensation:

| <u>Years Experience</u> | <u>BA Degree Salary</u> | <u>MA Degree Salary</u> |
|-------------------------|-------------------------|-------------------------|
| <u>0</u> | <u>\$27,891</u> | <u>\$30,750</u> |
| <u>1</u> | <u>28,449</u> | <u>31,365</u> |
| <u>2</u> | <u>29,018</u> | <u>31,992</u> |
| <u>3</u> | <u>29,598</u> | <u>32,632</u> |
| <u>4</u> | <u>30,190</u> | <u>33,285</u> |

| | | | |
|----|-----------|---------------|---------------|
| 1 | <u>5</u> | <u>30,795</u> | <u>33,951</u> |
| 2 | <u>6</u> | <u>31,410</u> | <u>34,630</u> |
| 3 | <u>7</u> | <u>32,039</u> | <u>35,323</u> |
| 4 | <u>8</u> | <u>32,679</u> | <u>36,029</u> |
| 5 | <u>9</u> | <u>33,333</u> | <u>36,750</u> |
| 6 | <u>10</u> | <u>34,000</u> | <u>37,485</u> |
| 7 | <u>11</u> | <u>34,680</u> | <u>38,235</u> |
| 8 | <u>12</u> | <u>35,374</u> | <u>39,000</u> |
| 9 | <u>13</u> | <u>36,082</u> | <u>39,780</u> |
| 10 | <u>14</u> | <u>36,804</u> | <u>40,576</u> |
| 11 | <u>15</u> | <u>37,540</u> | <u>41,388</u> |

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

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

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

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

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

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

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

35 ~~(2) For the 2004-2005 school year and for each year thereafter,~~
36 ~~each school district shall provide no less than four hundred dollar~~

1 ~~increments for experience for teachers with fourteen (14) years of~~
 2 ~~experience.~~

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

7 ~~(m) Subsections (f) (1) of this section shall not apply to any local~~
 8 ~~school district whose minimum salary for teachers exceeds twenty one thousand~~
 9 ~~eight hundred sixty dollars (\$21,860) and whose average salary exceeds the~~
 10 ~~state average salary for teachers for the previous year.~~

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

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

17 (2) Who is:

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

21 (B) A guidance counselor; or

22 (C) A librarian.

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

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

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

35
 36 SECTION 15. Arkansas Code Title 6, Chapter 17, Subchapter 23, is

1 amended to add an additional section to read as follows:

2 6-17-2308. School based performance awards.

3 (a)(1) For the school year 2004-2005 and each year thereafter, the
 4 Department of Education shall pay four (4) different levels of school based
 5 performance awards to individual schools that show excellence in meeting
 6 state performance goals.

7 (2) The State Board of Education shall promulgate rules and
 8 regulations that explicate how it will be calculated that individual schools
 9 qualify for these awards.

10 (b)(1) The amount of the school-based performance award shall be based
 11 upon the extent to which the school accomplished established student
 12 achievement goals:

13 (A) For a school that did not accomplish the goals there
 14 would be no award;

15 (B) For a school that had basic accomplishment of the
 16 goals, the award would be equal to one thousand dollars (\$1,000) per
 17 certified teacher and administrator in the school plus five hundred dollars
 18 (\$500) for support staff in the school;

19 (C) For a school that had accomplished targeted
 20 improvement goals, the award would be equal to two thousand dollars (\$2,000)
 21 per certified teacher and administrator in the school plus one thousand
 22 dollars (\$1,000) for support staff in the school; and

23 (D) For a school that exceeded the targeted improvement
 24 goals, the award would be equal to three thousand dollars (\$3,000) per
 25 certified teacher and administrator in the school plus one thousand five
 26 hundred dollars (\$1,500) for support staff in the school.

27 (2) The state board shall promulgate rules and regulations that
 28 explicate what the student achievement improvement goals are and how they
 29 will be determined.

30
 31 SECTION 16. Arkansas Code § 6-18-508 is amended to read as follows:

32 6-18-508. Alternative learning environment.

33 (a) For purposes of this subchapter:

34 (1) "Alternative learning environment" is an educational setting
 35 which offers nontraditional/flexible instructional methods that enable all
 36 students to participate in the educational process and to prevent dropping

1 out;

2 (2) "At-risk students" are those in the public school whose
3 educational and social progress deviates from the standard expected for a
4 successful transition to a productive adult life. An at-risk student, though
5 intelligent and capable, typically manifests one (1) or more of the following
6 characteristics:

7 (3) "Disruptive behavior" is behavior that interferes with the
8 student's own learning or the educational process of others and requires
9 attention and assistance beyond what the traditional program provides,
10 behavior that severely threatens the general welfare of other, and frequent
11 conflicts of a disruptive nature while the student is under the jurisdiction
12 of the school, either in or out of the classroom;

13 (4) "Dropping out" is leaving school without graduating or
14 completing a state- or district-approved secondary program;

15 (5) "Nontraditional flexible instructional methods" are
16 innovative methods of instructional delivery such as flexible timeframes,
17 variable credit delivery systems, applied learning, integrated curriculum,
18 and work-based learning;

