

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

Call Item 4

# A Bill

HOUSE BILL 1107

5 By: Representatives Elliott, Clemons, Eason, Goss, C. Johnson, Jones, Lewellen, White  
6 By: Senators Wilkins, Steele  
7  
8

## For An Act To Be Entitled

10 AN ACT TO TARGET THE DISTRIBUTION OF NEW REVENUE  
11 IN THE PUBLIC SCHOOL FUND; TO ESTABLISH AND FUND  
12 A MINIMUM TEACHER COMPENSATION SCHEDULE; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO TARGET THE DISTRIBUTION OF NEW  
16 REVENUE IN THE PUBLIC SCHOOL FUND; TO  
17 ESTABLISH AND FUND A MINIMUM TEACHER  
18 COMPENSATION SCHEDULE.  
19  
20  
21

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

24 SECTION 1. (a) All moneys generated from new or increased taxes that  
25 are levied by any act of the Second Extraordinary Session, 2003 shall be  
26 deposited into the Department of Education Public School Fund Account and  
27 shall be disbursed as follows:

28 (1) Disbursements shall begin with the 2004-2005 school year and  
29 shall first be used to fund increases in teachers' salaries attributable to  
30 the increase in the minimum teacher compensation schedule from the schedule  
31 repealed by section 3 of this act to the schedule established in section 2 of  
32 this act; and

33 (2) Any remaining moneys shall be distributed as follows:

34 (A) For the 2004-2005 school year sixty percent (60%) of  
35 the remaining moneys shall be distributed to the one third (1/3rd) of the  
36 school districts having the highest percentage of students with special



1 needs, as determined by the Department of Education, and the remaining forty  
2 percent (40%) shall be distributed to other school districts; and

3 (B) For the 2005-2006 and 2006-2007 school years fifty  
4 percent (50%) of the remaining moneys shall be distributed to the one third  
5 (1/3rd) of the school districts having the highest percentage of students  
6 with special needs, as determined by the Department of Education, and the  
7 remaining fifty percent (50%) shall be distributed to other school districts.

8 (b) For the purpose of this section:

9 (1) "Alternative learning environment" means an intervention  
10 program in compliance with §§ 6-18-508 and 6-18-509 that seeks to eliminate  
11 traditional barriers to learning for students;

12 (2) "English language learning students" means those students  
13 who have been identified as not proficient in the English language based upon  
14 a state-approved English proficiency assessment instrument;

15 (3) "Students with special needs" means struggling students,  
16 English language learning students, and students in alternative learning  
17 environments; and

18 (4) "Struggling students" means those students from low socio-  
19 economic background as indicated by eligibility for the free or reduced-price  
20 lunch program under the National School Lunch Act or any other act of  
21 Congress.

22  
23 SECTION 2. Effective July 1, 2004, Arkansas Code Title 6, Chapter 17,  
24 is amended to add the following subchapter:

25 6-17-2401. Title.

26 This subchapter shall be known and may be cited as the "Teacher  
27 Compensation Program of 2003".

28  
29 6-17-2402. Definitions.

30 As used in this subchapter:

31 (1) "Basic contract" means a teacher employment contract for a  
32 number of days that does not exceed the number of days in the school year  
33 required by the State Board of Education for accreditation for the school  
34 year in which the contract is effective;

35 (2) "Teacher" means:

36 (A) Any employee of a public school district who is

1 compelled by law to secure a license from the state board as a condition  
 2 precedent to employment in a position in or related to grades pre-  
 3 kindergarten through twelve (preK-12) of the public schools of this state and  
 4 who is teaching full time or part time; and

5 (B) A licensed guidance counselor or librarian.

6  
 7 6-17-2403. Minimum teacher compensation schedule for 2004-2005.

8 (a) In school year 2004-2005, the board of directors in each school  
 9 district in the state shall pay their teachers upon a salary schedule that:

10 (1) Has annual increments for education and experience;

11 (2) Provides for a base salary; and

12 (3) Provides for a minimum salary for a teacher with a master's  
 13 degree and at least twenty (20) years of experience.

