

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/2/01 S3/12/01

A Bill

SENATE BILL 598

5 By: Senators D. Malone, Mahony, Brown, Argue, Riggs, J. Jeffress, Wilkins, Bisbee, *Baker*
6 By: Representatives Cook, C. Johnson, W. Walker, Magnus, Bond, Salmon, G. Jeffress, Bookout,
7 Cleveland, White, Weaver, Willis, Green, Jacobs, Oglesby, Thomas, Seawel, Moore, Fite, Dangeau, R.
8 Smith, Rackley
9

For An Act To Be Entitled

10
11 AN ACT TO INCREASE COMPENSATION FOR EDUCATORS; TO
12 AMEND VARIOUS SECTIONS OF TITLE 6 OF THE ARKANSAS
13 CODE RELATIVE TO COMPENSATION OF EDUCATORS; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
15

Subtitle

16
17 THE EDUCATOR COMPENSATION ACT OF 2001.
18
19
20

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

22 SECTION 1. Title.

23 This act shall be known as "The Educator Compensation Act of 2001."
24

25 SECTION 2. Legislative Findings and Intent.

26 (a) The General Assembly determines that:

27 (1) Salaries of Arkansas educators have traditionally lagged
28 behind the salaries of educators in the nation and in the states that
29 surround Arkansas;

30 (2) Even though educators have recently achieved annual
31 increases of approximately three and two tenths percent (3.2%) in recent
32 years, Arkansas is still far behind its neighboring states;

33 (3)(A) Nationally and within Arkansas, there has developed a
34 shortage of qualified educators in certain fields of teaching;

35 (B) One of the reasons for this shortage is that Arkansas
36 educators lag behind other professionals in salary amount;

1 (4) The most important part of a student's educational
2 experience is the people who actually educate them; and

3 (5) It is necessary to attract qualified educators to the public
4 education system in order to increase the achievement of all Arkansas public
5 school students.

6 (b) It is the intent of the General Assembly that:

7 (1) This act shall not supplant, but shall supplement
8 traditional pay increases that have occurred at the local level in recent
9 years;

10 (2) School districts should not stop or alter any intentions to
11 give educators a salary increase in the current school year because of the
12 enactment of this act; and

13 (3) This act is the first of many steps that must be and shall
14 be taken by the General Assembly to increase the quality of the working force
15 in education over the upcoming years.

16
17 SECTION 3. Definitions.

18 As used in this act, unless the context otherwise requires:

19 (1) "Required salary increase" means:

20 (A) For fiscal year 2002 an amount no less than one thousand
21 dollars (\$1,000), excluding benefits and employer contributions to teacher
22 retirement and social security, over a targeted educator's salary for fiscal
23 year 2001; and

24 (B) For fiscal year 2003 an amount no less than three thousand
25 dollars (\$3,000), excluding benefits and employer contributions to teacher
26 retirement and social security, over a targeted educator's salary for fiscal
27 year 2001;

28 (2) "Targeted educator" means an individual employed by a school
29 district, and:

30 (A) Who must hold a certificate issued by the State Board of
31 Education in order to be employed in the individual's present position; and

32 (B) Whose primary job responsibilities are for the education of
33 public school students in grades *pre-kindergarten through twelve (PK-12)* and
34 do not include district-wide administrative duties.

35
36 SECTION 4. Method for Implementation.

1 (a) On or before June 30 of each fiscal year, each local school
2 district shall have implemented the required salary increase or have received
3 a waiver from the Department of Education under Section 5 of this act.

4 (b) A school district shall implement the required salary increase in
5 a variety of methods, including:

6 (1) Increasing the base salaries of the targeted educators by
7 the required salary increase; or

8 (2) Paying a supplement to the salaries of the targeted
9 educators at each step and each lane of the salary schedule equal to the
10 required salary increase and making the supplement an addendum to the
11 targeted educator's contract. The supplement, added to the targeted
12 educator's regular salary, shall equal the targeted educator's total salary
13 which shall be a continuing obligation.

14 (3) A combination of subdivisions (b)(1) and (b)(2) of this
15 section.

16 (c) Any school district utilizing the method stated in subsection
17 (b)(2) of this section shall clearly mark those supplements under the title
18 "Targeted Educator Compensation Act Supplement" in order to make the method
19 easily identifiable. The "Targeted Educator Compensation Act Supplement"
20 shall be incorporated into the salary schedule in the same way as other
21 salary supplements under Arkansas Code 6-17-201 through 6-17-208.

22 (d) Notwithstanding the method used under subsection (b) of this
23 section, the required salary increase shall be a continuing salary obligation
24 of the school districts.

25 (e) Targeted educators who work on a part-time basis or individuals
26 who qualify as targeted educators on a part-time basis shall receive a pro-
27 rata share of the required salary increase equal to the proportion of time
28 that they are employed.

29 (f)(1) Nothing in this section shall be construed to prohibit a school
30 district from implementing the required salary increase for fiscal year 2003
31 by exceeding the required salary increase for fiscal year 2002, and paying
32 the difference between the required salary increase for fiscal year 2003 and
33 the actual amount applied to the required salary increase for fiscal year
34 2002.