19 (A) Recurring absenteeism;

20 (B) Disruptive behavior;

21 (C) Drop out from school;

22 (D) Personal or family problems or situations;

23 (E) Transition to or from residential programs; and

24 (F) Standardized test scores or assessment portfolios

25 which indicate that the student is nine (9) months or more behind-grade
26 level, is one (1) or more years behind grade-level in accumulation of credits
27 for graduation, or has been retained one (1) or more times;

28 (6) "Personal and family problems or situations" are conditions
29 that negatively affect the student's academic and social progress. These may
30 include, but are not limited to:

31 (A) Pregnancy;

32 (B) Single parenting;

33 (C) Mental/physical health problems;

34 (D) Frequent relocation of residency;

35 (E) Homelessness;

36 (F) Abuse, including, physical, mental, sexual abuse; and

1 (G) Inadequate emotional support; and

2 (7) "Students in transition" are those moving to or from
3 residential programs such as detention, psychiatric treatment, legal
4 commitment, and substance abuse rehabilitation.

5 (b) The following shall apply to student admission:

6 (1) A student should be assigned to an alternative learning
7 environment for no fewer than twenty (20) consecutive school days;

8 (2)(i) A student assigned to an alternative learning environment
9 should be assessed within twenty (20) school days. The student assessment
10 profile should include information on behavioral assessment, attendance
11 records, and problems both in and out of school.

12 (ii) Screening should be conducted to diagnose
13 learning difficulties and achievement deficits;

14 (3) Eligible students with disabilities defined by the
15 Individuals with Disabilities Education Act (IDEA), Public Law 94-142, as
16 amended, may be placed in an alternative learning environment.

17 alternative learning environments shall provide access to appropriate
18 education services consistent with federal laws and regulations;

19 (4) Each alternative learning environment shall have a plan to
20 involve parents, guardians, or other parties responsible for the student; and

21 (5) The district or districts operating the alternative learning
22 environment shall not discriminate against any student or group of students
23 on the basis of race, gender, handicap, or religious belief in the criteria
24 for admission or in operating the alternative learning environment.

25 (c) ~~(a)~~ Every school district shall establish an alternative learning
26 environment which shall afford students an environment conducive to learning.

27 (d)(1) ~~(b)~~ The alternative learning environment required by this
28 section may be established by more than one (1) school district ~~or may be~~
29 ~~operated by a public school educational cooperative established under § 6-13-~~
30 ~~901 et seq~~ or an education service cooperative.

31 (2) The alternative learning environment must meet the following
32 criteria:

33 (A) Have students supervised by a currently-licensed
34 teacher;

35 (B)(i) Have a student-to-teacher ratio in the alternative
36 learning environment of no more than fifteen (15) to one (1).

1 (ii) Have a student-to-teacher ratio of no more than
 2 twenty (20) to one (1) if an aide is employed in addition to a licensed
 3 supervisor.

4 (iii) Have a ratio of one (1) certified employee for
 5 every fifteen (15) full-time students;

6 (C) Provide each alternative learning student access to
 7 the services of a school counselor, a mental health professional, a social
 8 worker, and other district resources, including, but not limited to
 9 transportation, health services, and free or reduced price lunch;

10 (D) Provide a curriculum including mathematics, science,
 11 social studies, and language arts correlated with the regular classroom
 12 instruction or with the standards for the General Educational Development
 13 tests; and

14 (E) Provide comprehensive staff development which includes
 15 such topics as conflict management, interpersonal skills and human
 16 development, counseling and group process skills, positive approaches to
 17 behavior management and discipline, stress management, and building self-
 18 confidence for all regular, certified, or classified staff.

19 (3) The Department of Education shall randomly monitor school
 20 districts to ensure that alternative learning environments have been
 21 established, are conducive to learning, and are providing intervention
 22 services designed to address individual needs of students. Each school
 23 district shall be monitored at least once every three (3) years.

24 (e) ~~(e)~~ The Department of Education shall establish criteria for
 25 teacher preparation for alternative learning environments, which shall
 26 include in-service training.

27 ~~(d)(1)(A)(F)(1)(A) Each school district shall report to the department,~~
 28 ~~on a yearly basis, the race, gender, and other pertinent information~~
 29 ~~regarding students placed in an alternative learning environment. Districts~~
 30 ~~must submit an annual report to the Department of Education using a format~~
 31 ~~developed by the department. Each operating alternative learning environment~~
 32 ~~should maintain information, including, but not limited to, the following:~~

33 (i) Number of students

34 (ii) Length of enrollments

35 (iii) Attendance rate

36 (iv) Age of students

1 (v) Race and gender of students
 2 (vi) Grade level at the time of entry and exit from
 3 the program
 4 (vii) Reasons for admission
 5 (viii) Current status of students on date of the
 6 report.

7
 8 (B) This information shall be reported by the department
 9 to the Joint Interim Oversight Subcommittee on Educational Reform by
 10 September 15 of each year.

11 (2) The Arkansas Pygmalion Commission on Nontraditional
 12 Education will also report its findings by the same time each year to the
 13 same legislative body.

