

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas

As Engrossed: S3/8/07 S3/22/07

86th General Assembly

A Bill

Regular Session, 2007

SENATE BILL 774

By: Senators Crumbly, Baker, Brown, Critcher, Faris, Hendren, G. Jeffress, J. Jeffress, Luker, T. Smith, Wilkins

By: Representatives Allen, T. Baker, Blount, E. Brown, S. Dobbins, Rainey

For An Act To Be Entitled

AN ACT TO PROVIDE INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION IN HIGH-PRIORITY SCHOOL DISTRICTS; TO EQUALIZE TEACHER SALARIES BETWEEN HIGH-PRIORITY SCHOOL DISTRICTS AND HIGHER PAYING SURROUNDING SCHOOL DISTRICTS IN ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO PROVIDE INCENTIVES FOR TEACHER RECRUITMENT AND RETENTION AND TO EQUALIZE TEACHER SALARIES IN HIGH-PRIORITY SCHOOL DISTRICTS WITH SURROUNDING HIGHER PAYING SCHOOL DISTRICTS.

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

SECTION 1. Arkansas Code § 6-17-811 is amended to read as follows:
6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

(a)(1) For purposes of this section:

(A) "Baseline fund balance" means the total fund balances of a high-priority district if the district's fund balances on June 30, 2007, exceed twenty percent (20%) of the district's unrestricted ending fund balance as of June 30, 2007.



~~(A)~~(B) "High-priority district" means a public school district of one thousand (1,000) or fewer students in which eighty percent (80%) or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act and have a three-quarter average daily membership of one thousand (1,000) or fewer for the ~~2003-2004~~ 2006-2007 school year;

~~(B)~~(C) "Previous year" means the school year immediately preceding the present school year; and

~~(C)~~~~(i)~~(D)(i) "Teacher" or "teachers" means ~~those~~ certified personnel who spend seventy percent (70%) of their time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.

(ii) "Teacher" or "teachers" includes guidance counselors and librarians.

(2) The State Board of Education shall promulgate rules to determine high-priority districts of the state.

(b) Beginning in the 2007-2008 school year, the state shall provide funds to provide a high-priority district with incentives for teacher retention and recruitment under subsections (c) or (d) of this section.

~~(b)~~(c)(1) Beginning in the ~~2004-2005~~ 2007-2008 school year, a teacher licensed by the state board who teaches in a public school in a high-priority district shall receive in addition to all other salary and benefits:

~~(1)~~~~(A)~~(A)(i) For new teachers, a one-time signing bonus to work in any high-priority district to be paid as follows:

~~(i)~~(a) Four thousand dollars (\$4,000) at the time a teacher not currently employed by the district signs a new contract to teach in a high-priority district; and

~~(ii)~~(b) Three thousand dollars (\$3,000) at the beginning of each of the next two (2) subsequent years if the teacher continues teaching in the same high-priority district.

~~(B)~~~~(i)~~(ii)(a) If a teacher has received bonus pay under subdivision ~~(b)~~~~(1)~~~~(A)~~ (c)(1)(A)(i) of this section and leaves the high-priority district before the end of the three-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.

~~(ii)~~(b) If the teacher leaves the high-priority district during the school year, the teacher shall pay back the

1 previous year's bonus and the current year's bonus; and

2 ~~(2)(A)(B)(i)~~ For all teachers not newly signed to work in
3 the high-priority district, a retention bonus of two thousand dollars
4 (\$2,000) shall be paid:

5 ~~(i)(a)~~ For the ~~2004-2005~~ 2007-2008 school
6 year; and

7 ~~(ii)(b)~~ At the beginning of each of the next
8 two (2) subsequent years if the teacher continues to work in a high-priority
9 district.

10 ~~(B)(i)(ii)(a)~~ If a teacher has received bonus pay
11 under subdivision ~~(b)(2)(A)~~ (c)(1)(B)(i) of this section and voluntarily
12 leaves the high-priority district before the end of the three-year bonus pay
13 period, the teacher shall pay back on a pro-rata basis the amount of the
14 bonus received in the previous ~~years~~ year.

15 ~~(ii)(b)~~ If the teacher voluntarily leaves the
16 high-priority district during the school year, the teacher shall pay back the
17 previous year's bonus and the current year's bonus.

18 ~~(iii)(a)(c)(1)~~ If a full-time-equivalent
19 teacher is reassigned involuntarily to a position that is not eligible for
20 bonus pay under this section or is dismissed involuntarily by a ~~school~~ high-
21 priority district, the teacher shall not be required to repay the applicable
22 bonus pay.

23 ~~(b)(2)~~ The ~~school~~ high-priority district
24 shall provide documentation to the Department of Education of the involuntary
25 assignment or dismissal.

26 ~~(iv)(d)~~ If a teacher qualified to receive
27 bonus pay under this section leaves the high-priority district due to a
28 serious medical emergency, the teacher shall not be obligated to repay the
29 bonus if the teacher provides a written statement from a licensed physician
30 stating that the teacher is unable to work and must terminate his or her
31 employment.

32 ~~(e)(2)~~ Any bonus pay awarded under this ~~section~~ subsection (c)
33 to eligible full-time-equivalent teachers who do not work the entire school
34 year shall be pro rated based on the portion of the school year that the
35 eligible teacher was employed by the high-priority ~~school~~ district.