14 (b)(1) In school year 2004-2005 and each year thereafter, each school  
 15 district whose teachers have not been assessed shall have in place a salary  
 16 schedule with at least the following levels of compensation for the basic  
 17 contract:

<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>
<u>5</u>	<u>30,795</u>	<u>33,951</u>
<u>6</u>	<u>31,410</u>	<u>34,630</u>
<u>7</u>	<u>32,039</u>	<u>35,323</u>
<u>8</u>	<u>32,679</u>	<u>36,029</u>
<u>9</u>	<u>33,333</u>	<u>36,750</u>
<u>10</u>	<u>34,000</u>	<u>37,485</u>
<u>11</u>	<u>34,680</u>	<u>38,235</u>
<u>12</u>	<u>35,374</u>	<u>39,000</u>
<u>13</u>	<u>36,082</u>	<u>39,780</u>
<u>14</u>	<u>36,804</u>	<u>40,576</u>
<u>15</u>	<u>37,540</u>	<u>41,388</u>
<u>16</u>	<u>38,291</u>	<u>42,216</u>
<u>17</u>	<u>39,057</u>	<u>43,060</u>

1	<u>18</u>	<u>39,838</u>	<u>43,921</u>
2	<u>19</u>	<u>40,634</u>	<u>44,799</u>
3	<u>20 years or more</u>	<u>41,447</u>	<u>45,695</u>

4           (2) For purposes of the salary schedule described in this  
5 subsection (b), the teacher’s experience shall be his or her total years in  
6 any public school district in the state, and shall not be based only upon the  
7 years in the school district in which he or she is currently employed.

8  
9           6-17-2404. Knowledge and skills-based pay.

10           (a) The Department of Education shall prepare a study on a knowledge  
11 and skills-based teacher pay system and shall submit the study and  
12 recommendations to the Governor and the House and Senate Committees on  
13 Education not later than January 1, 2005.

14           (b) The study shall include, but not be limited to, a salary schedule,  
15 transition provisions, proposed amendments to existing law, and other  
16 provisions necessary to implement the system.

17  
18           6-17-2405. Future adjustments of the compensation system.

19           Each biennium, the House Interim Committee on Education and the Senate  
20 Interim Committee on Education shall analyze the compensation levels provided  
21 in this subchapter, review relevant data, and make recommendations to the  
22 General Assembly for any adjustments to the compensation levels as needed to  
23 further the objective provided in § 6-17-2402.

24  
25           SECTION 3. Effective July 1, 2004, Arkansas Code §§ 6-17-1001 through  
26 6-17-1004 are repealed.

27           ~~6-17-1001. Minimum base salary—Master’s degree.~~

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

33           ~~(2) Beginning with the 2003-2004 school year, the teacher’s~~  
34 ~~experience for purposes of salary and benefits shall be his or her total~~  
35 ~~years in any school district in the state and shall not be based on only the~~  
36 ~~years in the district in which he or she is currently employed.~~

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

~~(c) In school year 2000-2001 and in each school year thereafter, school districts shall pay teachers with a master's degree and no experience at least one hundred fifteen percent (115%) of the minimum base salary prescribed in subsection (b) of this section.~~

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

~~(e)(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) In school year 2001-2002 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:~~

<del>Years Experience</del>	<del>BA Degree Salary</del>	<del>MA Degree Salary</del>
<del>0</del>	<del>\$21,860</del>	<del>\$25,139</del>
<del>1</del>	<del>22,304</del>	<del>25,649</del>
<del>2</del>	<del>22,748</del>	<del>26,159</del>
<del>3</del>	<del>23,192</del>	<del>26,669</del>
<del>4</del>	<del>23,636</del>	<del>27,179</del>
<del>5</del>	<del>24,080</del>	<del>27,689</del>

1	<del>6</del>	<del>24,524</del>	<del>28,199</del>
2			
3	<del>7</del>	<del>24,968</del>	<del>28,709</del>
4			
5	<del>8</del>	<del>25,412</del>	<del>29,219</del>
6			
7	<del>9</del>	<del>25,856</del>	<del>29,729</del>
8			
9	<del>10</del>	<del>26,300</del>	<del>30,239</del>
10			
11	<del>11</del>	<del>26,744</del>	<del>30,749</del>
12			
13	<del>12</del>	<del>27,188</del>	<del>31,259</del>
14			
15	<del>13</del>	<del>27,632</del>	<del>31,769</del>
16			
17	<del>14</del>	<del>28,076</del>	<del>32,279</del>
18			
19	<del>15 or more</del>	<del>28,520</del>	<del>32,789</del>

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

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

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

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

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

35 ~~(k) For the 2002-2003 school year and for each year thereafter, each~~  
 36 ~~school district shall provide no less than four hundred dollar increments for~~

1 ~~experience for teachers with eleven (11) and twelve (12) years of experience.~~

