

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 S3/26/07

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.



1                   ~~(A)~~(B) "High-priority district" means a public school  
2 district of one thousand (1,000) or fewer students in which eighty percent  
3 (80%) or more of public school students are eligible for the free or reduced-  
4 price lunch program under the National School Lunch Act and have a three-  
5 quarter average daily membership of one thousand (1,000) or fewer for the  
6 ~~2003-2004~~ 2006-2007 school year;

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

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

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

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

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

20                   ~~(b)~~(c) Beginning in the 2004-2005 2007-2008 school year and each  
21 school year thereafter, a teacher licensed by the state board who ~~teaches~~  
22 enters into a teaching contract and who completes the entire current school  
23 year teaching in a school in a high-priority district shall at the end of the  
24 school year and upon completion of his or her contracted teaching obligations  
25 be entitled to receive in addition to all other contracted salary and  
26 benefits:

27                               (1) For a newly hired teacher who has not previously taught in a  
28 high-priority district, a one (1) time signing bonus of four thousand dollars  
29 (\$4,000) for the first year of service in the district to be paid upon  
30 completion of the full year of teaching;

31                               (2) For a newly hired teacher who meets the requirements of  
32 subdivision (c)(1) of this section, who continues to teach in the same high-  
33 priority district, and who completes the second full year of contracted  
34 teaching obligations, a new teacher bonus in the amount of three thousand  
35 dollars (\$3,000) in addition to all other contracted salary and benefits;

36                               (3) For a teacher who meets the requirements of subdivisions

(c)(1) and (2) of this section, who continues to teach in the same high-priority district, and who completes a third year of contracted teaching obligations, a new teacher bonus of three thousand dollars (\$3,000) in addition to all other contracted salary and benefits;

(4) For a teacher who meets the requirements of subdivisions (c)(1)-(3) of this section, who enters his or her fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed at the time he or she received a new teacher bonus under subdivisions (c)(1)-(3) of this section, a retention bonus in the amount of two thousand dollars (\$2,000) for the fourth and each subsequent complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations; and

(5) For a teacher employed in a high-priority district who does not meet the requirements of subdivisions (c)(1)-(3) of this section, a retention bonus in the amount of two thousand dollars (\$2,000) for each complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations.

(c)(1) No teacher shall be entitled to a bonus provided under this section unless the teacher has fulfilled his or her contractual obligations for the current school year.

(2) The superintendent of the high-priority district where the teacher is employed shall certify in writing to the department that the teacher has completed all contractual obligations for the school year.

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

~~(i) 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) 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) If a teacher has received bonus pay under subdivision (b)(1)(A) 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) If the teacher leaves the district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus; and~~

~~(2)(A) For all teachers not newly signed to work in the district, a retention bonus of two thousand dollars (\$2,000) shall be paid;~~

~~(i) For the 2004-2005 school year; and~~

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

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

~~(ii) If the teacher voluntarily leaves the district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus.~~

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

~~(b) The school district shall provide documentation to the Department of Education of the involuntary assignment or dismissal.~~

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

(d)(1)(A) As an alternative to the bonuses paid under subsection (c) of this section and in order to provide equity in teacher compensation, a high-priority district shall supplement the salary of each teacher employed by the high-priority district with a bonus in an amount that will bring the teacher's total compensation to within one thousand dollars (\$1,000) of the highest paying salary schedule of other public school districts:

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

1 or

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

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

7 (i) Continue to fund the bonus provided under  
8 subdivision (d)(1)(A) in the 2008-2009 school year to bring each teacher's  
9 total compensation to within one thousand dollars (\$1,000) of the highest  
10 paying salary schedule of other public school districts:

11 (a) Within the county of the high-priority  
12 district; or

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

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

20 (1) Within the county of the high-  
21 priority district; or

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

24 (b) Any funds distributed under subdivision  
25 (d)(1)(B)(ii)(a) of this section shall only be used for the purpose of  
26 providing a bonus to teachers employed by the high-priority district  
27 receiving the distribution.

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

31 (3) A high-priority district shall elect to pay teacher bonuses  
32 under either this subsection (d) or under subsection (c) of this section, but  
33 not both.

34 (4)(A) If a newly hired teacher receives an increased salary  
35 under this subsection (d) and leaves the high-priority district before the  
36 end of three (3) years from the date of hire, the teacher shall pay back the

1 amount of the salary increase received in the previous year and for the  
2 portion of a partial school year worked that exceeds the high-priority  
3 district's regular teacher salary schedule.

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

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

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

13 (B) Add years to the salary schedule.

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

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

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

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

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

29 (2) Collect data to be used to evaluate the incentive ~~program's~~  
30 programs' effectiveness.

31 (f) If the Commissioner of Education notifies the state board that a  
32 teacher obligated to repay any portion of the incentives for teacher  
33 retention and recruitment provided for in this section has failed to fully  
34 satisfy the teacher's obligation, the state board may suspend or refuse to  
35 renew the teacher's license, pursuant to the procedures outlined in § 6-17-  
36 410, until the teacher's obligation is paid in full.

1       (g) The General Assembly finds and determines that the teacher  
2       retention and recruitment incentives provided for in this section are in  
3       addition to, and in excess of, the amount of funds distributed to school  
4       districts to enable school districts and the State of Arkansas to provide a  
5       general, suitable, and efficient education as required by the Arkansas  
6       Constitution.

7  
8       SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
9       General Assembly of the State of Arkansas that there are school districts in  
10       economically depressed and low property wealth areas of the state that face  
11       difficulties competing with surrounding, geographically close school  
12       districts with regard to teacher salaries, and that such condition makes it  
13       difficult for districts in such economically depressed and low property  
14       wealth areas to recruit and retain qualified teachers; that this act will  
15       provide assistance to those high-priority districts to assist them in  
16       recruiting and retaining such teachers; and that this act is immediately  
17       necessary to provide that assistance for the 2007-2008 school year.  
18       Therefore, an emergency is declared to exist and this act being immediately  
19       necessary for the preservation of the public peace, health, and safety shall  
20       become effective on:

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

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

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

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28                               /s/ Crumbly  
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