36 (d)(1)(A) As an alternative to the bonuses paid under subsection (c)

1 of this section and in order to provide equity in teacher compensation, the
2 salary schedule for the school year 2007-2008 for a teacher employed by a
3 high-priority district shall be increased to be brought within one thousand
4 dollars (\$1,000) of the highest paying salary schedule of other public school
5 districts:

6 (i) Within the county of the high-priority district;
7 or

8 (ii) Within a thirty-mile radius of the high school
9 of the high-priority district.

10 (B) For the 2008-2009 school year, if there are moneys
11 available from the 2007-2008 school year for the purposes of this subsection
12 (d), the state shall either:

13 (i) Continue to fund an increase in the high-
14 priority district salary schedule for the 2008-2009 school year to within one
15 thousand dollars (\$1,000) of the highest paying salary schedule of other
16 public school districts:

17 (a) Within the county of the high-priority
18 district; or

19 (b) Within a thirty-mile radius of the high
20 school of the high-priority district; or

21 (ii)(a) Distribute the remaining moneys on a per
22 pupil basis to all eligible high-priority districts if funds are not
23 sufficient to fund an increase in the high-priority district salary schedule
24 for the 2008-2009 school year to within one thousand dollars (\$1,000) of the
25 highest paying salary schedule of other public school districts:

26 (1) Within the county of the high-
27 priority district; or

28 (2) Within a thirty-mile radius of the
29 high school of the high-priority district.

30 (b) Any funds distributed under subdivision
31 (d)(1)(B)(ii)(a) of this section shall only be used for the purpose of
32 raising teacher salaries or providing a bonus to teachers employed by the
33 high-priority district receiving the distribution.

34 (2) A salary increase under this subsection (d) shall be based
35 on the salary schedules of the highest-paying public school district in place
36 on June 30 of the previous year.

1 (3) Newly hired teachers shall be given the option upon
2 employment to elect to be paid by the high-priority district under either
3 this subsection (d) or under the high-priority district's regular teacher
4 salary schedule.

5 (4)(A) If a newly hired teacher receives an increased salary
6 under this subsection (d) and leaves the high-priority district before the
7 end of three (3) years from the date of hire, the teacher shall pay back the
8 amount of the salary increase received in the previous year and for the
9 portion of a partial school year worked that exceeds the high-priority
10 district's regular teacher salary schedule.

11 (B) If a teacher receives an increased salary under this
12 subsection (d) leaves the high-priority district due to a serious medical
13 emergency, the teacher shall not be obligated to repay the salary increase if
14 the teacher provides a written statement from a licensed physician stating
15 that the teacher is unable to work and must terminate his or her employment.

16 (5) A high-priority district that receives state funds to
17 increase teacher salaries under this subsection (d) may not amend its salary
18 schedule in effect on the effective date of this subsection (d) to:

19 (A) Lower the starting salaries on the salary schedule; or

20 (B) Add years to the salary schedule.

21 (6) In order to receive state funding for increased teacher
22 salaries under this subsection (d), a high-priority district must pay the
23 minimum teacher salaries required by law.

24 (7)(A) For a high-priority district with a baseline fund
25 balance, the amount by which the district's total fund balances exceeds its
26 baseline fund balance in a fiscal year shall be deducted from the funding to
27 be provided under this subsection (d) in the following fiscal year.

28 (B) For any other high-priority district, the amount by
29 which the total fund balances for a fiscal year exceeds twenty percent (20%)
30 of the district's unrestricted ending fund balance for that year shall be
31 deducted from the funding to be provided under this subsection (d) in the
32 following fiscal year.

33 ~~(d)~~(e) The department shall:

34 (1) Monitor the implementation of the incentive ~~program~~ programs
35 established by this section; and

36 (2) Collect data to be used to evaluate the incentive ~~program's~~

1 programs' effectiveness.

2 (f) If the Commissioner of Education notifies the state board that a
3 teacher obligated to repay any portion of the incentives for teacher
4 retention and recruitment provided for in this section has failed to fully
5 satisfy the teacher's obligation, the state board may suspend or refuse to
6 renew the teacher's license, pursuant to the procedures outlined in § 6-17-
7 410, until the teacher's obligation is paid in full.

8 (g) The General Assembly finds and determines that the teacher
9 retention and recruitment incentives provided for in this section are in
10 addition to, and in excess of, the amount of funds distributed to school
11 districts to enable school districts and the State of Arkansas to provide a
12 general, suitable, and efficient education as required by the Arkansas
13 Constitution.

14
15 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that there are school districts in
17 economically depressed and low property wealth areas of the state that face
18 difficulties competing with surrounding, geographically close school
19 districts with regard to teacher salaries, and that such condition makes it
20 difficult for districts in such economically depressed and low property
21 wealth areas to recruit and retain qualified teachers; that this act will
22 provide assistance to those high-priority districts to assist them in
23 recruiting and retaining such teachers; and that this act is immediately
24 necessary to provide that assistance for the 2007-2008 school year.
25 Therefore, an emergency is declared to exist and this act being immediately
26 necessary for the preservation of the public peace, health, and safety shall
27 become effective on:

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

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

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

34
35 /s/ Crumbly
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