2 ~~(1)(1) For the 2003-2004 school year and for each year thereafter,~~  
 3 ~~each school district shall provide no less than four hundred dollar~~  
 4 ~~increments for experience for teachers with thirteen (13) years of~~  
 5 ~~experience.~~

6 ~~(2) For the 2004-2005 school year and for each year thereafter,~~  
 7 ~~each school district shall provide no less than four hundred dollar~~  
 8 ~~increments for experience for teachers with fourteen (14) years of~~  
 9 ~~experience.~~

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

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

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

19 ~~(1) Who is compelled by law to secure a license from the State~~  
 20 ~~Board of Education as a condition precedent to employment in a position in or~~  
 21 ~~related to grades prekindergarten through twelve (preK-12) of the public~~  
 22 ~~schools of this state; and~~

23 ~~(2) Who is:~~

24 ~~(A) Engaged directly in instruction with students in a~~  
 25 ~~classroom setting for more than seventy percent (70%) of the individual's~~  
 26 ~~contracted time;~~

27 ~~(B) A guidance counselor; or~~

28 ~~(C) A librarian.~~

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

33 ~~(p)(1) A district that determines that it cannot meet the minimum~~  
 34 ~~salary requirements of this section from funds available may petition the~~  
 35 ~~Department of Education for a waiver of the requirements of this section for~~  
 36 ~~up to three (3) school years based on regulations promulgated by the State~~

1 ~~Board of Education.~~

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

5  
6 ~~6-17-1002. Salary amount—Annual review.~~

7 ~~(a) The salaries fixed herein shall be regarded as minimum salaries~~  
8 ~~only, and each district may supplement such salaries. No teacher shall~~  
9 ~~receive a reduced salary as a result of this subchapter's requirements.~~

10 ~~(b) Base salary shall not be raised until all teachers within a~~  
11 ~~district are paid equal to or greater than the minimum requirements~~  
12 ~~established herein. Each school district shall develop its own salary~~  
13 ~~schedule with salaries equal to or greater than the required minimums set~~  
14 ~~forth herein.~~

15 ~~(c) The Arkansas Teachers' Salaries Study Commission shall annually~~  
16 ~~review the minimum base salary and make recommendations to the Department of~~  
17 ~~Education, the Governor, and the General Assembly for such modifications as~~  
18 ~~the commission shall deem appropriate.~~

19  
20 ~~6-17-1003. Enforcement—Appeal—Rules and regulations.~~

21 ~~(a) The State Board of Education is empowered to enforce the~~  
22 ~~provisions of this subchapter and is specifically authorized to order the~~  
23 ~~dissolution and merger of any school district which fails to comply with the~~  
24 ~~minimum salary requirements established by this subchapter. Any appeal from a~~  
25 ~~decision of the board ordering the dissolution and merger of a school~~  
26 ~~district for failure to comply with the provisions of this subchapter shall~~  
27 ~~be filed in the Circuit Court of Pulaski County and must be filed within~~  
28 ~~thirty (30) days of the decision of the board.~~

29 ~~(b) The board shall issue rules and regulations to implement this~~  
30 ~~subchapter.~~

31  
32 ~~6-17-1004. Salary goals.~~

33 ~~(a) The personnel policies committees and negotiating teams~~  
34 ~~established and maintained in Arkansas public schools are encouraged to set~~  
35 ~~and meet five-year goals to substantially increase teacher salaries. In~~  
36 ~~setting realistic yet meaningful salary goals, the committees and teams shall~~



1 ~~consider exceeding the state, regional Southern Regional Education Board~~  
2 ~~states, border states, or national average salaries for teachers.~~

3 ~~(b) Within two (2), four (4), and five (5) years following the~~  
4 ~~adoption of this section, school districts shall report to the Arkansas~~  
5 ~~Teachers' Salaries Study Commission and the Department of Education the goals~~  
6 ~~developed, adopted, and met.~~

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 Court in  
10 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the  
11 present system of education to be unconstitutional because it is both  
12 inequitable and inadequate; and the Arkansas Supreme Court set forth the test  
13 for a constitutional system to be one in which the state has an "absolute  
14 duty" to provide an "equal opportunity to an adequate education"; and the  
15 Arkansas Supreme Court instructed the General Assembly to define and provide  
16 what is necessary to provide an adequate and equitable education for the  
17 children of Arkansas. Therefore, an emergency is declared to exist and this  
18 act being immediately necessary for the preservation of the public peace,  
19 health, and safety shall become effective on:

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

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

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

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