

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

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H2/2/04
A Bill

Call Item 3

HOUSE BILL 1099

5 By: Representative Mahony
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT
10 OF EDUCATION FOR A PILOT PROGRAM FOR A KNOWLEDGE
11 AND SKILLS BASED PAY SYSTEM FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2005; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 - KNOWLEDGE AND SKILLS BASED PAY PILOT
18 PROGRAM APPROPRIATION FOR THE 2003-2005
19 BIENNIUM.
20
21

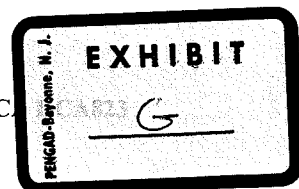
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION - KNOWLEDGE AND SKILLS BASED PAY PILOT PROGRAM.
26 There is hereby appropriated, to the Department of Education, to be payable
27 from the Department of Education Public School Fund Account, for grants and
28 aids to local school districts and special programs of the Department of
29 Education for the biennial period ending June 30, 2005, the following:
30

ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005
(01) KNOWLEDGE AND SKILLS BASED PAY PILOT PROGRAM	\$ 1,487,860	\$ 3,440,706



02-02-2004 14:14 KC



1 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
2 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRYFORWARD.
3 Any unexpended balance in the appropriations authorized for the Knowledge and
4 Skills Based Pay Pilot Program which remain at the close of the fiscal year
5 ending June 30, 2004 shall be carried forward and made available for the same
6 purpose for the fiscal year ending June 30, 2005.

7

8 The provisions of this section shall be in effect only from July 1, 2003
9 through June 30, 2005.

10

11 SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
12 by this act shall be limited to the appropriation for such agency and funds
13 made available by law for the support of such appropriations; and the
14 restrictions of the State Purchasing Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20

21 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General Assembly
22 that any funds disbursed under the authority of the appropriations contained
23 in this act shall be in compliance with the stated reasons for which this act
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations
25 and Legislative Recommendations contained in the budget manuals prepared by
26 the Department of Finance and Administration, letters, or summarized oral
27 testimony in the official minutes of the Arkansas Legislative Council or
28 Joint Budget Committee which relate to its passage and adoption.

29

30 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
31 Assembly that the Constitution of the State of Arkansas requires the state to
32 maintain a general, suitable, and efficient system of free public schools;
33 that the Supreme Court of Arkansas issued an opinion in November 2002
34 declaring the current school-funding system unconstitutional; that in order
35 to implement a school-funding system that meets constitutional compliance,
36 funds must be made available immediately to the Department of Education to

1 provide assistance and support for schools; that this act is immediately
2 necessary because the effectiveness of this Act on its passage and approval
3 is essential to the operation of the agency for which the appropriations in
4 this Act are provided, and that in the event of an extension of the Second
5 Extraordinary Session of 2003, the delay in the effective date of this Act
6 upon its passage and approval could work irreparable harm upon the proper
7 administration and provision of essential governmental programs. Therefore,
8 an emergency is declared to exist and this act being immediately necessary
9 for the preservation of the public peace, health, and safety shall become
10 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, the
13 expiration of the period of time during which the Governor may veto the bill;
14 or

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

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/ Mahony

1 State of Arkansas

As Engrossed: H1/21/04 S1/28/04

Call Item 4

2 84th General Assembly

A Bill

3 Second Extraordinary Session, 2003

HOUSE BILL 1127

4

5 By: Representative Mahony

6 By: Senator Argue

7

8

9

For An Act To Be Entitled

10 AN ACT TO CREATE A TASK FORCE ON TEACHER
11 COMPENSATION; TO PILOT AND IMPLEMENT A PROGRAM
12 FOR TEACHER COMPENSATION REFORM; AND FOR OTHER
13 PURPOSES.

14

15

Subtitle

16 AN ACT TO CREATE A TASK FORCE ON TEACHER
17 COMPENSATION AND TO PILOT AND IMPLEMENT
18 A PROGRAM FOR TEACHER COMPENSATION
19 REFORM.

20

21

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

23

24 SECTION 1. (a) The General Assembly recognizes the mandate of the
25 Arkansas Supreme Court and the recommendation of the Joint Committee on
26 Educational Adequacy to create a new system of teacher compensation that will
27 reflect the educational needs of the students in Arkansas.

28 (b) The General Assembly also recognizes that in order to create a new
29 teacher compensation system, a pilot program must be developed and monitored.

30 (c) The General Assembly further recognizes that, while any study
31 performed is an integral component towards satisfying the requirements
32 imposed by the Arkansas Supreme Court's decision in the Lake View case, the
33 General Assembly is ultimately responsible for making the final determination
34 of what satisfies the constitutional requirements.

35

36 SECTION 2. (a)(1) There is created a task force to be known as the



1 Task Force on Teacher Compensation.

2 (2) The work of the task force will result in a new office
3 within the Arkansas Department of Education, called the Arkansas Teacher
4 Excellence Initiative.