35 (2) The legislative intent of this act is that all targeted
36 educators will receive a required salary increase of three-thousand dollars

1 (\$3,000) by fiscal year 2003.

2 (g)(1) Nothing in this act shall be construed to allow the step
3 increases for education and experience, required under Arkansas Code 6-17-
4 1001, as currently established in the individual school district, to be
5 applied to the required salary increase as meeting the requirements under the
6 provisions of this act.

7 (2) Nothing in this act shall be construed as to allow any other
8 method than increases in the base salary to fulfill the existing requirements
9 of Arkansas Code 6-17-1001 pertaining to the minimum salaries of teachers.

10 (3) Nothing in this act shall be construed to prohibit a school
11 district from raising its salaries in excess of the required salary increase.

12 (h) Nothing in this act shall be interpreted to preclude school
13 district employees other than targeted educators from receiving a similar
14 increase in salary.

15 (i) School districts are prohibited from instituting quid pro quo
16 situations in which school districts extend the length of or add additional
17 duties to the targeted educators contract in return for the required salary
18 increase.

19 (j) The required salary increase for targeted educators who are pre-
20 kindergarten teachers shall only be required to be implemented if the local
21 school district has sufficient funds available to completely implement the
22 required salary increase for the given fiscal year.

23
24 SECTION 5. Exemptions.

25 (a) Any local school district engaged in agreed to collective
26 bargaining with its certified staff shall be exempt from the provisions of
27 this act to the extent that school districts in collective bargaining shall
28 negotiate on salaries and other terms and conditions of employment. This
29 section in no way is to be interpreted as altering or replacing any
30 collective bargaining agreement in place at the time of the enactment of this
31 act.

32 (b)(1) Any local school district may petition the Department of
33 Education for a waiver from the provisions of this act.

34 (2) The waiver shall not be for a time greater than three (3)
35 years.

36 (3) The process for the waiver shall be the same as the process

1 for a local school district to receive a waiver under Arkansas Code 6-17-
2 1001.

3 (4) Any local school district that petitions for and is granted
4 a waiver from this act shall be placed in Phase I of fiscal distress as
5 defined under Arkansas Code 6-20-1601 through 6-20-1610.

6
7 SECTION 6. Regulatory authority and enforcement.

8 (a) The State Board of Education shall have the authority, acting
9 pursuant to its rule-making power, to promulgate appropriate rules and
10 regulations for the implementation of the provisions of this act.

11 (b) The provisions of this act shall be audited on an annual basis.

12 (c) Any school district that has been found to not be in compliance
13 with the provisions of this act shall be placed on Phase I fiscal distress
14 under the provisions of Arkansas Code 6-20-1601 through 6-20-1610.

15
16 SECTION 7. Arkansas Code 6-5-307(a) is amended to read as follows:

17 6-5-307. Classroom teacher salary requirement.

18 ~~(a) For the 1997-1998 school year and each year thereafter, any~~ Any
19 ~~increase in Educational Excellence Trust Fund funds allocated for teacher~~
20 ~~salaries shall be divided equally among all certified personnel positions~~
21 ~~employed in the current school year and for no other purposes, except that~~
22 ~~may be used to fund the required salary increase provided for in the~~
23 “Educator Compensation Act of 2001,” and required social security and teacher
24 retirement matching for certified personnel may be paid from the funds.

25
26 SECTION 8. Arkansas Code 6-20-412 is amended to read as follows:

27 6-20-412. Nonrecurring salary payments.

28 (a) Any school district in the state may pay certified personnel a
29 nonrecurring salary payment from revenues not considered ~~net current revenue~~
30 to be recurring sources of revenue.

31 ~~(b) Such money shall not be included in the base revenue of the school~~
32 ~~district when calculating revenue percentages for salaries under § 6-17-901~~
33 ~~et seq. or the net current revenue for purposes of compliance with § 6-20-~~
34 ~~319.~~

35 ~~(c)~~ (b) A nonrecurring salary payment under this section shall not be
36 construed to increase the base salary of the teacher recipient for purposes

1 of calculation of future salary requirements.

2 ~~(d)~~ (c) Any nonrecurring salary payment under the provisions of this
3 section shall be divided equally among certified personnel employed by the
4 district at the time of payment unless the board of directors of the district
5 and a majority of the teachers agree to a different distribution.

6 ~~(e)~~ (d) A report indicating the source of the moneys and the name and
7 amount paid to each recipient shall be furnished to the Department of
8 Education and the Division of Legislative Audit by the ex officio financial
9 secretary of the school district.

10 (e) Payments to targeted educators made in the form of supplements as
11 addendums to contracts in fulfilling the provision of the "Educator
12 Compensation Act of 2001" shall not be considered a nonrecurring salary
13 payment under this section.

14
15 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly that educators are compensated on an annual basis beginning
17 in July and ending in June. It is further determined that the change in
18 compensation practices embodied in this act must take place in the same time
19 frame as normal compensation practices or confusion among school districts
20 and educators would ensue. Therefore, an emergency is declared to exist and
21 this act being immediately necessary for the preservation of the public
22 peace, health and safety shall become effective on July 1, 2001.

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24 /s/ D. Malone
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