14 (g) ~~(e) All funding for alternative education programs distributed~~
 15 ~~outside the funding formula and which meets the guidelines developed by the~~
 16 ~~department shall be released at the beginning of the school year or~~
 17 ~~distributed proportionally along with the state aid to school districts. Any~~
 18 ~~funds received by a local school district for alternative learning~~
 19 ~~environments may only be expended for eligible alternative learning~~
 20 ~~environment programs.~~

21 (h) ~~(f) For the 1999-2000 school year and each year thereafter, the~~
 22 ~~department will develop an incentive program for those school districts whose~~
 23 ~~alternative education programs have met the guidelines.~~ The State Board of
 24 Education may promulgate rules and regulations to implement this section.
 25

26 SECTION 17. Effective July 1, 2004, the Insurance Services Division of
 27 the Department of Education is transferred by a *Type 2* transfer as provided
 28 in Arkansas Code § 25-2-105 to the State Insurance Department.

29 Any and all statutory and regulatory authority, powers, duties,
 30 functions, records, property, and funds administered or provided by other
 31 support divisions within the Department of Education or the State Board of
 32 Education for The Public Elementary and Secondary School Self Insurance Act
 33 of 1973 § 6-20-1501 et seq. or the Insurance Service Division of the
 34 Department of Education shall be transferred by a *Type 2* transfer as provided
 35 in Arkansas Code § 25-2-105 to the State Insurance Department.

36

1 SECTION 18. Arkansas Code § 26-80-111 is amended to read as follows:
2 26-80-111. School districts formed by consolidation, annexation, or
3 merger.

4 (a) When a new school district is created from all or parts of two (2)
5 or more districts or a district is dissolved and all or part of the area of
6 the dissolved district is annexed to or consolidated with an existing
7 district, the board of directors of the resulting district shall submit to
8 the electors of the district at the next annual school election a proposed
9 tax millage rate for the district. If the proposed millage rate is approved
10 by the electors of the district, it shall be the rate for the district,
11 provided such rate complies with the uniform rate of tax.

12 (b) If a new school district is created from all or parts of two (2)
13 or more districts or a district is dissolved and all or part of the area of
14 the dissolved district is annexed to or consolidated with an existing
15 district and if the electors have failed to approve a proposed millage rate
16 at a an annual school election, then the millage rate for the district shall
17 be the millage rate levied, at the last school election prior to the
18 consolidation, annexation or merger in the district which had the highest
19 average daily membership during the school year preceding the consolidation,
20 annexation, or merger, provided such rate complies with the uniform rate of
21 tax then the tax shall be collected at the rate approved in the last
22 preceding school election. However, if the rate last approved has been
23 modified pursuant to the Arkansas Constitution, Amendment 74, subsection (b)
24 or subdivision (c)(2), then the tax shall be collected at the modified rate
25 until another rate is approved.

26
27 SECTION 19. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE
28 INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL,
29 LOCAL, AND TEMPORARY LAW.

30 (a)(1)(A) Following the implementation of this act, the Department of
31 Education shall reorganize.

32 (B) The purpose of the reorganization shall be for the
33 department to maximize its role as the active senior partner with the schools
34 and prepare to intervene immediately rather than after the school or school
35 district fails.

36 (C)(i) To reorganize, the department shall form a taskforce

1 consisting of key department personnel, school district personnel, teachers,
2 and other stakeholders to conduct a study the department's delivery system
3 and make recommendations for the department's reorganization.

4 (ii)(a) As part of the study, the taskforce shall conduct
5 a comprehensive review of the salaries of individuals necessary to fulfill
6 the department's constitutional mission.

7 (b) This study shall include equity adjustments to
8 recognize differences in responsibility, performance, or seniority.

9 (c) Qualifications and salary levels shall be
10 comparable to those of similar employees in school districts or in other
11 state education agencies.

12 (b) Following the work of the taskforce under this section, the
13 Department of Education shall present proposed changes in staff grades and
14 salaries to the Joint Budget Committee at the earliest opportunity for the
15 purpose of preparing suggested legislation to be approved by the General
16 Assembly.

17 (c) The Director of the Department of Education shall have the
18 authority to transfer any unclassified position to the Office of Public
19 School Accountability, the Office of Education Renewal Zones, or the Office
20 of Public School Academic Facilities.

21 (d) The restructuring of the department shall be conducted in a manner
22 that will provide sufficient personnel within the department to provide
23 administrative and technology support the Office of Public School
24 Accountability, the Office of Education Renewal Zones, and the Office of
25 Public School Academic Facilities at a level that is sufficient for the
26 offices to carry out the duties set forth in this act.

27 (e) In the restructuring of the department the Director of the
28 department may require the Department of Education, the Office of Public
29 School Academic Facilities, and the Office of Public School Accountability,
30 and the Office of Education Renewal Zones to coordinate and share certain
31 administrative, custodial, legal, internal finance, and other necessary
32 personnel to effectuate the daily operations of those offices and the
33 department.

34
35 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that the Arkansas Supreme Court in

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

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

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

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

17 */s/ Argue, et al*

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