5 (3) The on-going mission of Arkansas Teacher Excellence
6 Initiative will be to monitor and assure that the school-based performance
7 award and knowledge and skill-based pay programs continue to achieve their
8 mission and objectives, ultimately leading to adequate education and improved
9 student learning and achievement.

10 (b)(1) The task force shall consist of sixteen (16) members to be
11 appointed by the Director of the Department of Education as follows:

12 (A) Two (2) members of the Arkansas Education Association;

13 (B) Two (2) members of the Arkansas Association of
14 Educational Administrators;

15 (C) Two (2) members of the Arkansas School Boards
16 Association;

17 (D) Two (2) members of the Arkansas State Chamber of
18 Commerce;

19 (E) Two (2) members who are representative of rural
20 schools;

21 (F) Two (2) members of the Arkansas Parent Teacher
22 Association;

23 (G) Two (2) teachers who have received a Milken Educator
24 Award;

25 (H) One (1) member who is a teacher in Arkansas who has
26 been awarded a teacher of the year award by an state or national program that
27 recognizes the accomplishments of teachers on a yearly basis; and

28 (I) The director or his proxy in a nonvoting ex officio
29 capacity.

30 (2) To the extent practicable, the director shall appoint to the
31 task force authorized by this act those individuals who were appointed to the
32 Ad Hoc Subcommittee of Educational Stakeholders created by the Joint
33 Committee on Educational Adequacy created by Act 94 of 2003.

34 (c) The interim chair of the task force shall be appointed by the
35 director until the task force elects its own officers.

36 (d) If a vacancy occurs in an appointed position for any reason, the

1 vacancy shall be filled in the same manner as the original appointment.

2 (e)(1) The task force shall meet upon call of the chair of the task
3 force.

4 (2) Eight (8) members of the task force shall constitute a
5 quorum for the purpose of transacting business.

6 (3) A quorum is required for any action of the task force.

7 (f) The mission of the task force is to implement the recommendations
8 in the Reports and Recommendations of the Joint Committee on Educational
9 Adequacy of the Arkansas General Assembly, September 1, 2003, by assuring
10 that teachers acquire and use the knowledge and skills that will lead to
11 improved student learning and achievement.

12 (g) Specifically, the task force shall:

13 (1) Review the opinion of the Arkansas Supreme Court in the
14 matter of Lake View School District No. 25 of Phillips County, Arkansas, et
15 al., vs. Governor Mike Huckabee, et al. issued on November 21, 2002, and use
16 the opinion and other legal precedent cited by the court in the task force's
17 deliberations;

18 (2) Review the Reports and Recommendations of the Joint
19 Committee on Educational Adequacy of the Arkansas General Assembly, September
20 1, 2003;

21 (3) Develop and implement a school-based performance award
22 program;

23 (4) Develop a knowledge and skills-based pay program;

24 (5) Develop, pilot, and implement an assessment process to
25 assess teacher knowledge and skills that will be used to place teachers in
26 performance categories in the knowledge and skill-based pay program;

27 (6)(A) Develop and recommend to the State Board of Education
28 rules that the task force shall use to select assessors to be used in the
29 school-based performance award program and skill-based pay program; the
30 assessor used in pilot programs; and the selection of schools to participate
31 in the pilot program.

32 (B) The rules shall ensure equity in the selection of
33 assessors and schools included in the pilot program and shall be designed to
34 ensure that the assessors are representative of the teachers that they will
35 be assessing in both subject matter and geographical location.

36 (C) The state board shall adopt rules that are consistent

1 with the requirements of this subdivision for the selection of assessors and
2 schools to be included in the pilot programs; and

3 (7) Align all professional development programs around the
4 acquisition and deployment of teacher knowledge and skills that will yield
5 continuous improvement in student learning and achievement;

6 (8) Develop market studies to define the amount of compensation
7 and types of benefits that will be necessary to recruit and retain teachers
8 for Arkansas public schools. The taskforce may make recommendations
9 regarding compensation for classified employees;

10 (9) Develop strategies that would create a procedure to provide
11 substantially equal teachers' salaries throughout the state, taking into
12 consideration the cost of living in various parts of the state and other
13 economic factors;

14 (10) Design plans for correcting disparities in teachers'
15 salaries throughout the state;

16 (11) Recommend a starting salary and benefits package, including
17 stipends and other supplemental pay, that would make Arkansas competitive
18 with other states for teacher recruitment purposes;

19 (12) Equate any recommended teacher compensation package,
20 including stipends and other supplemental pay, with that offered by
21 surrounding states;

22 (13) Recommend superintendent compensation packages;

23 (14) Conduct market studies and other related studies that the
24 taskforce deems relevant to address the salary issues raised by the Arkansas
25 Supreme Court in the decision of Lake View School District No. 25 v.
26 Huckabee, 351 Ark. 31 (2002); and

27 (15) Provide a report to the Chairperson of the House Committee
28 on Education, the Chairperson of the Senate Committee on Education, the
29 Chairperson of the House Interim Committee on Education, the Chairperson of
30 the Senate Interim Committee on Education, and the Governor by September 1,
31 2004, and no less than quarterly thereafter or as requested by any
32 legislative committee or the Governor.

33 (h)(1) The task force will accomplish the following milestones with
34 respect to school-based performance awards the first year, which shall be
35 January 2004 through August 2004:

36 (A) Develop a school-based performance award program;

1 (B) Adapt the current measuring performance honors program
2 to the school-based performance award program; and

3 (C) Develop the school-based performance award program for
4 implementation beginning in the 2004-2005 school year.

5 (2) The task force, in cooperation with the Department of
6 Education, will accomplish the following milestones with respect to
7 knowledge and skill-based pay program in the first year which shall be
8 January 2004 through August 2004:

9 (A) Establish a vision for instruction;

10 (B) Identify standards and rubrics for assessing teacher
11 knowledge and skills;

12 (C) Tailor such standards and rubrics;

13 (D) Define the assessment process;

14 (E) Pretest the assessment process;

15 (F) Conduct financial analyses to determine costs of the
16 knowledge and skill-based pay program;

17 (G) Develop administrative guidelines for the knowledge
18 and skill-based pay program; and

19 (H) Establish the adders for subject area shortages and
20 geographical shortages recommended in the Reports and Recommendations of
21 the Joint Committee on Educational Adequacy of the Arkansas General
22 Assembly, September 1, 2003.

23 (3)(A) The task force, in cooperation with the Department of
24 Education, will accomplish the following milestones with respect to
25 school-based performance award program the second year which shall be
26 September 2004 through August 2005:

27 (i) Implement the school-based performance award
28 program;

29 (ii) Conduct a formative evaluation of the school-
30 based performance award program; and

31 (iii) Modify the school-based performance award
32 program if necessary. Evaluation and revision of the school-based
33 performance award program on an on-going basis will be the responsibility
34 of the Department.

35 (B) The task force, in cooperation with the Department of
36 Education, will accomplish the following milestones with respect to the

1 knowledge and skill-based pay program in the second year which shall be
2 September 2004 through August 2005:

3 (i) Conduct a knowledge and skill-based pay pilot
4 program in schools where there is evidence of substantial support for the
5 program by classroom teachers and a formative evaluation of that pilot
6 program;

7 (ii) Analyze formative evaluation data with regard
8 to the pilot program; and

9 (iii) Debrief on the pilot program findings and
10 revise the knowledge and skill-based pay program accordingly.

11 (i)(1) The task force shall report its findings and recommendations on
12 three (3) occasions:

13 (A) On August 1, 2004, the task force shall give an
14 interim report to the House Interim Committee on Education and the Senate
15 Interim Committee on Education;

16 (B) On December 31, 2004, the task force shall give a
17 report and recommendations to the House Interim Committee on Education and
18 the Senate Interim Committee on Education that shall include any new
19 legislation that the task force believes should be considered by the Eighty
20 Fifth General Assembly; and

21 (C) On August 1, 2004, the task force shall submit its
22 final report and recommendations to the House Interim Committee on Education
23 and the Senate Interim Committee on Education.

24 (2) The report shall include for each recommendation, proposed
25 implementation schedules with timelines, specific steps, agencies and persons
26 responsible, and resources needed.

27 (3) Where feasible, all plans, measures, and initiatives shall
28 be proposed as recommendations for legislation or regulation.

29 (j) The Department of Education, the Department of Workforce
30 Education, and the Department of Higher Education shall provide the task
31 force with assistance as requested by the task force.

32 (k) The Attorney General is requested to provide assistance to the
33 task force as needed.

34 (l)(1) The task force may hire or contract with individuals or
35 entities, both within the state or from out-of-state, for the purpose of
36 obtaining staff or otherwise performing the duties of the task force to the

1 extent funding is appropriated and available for that purpose.

2 (2) The Department of Education shall furnish a reasonable
3 number of staff members to assist to the task force as may be requested by
4 the task force.

5
6 SECTION 3. This act shall expire on September 1, 2005.

7
8 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
9 General Assembly of the State of Arkansas that the Arkansas Supreme
10 Court has ruled that the current system of education in Arkansas is
11 inadequate and inequitable, and has instructed the General Assembly to
12 define what is necessary to provide an adequate and equitable education
13 for the children of Arkansas. A committee must be formed to determine
14 what constitutes an adequate education in Arkansas in sufficient time for
15 the General Assembly to take action before the termination of the court's
16 stay. Therefore, an emergency is declared to exist and this act being
17 immediately necessary for the preservation of the public peace, health,
18 and safety shall become effective on:

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

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

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

25
26
27
28
29
30
31
32
33
34
35
36

/s/ Mahony

